February 27, 2018

The Honorable Mitch McConnell
United States Senate
Washington, D.C. 20510

The Honorable Paul Ryan
House of Representatives
Washington, D.C. 20515

The Honorable Chuck Schumer
United States Senate
Washington, D.C. 20510

The Honorable Nancy Pelosi
House of Representatives
Washington, D.C. 20510

Re: H.R. 4461 and S. 2173, the Continuation of Useful Resources to States (COURTS) Act

Dear Majority Leader McConnell, Speaker Ryan, and Minority Leaders Schumer and Pelosi:

On behalf of the American Bar Association and its over 410,000 members, I am writing in support of H.R. 4461, introduced by House Ways and Means Committee Chairman Kevin Brady (R-TX), and in support of S. 2173, introduced by Senators John Cornyn (R-TX) and Kamala Harris (D-CA). These complementary bills are both titled, “Continuation of Useful Resources to States” or “COURTS” Act.

The COURTS Act reauthorizes the Court Improvement Program (CIP), a critical bipartisan program that improves legal processes in the child welfare system and provides the only direct federal funds to child welfare courts. This 25-year-old program has produced exceptional results for child welfare cases in every state in the country. In addition to reauthorizing CIP, the COURTS Act would consolidate three grants into one and fund the program for the next ten years.

In a recent development, the Bipartisan Budget Bill of 2018 included reauthorization and funding for all three CIP grants over the next four years (through 2021) as part of the Family First Prevention Services Act which the President signed into law on February 9. We very much appreciate your support for the Family First legislation.

Passing the COURTS Act now would be especially timely because it would resolve a long-standing reauthorization issue that will otherwise recur in 2021 and would do so while leveraging the Family First commitment to CIP, thus reducing the total cost of reauthorization by 40% to $120 million rather than $200 million. If the COURTS Act is not passed in this fiscal year, however, the required off-set will return to the original amount.
For additional information on the background of CIP and its positive impact in individual states, please see the attached fact sheet, which the American Bar Association Center on Children and the Law put together in coordination with several other national partners.

The American Bar Association appreciates the opportunity to present our views in support of S. 2173. If you have any questions, please do not hesitate to contact David Eppstein, Legislative Counsel (202-662-1766, david.eppstein@americanbar.org) or Prudence Beidler Carr, Director of the ABA Center on Children and the Law (202-662-1740, prudence.beidlercarr@americanbar.org).

Sincerely,

Thomas M. Susman

cc: Hon. Orrin G. Hatch, Chairman, Senate Finance Committee
    Hon. Ron Wyden, Ranking Member, Senate Finance Committee
    Hon. Kevin Brady, Chairman, House Ways and Means Committee
    Hon. Richard Neal, Ranking Member, House Ways and Means Committee
Request of Congress for Continued Full Funding
$30M for the State Court Improvement Program Basic, Data, and Training Grants
FY 2018 -- FY 2022

Improving Outcomes for Children and Families and Enhancing Collaboration between Courts, Child Welfare Agencies, and Tribes

- In 1993, Congress enacted the State Court Improvement Program (CIP) to improve the legal processes in the child welfare system, improve outcomes for children and families, and enhance collaboration between the courts, child welfare agencies, and tribes. Congress authorized $10 million (M) mandatory funding per year.
- In 2006, Congress authorized two additional CIP grants to support data collection and analysis and training and education. Congress authorized $10 million (M) mandatory funding for each of the two grants per year.
- The funding is distributed to the highest court in each state. Every participating state receives a base amount of $85,000, with additional funding pro-rated based on the number of children ages 0-18 living in the state.
- The CIP grants provide opportunities and benefits to state courts, child welfare agencies, and child welfare advocates to collaboratively implement broad, statewide initiatives to improve safety, permanency, and well-being of children in foster care.
- These 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.
- The CIP grants are the only direct child welfare-related federal funds that state courts receive.

Need for Continued Full Funding for CIP

- To ensure future stability for this bipartisan program, there is an effort under way to reauthorize all three CIP grants at the full $30 million level, including seeking an offset for the $20 million data and training grants.
- Full funding would ensure that the federal government’s existing investments in reforms, extensive data collection/evaluation, and training are not inadvertently undermined by a two-thirds reduction in funding.
- Many states have faced substantial increases in the number of child welfare cases in their communities in recent years. According to federal data, between 2013-2015 alone, the population of children in foster care increased by more than 6.5% nationally.
- We ask you for your support and to ensure continued funding for this critical, high-impact program that provides direct benefits to court systems and children and families in your state.

Examples of State CIP Initiatives

Alabama:
- CIP trains guardians ad litem (GALs) who represent children in abuse and neglect cases. As of November 2016, nearly 1,300 GALs had been certified statewide on the master appointment list.
- CIP also trains judges and referees on topics like “What Works for Families Affected by Substance Use Disorder”, a topic that continues to grow in significance throughout the country due to the opioid epidemic.

Kentucky:
- CIP has supported training for nearly 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 of the Commonwealth.
Nevada:
- The CIP’s focus on improving time to permanent home placement since 2011 has resulted in a decrease in time to permanency by 22% or 182 days, time to adoption by 23% or 8 months, and time to termination of parental rights by 20% or 146 days.
- CIP supported juvenile dependency mediation across the entire state of Nevada and 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:
- During the last fiscal year, the CIP 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 training and resources for the courts on the new federal requirements related to sex trafficking among children and youth in foster care and the issue of domestic minor sex trafficking.
- With support of CIP, stakeholders were trained on the parameters to monitor the use of psychotropic medications which resulted in establishing new state law that tightened policy around medical consent for psychotropic medications and expanded the rights of the youth in foster care to consent for themselves.
- 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.
- The Texas CIP has led the effort to inform courts and communities about the Indian Child Welfare Act in order to help Indian children remain connected with their families and tribes while navigating child welfare cases. CIP has also introduced many firsts including naming a Tribal Peacemaker to the state’s multi-disciplinary CIP advisory coalition, hosting tribal judges at annual child welfare judicial conferences, and enacting a state law requiring judges to ask about Native American heritage during child welfare hearings.

Washington:
- CIP funds support merging court data with Children’s Administration 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.

For further information and to find out how CIP is improving outcomes for children and families in your state, please contact:
- Kay Farley, National Center for State Courts; (202) 684-2622 / kfarley@ncsc.org
- Prudence Beidler-Carr, ABA Center on Children and the Law; (202) 662-1740 / prudence.beidlercarr@americanbar.org
- Joey Orduna Hastings, National Council of Juvenile and Family Court Judges; (775) 507-4866 / jhastings@ncjfcj.org
- Tara Perry, National CASA contact; (800) 628-3233 / tarap@casaforchildren.org