

# ACF

Administration  
for Children  
and Families

U.S. DEPARTMENT OF HEALTH AND HUMAN SERVICES

Administration for Children, Youth and Families

**1. Log No:** ACYF-PI- 94-12

**2. Issuance Date:** June 27, 1994

**3. Originating Office:** Children's Bureau

**4. Key Words:** Court Improvement Program: State Court Assessment and Implementation of Reforms

## PROGRAM INSTRUCTION

**TO:** Highest State Courts of Appeal

**SUBJECT:** The Court Improvement Program; Funding For State Courts to Assess and Improve Handling of Proceedings Relating to Foster Care and Adoption; Instructions for Applying for fiscal years (FY) 1995, 1996, 1997, and 1998 Funds

**LEGAL AND RELATED REFERENCES:** Titles IV-B and IV-E of the Social Security Act; Subchapter C, Part I of the Omnibus Budget Reconciliation Act of 1993 (OBRA) (P.L. 103-66); 45 CFR Parts 16, 30, 74, 76, 80, 91, 92, 93, 1355, 1356, and 1357; and OMB Circular A-128

**PURPOSE:** The purposes of this Program Instruction (PI) are to:

1. Introduce the new State Court Improvement Program and describe its background and purpose (sections A-C);
2. Outline the programmatic and fiscal provisions and reporting requirements of the program (sections D-G);
3. Specify the application submittal, review and approval procedures for the program (sections H-J); and
4. Identify technical resources for use by State courts during the course of the program (section K.)

### A. INTRODUCTION:

The State Court Improvement Program is part of OBRA of 1993, which, among other things, provides new Federal funds to State child welfare agencies and tribes for preventive services (family support) and services to families at risk or in crisis (family preservation). In addition to providing funds for expanding services, the legislation offers States and tribes an opportunity to assess and make changes in the delivery of child

welfare services, broadly defined. The purpose of these changes is to achieve improved well-being for vulnerable children and their families.

Please see Attachment E for a fact sheet describing the Family Preservation and Support Services Program.

Congress clearly recognized that this focus on family support and family preservation must be coupled with an enhancement of the State court process in order to improve the handling of proceedings relating to foster care and adoption. The legislation authorizes \$5 million in fiscal year 1995 and \$10 million in fiscal years 1996, 1997, and 1998 for grants to State court systems for use in assessing how these systems currently function and to provide funds for making improvements. During the first year of the four-year Court Improvement Program Federal funds must be used to conduct assessments of State foster care and adoption laws and judicial processes and to develop a plan for system improvement. During the remaining three years the courts will be expected to implement improvements according to the plan.

## **B. BACKGROUND:**

The courts play an important role in the child welfare system by providing judicial decision-making and oversight of some services provided under titles IV-B and IV-E of the Social Security Act. Specifically, the court makes decisions concerning the existence of maltreatment, the placement of children in State custody, and court determinations that reasonable efforts have been made to prevent removal of children from their homes. The court holds periodic hearings to determine the appropriateness of the placement and the goals for a child in care; terminates parental rights; and finalizes adoptions.

Since 1980, with the passage of The Adoption Assistance and Child Welfare Act of 1980 (P.L. 96-272), the responsibilities of the juvenile and family courts have sharply increased, due in part to the judicial oversight functions imposed by the legislation. This has resulted in different problems in different States, but common problems include: high judicial caseloads; insufficient training in child welfare issues for judges, Court Appointed Special Advocates, guardians ad litem, and attorneys; shortage of staff; and delays in making the determinations required by the legislation.

The Court Improvement Program provides State courts with the opportunity to collaborate with the other organizations and individuals responsible for promoting and protecting the well-being of children and families (for example: State child welfare agencies, Court Appointed Special Advocates, guardians ad litem, citizen reviewers, and attorneys) to review laws and procedures designed to provide rights and protection to parents, families, and children. It provides State courts with the flexibility to design assessment tools which identify ineffective laws or procedures and barriers to effective decision-making, highlight practices which are not fully successful, examine areas found to be in need of correction or added attention, and then implement reforms which address the State court system's specific needs. The Court Improvement Program is intended to help State courts perform their role in the continuum of care provided for families and

children at risk. The Administration for Children and Families (ACF) supports and strongly encourages State courts to coordinate and collaborate with other interested parties, programs and resources in the design of new systems.

State child welfare agencies must consult and collaborate broadly in the development of their State child welfare/family preservation and support plans. The ACF has strongly encouraged States to involve courts in that process. Similarly, State courts are strongly encouraged to collaborate with the State child welfare agency in administering the Court Improvement Program. Such collaboration will help ensure consistency between the courts' plans for improvement and the family preservation and support plans, developed by the State child welfare agencies. It is hoped that these grants will provide an opportunity for State courts to develop a vision, along with the other participants, of how the future child welfare system can be made more responsive to the needs of children and families.

#### **C. SUBMITTALS:**

To be eligible for Federal funds through the Court Improvement Program, a State court must submit an application meeting the requirements of this Program Instruction. Applications will be accepted as early as August 8, 1994 and the final date for receipt of applications is December 1, 1994 to receive FY 1995 funds.

A State court may request an extension of the due date up to March 30, 1995 for submittal of an application, with good reason, from the appropriate Regional Administrator (see Attachment D.) If a State court chooses not to apply for FY 1995 funds at this time, applications for FY 1996 funds will be accepted up to December 1, 1995. Only those State courts with approved applications for either FY 1995 or FY 1996 funds are eligible for FY 1997 and 1998 funds.

#### **D. ELIGIBILITY:**

The highest State court in each State which participates in the program under title IV-E of the Social Security Act is eligible to apply for Court Improvement Program funds. The term "highest State court" means the judicial tribunal which is the ultimate court of appeals in the State.

At present, all 50 States and the District of Columbia participate in the title IV-E program. Thus, the highest State court in all 50 States and the District of Columbia is eligible to apply for the Court Improvement Program funds.

Although only the highest State court is eligible to apply for and receive Federal funds through the Court Improvement Program, the highest State court may choose to enter into an agreement with another entity, such as a university or non-profit organization, for the purposes of complying with the requirements of the Court Improvement Program, especially regarding the assessment portion of the program. The ultimate responsibility for implementing the grant will rest with the highest State court.

## E. FUNDING:

Only those State courts with approved applications will receive FY 1995 Federal funds under the Court Improvement Program. To receive FYs 1996- 1998 funds, a State court with an approved application will be required to submit annual refunding applications as requested. Funds awarded through this grant program may not be used to supplant other State or local funds which are already being used for similar purposes as of January 1, 1994.

1. **Appropriation** Each State court with an approved application is allotted \$75,000 for FY 1995, and \$85,000 for FYs 1996-1998. In addition to this base amount, the remainder of the amount appropriated for all State courts (\$5,000,000 for FY 1995 and \$10,000,000 for FYs 1996-1998) is divided among those courts with approved applications according to each State's share of children under age 21.
2. **Allotments** Attachment A provides the estimated allotments for FYs 1995-1998 for each State court. At the time that appropriations are made for each fiscal year, an updated State court allotment table will be issued (probably in October or November.) If some State courts do not apply for part or all of their share of these funds, the unclaimed amount will be reallocated to all other State courts with approved applications.
3. **Program Expenditure Period** State courts will have two years from the date of award to expend (obligate and liquidate) each Federal fiscal year's funds. With the award of subsequent Federal fiscal year's funds with two-year program periods, overlapping program expenditure periods will occur.
4. **Indirect Costs** If a State court wishes to receive reimbursement for indirect costs within its allotment as a part of its grant, it must have an approved indirect cost rate with the cognizant Federal agency. The cognizant Federal agency is that Federal agency which provides the most funds to the State court. If a State court has not been assigned a cognizant agency, it should work with the Federal agency from which it receives the largest amount of funds to negotiate and receive approval of indirect cost proposals. Where the Department of Health and Human Services (HHS) is the cognizant agency, the Divisions of Cost Allocation in the Regional Administrative Support Centers are available to negotiate indirect cost rates. See Attachment D for the relevant Regional Offices. State courts which have not yet established indirect cost rates for Federal grants may include provisional indirect cost rates in their initial grant applications, pending establishment of an official rate.
5. **Matching Requirement** For FY 1995 funds, no non-Federal match is required. Non-Federal share (or match) is required for FYs 1996-1998 funds at the rate of 25 percent of the total budget. For example, for a project totalling \$100,000, a State court must contribute \$25,000 for \$75,000 of Federal funds requested. Funds which are eligible to be used as non-Federal share for the subsequent years must meet the regulatory requirements of 45 CFR Part 92 which establishes the rules for cost sharing or matching funds. State courts should consult the regulations directly for a full and accurate understanding of the matching requirements. Relevant sections of these regulations will be provided to State

courts accompanying the grant awards. However, to restate in brief the provisions of 45 CFR Part 92, funds eligible to be used as non-Federal share, among other things:

- a. must not be Federal grant funds, unless specifically allowed by Federal statute;
- b. must not be used to match any other Federal grant;
- c. must be used for costs which are otherwise allowable. The non-Federal share, whatever its nature, must be used for assessments or the implementation of improvements described in this Program Instruction;
- d. may originate with a third party, public or non-public; and Additionally, third party non-Federal share must be cash and may not be in-kind contributions of services, equipment, or property.

