



Capacity Building
CENTER FOR COURTS

HOW AND WHY TO INVOLVE THE COURTS IN YOUR CHILD AND FAMILY SERVICES REVIEW:

Suggestions for Agency Administrators

As the third Round of Federal Child and Family Service Reviews (CFSR) begins, this paper describes how involving courts and attorneys in the CFSR can support making effective improvements to State child welfare programs. The paper also addresses how to involve the courts and the range of legal and judicial issues that can be relevant and important to the CFSR.

**FOR MORE INFORMATION
ON THE ROUND 3 CFSR
PROCESS:**

www.acf.hhs.gov/programs/cb/monitoring/child-family-services-reviews/round3

Why It Is Necessary for Courts to Be Involved in CFSRs

Legal and Judicial Performance Are Integral to Effective Child Welfare Systems

CFSRs hold states accountable not only for the performance and systemic functioning of the state child welfare agency itself, but also gauges the state's effectiveness in achieving safety, permanency, and well-being of abused and neglected children. Judicial performance is an important element of this effectiveness, including making sound and timely decisions as they relate to children and their families.

There are several dimensions of the CFSR that involve legal and judicial issues, ranging from caseworkers' performance in court to the appropriateness of laws governing child welfare interventions, not to mention the quality of the agency's legal representation.

Involving legal system representatives in the CFSR can provide many benefits to the agency, including the following:

- Help identify subtle and overt legal and judicial issues related to the effectiveness of child welfare programs within the State.
- Assist state agencies in understanding and exploring legal system issues needed for the statewide assessment
- Develop and implement a cooperative strategy for the courts and the bar to help achieve the goals of CFSRs.
- Increase the agency's effectiveness when working with courts on developing and implementing the Program Improvement Plan.
- Engage legal/judicial representatives in the commitment to monitor progress in making improvements over time, and in adjusting/strengthening improvement strategies based on the data.

What State Agencies Should Do to Involve Courts in CFSRs

Incentives for Legal System Participation

What's in it for the Courts?

Talking Points for State Agencies to encourage Court Participation in the CFSR

1. CFSRs Help to Shape a State Agency's Short and Long-Term Goals/Plans for Improving Outcomes



2. By Being Involved in the CFSR, Courts Can Help Influence How Agencies Seek to Improve Outcomes



3. Courts Can Influence What Improvements are on State Agencies Agendas, Including Mutually Beneficial Improvements:

- Improving the quality of court reports and testimony which the courts rely upon to make decisions.
- Improving the effectiveness of the agency's legal representation.
- Helping the courts to use statutory requirements, such as ASFA, more effectively in making findings, e.g. reasonable efforts.
- Helping courts and agencies to use data to understand better the status of child welfare outcomes, strengths and needs within their jurisdictions.
- Identifying the strengths and needs of services and resources available to children and families, and strategies to improve the array of services.
- Understanding the agency's approach or practice models in working with children and families.

Before contacting the courts for assistance, it is important to think about why judges and court administrators would *want* to work with state agencies on the CFSR and how doing so ultimately will help their courts.

Involving Legal Representatives in the CFSR Who Can Influence Positive Change

It is important to involve judges, court staff, and others in the CFSR process who have interest and insight into practice and systemic issues that affect the outcomes of child welfare services on children and families. An important consideration in choosing whom to invite is identifying those knowledgeable representatives within the state and local courts and state bar. It is always essential to make efforts to engage the Chief Justice of the State's Supreme Court (or a designated representative) in the CFSR process, since the Chief Justice is in a unique position to encourage legal/judicial participation in the CFSR at other levels. The Director of the Court Improvement Project (CIP) is another key ally given the wide influence of CIP in child welfare court reform. In addition, the following list provides examples of other legal/judicial representatives who may be helpful in the CFSR process and in implementing ongoing improvement efforts:

- State Court Administrator (or a designated representative).
- Representatives of state and local organizations of court administrators and court clerks (depending on state).
- Local presiding judges.
- Leaders or representatives of the State Council of Juvenile and Family Court Judges (or equivalent).
- Other selected judges (based on expertise, administrative authority, supportiveness, *etc.*).
- President of State Bar Association and leader of section of bar dealing with child protection (or designated representatives).
- Representatives of attorneys representing the government (*e.g.*, office of the attorney general, child welfare agency legal counsel, prosecutors' association).
- Director of state or local Public Defender Agency, or other entity or individual who can represent the parent attorney and/or childrens' attorney perspective.
- Director of state or local Foster Care Review program (or representative).
- Director of state or local GAL or CASA program (or representative).
- Selected child welfare agency administrators and managers.
- Selected child welfare agency specialists and line supervisors.

