Request to Congress to Support the COURTS Act

The child welfare legal community strongly urges congressional leaders to pass the Continuing of Useful Resources to States (COURTS) Act (S. 2587, H.R. 4602), which would reauthorize critical funds to help state courts address child welfare cases.

Background

In 1993, Congress enacted the State Court Improvement Program (CIP) as bi-partisan legislation designed to improve the legal processes in the child welfare system, promote better outcomes for children and families, and enhance collaboration between the courts, child welfare agencies, and tribes. Congress initially authorized $10 million mandatory funding per year for the program. Thirteen years later, in 2006, Congress authorized two additional CIP grants at $10 million each to support data collection and analysis and training and education. As a result, the program has been budgeted at $30 million per year, divided across all fifty states, Washington D.C., Puerto Rico, and the U.S. Virgin Islands.

The CIP grants are the only direct child welfare-related federal funds that state courts receive. The funding is distributed to the highest court in each state, which receives a base amount of $255,000, with additional funding based on the state’s child population. These flexible funds are essential in enabling courts to implement federal legislation and policy, particularly related to training judges, court personnel, and attorneys on federal laws and regulations and to ensuring case processing timelines and monitoring court performance. State courts have combined the CIP funds with state and local dollars, creating a synergy among judicial, executive and private resources, which has resulted in broad changes in how state courts handle child abuse and neglect cases.

In 2018, the Family First Prevention Services Act (P.L. 115-123) provided CIP reauthorization for all three grants through 2021.

How Will the COURTS Act Help?

The proposed legislation reauthorizes all three grants and would repair a long-standing technical problem by ensuring the data and training grants remain part of the CIP baseline budget. Reauthorizing CIP to support state courts in the child welfare field is particularly important since many states have faced substantial increases in the number of child welfare cases in their communities in recent years. According to federal data, between 2013-2017 alone, the U.S. foster care population increased by more than 10%. Preliminary data attribute this trend to an increase in parental substance use cases, which now comprise about one-quarter of foster care

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entries nationwide. Increased funding is required to help address this increase in caseloads and the corresponding increase in demands on the courts. No child enters or exits foster care without a court order and CIP funds ensure resources are directed to the highest need cases and that they do not linger longer than needed.

In addition, the bipartisan Family First Prevention Services Act (P.L. 115-123), was signed last year, ushering in a host of new requirements for state child welfare systems. These landmark changes - which impact prevention services, kinship caregiving, residential placements and more - represent a bold mandate to states to reshape child welfare systems and use court intervention as a removal of last resort. Implementation cannot and should not be accomplished by child welfare agencies alone; indeed, the legislation itself requires CIPs to train court partners on the Act’s requirements. The COURTS Act will help ensure judicial officers, attorneys, Court Appointed Special Advocate (CASA) volunteers and other key professionals fully understand the scope of Family First and are prepared to apply its principles in their daily case practice.

In addition to prior support for the COURTS Act, the Conference of Chief Justices and the Conference of State Court Administrators have adopted a resolution in support of increased CIP funding based on these growing demands on the child welfare court system. Specifically, the Chief Justices and Court Administrators noted that increasing CIP funding beyond the budget set in 2006 “would accelerate positive outcomes for children and families in their state dependency court systems.” For example, funds would be used to:

- Launch **multidisciplinary advocacy models** of child and parent legal representation, and CASA/GAL volunteers, which research has shown to expedite permanency and save costs;
- Promote **reasonable caseloads** so that advocates have sufficient time to thoroughly investigate each case, talk to clients, and prepare for hearings;
- Deliver **enhanced attorney, judicial and CASA training**, especially targeted to rural areas, focused on safety decision making and federal law;
- Improve **courtroom technology** for training delivery, virtual participation in hearings, and digitization of case files;
- Implement **quality review, assurance, and mentoring** to support recruitment and retention of high-quality legal representation, CASA volunteers, and child and family advocates;
- Support certification of attorneys as **Child Welfare Law Specialists** (CWLS);
- Improve access to **meaningful data** to guide local court improvements and policy decisions;
- Develop **pre-petition/ early intervention models of family advocacy** that enable advocates to address root causes of child maltreatment and prevent foster care entry.

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3 42 U.S.C. 629h(b)(1) (“In order to be eligible for a grant under this section, a highest state court shall...provide for the training of judges, attorneys, and other legal personnel in child welfare cases on federal child welfare policies and payment limitations with respect to children in foster care who are placed in settings that are not a foster family home…”).