**ACTIVITIES:** The first year of the Court Improvement Program should be dedicated to assessment activities. The remaining three years should focus on implementing improvements consistent with the findings of the assessment. Assessments must be completed within two years of the grant award. Based on the completed assessment, the State court will be required to prepare recommendations for improvements in the court system and an implementation plan with tasks and timelines. A State court may update its plan for improvement at any time during the operation of the program. The implementation plan for improvement must be submitted with the first annual program report. Please refer to section G(2) below for further information on reporting requirements.

State courts should work in collaboration with the State child welfare agency, the citizen review board, community attorneys, Court Appointed Special Advocates, guardians ad litem, and attorneys who represent agencies to implement all activities of the Court Improvement Program, unless the court presents compelling reasons why such collaboration would be impossible or inadvisable. This collaboration is critical because these entities share responsibility with the judiciary for providing care, representation, and protection for children removed from their homes. See Attachment F for a complete listing of State Child Welfare Administrators.

State courts receiving funds through the Court Improvement Program must, at a minimum:

Conduct assessments of the role, responsibilities, and effectiveness of the State court system in carrying out State laws implementing titles IV-B and IV-E of the Social Security Act. For example, the assessments should examine the effectiveness, timeliness, and quality of proceedings which determine: whether to assume court jurisdiction over children; whether to utilize foster care placement; whether to terminate parental rights; whether the goal for a child in foster care should be independent living; and whether to finalize an adoption or other permanent placement. In addition, assessments should examine the effectiveness of State courts in carrying out related responsibilities for the protection of children under other Federal legislation, such as the Indian Child Welfare Act, and the Child Abuse Prevention and Treatment Act. These assessments shall, at a minimum:

Identify rules, standards, and criteria imposed under State laws (including laws implementing titles IV-B and IV-E, laws relating to dependency, child abuse and neglect, and any other laws

on related matters) designed to achieve safe, timely and permanent placements for abused and neglected children. Those laws would include laws applicable to judicial decisions concerning the placement of a child; determinations whether reasonable efforts have been made to keep a child in his or her home; decisions approving the continuance of foster care for a child or the child welfare agency's recommendation of reunification; termination of parental rights; and finalization of an adoption or other permanent placement.

Identify procedures and rules, imposed by law or adopted voluntarily by the court system, addressing such matters as whether a proceeding should be administrative or judicial; timetables for proceedings; legal representation for all parties; provisions concerning the admissibility of evidence and the opportunity to present witnesses; procedural safeguards for parents, guardians, and children; and general rules for conduct of the proceedings.

Evaluate the extent of conformity of the State court rules and practices with recommendations of national organizations concerned with the permanent placement of children. See Attachment E for a brief description of the organizations available to assist State courts in identifying relevant national recommendations.

Evaluate the performance of the court system in implementing the requirements described in section 1(a) and 1(b) above. In particular, this evaluation should assess:

The extent to which particular practices or procedures have been successful in facilitating compliance with the requirements described in section 1(a) and 1(b), and patterns with respect to the circumstances of and factors contributing to the failures.

The frequency and length of judicial delays.

Whether there are limitations in available court time inhibiting the presentation of evidence and the making of arguments.

The extent to which parties and attorneys actually present witnesses, introduce evidence, and make pertinent legal arguments.

The extent to which court caseload size and resource limitations affect judicial performance.

How often parents and children have legal representation and the adequacy of such representation.

The quality of treatment of all participants in the system (children, parents, foster parents, social workers, etc.)

Assess the quality and adequacy of the information available to courts in child welfare cases, including agency reports, expert testimony, and basic information about the child and family.

Assess the extent to which particular requirements imposed on State courts, as described in section 1(a) and 1(b), facilitate or impede achievement of the program goals of titles IV-B and

IV-E of the Social Security Act. Generally, these program goals are designed to achieve the permanent and safe placement of children with families.

Assess the extent to which particular requirements imposed on State courts, as described in section 1(a) and 1(b), impose significant administrative burdens on the courts.

Examine the effectiveness of the relationship between the State court system and tribal court systems, where they exist; and compliance with the Indian Child Welfare Act.

While some Statewide examination of courts is critical, to maximize resources available, State courts may consider targeting a portion of their assessment and/or improvement activities geographically or according to certain issues or jurisdictions. State and local area data on the number and types of child abuse and neglect reports and foster care placements may be useful in conducting the assessments. Standard data collection and sampling techniques such as interviews, questionnaires, and surveys, should be utilized during the assessment. State courts may wish to convene a task force or advisory committee to examine the relevant child welfare proceedings. For those State courts involved in Children's Justice Act programs, the task force developed for those purposes could be included in the work outlined here as well.

Develop a plan for improving aspects of the court process which are found to be deficient. This plan shall include procedures for monitoring implementation and evaluation of improvement efforts under this grant.

Implement improvements and reforms deemed necessary as a result of the assessments or provide a detailed explanation of why improvements and reforms cannot be implemented. Improvements and reforms may include, but are not limited to the following:

changes in State law or proposals for changes in Federal law;

changes in procedures and practices of the courts or of State child welfare and foster care agencies;

additional education and/or training of court or agency personnel, including but not limited to judges, attorneys, social workers, administrators, and court appointed representatives of parents and children;

collection and dissemination of additional data or information and the establishment of links with other child welfare information systems in the State to assist with decision-making in the court

increases in personnel or resources, reductions in numbers of case reviews mandated by State law, or any other changes needed to enable the courts to effectively manage their caseloads; and

institutionalization of stronger links with child welfare agencies, tribal courts, and community programs to improve the coordination of services for children.

Collaborate to the extent practicable with State and community efforts associated with the Family Preservation and Support program, including participating in the development of the State's plan for child welfare and family preservation and support services.

Attend annual meetings convened by the ACF. For these meetings, State courts are encouraged to send a team consisting of a key juvenile/family court judge and an administrator who would be instrumental in implementing this program. Representatives from the State child welfare agency will also be invited to attend these meetings. State courts are encouraged to collaborate with the agency to prepare for and attend these meetings. The meetings will likely be held in Washington, D.C. in March, 1995, 1996, 1997, and 1998.

**FUTURE REPORTING REQUIREMENTS:** Both fiscal and program reports are required annually and are due 90 days after the close of each 12-month period within the two-year program period. A grant year runs 12 months from the date of issuance of the award.

### **Fiscal Reports**

Expenditures under the Court Improvement Program are to be reported by State courts on a Standard Form 269 (SF-269), Financial Status Report. The first fiscal report for a program period will be an interim report covering the first 12 months of the program period. The final report will cover the entire 24-month period. Financial reports are to be mailed concurrently to the appropriate ACF Regional Administrator (Attachment D) and to:

Administration for Children and Families  
Office of Financial Management  
370 L'Enfant Promenade, S.W.  
Washington, D.C. 20447  
Attention: Director, Division of Formula, Entitlement and Block Grants

### **Program Reports**

For FYs 1995-1998, in general, the annual program report should document the prior period's activities.

Annual program reports must include:

a description of the activities conducted during the 12-month period;

a description of findings from the assessments conducted, if complete (assessments must be completed within 24 months of grant award);

a list of recommendations for improvements and reforms, if developed;

a description of any activities undertaken to implement reforms to the courts, how they relate to the assessment results, and further recommendations for improvements;

a plan for the remainder of the project period. This plan should include any remaining assessment activities and the implementation of recommendations for improvement of court systems, including strategies, timelines, and where efforts will be targeted;

a statement regarding the State court's progress in relation to its own plan for improvement. (A State court may revise its plan for improvement at any time during the operation of the program by submitting the change in writing to the appropriate ACF Regional Administrator for approval;) and

recommendations for changes in Federal laws and programs, including this Court Improvement Program, if any.

The final program report must include:

all of the information listed above; and

a statement indicating how the State court plans to continue to improve its systems after the conclusion of Federal funding.