Another way to identify potential court and judicial staff to invite is to engage agency staff attorneys. Agency attorneys can, for example:

- Help the agency decide whom to invite to participate in the CFSR and identify key legal and judicial issues to achieve outcomes.
- Contact key judges and court employees and explain about the CFSR.
- Translate legal terms and concepts to help the agency communicate with judges, court administrators, and attorneys.
- Apply their knowledge of legal practice in developing an effective strategy and implementation of the Program Improvement Plan (PIP).

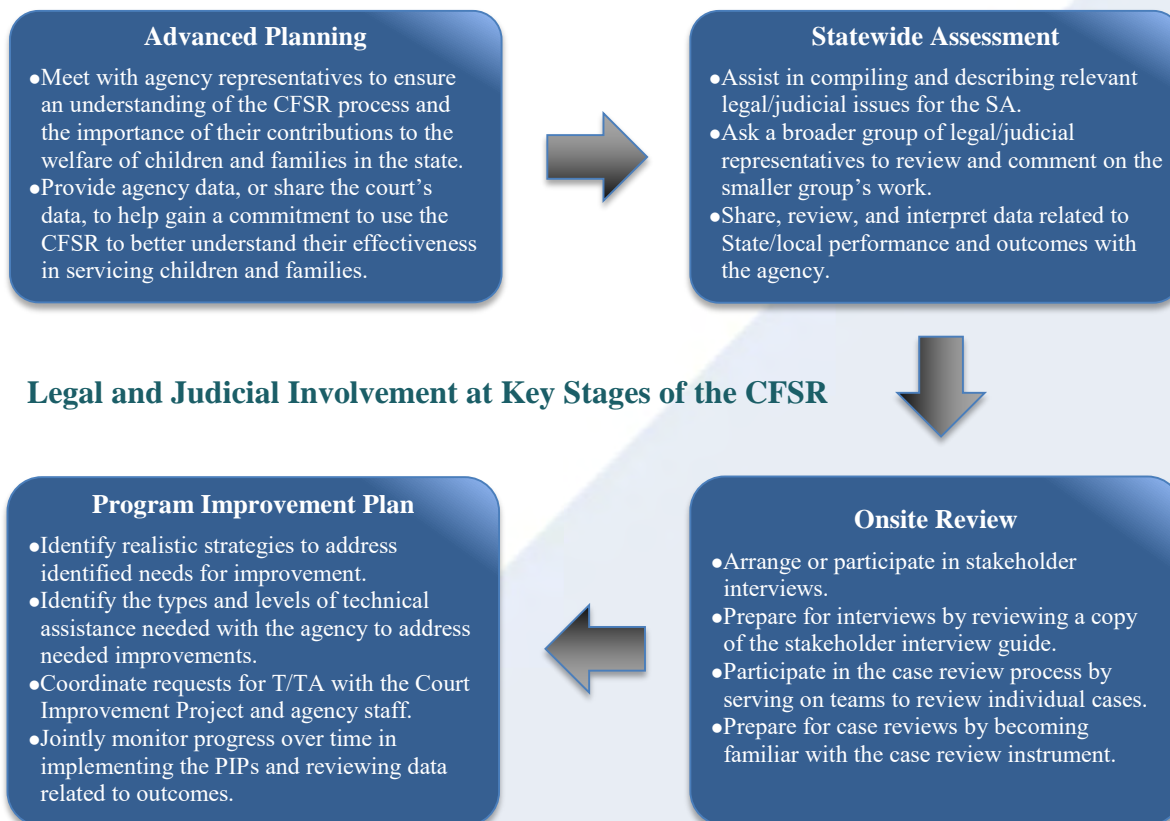
Structures for Legal System Participation

