



Supported Resolution 1-2019

In Support of Increased Funding for Court Improvement Programs

WHEREAS, the Conference of Chief Justices and Conference of State Court Administrators (Conferences) recognize 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 Conferences have made reform of child welfare systems a priority and undertaken initiatives to strengthen court oversight of child welfare cases; and

WHEREAS, in 1993, Congress created the original Court Improvement Program (CIP), a grant program to assist state courts in improving their handling of child abuse and neglect cases. By passage of this legislation (P.L. 103-66), Congress explicitly recognized the effect of federal mandates on the state judicial systems and provided funds directly to the highest court in each state; and

WHEREAS, Congress required each state to use its CIP funds in the first year to conduct an assessment, identify problems in processing child abuse and neglect cases, and develop strategies for addressing those problems. Subsequent year CIP funds have been used to implement system improvements and evaluate the effectiveness of the improvements; and

WHEREAS, the Deficit Reduction Act of 2005 (P.L. 109-171) required and encouraged collaboration between courts and public child welfare agencies and authorized two additional CIP grants. One grant was dedicated to assisting courts to improve the training of judges, court personnel, and attorneys handling child abuse and neglect cases. The other grant was dedicated to assisting courts in improving the timeliness of their efforts on behalf of children in foster care; and

WHEREAS, state courts have completed comprehensive assessments, developed and implemented innovative solutions for improving court processes and procedures, and evaluated the effectiveness of reform efforts. Children across the country have benefited from this funding, as courts have been able to improve and expedite the processing of child abuse and neglect cases with the goal of placing children in permanent and safe homes and improving outcomes for children; and

WHEREAS, state courts have combined the CIP funds with state and local dollars to make significant changes in the way they handle child abuse and neglect cases. The availability of CIP funds has stimulated a synergy among judicial, executive and private resources, which has resulted in broad changes in how state courts handle child abuse and neglect cases; and

WHEREAS, these CIP funds have been critical in accomplishing reform efforts, such as revising trial court and appellate court procedures, establishing and enhancing automated case tracking systems, developing data exchanges between the courts and child welfare agencies, implementing court performance measurements, providing training for judges and court personnel in both substantive law and issues impacting child development, and developing resources (e.g., bench books and bench cards) that assist judges in fulfilling their responsibilities; and

WHEREAS, the CIP funds have been essential to enabling courts to implement federal legislation and policy, particularly related to training judges, court personnel, and attorneys on federal laws and regulations and to collecting data to ensure timelines of case processing and to monitor court performance; and

WHEREAS, although the courts have been able to leverage these federal dollars to accomplish reforms, more enhancements and reforms are needed, and the CIP funds continue to be a critical factor to improving the adjudication of child welfare cases; and

WHEREAS, in 2018, the Family First Prevention Services Act was signed into law as part of the Bipartisan Budget Act of 2018 (P.L. 115-123), creating new funding and requirements for prevention services and placing the vast majority of children in foster care with family members or in family foster homes. The law limits the use of federal funding for congregate and group home placements to children in foster care who are in need of special services or treatment. State courts must evaluate whether child welfare agencies have made reasonable efforts in child protection cases to prevent foster care placement, and state courts are assigned new roles in overseeing congregate and group home placements and the well-being of children in foster care. The Act also reauthorized and extended CIP for five years through FY 2021; and

WHEREAS, the 116th Congress will be considering additional legislation, such as the Family First Transition and Support Act of 2019 (S. 1376/H.R. 2702), which proposes to increase funding for the CIP grant program in recognition of the new responsibilities placed on state courts and the critical role that state courts will play in the implementing the Family First Prevention Services Act;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and Conference of State Court Administrators strongly urge Congress to increase funding to the three CIP grant programs so that state courts are able to sustain, enhance, and expand child welfare reforms and effectively implement the provisions of the Family First Prevention Services Act.

Adopted as proposed by the Conference of Chief Justices Board of Directors and the Conference of State Court Administrators Board of Directors on June 10, 2019.

On October 25, 2019 the NACM Board voted to support this resolution.