The Program Reports are to be mailed concurrently to the appropriate ACF Regional Administrator (Attachment D) and to:

Administration on Children, Youth and Families 330 C Street, S.W.  
Switzer Building, Room 2070  
Washington, D.C. 20201  
Attention: Director, Division of Child Welfare Children's Bureau

**APPLICATION REQUIREMENTS:** To receive its allotment, the State court must submit an application that meets the requirements of section 13712 of the OBRA of 1993 and this Program Instruction. In the preparation of this application, the State court must solicit input from both the State agency responsible for the administration of titles IV-B and IV-E of the Social Security Act and the foster care citizen review board, if any exists in the State. The application for the Court Improvement Program funds must contain the following elements:

Standard Form 424, Application for Federal Assistance, which can be found at Attachment C.

A program description addressing the following areas:

The State court must describe the methods to be used to select State courts for inclusion in the assessment. (While some Statewide examination of courts is critical, to maximize resources available, State courts may consider targeting a portion of their assessment and/or improvement activities geographically or according to certain issues or jurisdictions.)

The State court must describe the methods to be used to conduct the assessment.

The State court must specify the organization(s) and individual(s) responsible for conducting the assessment and implementing any changes or reforms, if the assessment will be conducted by a person or organization other than the court itself. The State court must describe the relevant experience of the organization(s) responsible for conducting the assessment.

The State court must specify the kinds of data to be collected. (Standard data collection and sampling techniques should be utilized during the assessment.)

The State court must certify that the State child welfare agency and the citizen review board, if any exists, have reviewed this application.

The State court must describe how the State child welfare agency and the citizen review board, if any exists, and other important parties in the system, such as guardians ad litem or Court Appointed Special Advocates, will be involved in the court assessment and improvement activities.

If the State court has already conducted an assessment which it believes meets the requirements listed here, and it is prepared to identify recommendations for improvements in the handling of proceedings relating to child welfare, the court may then propose to devote some or all of its FY 1995 grant funds to the implementation of these improvements. In this case, the court must submit, with the grant application, a report describing:

the assessment;

the manner in which that assessment meets the assessment requirements of this Program Instruction at section F above; and

the reforms which the State court intends to implement using FY 1995 funds and their relationship to the assessment conducted.

The State court must submit a completed Standard Form 424-A (see Attachment C) describing its budget for the anticipated use of FY 1995 funds and tentative budget for the remaining three years. The State court must include funds in the budget adequate to support the travel of two individuals to Washington, D.C. to attend an annual meeting of all State court improvement projects supported under the Court Improvement Program. These travel funds may be budgeted as either Federal or non-Federal share. Although a team of three is suggested in section F(5) above, the State court is only required to budget for two members of that team, due to anticipated budget constraints.

The State court must submit a timetable for conducting and completing the assessment and for the implementation of reforms planned for the duration of this four-year Court Improvement Program.

The State court must assure that:

Both fiscal and program reports will be submitted annually.

Funds provided not necessary for the assessment will be used to implement the recommendations of the assessment conducted.

Funds will be used only for the specific purposes described in section 13712 of the OBRA of 1993 and this Program Instruction.

Funds will not supplant other State or local funds used for similar purposes.

Funds will be administered in compliance with Departmental regulations and policies governing the administration of grants and in accordance with applicable statutes and regulations listed under "Legal and Related References" on page 1 of this Program Instruction.

The State court will match at least 25 percent (33% of the Federal share) of the total budget for each of the FYs 1996-1998.

**OPTIONAL:** The State court will accept and match at least 33% percent of any additional Federal funds which may become available in FYs 1996-1998.

The State court authorizing official must submit the following certifications, by signing the first and submitting the two remaining certifications. The signature of the authorized State court official on the Standard Form 424 Application for Federal Assistance constitutes compliance with the drug-free workplace and the debarment certifications.

Anti-Lobbying and Disclosure Form;

Drug-Free Workplace Requirements; and

Debarment Certification.

#### **APPLICATION SUBMITTAL:**

Applications for FY 1995 and succeeding years will be reviewed and approved in the Administration for Children and Families (ACF) Regional Offices. The Regional Office staff are available for consultation and assistance in the development of these applications.

This program is not covered by the requirements of Executive Order 12372, which requires State review of submissions.

An original and one copy of the application must be submitted by the State court to the appropriate ACF Regional Administrator (Attachment D). A copy should also be sent to:

Administration on Children, Youth and Families 330 C Street, S.W.  
Switzer Building, Room 2070  
Washington, D.C. 20201  
Attention: Carol W. Williams, Associate Commissioner Children's Bureau

Early submission of applications will expedite the review, approval and funding of the applications. As soon as the application is approved and funds are available, grants will be awarded and State courts will be allowed to obligate and expend grant funds.

Pending the appropriation of funds, State courts should prepare their applications on the basis of the estimated allotments in Attachment A. In the event that final Congressional action or other circumstances result in a State court receiving an allocated amount different from the amount in the State court's application, the amount of the grant will be automatically adjusted.

Applications will be considered if they are either:

Received on or before December 1, 1994 or by a later date approved by the Regional Administrator (this date can be no later than March 30, 1995); or

Sent on or before the closing date of December 1, 1994 (as evidenced by a legibly dated U.S. Postal Service postmark or a legibly dated receipt from a commercial carrier or U.S. Postal Service,) and received in time for the review and award process.

#### **APPLICATION APPROVAL AND CHANGES:**

Approvals of the original applications will be issued in the form of grant award documents. If a Regional Administrator wishes additional information prior to grant award, that information may be requested by telephone or in writing. If any application appears to be unapprovable, a letter to that effect will be issued detailing the deficiencies in the application and the State court will be given 30 days to provide an approvable application. If, after the State court has been given an opportunity to amend its application and a Regional Administrator still regards the application as unapprovable, the Commissioner, ACYF, will be consulted for a final decision.

The ACYF does not intend to limit the flexibility and creativity allowable under this legislation. Therefore, if a State court wishes to make significant changes after the original application submission, the State court should submit an Application Amendment to the appropriate Regional Administrator, ACF.

#### **RESOURCES FOR STATE COURTS:**

Several organizations have offered to make technical assistance available to all State courts during the development of their applications.

The Administration on Children, Youth and Families (ACYF) will convene an orientation meeting August 22-23, 1994 in Washington, D.C. The purpose is to orient State courts to this new Court Improvement Program, clarify its purposes and intent, and answer questions regarding this Program Instruction. For this meeting, State courts are encouraged to send a team consisting of a key juvenile/family court judge and an administrator who would be instrumental in implementing this program. Representatives from the State child welfare agency will also be invited to attend this meeting. State courts are encouraged to collaborate with the agency to prepare for and attend the meeting. Unfortunately, Federal funds are available to support the

travel of only one representative from each State to this conference. Therefore, attendance of more than one member of the full team at this conference is not mandatory and must be supported by sources other than ACYF.

For resources regarding various methods of assessment, State courts may contact the National Council of Juvenile and Family Court Judges-National Center for Juvenile Justice, the National Center for State Courts, and the American Bar Association- Center on Children and the Law, for a variety of assessment tools and relevant approaches. Information on these organizations can be found at Attachment E.

For resources regarding potential areas for improvement in the courts, State courts may contact the National Council of Juvenile and Family Court Judges-Permanency Planning Council, The National Center for State Courts, and the American Bar Association-Center on Children and the Law, for best practice materials and ongoing consultation on court improvements. Information on these organizations can be found at Attachment E.

At the end of the first year of the Court Improvement Program, a set of resource guidelines identifying best practices in court child welfare proceedings will be distributed by the above organizations to all State courts and grant recipients.

Federal funds are available to State child welfare agencies to design, build, operate and maintain a Statewide Automated Child Welfare Information System (SACWIS). In collaboration with the State child welfare agency, the State court may participate in the design of the SACWIS. The SACWIS may support, among other things, the "(t)racking and maintenance of legal and court information, and preparation of appropriate notifications to relevant parties" and "interface with other automated information systems, including, but not limited to, accounting and licensing systems, court and juvenile justice systems, vital statistics and education, as appropriate." In collaboration with the State child welfare agency, the State court may agree to share automated information through the interface and gain access to SACWIS data which may improve decision-making in the courts. Details on the SACWIS can be found at Attachment E.