There are several ways in the CFSR structure that the legal system could participate. Below are some general methodologies a state agency may want to consider employing:

- Invite judges, court administrators, and attorneys to participate in the agency's CFSR planning committees.
- Create a CFSR legal-judicial subcommittee within the broader Statewide Assessment group to identify relevant state legal and judicial issues closely related to the CFSR.
- Discuss and identify barriers impacting a healthy, trusting and good working relationship between the courts and the agency that affects effective legal, judicial and agency practices and requirements.

Areas of Performance Measured in CFSRs

The CFSR provides an opportunity for agencies and legal/judicial representatives to thoroughly consider the legal and judicial issues that affect the outcomes of their work on children and families and provide a basis for exploration in the CFSR. Appendix A illustrates the breadth of legal and judicial issues to consider in a CFSR, setting forth the 36 Federal performance areas that comprise the CFSR outcomes and systemic factors.



Conclusion

The goal of the CFSR process is to facilitate a deeper understanding of the strengths and needs of the entire child welfare system, not just within the designated child welfare agency. Courts, legal representatives, and agencies all have a tremendous impact on how children and families experience the child welfare system and whether or not they benefit from the experience. It is, therefore, essential that courts and agencies share the responsibility for understanding their system's effectiveness and work collaboratively to make improvements where needed. The CFSR provides that opportunity and the impetus to engage in more effective problem solving than either the courts or agencies may be able to accomplish in isolation.

Appendix A: Legal and Judicial Issues Suggested By the CFSR Areas Of Performance¹

To help states consider the legal dimensions of the three outcomes and seven systemic factors (and the 36 related specific performance areas identified by the federal government in the CFSR), this appendix annotates the 36 performance areas with legal and judicial aspects of each performance area added as bullets. *Note:* These bullets are meant to illustrate the kinds of legal practice and policy issues that may require attention to comply with each performance area.

Note: Many organizational problems may affect the factors listed below. Important examples are excessive workloads, insufficient training, poor hiring practices and management and weak case management skills. These are common problems facing caseworkers, attorneys, foster parents, child advocates, judges and court staff and can weaken the legal system.

SAFETY	
1. Were the agency's responses to all accepted child maltreatment reports initiated , and face-to-face contact with the child(ren) made, within time frames established by agency policies or state statutes?	Legal advice is provided to the agency that supports the filing of actions in dependency court whenever abused and neglected children need state intervention.
	Legislation and court rules provide legal remedies allowing agencies to complete investigations when family members or other people familiar with the child refuse to cooperate.
	Statutes, regulations, and procedures provide clear and appropriate guidance for investigators and caseworkers to obtain otherwise confidential information from collateral contacts to make sound decisions.
2. Did the agency make concerted efforts to provide services to the family to prevent children's entry into foster care or re-entry after reunification	In appropriate circumstances judges order parents to participate in services to protect the child instead of ordering the child removed from home.
	Adequate evidence demonstrating whether services will alleviate danger to the child is offered in court proceedings.
	Laws and regulations define an array of services for abused and neglected children and their families, to be delivered immediately in emergency situations.
	Judges hold agency accountable for assessing safety considerations (threats of danger and protective capacities) in making removal decisions.
	Domestic violence policies are well defined.

¹ Child and Family Service Reviews Quick Reference Items List:
http://www.acf.hhs.gov/sites/default/files/cb/cfsr_quick_reference_list.pdf

