

Mark Hardin*
National Child Welfare Resource Center of Legal and Judicial Issues
... A Service of the Children's Bureau
ABA Center on Children and the Law
August 2005
© MMV by the American Bar Association

Sample Memorandum of Understanding: Court-Agency Cooperation on Child and Family Service Reviews (CFSRs)**

We agree to work together and cooperate during all phases of the [name of State] Child and Family Services Review (CFSR), as described in this agreement.

1. Ongoing meetings and consultation.

We will meet at least once every calendar quarter to discuss the CFSR.

We will actively consult and meet whenever necessary during all stages of the CFSR including throughout the development and implementation of the PIP.

We will, as appropriate, form sub-groups and working committees to meet more frequently and perform specific identified tasks.

The following will participate in such meetings and consultations:

- State child welfare director.
- CFSR and Title IV-E/IVB coordinator, if applicable.
- State court administrator or person designated by the state court administrator.
- CIP director.
- Representative of state juvenile and family judges association.
- [Others – specify]
- Any others designated by the courts or [state agency].

The [courts] will participate in all phases of the CFSR and will provide relevant information to the agency that will assist in the process.

* Mimi Laver and Jennifer Renne reviewed and made helpful comments on an earlier draft.

** This sample MOU is not the official policy of the federal government or of the American Bar Association. ABA policy is established only by action of the ABA House of Delegates or Board of Governors.

2. Advance planning.

The [state agency] will:

- Contact the state courts well before the statewide assessment begins.
- Describe the CFSR process to the courts and explain why they are important to courts.
- Give the courts brief written materials that describe the CFSR and Title IV-E process and explain how courts may be involved.
- Make available the CFSR and Title IV-E materials developed by the federal government.
- Promptly answer any questions regarding the status of the CFSR, PIP, PIP implementation, and any relevant federal decisions.
- Share and explain available state statistics to court representatives.

The [state agency] and [the courts] will meet repeatedly before the Statewide Assessment.

3. Statewide Assessment of CFSR.

[The courts] will select well-qualified judges, attorneys, or others to work with the State agency in preparing sections of the Statewide Assessment that call for judicial involvement or have judicial implications.

The [state agency] and [the courts] will identify those sections of the statewide assessment that the courts can help prepare or review, develop a process to work together on those sections, and follow through with the agreed process.

The courts will work with the agency to address all relevant issues in the statewide assessment for each of the sections they are working on.

3. Onsite Review

[The State Agency] will inform the [courts] as soon as it learns the timing and location of onsite reviews and other site visits in connection with the CFSR and PIP.

The [state agency] will provide explanatory materials to CIP regarding the CFSR, including:

- A brief written summary of the CFSR process, including information about the onsite review process.
- A copy of the completed statewide assessment
- Instruments that will be relevant to legal and judicial persons involved in the CFSR.

CIP will handle logistics of judicial and legal interviews for CFSR onsite visits, including transportation and providing interview sites.

CIP will, in addition, provide the following specific help:

- Identify key legal and judicial “stakeholders” to be interviewed.
- Send copies of interview instruments and other materials to each stakeholder at least several days before each interview.
- Identify legal personnel, such as local and out-of-state judges, attorneys, CIP directors, and court staff, to serve on teams to review individual cases to:
 - Add different perspectives and insights on onsite review.
 - Help accurately identify legal and judicial barriers.
 - Helps identify issues and strategies for the Program Improvement Plan (PIP).

4. Program Improvement Plan (PIP)

The [state agency] will invite the courts to participate in the development of the PIP to:

- Help achieve substantial conformity on outcomes that require legal system improvements.
- Help improve systemic factors affected by courts.

The [state agency] will invite [the courts] to appoint legal representatives on relevant task forces and will meet regularly with a specific legal-judicial PIP task force. [The courts] will appoint and provide such representatives.

The [state agency] and [the courts] will discuss technical assistance needs to improve state performance on the full range of outcomes and systemic factors.

The [state agency] and [the courts] will integrate the CIP strategic plan with the PIP.

5. Implementation of PIPs and Strategic Plans

The [state agency] will provide CIP with copies of its quarterly reports to the federal government.

The [state agency] and [the courts] will maintain ongoing committees and tasks forces to address PIP issues, as least until the federal government determines that the state has successfully completed the requirements of its PIP.

In order to sustain progress and to continue monitoring areas where progress has been made, the [state agency] and [the courts] will, when appropriate, maintain ongoing committees and tasks forces to address PIP issues after the federal government finds the state to be in full compliance with the issues addressed by the committees and task forces.

The [state agency] and [the courts] will share available data regarding their successes and failures to improve children’s safety, permanency, and well being and regarding the improvement or lack of improvement of systemic factors.

The [state agency] will provide localized data to courts, to the extent feasible, regarding the safety, permanency, and well being of children within local courts’ jurisdiction.

The [state agency] will consult with the courts regarding any proposed revisions to the PIP that have implications for judicial involvement or judicial performance.

Signed:

State Child Welfare Director

State Court Administrator

Agency Administrator or Commissioner

Chief Justice of Highest State Court