**L. INQUIRIES:** Regional Administrators, ACF Regions  
I-X  
or  
Delmar Weathers Children's Bureau,  
ACYF Division of Child Welfare  
(202) 205-8671  
Olivia A. Golden Commissioner

**Attachments:**

- [Attachment A:](#) Estimated State Court Allotments for FY 1995-98
- [Attachment B:](#) Portions of P.L. 103-66 and Congressional Conference Reports
- [Attachment C:](#) Standard Form 424 and 424-A, and Certification Forms
- [Attachment D:](#) List of ACF Regional Administrators
- [Attachment E:](#) Resources

[Attachment F: List of State Child Welfare Administrators  
Instructions for Form 424 and 424-A.](#)

**Attachment A**

STATE COURT GRANT PROGRAM  
ESTIMATED FY 1995-98 STATE ALLOTMENTS\*

Name of State	Region	Total Pop Under 21 (000's)	FY 95 Allotment @ \$5,000,000	FY 96-98 Allotment @\$10,000,000
Alabama	IV	1,267	94,387	178,471
Alaska	X	211	78,229	100,566
Arizona	IX	1,204	93,423	173,823
Arkansas	VI	737	86,277	139,371
California	IX	9,666	222,906	798,095
Colorado	VIII	1,048	91,036	162,315
Connecticut	I	892	88,649	150,806
Delaware	III	199	78,045	99,681
Dist of Col	III	139	77,127	95,255
Florida	IV	3,591	129,948	349,921
Georgia	IV	2,106	107,225	240,367
Hawaii	IX	342	80,233	110,231
Idaho	X	374	80,723	112,591
Illinois	V	3,515	128,785	344,314
Indiana	V	1,715	101,242	211,522
Iowa	VII	850	88,006	147,708
Kansas	VII	781	86,951	142,617
Louisiana	VI	1,435	96,958	190,865
Maine	I	358	80,478	111,411
Maryland	III	1,413	96,621	189,242
Massachusetts	I	1,618	99,758	204,366
Michigan	V	2,918	119,650	300,271

Minnesota	V	1,381	96,132	186,881
Mississippi	IV	880	88,465	149,921
Missouri	VII	1,563	98,917	200,308
Montana	VIII	260	78,978	104,181
Nebraska	VII	507	82,758	122,403
Nevada	IX	384	80,876	113,329
New Hampshire	I	324	79,958	108,903
New Jersey	II	2,160	108,052	244,351
New Mexico	VI	538	83,232	124,690
New York	II	5,137	153,605	463,975
North Carolina	IV	1,967	105,098	230,113
North Dakota	VIII	200	78,060	99,755
Ohio	V	3,288	125,312	327,568
Oklahoma	VI	999	90,286	158,700
Oregon	X	882	88,496	150,068
Pennsylvania	III	3,323	125,847	330,150
Rhode Island	I	273	79,177	105,140
South Carolina	IV	1,115	92,061	167,258
South Dakota	VIII	234	78,581	102,263
Tennessee	IV	1,468	97,463	193,300
Texas	VI	5,866	164,760	517,756
Utah	VIII	749	86,461	140,256
Vermont	I	168	77,571	97,394
Virginia	III	1,837	103,109	220,522
Washington	X	1,555	98,794	199,718
West Virginia	III	523	83,003	123,584
Wisconsin	V	1,534	98,473	198,169
Wyoming	VIII	159	77,433	96,730

**NOTE:**\*Allotments are based on the statutory formula (section 13712(c)) using 1990 census data. Actual allotments for FY 1996-1998 will be calculated using the same 1990 census data.

## **Attachment B**

### **PORTIONS OF P.L. 103-66 AND CONGRESSIONAL CONFERENCE REPORTS**

"PART B-CHILD AND FAMILY SERVICES"

"Subpart 1-Child Welfare Services"; and (2) by adding at the end the following:

"Subpart 2--Family Preservation and Support Services"

"SEC. 430. PURPOSES; LIMITATIONS ON AUTHORIZATIONS OF APPROPRIATIONS;  
RESERVATION OF CERTAIN AMOUNTS."

"(a) PURPOSES; LIMITATIONS ON AUTHORIZATION OF APPROPRIATIONS--"

For the purpose of encouraging and enabling each State to develop and establish, or expand, and to operate a program of family preservation services and community-based family support services, there are authorized to be appropriated to the Secretary the amounts described in subsection (b) for the fiscal years specified in subsection (b).

"(b) DESCRIPTION OF AMOUNTS.--The amount described in this subsection is- -"

"(1) for fiscal year 1994, \$60,000,000;"

"(2) for fiscal year 1995, \$150,000,000;"

"(3) for fiscal year 1996, \$225,000,000;"

"(4) for fiscal year 1997, \$240,000,000; or"

"(5) for fiscal year 1998, the greater of-- "(A) \$255,000,000; or"

"(B) the amount described in this subsection for fiscal year 1997, increased by the inflation percentage applicable to fiscal year 1998."

"(c) INFLATION PERCENTAGE.--For purposes of subsection (b)(5)(B) of this section, the inflation percentage applicable to any fiscal year is the percentage (if any) by which--"

"(1) the average of the Customer Price Index (as defined in section 1(f)(5) of the Internal Revenue Code of 1986) for the 12month period ending on December 31 of the immediately preceding fiscal year; exceeds"

"(2) the average of the Consumer Price Index (as so defined) for the 12-month period ending on December 31 of the 2nd preceding fiscal year."

"(d) RESERVATION OF CERTAIN AMOUNTS.--"

"(1) EVALUATION, RESEARCH, TRAINING, AND TECHNICAL ASSSISTANCE.-"

The Secretary shall reserve \$2,000,000 of the amount described in subsection (b) for fiscal year 1994, and \$6,000,000 of the amounts so described for each of fiscal years 1995, 1996, 1997, and 1998, for expenditure by the Secretary-

"(A) for research, training, technical assistance related to the program under this subpart; and"

"(B) for evaluation of State programs funded under this subpart and any other Federal, State, or local program, regardless of whether federally assisted, that is designed to achieve the same purposes as the program under this subpart."

"(2) STATE COURT ASSESSMENTS.--The Secretary shall reserve \$5,000,000 of the amount described in subsection (b) for fiscal year 1995, and \$10,000,000 of the amounts so described for each of fiscal years 1996, 1997, and 1998, for grants under section 13712 of the Omnibus Budget Reconciliation Act of 1993."

"(3) INDIAN TRIBES.--The Secretary shall reserve 1 percent of the amounts described in subsection (b) for each fiscal year, for allotment to Indian tribes in accordance with section 433(a)."

**SEC.13712. ENTITLEMENT FUNDING FOR STATE COURTS TO ASSESS AND IMPROVE HANDLING OF PROCEEDINGS RELATING TO FOSTER CARE AND ADOPTION.**

- a. **IN GENERAL.**--The Secretary shall make grants, in accordance with this section, to the highest State courts in States participating in the program under part E of title IV of the Social Security Act, for the purpose of enabling such courts--
  1. to conduct assessments, in accordance with such requirements as the Secretary shall publish, of the role, responsibilities, and effectiveness of State courts in carrying out State laws requiring proceedings (conducted by or under the supervision of the courts)--
    - A. that implement parts B and E of title IV of such Act;
    - B. that determine the advisability or appropriateness of foster care placement; and
    - C. that determine whether to terminate parental rights; and
    - D. that determine whether to approve the adoption or other permanent placement of a child and; (2) to implement changes deemed necessary as a result of the assessments.
- b. **APPLICATIONS.**--In order to be eligible for a grant under this section, a highest State court shall submit to the Secretary an application at such time, in such form, and including such information and assurances as the Secretary shall require.
- c. **ALLOTMENTS.**--
  1. **IN GENERAL.**--Each highest State court which has an application approved under subsection (b), and is conducting assessment activities in accordance with this section, shall be entitled to payment, for each of fiscal years 1995 through 1998, from amounts reserved pursuant to section 430(d)(2) of the Social Security Act, of an amount equal to the sum of--

- A. for fiscal year 1995, \$75,000 plus the amount described in paragraph (2) for fiscal year 1995; and
  - B. for each of fiscal years 1996 through 1998, \$85,000 plus the amount described in paragraph (2) for each of such fiscal years.
2. **FORMULA.**-The amount described in this paragraph for any fiscal year is the amount that bears the same ratio to the amount reserved pursuant to section 430(d)(2) of the Social Security Act for the fiscal year (reduced by the dollar amount specified in paragraph (1) of this subsection for the fiscal year) as the number of individuals in the State who have not attained 21 years of age bears to the total number of such individuals in all States the highest State courts of which have approved applications under subsection (b).
- d. **USE OF GRANT FUNDS.**--Each highest State court which receives funds paid under this section may use such funds to pay--
- 1. any or all costs of activities under this section in fiscal year 1995; and
  - 2. not more than 75 percent of the cost of activities under this section in each of fiscal years 1996, 1997, and 1998.