<p>3. Did the agency make concerted efforts to assess and address the risk and safety concerns relating to the child(ren) in their own homes or while in foster care?</p>	<p>Courts order removal of children from their foster homes when the agency appropriately requests it to avoid potential abuse or neglect. (Note that courts do not have the power in all states to block removal of a child from a foster home.)</p>
	<p>Courts monitor foster placements by requiring caseworkers and children’s legal representatives visit and evaluate the foster home.</p>
	<p>Safety clearances are done on every adult in the foster parents’ or adoptive parents’ homes.</p>
<p>PERMANENCY</p>	
<p>4. Is the child in foster care in a stable placement and were any changes in the child’s placement in the best interests of the child and consistent with achieving the child’s permanency goal(s)?</p>	<p>Judges monitor moves and the children’s needs while children are in foster care.</p>
	<p>Laws, regulations, and state policies discourage moving children between foster homes.</p>
	<p>Judges understand bonding/attachment issues and factor them into decision making.</p>
	<p>Policies and practices support training for foster parents of special needs children.</p>
	<p>Children’s counsel effectively represents children by: reviewing case plans; participating in case planning; preserving placements; advocating for reunification services; and advocating for independent living services.</p>
<p>5. Did the agency establish appropriate permanency goals for the child in a timely manner?</p>	<p>Judges fully explore all possible placement resources, and thoroughly review reasonable efforts to achieve a new permanent home for the child.</p>
	<p>Courts minimize delays by notifying appropriate parties, ensuring diligent efforts to locate missing parents’ at start of case, determining paternity early in case, and addressing other procedural problems.</p>
	<p>Multi-court involvement in different stages of child welfare cases is discouraged to avoid delays, loss of information, and other inefficiencies.</p>
	<p>State laws provide appropriate grounds for legal guardianship, clear and efficient procedures for establishing legal guardianships, and adequate legal protections/ financial supports for legal guardians.</p>
	<p>Sufficient resources, including state laws providing appropriate grounds and procedures, and court time are available to promote timely TPRs.</p>
	<p>Attorneys, judges, and court personnel are adequately trained in permanency planning practices. Permanency hearings are conducted in a timely manner and sufficient time is allotted for hearings.</p>

<p>6. Did the agency make concerted efforts to achieve reunification, guardianship, adoption, or other planned permanent living arrangement for the child?</p>	<p>Courts operate with the understanding that independent living (foster children “aging out”) is not a permanency plan, but foster children are entitled to independent living services.</p>
	<p>Courts are familiar with available independent living services for children in the community and refer children to appropriate services.</p>
	<p>State laws authorize extending court jurisdiction for children who have turned 18 and specify appropriately.</p>
	<p>Courts adequately track timely case progress toward adoption, before and after TPR has occurred.</p>
	<p>Courts thoroughly consider the appropriateness of prospective adoptive caretakers.</p>
	<p>Courts carefully use APPLA as a permanency option, ensuring compelling reasons exist and that its use complies with the guidelines set forth in the Preventing Sex Trafficking and Strengthening Families Act.</p>
	<p>Courts make “reasonable efforts to finalize permanency” decisions, and order or recommend services that might allow the child to move into a more permanent placement.</p>
<p>7. Did the agency make concerted efforts to ensure that siblings in foster care are placed together unless separation was necessary to meet the needs of one of the siblings?</p>	<p>Courts consistently ask agencies to present specific reasons for failing to place siblings together.</p>
	<p>Statutes, court rules and polices address the priority of placement with siblings.</p>
	<p>Attorneys and judges are adequately trained on the importance of maintaining sibling ties as well as on reasons why this might not be appropriate.</p>
<p>8. Did the agency make concerted efforts to ensure that visitation between a child in foster care and his or her mother, father, and siblings was of sufficient frequency and quality to promote continuity in the child’s relationships with these close family members?</p>	<p>Courts request information about the nature and quality of foster children’s visits, contacts, and relationships with parents and siblings.</p>
	<p>Attorneys request evaluations of the quality of visits with parents and siblings.</p>
	<p>Statutes, court rules, and policies provide clear guidance regarding visitation, and attorneys and judges are adequately trained on visitation issues.</p>
<p>9. Did the agency make concerted efforts to preserve the child’s connections to his or her neighborhood, community, faith, extended family, Tribe, school, and friends?</p>	<p>Attorneys request evaluations of relatives.</p>
	<p>Statutes, court rules, and policies provide clear guidance regarding maintaining relative ties.</p>
	<p>Attorneys are adequately trained on the importance and challenges of maintaining relative ties.</p>
<p>10. Did the agency make concerted efforts to place</p>	<p>Attorneys and judges are adequately trained on relative placement issues.</p>

