

Fact Sheet

for COURTS

HISTORY of the CFSRS

The 1994 Amendments to the Social Security Act (SSA) authorize the U.S. Department of Health and Human Services (HHS) to review state child and family service programs to ensure conformity with the requirements in titles IV-B and IV-E of the SSA. The Children's Bureau, part of the HHS, administers the review system, known as the Child and Family Services Reviews (CFSRs).

In 2000, the Children's Bureau published a final rule in the Federal Register to establish a process for monitoring state child welfare programs. Under the rule, states are assessed for substantial conformity with federal requirements for child welfare services.

All 50 states, the District of Columbia, and Puerto Rico completed their first review by 2004 and their second review by 2010. After each review cycle, or "round," no state was found to be in substantial conformity in all of the seven outcome areas and seven systemic factors. States developed and implemented Program Improvement Plans after each review to correct those areas not found in substantial conformity.

The third round of reviews began in 2015 and will conclude in 2018.



PURPOSE

The CFSRs enable the Children's Bureau to: (1) ensure conformity with federal child welfare requirements; (2) determine what is actually happening to children and families as they are engaged in child welfare services; and (3) assist states in enhancing their capacity to help children and families achieve positive outcomes.

The reviews are structured to help states identify strengths and areas needing improvement within their agencies and programs. Ultimately, the goal of the reviews is to help states improve child welfare services and achieve the following seven outcomes for families and children who receive services:

Safety

- Children are, first and foremost, protected from abuse and neglect.
- Children are safely maintained in their homes whenever possible and appropriate.

Permanency

- Children have permanency and stability in their living situations.
- The continuity of family relationships and connections is preserved for families.



Family and Child Well-Being

- Families have enhanced capacity to provide for their children's needs.
- Children receive appropriate services to meet their educational needs.
- Children receive adequate services to meet their physical and mental health needs.

The CFSRs also assess the following seven systemic factors that affect outcomes for children and families:

- statewide information system
- case review system
- quality assurance system
- staff and provider training
- service array and resource development
- agency responsiveness to the community
- foster and adoptive parent licensing, recruitment, and retention

ROLE *of the* COURTS

Court representatives are critical partners in the state child welfare agency's ability to achieve positive outcomes for children and families. Decisions and time frames of

the court directly affect the agency's ability to meet child welfare goals. The courts are an integral part of any state's system for addressing the needs of abused, neglected, and dependent children. If there are any areas determined to need improvement based on the review, the state is provided an opportunity to do so through a Program Improvement Plan developed and implemented jointly by the state child welfare agency and the courts.

The courts' role in children's welfare is part of what is monitored by the CFSRs. The courts ensure that the agency is in compliance with child welfare laws and standards and can provide data and information on issues examined by the CFSRs, such as:

- how effectively the state's processes for periodic case reviews and permanency hearings promote timely and appropriate permanency outcomes for children in foster care,
- how effective the state is in identifying children for whom termination of parental rights is appropriate and whether termination of parental rights actions are filed in a timely manner,
- how engaged parents are in the case planning and goal-setting processes, and
- how effectively foster parents and other caretakers are notified and have an opportunity to be heard in court hearings about the children in their care.



COLLABORATION WITH *the* COURTS

The statutory requirements of the Court Improvement Program (CIP) include implementation of a Program Improvement Plan, as necessary, in response to findings identified in a CFSR. Thus, through the CIP, all state court systems must participate in the implementation of a CFSR Program Improvement Plan when the court system is involved. CIP strategic plans must target specific activities to bring the state into compliance. State courts were also instructed to include in their strategic plans a strategy to facilitate legal and judicial participation in the CFSR and collaboration with the child welfare agency at all stages of the review, and to identify activities to inform the legal and judicial community about the reviews and encourage active legal and judicial participation.

Court representatives involved in the CFSRs may include the chief justice, the state court administrator, the CIP director, local presiding judges, agency attorneys, guardians ad litem and court-appointed special advocates, the state bar association, parents' attorneys, the state Council of Family and Juvenile Court Judges, juvenile probation officers, and the governor's task force on juvenile justice.

Court representatives may be involved in the CFSR process in a variety of ways, such as:

- Participating in planning for the CFSR
- Participating in the statewide assessment
- Identifying legal and judicial issues affecting child welfare in the state
- Providing data and information
- Participating in interviews with the CFSR team
- Identifying child welfare-related state and court areas needing improvement and developing related strategies
- Integrating the CIP strategic plan with the Program Improvement Plan
- Initiating cross-training opportunities, such as involving court and CIP personnel in improvement plan training
- Partnering in approaching the state legislature for needed legislative changes
- Developing regularly scheduled meetings with the agency to address challenges affecting children's safety, permanency, and well-being.

The Children's Bureau encourages court representative participation in all phases of the CFSR, Program Improvement Plan, and continuous quality improvement processes.

RESOURCES

- Court representatives can obtain more information about getting involved on behalf of children in their state from the Child Welfare Information Gateway's section on "Court-Child Welfare Agency Collaboration," available at <http://www.childwelfare.gov/systemwide/courts/ccwa.cfm>.
- Court representatives may view reports from the first and second CFSR rounds on the Child Welfare Monitoring section of the Children's Bureau website at http://library.childwelfare.gov/cwig/ws/cwmd/docs/cb_web/SearchForm. Round 3 final reports will be released as available.
- The CFSR Procedures Manual addresses court-agency collaboration at <http://www.acf.hhs.gov/programs/cb/resource/round3-cfsr-procedures-manual/>.
- Resources are available from the Capacity Building Center for Courts, <https://capacity.childwelfare.gov/courts/>.





MORE INFORMATION

Additional information on the CFSRs is available on the Children's Bureau's website at <http://www.acf.hhs.gov/programs/cb/monitoring/child-family-services-reviews> or from the Child Welfare Reviews Project, JBS International, Inc., 5515 Security Lane, Suite 800, North Bethesda, MD 20852; 301-565-3260; e-mail: cw@jbsinternational.com. Round 3 resources are available at <https://training.cfsrportal.org/resources/3105>.