## **CONFERENCE REPORT ON H.R. 2264**

### **OMNIBUS BUDGET RECONCILIATION ACT OF 1993**

- 3. Grants to State Courts to Assess and Improve Handling of Proceedings Related to Foster Care and Adoption (Sec. 13212 of House bill)

Present Law

No provision

House Bill

Of amounts reserved (as described in item 1(c) above) a sum of \$5 million for fiscal year 1995, and \$10 million for each of fiscal years 1996 through 1998, would be used for a four-year program of grants to the highest State courts involved in proceedings relating to foster care and adoption. The grants would enable the courts to conduct assessments of the role, responsibilities and effectiveness of State courts in carrying out State laws requiring proceedings (conducted by or under the supervision of the courts) to determine the advisability or appropriateness of foster care placement, to determine whether to terminate parental rights, and to legally recognize the adoption of a child; and to implement changes deemed necessary by the assessments.

The assessments would have to identify the requirements imposed on State courts, with respect to these proceedings, addressing separately:

- a. rules, standards and criteria imposed under State laws (including laws implementing parts B and E of title IV, laws relating to child abuse and neglect, or any other laws on related matters) applicable to decisions concerning the placement of a child, the parent-child relationship, or other matters of child welfare, including determinations: (i) whether to

remove a child from or return a child to its home, (ii) whether to place a child in foster care or to continue a foster care placement, (iii) whether to terminate parental rights, (iv) whether to place a child for adoption or in another permanent arrangement, and (v) whether to set aside or to make final an adoption, and;

- b. procedures and rules, imposed by law or adopted voluntarily by the court system, addressing matters such as choice between administrative and judicial proceedings; timetables for proceedings; procedural safeguards for parents, guardians, and children; and general rules for conduct of the proceeding. The assessments would also have to: (i) evaluate the performance of the court system in implementing these requirements by assessing the extent of conformity of State court rules and practices with the recommendations of national organizations concerned with the permanent placement of children; (ii) assess the extent to which particular requirements imposed on State courts facilitate or impede achievement of title IV-B and IV- E program goals, or impose significant burdens on the courts; and (iii) make specific recommendations for improvement (including recommendations for changes in State or Federal laws, regulations or policies; changes in procedures and practices of the courts or of State child welfare and foster care agencies; additional education or training of court or agency personnel; collection and dissemination of additional data or information; or increases in manpower, reductions in numbers of case reviews, or other changes needed to enable the courts to manage their caseloads).

In order to be eligible for a grant, a highest State court must submit to the Secretary an application containing a timetable, budget and methodology for conducting the assessment; certification by the State child welfare agency and foster care citizen review board (if any) that they had an opportunity for review and comment; assurances that grant funds not needed for the assessment will be used to implement recommended changes, and that grant funds will not supplant other State or local funds used for similar purposes; a commitment to furnish to the Secretary interim and final reports; and such other information as the Secretary requires.

Each court with an approved application would be allotted an amount, for each of fiscal years 1995 through 1998, equal to the sum of: (1) \$75,000 for fiscal year 1995, and \$85,000 for each of the three succeeding fiscal years, plus (2) a share of the remaining funds reserved for this purpose based on the State's share of individuals under age 21. Courts could use grant funds without providing local matching in fiscal year 1995, but would have to provide 25 percent State or local matching of grant funds for the three remaining years.

**Effective Date:** Upon enactment.

Senate Amendment

No provision.

Conference Agreement

The conference agreement follows the House bill regarding the reserve amount for grants to State courts, the allotment of funds to courts with approved applications, and the use of grant funds.

Under the conference agreement, the grants would enable courts to: (1) conduct assessments, in accordance with requirements published by the Secretary, of the role, responsibilities, and effectiveness of State courts in carrying out State laws requiring proceedings that: (a) implement parts B and E of title IV; (b) determine the advisability or appropriateness of foster care placement; (c) determine whether to terminate parental rights; (d) determine whether to approve the adoption or other permanent placement of a child; and (2) implement changes deemed necessary as a result of the assessments.

In order to be eligible for a grant, a court must submit an application to the Secretary at such time, in such form and including such information and commitments as the Secretary requires. The conferees intend that each assessment:

1. identify the requirements imposed on State courts with respect to the proceedings listed above, addressing separately: (a) rules, standards, and criteria imposed pursuant to State laws implementing parts B and E of title IV of the Social Security Act and State laws designed to achieve safe, timely, and permanent placements for abused and neglected children, to be applied in the court proceedings; and (b) rules and procedures, established by or under State law or adopted by the State court system on its own initiative, with respect to the conduct of the proceedings, that address matters such as: (i) whether a proceeding should be judicial or administrative, (ii) timetables for proceedings, (iii) procedural safeguards of the rights of parents (including foster and adoptive parents), guardians, and children, such as provisions for legal representation of parents and children and for guardians ad litem; and (iv) provisions concerning the admissibility of evidence and the opportunity to present witnesses;
2. evaluate the performance of the State courts in implementing the requirements identified under paragraph (1) by assessing:
  - a. the extent to which particular practices or procedures have been successful in facilitating compliance with such requirements;
  - b. the frequency of failures to comply with any such requirements, and patterns with respect to the circumstances of and factors contributing to the failures;
  - c. the frequency and severity of judicial delays;
  - d. whether there are limitations in available court time inhibiting the presentation of evidence and the making of arguments;
  - e. the extent to which parties and attorneys actually call witnesses, introduce evidence, and make pertinent legal arguments in connection with the requirements of parts B and E of title IV of the Social Security Act;
  - f. the extent to which caseload size and resource limitations affect judicial performance in relation to issues identified in (b), (c), (d), and (e) ; and (g) how often parents and children have legal representation and the adequacy of such representation;

determine the extent to which the rules and practices identified under paragraph (1) or (2) are in accord with the recommended standards of national organizations concerned with the permanent placement of foster children;

determine, from the standpoint of the State courts, the extent to which particular requirements under paragraph (1) : (a) are facilitating or impeding achievement of the purposes of parts B and E, including the goal of appropriate permanent placement for each child, and (b) are imposing significant administrative burdens on the State court system; and

make specific recommendations for improvement, based on the conclusions reached as a result of activities described in paragraphs (1) through (4), including recommendations for:

changes in State and Federal laws, regulations or policies;

changes in procedures and practices of the State courts or of the State agencies administering foster care, adoption, child welfare and child protective services programs;

additional education or training of State court judges, or of personnel of the judicial system or of the State agencies described in (b);

improvements in the selection, compensation, and training of court-appointed legal representatives of parents and children;

collection or dissemination of additional data or information for purposes of increasing the understanding of personnel of State courts and State agencies of matters relating to case review proceedings in general, or to specific case review proceedings; and

increases in manpower, improvements in judicial caseload management, reductions in the number of case reviews, or other changes needed to enable the State courts to better manage their caseloads with respect to case review proceedings.

The conferees intend that the application contain:

a timetable for conducting and completing the assessment;

a budget for the assessment;

a description of the methods to be used to select State courts for inclusion in, and to conduct, the assessment;

certifications that the head of the State agency administering the State program under part E, and the State foster care citizen review board or state organization of review boards (if any), have had an opportunity to review and comment on a draft of the application before its submission, and a copy of such comments;

a description of the process to be used by the court to consult with the entities referred to in (d) in conducting the assessment;

a commitment that, to the extent funds provided are not necessary to complete the assessment, the court will use the funds to implement, to the extent feasible, recommendations made under (5) above;

a commitment that funds will not be used to supplant State or local funds which would otherwise be used for similar purposes;

a commitment to furnish the Secretary an interim report following the end of the second year of assessment activities and a final report following the completion of the assessment; and

any other information the Secretary may require.

## **Attachment C**

### **STANDARD FORMS 424 AND 424-A CERTIFICATION FORMS APPLICATION FOR FEDERAL ASSISTANCE (see graphic-PI9412F1.PXC)**

#### **INSTRUCTIONS FOR THE SF 424**

This is a standard form used by applicants as a required facesheet for preapplications and applications submitted for Federal assistance.

It will be used by Federal agencies to obtain applicant certification that States which have established a review and comment procedure in response to Executive Order 12372 and have selected the program to be included in their process, have been given an opportunity to review the applicant's submission.

**Item:** Government's financial Entry: obligation or contingent liability from an

1. Self-explanatory. existing obligation.
2. Date application
9. Name of Federal agency submitted to Federal from which assistance is agency (or being requested with this State if applicable) & application. applicant's control number (if applicable).
10. Use the Catalog of Federal Domestic
3. State use only (if Assistance applicable). number and title of the program under which
4. If this application is to assistance is requested. continue or revise an existing award, enter
11. Enter a brief descriptive present Federal title of the project. if identifier number. If

more than one program is for a new project, leave involved, you should blank. append an explanation on a separate sheet. If 5. Legal name of applicant, appropriate (e.g., name of primary construction or real organizational unit which property projects), will undertake the attach a map showing assistance activity, project location. For complete address of the preapplications, use a applicant, and name and separate sheet to provide telephone number of the a summary description of person to contact on this project. matters related to this application.