<p>the child with relatives when appropriate?</p>	Courts ask about possible placement with relatives early and often in case.
	Courts ask agencies to present specific reasons for not placing children with relatives.
<p>11. Did the agency make concerted efforts to promote, support, and/or maintain positive relationships between the child in foster care and his or her mother and father or other primary caregivers from whom the child had been removed through activities other than just arranging for visitation?</p>	Courts consistently ask about child’s relationship with parents while in care, including nature and quality of visits and other contact.
	Courts order visitation and make determinations about the level of supervision required to endure child safety.
	Attorneys are adequately trained regarding maintaining parent-child relationships during foster placements.
CHILD AND FAMILY WELL-BEING	
<p>12. Did the agency make concerted efforts to assess the needs of and provide services to children, parents, and foster parents to identify the services necessary to achieve case goals and adequately address the issues relevant to the agency’s involvement with the family?</p>	Courts ensure that agencies conduct thorough assessments and provide services to meet the needs of the child, parents, and foster parents.
	Courts assess effectiveness of case plan to address safety considerations (whether the case plan targets a reduction in the threats and enhances protective capacity to manage threats)
	Attorneys and advocates identify and address their clients’ needs and advocate appropriate services.
	Attorneys, advocates and judges have sufficient training, experiences, and resources to advocate effectively for children’s service needs (e.g., special education, medical/mental health needs).
<p>13. Did the agency make concerted efforts to involve the parents and children (if developmentally appropriate) in the case planning process on an ongoing basis?</p>	Attorneys and advocates participate in and encourage child and family involvement in case planning.
	Statutes, court rules and policies provide appropriate guidance to encourage child and family involvement in case planning.
<p>14. Were the frequency and quality of visits between caseworkers and</p>	Statutes, court rules and policies provide appropriate guidance on worker visits with parents and children.

<p>child(ren) sufficient to ensure the safety, permanency, and well-being of the child(ren) and promote achievement of case goals?</p>	<p>Attorneys and advocates request information about, and, when appropriate, advocate for worker visits with the child.</p>
<p>15. Were the frequency and quality of visits between caseworkers and the mothers and fathers of the child(ren) sufficient to ensure the safety, permanency, and well-being of the child(ren) and promote achievement of case goals?</p>	<p>Courts consistently review and note worker visits with parents and children.</p>
	<p>Statutes, court rules and policies provide appropriate guidance on, and, when appropriate, advocate for worker visits with parents.</p>
<p>16. Did the agency make</p>	<p>Courts request information about foster children’s education from teachers, guidance counselors, caseworkers, and others.</p>
	<p>Judges, attorneys, and advocates consistently determine whether foster children’s educational needs are being met.</p>
	<p>Policies offer guidance on minimizing disruptions in foster children’s education due to frequent moves.</p>
	<p>Judges, attorneys, and advocates have sufficient knowledge about the education system to intervene effectively to ensure a good education for foster children.</p>
<p>17. Did the agency address the physical health needs of children, including dental health needs?</p>	<p>Courts obtain information about foster children’s medical needs.</p>
	<p>Judges, attorneys and advocates consistently determine whether foster children’s physical health needs are being met.</p>
	<p>State laws address confidentiality issues surrounding access to medical information.</p>
<p>18. Did the agency address the mental/behavioral health needs of children?</p>	<p>Judges, attorneys and advocates request information from children’s therapists about foster children’s mental health issues.</p>
	<p>Judges, attorneys, and advocates consistently determine whether foster children’s mental health needs are being met.</p>
	<p>State laws address confidentiality issues surrounding access to mental health information.</p>

STATEWIDE INFORMATION SYSTEM

19. How well is the	Courts have created a statewide information system or good local information systems, and computer data is used to measure judicial performance.
	Case tracking responsibilities are clearly assigned to appropriate court staff.
	Courts and agencies have automated systems that use computers and tickler systems to manage cases.
	Agency information systems include information about critical court events to help evaluate judicial performance in child welfare cases.
	Data is shared between judicial and agency computers, and sophisticated procedures exist to collect and report data.

