State court improvement program (CIP) projects have worked to improve child abuse and neglect litigation since the mid-1990s, and some have made stunning progress. The CIP provides federal grants to state courts to improve litigation for abused and neglected children and children in foster care. It provides annual financial assistance to state courts, with funds and activities controlled by the highest court of each state.

The ultimate goal of CIP is to achieve excellence in child abuse and neglect litigation, as described in the Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases. Excellence in child protection cases has some obvious features – timeliness, skilled and knowledgeable practitioners, thoroughness, procedural fairness and fair treatment of parties.

Furthermore, the federal government recently began comprehensive reviews of overall state performance known as Child and Family Services Reviews (CFSRs). These reviews are important to CIP because:

- CFSRs measure the performance of the state as a whole, including the courts and executive branch agencies;
- CFSRs will play a central role in reforming state child abuse and neglect interventions and therefore will influence child abuse and neglect litigation; and
- The 2002 CIP legislation requires courts to participate in CFSR Program Improvement Plans (PIPs).

This article series discusses both the accomplishments of CIP and continuing barriers to court improvement. It addresses the success of state CIP projects in implementing the Resource Guidelines, describes some of the most successful CIP activities and recommends future directions. It also discusses the role of state CIP projects in CFSRs. This first installment addresses the timeliness of judicial decision-making.

In discussing each key dimension of CIP efforts, the article series examines achievements and new directions. “Achievements” are positive changes that have taken root in many courts and appear to have momentum. “New directions” include changes that show great promise but are particularly challenging or have not yet gained widespread momentum.

Timing of Judicial Decision Making

Reducing judicial delay supports a key overall goal of federal foster care legislation and was a key goal of the original CIP legislation.

Reducing judicial delays helps accomplish two important goals. First, with less court delay, children are more quickly placed in permanent homes rather than spending large parts of their childhood in unplanned foster care. Second, reducing court delay spares children from painful and frightening uncertainties about their future. The delay – although seemingly reasonable or necessary to attorneys and judges – can be highly stressful to a child. It also may seem endless.

Current CIP Achievements and Activities. Nearly every state CIP project has helped tighten state deadlines for child abuse and neglect litigation. Many of these efforts have focused on implementation of the Adoption and Safe Families Act of 1997 (ASFA), which created tighter deadlines for permanency hearings and set a deadline for petitions for the termination of parental rights. Many CIP projects have led efforts to set even stricter deadlines.

Further, some CIP projects have focused on imposing or shortening deadlines not explicitly required by ASFA. For example, some states have adopted new or stricter deadlines for judicature and disposition hearings. Others, such as Oregon and Texas, have enacted laws limiting the duration of efforts to reunify children once removed from home.

A number of states have tightened criteria and procedures for continuances. A West Virginia court rule bars judges from granting continuances except for compelling reasons. Many other states have discouraged the use of continuances through training and educational materials such as benchbooks.

States are also increasingly applying caseflow management principles to child protection cases. A number of projects conduct case management conferences on the day the court decides whether to grant a temporary custody order. Many courts have implemented pretrial conferences to speed adjudication and termination of parental rights proceedings. States increasingly recognize the need to measure judicial compliance with deadlines. Utah and Michigan enacted laws requiring courts to report their adherence to deadlines in dependency cases. In a number of jurisdictions, there have been impressive documented improvements in the timeliness of the judicial process.

A number of state appellate courts have begun to reduce delays on appeal. California and Iowa have perhaps so far made the most striking reductions in the time for appeals, which now typically take about three-and-one-half months from the trial court order to the issuance of the appellate decision. To accomplish this, both states thoroughly redesigned their appellate process for child protection cases.

New Directions. A few states have begun to measure judicial timeliness through the use of automation. Arizona is currently setting up a computerized system for regular automated measurement of timeliness and expects to issue the first reports during calendar year 2003. Oregon and Maryland also have automated systems that generate some

(continued on back page)
For Your Bookshelf

**Expanding Permanency Options for Children: A Guide to Subsidized Guardianship Programs.** This new guide from the Children’s Defense Fund provides a primer on subsidized guardianship programs. The guide includes a checklist for state legislation and legislative approaches and a state-by-state survey of state programs that includes information on children’s eligibility requirements, caregiver considerations, state agency requirements, and funding and payment information. Available from Children’s Defense Fund at (202) 628-8787 or www.childrensdefense.org or from Cornerstone Consulting Group at (713) 627-2322 or www.cornerstone.to.

**Child Maltreatment 2001: Twelve Years of Reporting.** This annual publication from the US Department of Health and Human Services’ Children’s Bureau presents data collected from the National Child Abuse and Neglect Data System (NCANDS) for calendar year 2001. The report includes findings at the national and state levels on reports and investigations of maltreatment, victims, perpetrators, fatalities, child protective services workforce workload, and preventive and post-investigation services. The report is posted at www.acf.hhs.gov/programs/cb and copies are available from the National Clearinghouse on Child Abuse and Neglect Information at 800-FYI-3366 or www.calib.com/ncancnch.

**NCJFCJ Technical Assistance Bulletins.** Two new bulletins are available from the National Council of Juvenile and Family Court Judges:

- **An Evaluation of Utah Court Improvement Project Reforms and Best Practices: Results and Recommendations (Volume VII, No. 1, April 2003)**

Contact NCJFCJ at (775) 327-5300 or www.pppncjfcj.org.

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The National Tribal Justice Resource Center now has live help available online at www.tribalresourcecenter.org. The support icon indicates whether the Center is currently on or offline. When offline, assistance is still available at www.tribalresourcecenter.org/contactus.asp or (877) 97NTJRC.

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**Note**

Information for this article series is based on a variety of sources. These include a compendium and analysis of CIP project self-assessments compiled by the National Resource Center on Legal and Judicial Issues; the Resource Center’s annual CIP Progress Reports; collection and dissemination of materials developed by CIP projects through the National Court Improvement Catalog; and the provision of training and consultation to state courts throughout the country by Resource Center staff. To view many of these materials, visit www.abanet.org/child/elli.

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