Item: Entry: 6. Enter Employer 12.

List only the largest Identification Number political entities (EIN) as affected (e.g., State, assigned by the Internal counties, cities). Revenue Service. 13. Self- explanatory. 7. Enter the appropriate letter in the space 14. List the applicant's provided. Congressional District and any District(s) affected by the program 8. Check appropriate box and or project. enter appropriate letter(s) in the space(s) 15. Amount requested or to be provided: contributed during the -"New" means a new first funding/budget assistance award. period by each - "Continuation" means an contributor.

Value of in- extension for an kind contributions should additional funding/budget be included on period for a project with appropriate lines as a projected completion applicable. If the date. action will result in a -"Revision" means any dollar change to an change in the Federal existing award, indicate only the amount of the change. For decreases, enclose the amounts in parentheses.

If both basic and supplemental amounts are included, show breakdown on an attached sheet. For multiple program funding, use totals and show breakdown using same categories as item 15. 16. Applicants should contact the State Single Point of Contact (SPOC) for Federal Executive Order 12372 to determine whether the application is subject to the State intergovernmental review process. 17. This question applies to the applicant organization, not the person who signs as the authorized representative. Categories of debt include delinquent audit disallowances, loans and taxes. 18. To be signed by the authorized representative of the applicant. A copy of the governing body's authorization for you to sign this application as official representative must be on file in the applicant's office. (*Certain Federal agencies may require that this authorization be submitted as part of the application*)

## **INSTRUCTIONS FOR THE SF-424A**

### General Instructions

This form is designed so that application can be made for funds from one or more grant programs. In preparing the budget, adhere to any existing Federal grantor agency guidelines which prescribe how and whether budgeted amounts should be separately shown for different functions or activities within the program. For some programs, grantor agencies may require budgets to be separately shown by function or activity. For other programs, grantor agencies may require a breakdown by function or activity. Sections A, B, C, and D should include budget

estimates for the whole project except when applying for assistance which requires Federal authorization in annual or other funding period increments. In the latter case, Sections A, B, C, and D should provide the budget for the first budget period (usually a year) and Section E should present the need for Federal assistance in the subsequent budget periods. All applications should contain a breakdown by the object class categories shown in Lines a-k of Section B.

### **Section A. Budget Summary**

Lines 1-4, Columns (a) and (b)

For applications pertaining to a single Federal grant program (Federal Domestic Assistance Catalog number) and not requiring a functional or activity breakdown, enter on Line 1 under Column (a) the catalog program title and the catalog number in Column (b). For applications pertaining to a single program requiring budget amounts by multiple functions or activities, enter the name of each activity or function on each line in Column (a), and enter the catalog number in Column (b). For applications pertaining to multiple programs where none of the programs require a breakdown by function or activity, enter the catalog program title on each line in Column (a) and the respective catalog number on each line in Column (b). For applications pertaining to multiple programs where one or more programs require a breakdown by function or activity, prepare a separate sheet for each program requiring the breakdown. Additional sheets should be used when one form does not provide adequate space for all breakdown of data required. However, when more than one sheet is used, the first page should provide the summary totals by programs.

Lines 1-4, Columns (c) through (g.)

For new applications, leave Columns (c) and (d) blank. For each line entry in Columns (a) and (b), enter in Columns (e), (f), and (g) the appropriate amounts of funds needed to support the project for the first funding period (usually a year).

Lines 1-4, Columns (c) through (g.) (continued) For continuing grant program applications, submit these forms before the end of each funding period as required by the grantor agency. Enter in Columns (c) and (d) the estimated amounts of funds which will remain unobligated at the end of the grant funding period only if the Federal grantor agency instructions provide for this. Otherwise, leave these columns blank. Enter in columns (e) and (f) the amounts of funds needed for the upcoming period. The amount(s) in Column (g) should be the sum of amounts in Columns (e) and (f). For supplemental grants and changes to existing grants, do not use Columns (c) and (d). Enter in Column (e) the amount of the increase or decrease of Federal funds and enter in Column (f) the amount of the increase or decrease of non-Federal funds. In Column (g) enter the new total budgeted amount (Federal and non-Federal) which includes the total previous authorized budgeted amounts plus or minus, as appropriate, the amounts shown in Columns (e) and (f). The amount(s) in Column (g) should not equal the sum of amounts in Columns (e) and (f).

Line 5 - Show the totals for all columns used.

## Section B Budget Categories

In the column headings (1) through (4), enter the titles of the same programs, functions, and activities shown on Lines 1-4, Column (a), Section A. When additional sheets are prepared for Section A, provide similar column headings on each sheet. For each program, function or activity, fill in the total requirements for funds (both Federal and non-Federal) by object class categories.

Lines 6a-i - Show the totals of Lines 6a to 6h in each column.

Line 6j - Show the amount of indirect cost. Line 6k - Enter the total of amounts on Lines 6i and 6j. For all applications for new grants and continuation grants the total amount in column (5), Line 6k, should be the same as the total amount shown in Section A, Column (g), Line 5. For supplemental grants and changes to grants, the total amount of the increase or decrease as shown in Columns (1)-(4), Line 6k should be the same as the sum of the amounts in Section A, Columns (e) and (f) on Line 5.

Line 7 - Enter the estimated amount of income, if any, expected to be generated from this project. Do not add or subtract this amount from the total project amount. Show under the program narrative statement the nature and source of income. The estimated amount of program income may be considered by the federal grantor agency in determining the total amount of the grant.

Section C. Non-Federal-Resources Lines 8-11 - Enter amounts of non-Federal resources that will be used on the grant. If in-kind contributions are included, provide a brief explanation on a separate sheet.

Column (a) - Enter the program titles identical to Column (a), Section A. A breakdown by function or activity is not necessary.

Column (b) - Enter the contribution to be made by the applicant.

Column (c) - Enter the amount of the State's cash and in-kind contribution if the applicant is not a State or State agency. Applicants which are a State or State agencies should leave this column blank.

Column (d) - Enter the amount of cash and in-kind contributions to be made from all other sources.

Column (e) - Enter totals of Columns (b), (c), and (d).

Line 12 - Enter the total for each of Columns (b)-(e). The amount in Column (e) should be equal to the amount on Line 5, Column (f), Section A.

## Section D. Forecasted Cash Needs

Line 13 - Enter the amount of cash needed by quarter from the grantor agency during the first year.

Line 14 - Enter the amount of cash from all other sources needed by quarter during the first year.

Line 15 - Enter the totals of amounts on Lines 13 and 14.

### **Section E. Budget Estimates of Federal Funds Needed for Balance of the Project**

Lines 16 - 19 - Enter in Column (a) the same grant program titles shown in Column (a), Section A. A breakdown by function or activity is not necessary. For new applications and continuation grant applications, enter in the proper columns amounts of Federal funds which will be needed to complete the program or project over the succeeding funding periods (usually in years). This section need not be completed for revisions (amendments, changes, or supplements) to funds for the current year of existing grants.

If more than four lines are needed to list the program titles, submit additional schedules as necessary.

Line 20 - Enter the total for each of the Columns (b)(e). When additional schedules are prepared for this Section, annotate accordingly and show the overall totals on this line.

### **Section F. Other Budget Information**

Line 21 - Use this space to explain amounts for individual direct object-class cost categories that may appear to be out of the ordinary or to explain the details as required by the Federal grantor agency.

Line 22 - Enter the type of indirect rate (provisional, predetermined, final or fixed) that will be in effect during the funding period, the estimated amount of the base to which the rate is applied, and the total indirect expense.

Line 23 - Provide any other explanations or comments deemed necessary.