CASE REVIEW SYSTEM

20. How well is the case review system functioning statewide to ensure that each child has a written case plan that is developed jointly with the child's parent(s) and includes the required provisions?	Parents' attorneys participate in the case planning process, and trained on non-adversarial models for resolving conflict (i.e. FGC and mediation).
	Courts assess quality of case plans to address safety considerations
	Judges ask about parental involvement in case planning.
21. How well is the case review system functioning statewide to ensure that a periodic review for each child occurs no less frequently than once every 6 months, either by a court or by administrative review?	Courts and/or agencies schedule six-month reviews in a timely manner.
	Reviews thoroughly consider whether reasonable efforts have been made to achieve permanency – especially after the case goal is no longer is reunification.
	Courts set aside enough time to hold thorough review hearings.
22. How well is the case review system functioning statewide to ensure that, for each child, a permanency hearing in a qualified court or administrative body occurs no later than 12	Adequate scheduling procedures for reviews are in place.
	Courts devote enough time to conduct thorough permanency hearings.
	State laws, court rules, court forms, and court procedures create a structure for permanency hearings that encourages timely and difficult decisions by the court and agency.

<p>months from the date the child entered foster care and no less frequently than every 12 months thereafter?</p>	<p>Permanency hearings thoroughly consider whether reasonable efforts have been made to achieve permanency – especially after the case goal is no longer is reunification.</p>
<p>23. How well is the case review system functioning to ensure that the filing of termination of parental rights (TPR) proceedings occurs in accordance with required provisions?</p>	<p>State laws do not require parties to reprove facts established in earlier stages of the court process in order to terminate parental rights.</p>
	<p>Grounds for termination of parental rights are complete, focused, and consistent.</p>
	<p>Agency procedures and policies for deciding whether to file are timely and balanced.</p>
<p>24. How well is the case review system functioning to ensure that foster parents, pre-adoptive parents, and relative caregivers of children in foster care are notified of, and have a right to be heard in, any review or hearing held with respect to the child?</p>	<p>State laws and procedures clearly define an effective notification method for foster parents and other necessary parties and what is meant by “right to be heard.”</p>
	<p>Courts have forms and procedures for review hearings that call for statements by and questioning of foster parents.</p>
	<p>State laws, court rules and policies clarify and reinforce the role of foster parents, pre-adoptive parents, and relative caretakers in court.</p>
	<p>Courts encourage active participation of foster parents, pre-adoptive parents, and relative caregivers in court proceedings.</p>
<p>QUALITY ASSURANCE SYSTEM</p>	
<p>25. How well is the quality assurance system functioning statewide to ensure that it is (1) operating in the jurisdictions where the services included in the Child and Family Services Plan (CFSP) are provided, (2) has standards to evaluate the quality of services (including standards to ensure that children in foster care are provided quality services that protect their health and safety), (3) identifies strengths and needs of the service delivery system, (4) provides relevant reports, and (5) evaluates implemented program improvement measures?</p>	<p>The agency has and courts are aware of comprehensive standards for services to children in child welfare cases.</p>
	<p>Agencies and courts work together to exchange information or services to children.</p>
	<p>Agencies enlist courts to help evaluate caseworkers’ performance in court.</p>
	<p>Courts have systematic quality assurance systems to evaluate their own performance.</p>

