

## **THE PURPOSE OF GRANTS**

In the first years of the grant program, states assessed how well their courts were handling child abuse and neglect cases and then developed a plan for improvement. The remaining years of the grants are to implement the reforms identified in the plan. Most states are currently in this phase of the reform process.

State courts first assessed and then made recommendations to improve how they:

- fulfill federal requirements in foster care cases,
- make decisions whether to place children into foster care,
- decide whether to terminate parental rights, and
- authorize appropriate permanent placements, without undue delay, for children who cannot safely return home.

The federal foster care requirements include court oversight of agency "reasonable efforts" to prevent needless foster placement, court review of children in foster care, judicial permanency planning hearings, procedural safeguards for parents (e.g., when children are moved out of state), and court review of voluntary placements.

In many states, a lack of understanding has prevented state court systems from providing juvenile courts the resources, training and oversight needed to cope with the new demands placed on the juvenile courts and to allow timely, full and fair proceedings for children and their families. One of the reasons the federal grants are channeled to the highest state courts-those with responsibility for administering state court systems-is that the grants will not only assist courts to assess their performance and develop plans for improvement, but they will also contribute to long-term knowledge and commitment to this area of the law.

Initially the states identified state laws (statutes, court rules, appellate case law, rules of ethics, agency regulations, and agency policies) that are pertinent to court improvement. These include any state laws that implement the federal requirements described above. In addition, other state laws that control judges' decisions concerning children in foster care-decisions whether to place or continue children in foster care, whether to terminate parental rights, and whether to secure permanent placements for foster children-were included. With passage of ASFA, court improvement projects are also working to ensure the states comply with its requirements and the accompanying regulations issued in January 2000.

A key task of the assessment was to evaluate the procedural fairness with which these functions are being performed. Accordingly, the state laws that set out the procedures to be used when courts decide cases involving children in foster care were examined. These include state laws that ensure competent legal representation of all parties, guarantee parties the opportunity to present witnesses, and set deadlines for court decisions.

After carefully identifying the pertinent state laws, the assessments evaluated the performance of the courts in carrying out those laws and in conducting timely, fair and decisive hearings. For example, the assessments determined:

- how consistently state courts really adhere to federal and state requirements concerning foster children;
- the seriousness of delays in abuse and neglect trials, court reviews, and termination of parental rights proceedings;
- whether enough court time is made available to allow judges to implement federal requirements fully (e.g., time for the judge to carefully determine whether agencies have made reasonable efforts and time for the parties to make arguments and offer evidence concerning reasonable efforts);
- whether parties are introducing evidence and calling witnesses, when appropriate, concerning judicial determinations of reasonable efforts and during judicial foster care review hearings - and if not, why not;
- whether judges' caseloads are preventing them from fulfilling federal and state requirements in a timely, thorough, and fair manner; and
- whether parents and children are receiving adequate legal representation, and if not, why not.