### **Attachment D**

#### **ADMINISTRATION FOR CHILDREN AND FAMILIES - REGIONAL OFFICES REGIONAL ADMINISTRATORS**

#### **REGION I, BOSTON**

Vermont, Connecticut, Maine, Massachusetts, New Hampshire, Rhode Island

Hugh Galligan  
JFK Federal Building  
Room 2000  
Boston, MA 02203

Commercial: (8) 617-565-1020  
FTS: (8) 617-565-1020  
Telefax: (8) 617-565-2493  
Verify: (8) 617-565-1020

**REGION II, NEW YORK**

New York, New Jersey, Virgin Islands, Puerto Rico

Ann Schreiber  
26 Federal Plaza  
Room 4049  
New York, NY 10278  
Commercial: (8) 212-264- 2890  
FTS: (8) 212-264-2890  
Telefax: (8) 212-264-4881  
Verify: (8) 212-264-2892

**REGION III, PHILADELPHIA**

Delaware, Maryland, Pennsylvania, Virginia, West Virginia, District of Columbia

Ralph E. Douglas  
Gateway Building  
Room 5450  
3535 Market Street  
Philadelphia, PA 19104  
Commercial: (8) 215-596-0352  
FTS: (8) 215-596-0352  
Telefax: (8) 215-596-5028  
Verify: (8) 215-596-0352

**REGION IV, ATLANTA**

Alabama, Florida, Georgia, Kentucky, Mississippi, North Carolina, South Carolina, Tennessee

Patricia S. Brooks  
101 Marietta Tower  
Suite 821  
Atlanta, GA 30323  
Commercial: (8) 404-331-5733  
FTS: (8) 404-331-5733  
Telefax: (8) 404-331-1776  
Verify: (8) 404-331-0781

**REGION V, CHICAGO**

Illinois, Michigan, Ohio, Wisconsin, Minnesota, Indiana

Marion Steffy  
105 West Adams Street  
20th Floor  
Chicago, IL 60603  
Commercial: (8) 312-353-4237  
FTS: (8) 312-353-4237  
Telefax: (8) 312-353-2629  
Verify: (8) 312-353- 4237

**REGION VI, DALLAS**

Texas, Arkansas, Louisiana, New Mexico, Oklahoma

Leon R. McCowan  
1200 Main Tower  
Suite 1700  
Dallas, TX 75202  
Commercial: (8) 214-767-9648  
FTS: (8) 214- 767-9648  
Telefax: (8) 214-767- 3743  
Verify: (8) 214- 767-9649

**REGION VII, KANSAS CITY**

Missouri, Iowa, Nebraska, Kansas

Linda Carson  
Federal Office Building  
Room 384  
601 E. 12th Street  
Kansas City, MO 64106  
Commercial: (8) 816- 426-3981  
FTS: (8) 816-426-3981  
Telefax: (8) 816-426-2888  
Verify: (8) 816-426-3981

**REGION VIII, DENVER, COLORADO**

Colorado, Montana, North Dakota, South Dakota, Utah, Wyoming

Frank Fajardo  
Federal Office Bldg.  
1961 Stout Street  
Room 924  
Denver, CO 80294-3538  
Commercial: (8) 303-844-2622  
FTS: (8) 303-844-2622  
Telefax: (8) 303-844-3642  
Verify: (8) 303-844-2622

## **REGION IX, SAN FRANCISCO**

California, Arizona, Hawaii, Nevada, Guam, American Samoa, Palau, CNMI

Sharon M. Fujii  
50 United Nations Plaza  
Room 450  
San Francisco, CA 94102  
Commercial: (8) 415-556-7800  
FTS: (8) 415-556-7800  
Telefax: (8) 415-556-3046  
Verify: (8) 415-556-7800

## **REGION X, SEATTLE, WASHINGTON**

Washington, Alaska, Oregon, Idaho

Stephen S. Henigson  
2201 Sixth Avenue  
Room 610-M/S RX-70  
Seattle, Washington 98121  
Commercial: (8) 206-615-2547  
FTS: (8) 206-553-2775  
Telefax: (8) 206-615-2574  
Verify: (8) 206-553-2775

## **Attachment E**

### **RESOURCES**

#### **Family Preservation and Support Services Program Fact Sheet**

National Center for State Courts

National Center for Juvenile and Family Court

Judges Permanency Planning Council

National Center for Juvenile Justice Center on Children and the Law, American Bar Association

Statewide Automated Child Welfare Information System

## **HIGHLIGHTS FROM THE FAMILY PRESERVATION AND SUPPORT SERVICES PROGRAM INSTRUCTION**

Family Preservation and Support Services is part of the Omnibus Budget Reconciliation Act of 1993. It is a new subpart 2 of title IV-B - - the Child and Family Services program of the Social Security Act.

New Federal funds are provided to State child welfare agencies for preventive services (family support services) and services to families at risk or in crisis (family preservation services). Family support services

are primarily community-based preventive activities designed to alleviate stress and promote parental competencies and behaviors that will increase the ability of families to successfully nurture their children; enable families to use other resources and opportunities available in the community; and create supportive networks to enhance child-rearing abilities of parents and help compensate for the increased social isolation and vulnerability of families. Examples of community-based family support services and activities include respite care for parents and other caregivers; early developmental screening of children to assess the needs of these children and assistance in obtaining specific services to meet their needs; mentoring, tutoring, and health education for youth; and a range of center-based activities (informal interactions in drop-in centers, parent support groups) and home visiting programs.

Family preservation services typically are services designed to help families alleviate crises that might lead to out of home placement of children; maintain the safety of children in their own homes; support families preparing to reunify or adopt; and assist families in obtaining services and other supports necessary to address their multiple needs in a culturally sensitive manner. (If a child cannot be protected from harm without placement or the family does not have adequate strengths on which to build, family preservation services are not appropriate.)

In addition to providing funds for expanding services, this legislation offers States an extraordinary opportunity to assess and make changes in State and local service delivery in child welfare, broadly defined. The purpose of these changes is to achieve improved well-being for vulnerable children and their families.

Because the multiple needs of children and families cannot be addressed adequately through categorical programs and fragmented service delivery systems, we encourage States to use this new funding as a catalyst for establishing a continuum of coordinated and integrated, culturally relevant, family-focused services for children and families.

The legislation requires States to engage in a comprehensive planning process for the development of a meaningful and responsive family support and family preservation strategy. To take full advantage of the opportunity for comprehensive planning, the scope of planning should go beyond child welfare to include housing, mental health, primary health, education, juvenile justice, community-based programs providing family support and family preservation services, and other social programs that serve children and their families in the State and its communities. Consumers, practitioners, researchers, foundations, mayors, and legislators are some of the stakeholders who should be active in the planning process. Federal regional staff will also serve as

partners in planning.

FY 1994 funds are available following the submittal and approval of a State application. Guidance for this application is included in the Program Instruction. It is expected that States will spend their FY 1994 allotment up to \$1 million for planning and development of the five year State plan for FY 1995- 1999. States may also spend some of their FY 1994 allotment for services. FY 1995 funds are available following the submittal and approval of a comprehensive five year State plan. The attached Program Instruction offers preliminary guidance for the five year plan. Formal instructions for completing the plan will be provided in regulations to be published in 1994 (summer/fall).

We recognize that the Federal government can facilitate coordination of programs and the development of a continuum of care at the State and local level. As a first step, we have reached an agreement with the Maternal and Child Health Bureau and the Center for Mental Health Services so that States and communities who include programs operating under the public health service agency and the mental health agency in their planning for family support and family preservation may qualify for additional discretionary funding from these two programs. In addition, we plan to develop a combined State plan for Title IV-B Subpart 1, Title IV-B Subpart 2, and the Independent Living Program. Other suggestions for ways in which the Federal government can facilitate coordination at the State and local level are welcome.

For additional information, please contact (1) your State child welfare agency; (2) your Federal regional office (contact information included at Attachment F); or (3) the Administration on Children, Youth, and Families (202/205-8347). Prepared by U.S. Department of Health and Human Services, January 1994.

## **NATIONAL CENTER FOR STATE COURTS**

The National Center for State Courts is the central resource serving all State court systems and individual appellate and trial courts. A non-profit corporation founded in 1971, the National Center is controlled by the State courts, exclusively serving their needs. The work of the National Center is conducted by some 150 employees, representing a variety of professions who are assisted, as necessary, by skilled consultants. The multidisciplinary staff allows the National Center to assist State courts from a variety of perspectives and to provide comprehensive and effective solutions to their problems. The National Center for State Courts works in four broad areas: (1) direct expert assistance; (2) research; (3) education, training and information services; and (4) government relations. Direct expert assistance.

Individual courts or court systems may contact the National Center for help in any area of operations, for example, to evaluate court programs or procedures, to plan or implement court improvement projects, to review facility needs, to conduct management audits, or to advise on automation. Direct expert assistance is provided through the National Center's Courts Services Division in Denver, Colorado; for more information contact Gwendolyn Lyford at (303) 293-3063. Research. The National Center's applied research projects develop information to support more effective management of State Courts by identifying the underlying issues in court management, designing and testing possible solutions to problems, and demonstrating improved methods of operation. Areas of research include: caseload management and delay reduction; state court caseload statistics related to foster care and adoptions; development and evaluation of program process and outcome measures; domestic violence court initiatives; alternative dispute resolution; and, automated court case management information systems. Information about the State courts' organization and caseload is collected, analyzed, and published to provide a current picture of their operations. Court research services are provided through the National Center's Research Division in Williamsburg, Virginia; for more information contact Victor Flango at (804) 253-2000. Information, Education and Training. The National Center's library, clearinghouse, and information services provide timely, up-to-date responses to requests for information on all aspects of State court operations.