TRAINING	
26. How well is the staff and provider training system functioning statewide to ensure that initial training is provided to all staff who deliver services pursuant to the Child and Family Services Plan (CFSP) that includes the basic skills and knowledge required for their positions?	Training is provided for all new judges and attorneys concerning Title IV-B and IV-E and is mandatory.
	Comprehensive training is provided for all new judges and attorneys concerning child welfare law and basic social work principles and participation is mandatory.
27. How well is the staff and provider training system functioning statewide to ensure that ongoing training is provided for staff that addresses the skills and knowledge needed to carry out their duties with regard to the services included in the CFSP?	Periodic training for experienced judges and attorneys on child welfare cases is provided and participation is mandatory, including training on permanency planning procedures.
	Courts and agencies use appropriate cross training – addressing issues of mutual concern – and avoid inappropriate use of cross training in lieu of training in core legal skills and knowledge.
28. How well is the staff and provider training system functioning to ensure that training is occurring statewide for current or prospective foster parents, adoptive parents, and staff of state licensed or approved facilities (that care for children receiving foster care or adoption assistance under title IV-E) that addresses the skills and knowledge needed to carry out their duties with regard to foster and adopted children?	Prospective foster parents receive training on the legal aspects of permanency planning, including the stages and purposes of the legal process.
	Foster parents receive training and materials on their rights and responsibilities in child welfare proceedings, including the right to be heard and to participate in the case.
	Prospective adoptive parents receive training concerning their legal responsibilities and about the legal process of adoption, including legal protections regarding adoption assistance.
	Courts ensure meaningful participation by foster parents and relative caregivers in the court process.
	Foster parents, prospective adoptive parents and agency staff receive training concerning legal protections (e.g. procedural rights, entitlements, contractual rights) regarding adoption assistance.
SERVICE ARRAY	

<p>29. How well is the service array and resource development system functioning to ensure that the following array of services is accessible in all political jurisdictions covered by the Child and Family Services Plan (CFSP)?</p>	<p>Child protection agencies inform courts of available services, who is eligible for different services, and usual waiting periods for services.</p>
	<p>State laws, regulations, and budgets provide for a core of services that are consistently available to abused and neglected children and their families.</p>
	<p>Agencies have master plans for contracts to ensure consistent availability of key services.</p>
	<p>State laws require other agencies to give priority to and ensure availability of services to clients served by the child welfare agency and under court jurisdiction.</p>
<p>30. How well is the service array and resource development system functioning statewide to ensure that the services in item 29 can be individualized to meet the unique needs of children and families served by the agency?</p>	<p>State laws and policies budget for child protection services based on documented need for such services.</p>
	<p>Agencies' contracts for services provide flexible services to meet material and special needs of children and families.</p>
<p>AGENCY RESPONSIVENESS TO THE COMMUNITY</p>	
<p>31. How well is the agency responsiveness to the community system functioning statewide to ensure that, in implementing the provisions of the Child and Family Services Plan (CFSP) and developing related Annual Progress and Services Reports (APSRs), the state engages in ongoing consultation with Tribal representatives, consumers, service providers, foster care providers, the juvenile court, and other public and private child- and family-serving agencies and includes the major concerns of these representatives in the goals, objectives, and annual updates of the CFSP?</p>	<p>Courts regularly meet with the agency and all of the child protection professionals listed above to work on mutual problems and improve working relationships.</p>
	<p>Judicial ethics clarify and encourage judicial outreach to the agency and community regarding child welfare cases.</p>
	<p>The agency consults with legal system representatives concerning its annual reports, including allowing them to review draft reports in advance. Among other things, the agency asks for comments concerning service delivery.</p>

<p>32. How well is the agency responsiveness to the community system functioning statewide to ensure that the state's services under the Child and Family Services Plan (CFSP) are coordinated with services or benefits of other federal or federally assisted programs serving the same population?</p>	<p>The agency consults with legal system representatives specifically concerning the delivery of federally assisted services provided by agencies and entities not funded by the child welfare agency.</p>
<p>FOSTER AND ADOPTIVE PARENT LICENSING, RECRUITMENT AND RETENTION</p>	
<p>33. How well is the foster and adoptive parent licensing, recruitment, and retention system functioning statewide to ensure that state standards are applied to all licensed or approved foster family homes or child care institutions receiving title IV-B or IV-E funds?</p>	<p>Courts have information about standards for foster and adoptive parents and concerning childcare institutions.</p>
<p>33. How well is the foster and adoptive parent licensing, recruitment, and retention system functioning statewide to ensure that state standards are applied to all licensed or approved foster family homes or child care institutions receiving title IV-B or IV-E funds?</p>	<p>Courts are informed when foster family homes and child caring institutions no longer meet agency standards.</p>
<p>34. How well is the foster and adoptive parent licensing, recruitment, and retention system functioning statewide to ensure that the state complies with federal requirements for criminal background clearances as related to licensing or approving foster care and adoptive placements, and has in place a case planning process that includes provisions for addressing the safety of foster care and adoptive placements for children?</p>	<p>State law requires criminal record checks of parents found to have abused or neglected their children and of other people living in the households of abused and neglected children, as well as all adults in foster and adoptive homes.</p>
<p>34. How well is the foster and adoptive parent licensing, recruitment, and retention system functioning statewide to ensure that the state complies with federal requirements for criminal background clearances as related to licensing or approving foster care and adoptive placements, and has in place a case planning process that includes provisions for addressing the safety of foster care and adoptive placements for children?</p>	<p>Courts or court forms ask about the criminal record of parents found to have abused or neglected their children and of other people living in the households of abused and neglected children.</p>
<p>35. How well is the foster and adoptive parent licensing, recruitment, and retention system</p>	<p>Courts and attorneys are well informed about the process of recruiting, matching, screening and evaluating foster and adoptive families.</p>