5 Reshaping child welfare in the United States to focus on strengthening families through primary prevention of child maltreatment and unnecessary parent-child separation. Administration for Children and Families Information Memorandum. ACYF-CB-IM-18-05. 16 November 2018. (Noting that “Civil legal services to address collateral legal issues [such as housing issues, domestic violence, paternity, child support, immigration, and work issues] that leave families vulnerable are key components of coordinated primary prevention approaches” and summarizing the results of several successful programs, including the Detroit Family Advocacy Center).
Examples of State CIP Initiatives and Impact

**Alabama:** CIP trains guardians ad litem (GALs) who represent children in abuse and neglect cases. CIP also trains judges and referees on topics like “What Works for Families Affected by Substance Use Disorder,” an issue that continues to grow throughout the country due to the opioid epidemic.

**Kentucky:** CIP has supported training for more than 200 family and district court judges on issues impacting outcomes related to permanency, timeliness, safety, and due process for children and families. CIP supports and trains Citizen Foster Care Review Boards which make 20,000 reviews and recommendations to the judiciary per year, impacting the safety and well-being of 11,000 foster care children. CIP also supports a case management and service coordination role that impacts nearly 40,000 youth in all 120 counties.

**Nevada:** CIP supported juvenile dependency mediation across the entire state of Nevada by developing a 40-hour curriculum to train a skilled dependency mediation panel, developing processes and protocols, and administering the program. Eighty-five percent of the mediations conducted have come to agreement, 87.5% of the families have been reunited, and the fathers involved in mediation attended 72% of their hearings.

**Oregon:** In Douglas County, a plan around strategies to support systemic performance measures was developed with support of CIP. The outcome was a reduction in median days between dependency petition and finalization of adoption to less than 1,000 days.

**Tennessee:** The CIP program provided trainings pertaining to child welfare litigation, model foster care review boards, and various distance learning topics to advance the work of child welfare professionals. CIP provided 105 hours of training to 938 attendees. Trainees included judges, magistrates, appointed parent and child attorneys, GALs, child welfare agency attorneys, court staff, and foster care review board members.

**Texas:** Texas receives the second highest volume of calls reporting suspected minor sex trafficking to the National Human Trafficking Resource Center and there is a clear mandate for Texas judges to respond to the threat of sex trafficking among youth in foster care. When Congress passed the Preventing Sex Trafficking and Strengthening Families Act, CIP developed court training and resources on the new federal requirements. With CIP support, Texas established new state law on medical consent for psychotropic medications and expanded the rights of the youth in foster care regarding consent. A Texas CIP-supported initiative (and now considered a national model) to improve educational outcomes of children and youth in foster care significantly improved how the courts, child welfare agency, and state and local school agencies support students in foster care.
Washington: CIP funds support merging court data with child welfare agency data to provide statutorily required annual reports to the State Legislature. The courts and many child welfare stakeholders rely on this data to inform the decision making process for improving the child welfare system. CIP funds support the University of Washington School of Law Court Improvement Training Academy, which directly trains judges and judicial officers. CIP funds support programs such as the Parents for Parents Program matching parents who have successfully navigated the child welfare system with parents whose children have recently entered the system to help ensure that children who can safely return home do so.

A Shared Request from Cross-System Partners

Our organizations represent cross-system partners, including judges, court administrators, CASA volunteers and attorneys for children, parents, and child protection agencies. We jointly ask for your support for this critical, high-impact program that provides direct benefits to children and families. The COURTS Act will ensure that the federal government’s existing investments in reforms, extensive data collection/evaluation, and training are realized and accelerate child welfare court improvement nationwide.

To find out how CIP is improving outcomes for children and families in your state, please contact:
- Prudence Beidler Carr, ABA Center on Children and the Law; (202) 662-1740 / Prudence.BeidlerCarr@americanbar.org
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- Joey Orduna Hastings, National Council of Juvenile and Family Court Judges; (775) 507-4866 / JHastings@ncjfcj.org
- Sally Wilson Erny, National CASA/GAL Association for Children; (202) 545-3309 / SallyE@casaforchildren.org
- Kim Dvorchak, National Association of Counsel for Children; (202) 810-9914/ Kim.Dvorchak@nacccchildlaw.org