The National Center's Institute for Court Management provides specialized courses for judges, court administrators, managers, clerks and other judicial branch employees. The Institute's workshops, seminars, and conferences address critical issues facing State Courts. Education, training and information services are provided through the National Center's Institute for Court Management in Williamsburg, Virginia; for more information contact Brenda Jones at (804) 253-2000 Government Relations.

The National Center's Office of Government Relations assists the leaders of the State Judicial Systems with developing a policy agenda for state courts on national issues. Government relations staff support the efforts of the Chief Justices, the Conference of State Court Administrators and other state court associations, to develop and disseminate their national policy agendas before the Federal government and other national and state organizations. The National Center's Office of Government Relations is located in Arlington, Virginia.

For more information on Federal legislation, regulations, and national policy impacting State courts, contact Maria Schmidt at (703) 841-0200.

The National Center for State Courts Headquarters 300 Newport Avenue Williamsburg, Virginia 23187-8798

## **NATIONAL COUNCIL OF JUVENILE AND FAMILY COURT JUDGES PERMANENCY PLANNING PROJECT**

The National Council of Juvenile and Family Court Judges (NCJFCJ) has been in the forefront of issues pertaining to juveniles and families since 1937. The NCJFCJ brings together the nation's jurists to provide direction on the course of juvenile and family law. Through its biannual National College of Juvenile and Family Law, the NCJFCJ has been the country's leader in continuing education opportunities for judges involved with children, youth and families.

Louis W. McHardy serves as the Executive Director of the NCJFCJ and Dean of the National College of Juvenile and Family Law. The NCJFCJ, headquartered in the Midby-Byron National Center for Continuing Judicial Education on the University of Nevada, Reno campus, provides an invaluable service to our nation's juvenile and family jurists. It offers continuing education to judges, referees, probation officers, social workers, law enforcement personnel and other juvenile justice professionals on topics these professionals confront daily. The NCJFCJ also takes the lead in policy development in rapidly changing areas of the law such as child abuse and neglect, family violence, foster care and adoption, custody disputes, school violence, alcohol abuse, the drug epidemic, gangs and serious juvenile crime, as well as other family court issues.

The NCJFCJ's Permanency Planning Project provides training and technical assistance to ensure permanent families for children by preventing unnecessary out-of-home placement, reunifying children with their natural families when feasible, and facilitating timely adoption of children unable to return home. The nation's juvenile and family courts have the responsibility for protecting children against abuse and neglect. The courts also are responsible for directing efforts to maintain families or to provide permanent alternative care for child victims. These awesome responsibilities continue to require a large portion of the court's attention, workload and resources as the number of cases of child abuse and neglect grows each year. Public awareness of the tragedy of physical and sexual abuse of children has led to an explosion in court referrals. Until 1980, juvenile and family courts were expected only to determine whether a child had been abused or neglected and, if so, whether the child needed to be removed from home or placed under court or agency supervision.

At present, however, courts are expected to make sure a safe,

permanent, and stable home is secured for each abused or neglected child. Many juvenile and family courts have neither the ability nor the resources to meet these new demands. Judicial caseloads have risen at the same time the number of issues, hearings, and parties has increased. As a result, in many jurisdictions, the quality of the court process has suffered. To assist court systems in designing and implementing state plans to assess and improve handling of proceedings related to foster care and adoption, the NCJFCJ is developing a comprehensive set of resource guidelines for the juvenile and family courts' handling of abuse and neglect cases. These guidelines will recommend minimum requirements for conducting careful, complete, and fundamentally fair hearings at all stages of court proceedings. The guidelines will address what each hearing should cover, who should be present, and how much time should be allowed for the hearing. A comprehensive training curriculum and technical assistance package, based on the guidelines, are also being developed. For more information, contact: Mary Mentaberry, NCJFCJ, P.O. Box 8970, Reno, NV 89507. Telephone (702) 784-6012 or FAX (702) 784-6628.

**THE NATIONAL CENTER FOR JUVENILE JUSTICE,** headquartered in Pittsburgh, Pennsylvania, is the research division of the National Council of Juvenile and Family Court Judges. Since opening in 1973, the Center has established itself as a nationally recognized research center that is responsive on a practical level to the concerns of the juvenile justice system.

The Center can provide judges, juvenile court personnel, and child protective agencies with information and consultation services to remedy problems or aid in the administration and effectiveness of juvenile court processing of cases involving both delinquency and abuse and neglect. Specialty areas include: Information Systems:

NCJJ has developed significant expertise in assisting courts with information system design specifications; sharing information about successful systems; and improving existing systems. NCJJ is pretesting a needs assessment workbook that courts can use to begin to develop the requirements for an information system that will meet each other court's unique information processing requirements. NCJJ has also developed specifications for a state-of-the-art MIS for dependency proceedings. Statistics: NCJJ can provide statistics relating to decision points in the juvenile justice system. These figures can be used to compare your court to other courts. National statistics can be utilized for comparison or as base-line information in speeches, newsletters, and funding proposals.

#### **Data Utilization:**

NCJJ can assist in the design of statistical reports which capture court processing data necessary for program planning and evaluation. We can also provide examples of operational and annual reports.

### **Probation:**

NCJJ has developed a desktop guide to good juvenile probation practice and a training curriculum for new juvenile probation officers. The Center routinely responds to requests from probation officers for information about specialized probation functions, case classification, and program descriptions. Legal Research: NCJJ has developed an invaluable tool for conducting statutes analyses - the Automated Juvenile Law Archive. The law archive has been used to update existing analyses and to generate new analyses. The word search capacity is ideal for collecting sample statutes and analyzing issues across the fifty states.

### **Court Administration and Program Development:**

NCJJ is also a resource for questions concerning the effectiveness and efficiency of juvenile court processing, administrative and policy issues, and appropriate responses to difficult court populations.

### **Consultation Services:**

NCJJ is a resource for program evaluation and planning in the larger juvenile justice community. These services are usually provided in response to a request for proposal and are frequently long-term. For more information, please contact Richard Gable, National Center for Juvenile Justice, 701 Forbes Avenue, Pittsburgh, PA 15219 (412) 227- 6950

## **THE AMERICAN BAR ASSOCIATION**

The American Bar Association is the largest professional association in the United States, including more than 365,000 attorneys, judges, court administrators and other allied professionals. Since its inception over one hundred years ago, the ABA has taken an active interest in the improvement of the administration of justice and the judicial process. In recent years, it has focused intensively on the handling of child maltreatment cases by the courts.

The ABA Center on Children and the Law, located in Washington D.C., provides technical assistance, education, training, and policy analysis regarding the performance of the legal system in the lives of children. A principal mission of the Center is the improvement of court proceedings affecting child abuse and neglect and children in foster care. The Center originated the concept of grants to state courts to improve foster care litigation and played a leading role in the development of the legislation that created the grants. The ABA Center on Children and the Law can provide assistance in the implementation of the new grants to state courts in a number of ways. It can assist state courts to perform the first year self- assessment. Toward that end, the Center is already in the process of developing, with the Support of the State Justice Institute, sample questionnaires and other tools for self-evaluation. It can assist state courts to plan for the assessment, prepare tools, conduct assessments, analyze the results, and prepare plans for

improvement. After the completion of the assessment phase, it can assist with implementation of changes by assisting with planning, helping to develop new policies and rules, drafting legislation, providing training, and serving as liaison with bar organizations. The Center can assist child welfare agencies, state advocacy organizations, citizen reviewers, legislators, and others to contribute to the assessment and court improvement efforts. It can help them to:

- a. identify and articulate court performance issues,
- b. document the financial impact of court practices,
- c. identify and provide data to assist with court selfassessments,
- d. provide constructive suggestions for court self-improvement plans, and
- e. support the courts' efforts at self-improvement including through legislation. In addition, the Center can help states to consider the impact of court performance on the children themselves.

The Center has led the effort toward court reform in child abuse and neglect and foster care cases. Center staff have visited every state and are familiar with the variations of state law and practice throughout the country. In addition to numerous legal projects on a wide range of issues related to foster care, it conducted nationwide studies of judicial involvement in foster care cases in 1983-1984 and 1985-1986; prepared a series of monographs and articles on the topic from 1983 through 1994; prepared a book of sample court rules in 1985; conducted the first in-depth state and local studies of court performance in child abuse and neglect cases in 1988 and 1992; and published a book on court-agency relations in 1993.

For further information, contact: Mark Hardin Director, Foster Care and Family Preservation  
ABA Center on Children and the Law 1800 M Street, NW, Washington, DC 20036 Telephone:  
(202) 331-2675 Fax: (202) 331-2225

## **ATTACHMENT F**

### **State Child Welfare Agency Directors**

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