<p>functioning to ensure that the process for ensuring the diligent recruitment of potential foster and adoptive families who reflect the ethnic and racial diversity of children in the state for whom foster and adoptive homes are needed is occurring statewide?</p>	<p>Judges and advocates address the adequacy of recruitment of adoptive parents when relevant to evaluating reasonable efforts to finalize the permanency plan.</p>
	<p>Courts and attorneys address the adequacy of recruitment of foster parents, when relevant, while conducting case review.</p>
<p>36. How well is the foster</p>	<p>Courts receive capacity building assistance, materials, and training on interstate placements, including implementation of the ICPC.</p>
	<p>Judges and attorneys are familiar with the ICPC, interstate adoption assistance benefits, ICAMA and other interstate placement benefits and requirements.</p>
	<p>Judges, attorneys and advocates consistently ask informed and penetrating questions when interstate placement or services are being considered.</p>

Appendix B: Some Legal and Judicial Issues to Include in the Narrative Description of the Statewide Assessment

The following is some information that states should consider including in the narrative description portion of their statewide summaries. Attorneys, judges, and court administrators can help prepare this information.

A general description of courts and judges (and other judicial officers) handling child welfare cases

- The organizational structure of the courts hearing child welfare cases and juvenile justice cases.
- Key organizational factors regarding judicial performance such as specialization, rotation (and length of assignments), workload information (and/or length of hearings), training and written materials on child welfare, performance measurement, timeliness of judicial decisions and delays.
- Judicial infrastructure as it affects performance – workloads, judicial staff support, etc.
- Key statutes, rules, forms, and case law relevant to each of the above.

Steps in the judicial process specifically relevant to Title IV-B and IV-E requirements

- Laws and procedures concerning “contrary to the welfare” and “reasonable efforts” findings.
- Laws and procedures concerning reviews, permanency hearings, filing of TPR petitions, foster parent participation, and approving and reviewing the case plan.
- The role of courts in reviews, permanency hearings, filing of TPR petitions, foster parent participation, and approving and reviewing the case plan.
- A description of termination of parental rights proceedings.

Legal representation of the government and other parties in child welfare cases

- A general description of the organizational structure of public and non-profit law offices, where applicable, and the numbers of attorneys.
- Key organizational factors regarding attorney performance such as who attorneys represent, specialization, rotation (and length of assignments), workloads, training and written materials, compensation, procedures to resolve disagreements with the agency, experience levels, methods of hiring, supports, duties of attorneys, services provided to the agency, performance measurement.
- Role of attorneys in different stages of the legal process, including counseling of caseworkers, preparation, presence in court.
- Statutes, rules, and caselaw relevant to legal representation.

Legal and judicial strengths and barriers that reinforce or weaken state performance (addressing all of the above issues)

Statutes, rules, forms and caselaw governing agency operations and governing the delivery of services to children and families

- Agency liaison with the courts and legal system.
- Legal structure of the service array – preventive, reunification, and permanency services.
- Training for participants in the legal system, such as agency attorneys, GALs, caseworkers (legal skills training), court liaison.
- Legal framework for licensing and recruitment of foster and adoptive homes.

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