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	<b>4. Key Words:</b> State Court Improvement Program New Grants	

**PROGRAM INSTRUCTION**

- TO:** Highest State Courts of Appeal
- SUBJECT:** Instructions for State Courts Applying for New Court Improvement Program Funds for Fiscal Years (FYs) 2006-2010.
- REFERENCES:** Section 438 of the Social Security Act; Section 7401 of the Deficit Reduction Act of 2005 (Public Law (P.L.) 109-171); Titles IV-B and IV-E of the Social Security Act (the Act).
- PURPOSE:** The purpose of this Program Instruction is to set forth the eligibility requirements and grant application procedures for two new Court Improvement Program grants for FYs 2006 through 2010 and provide guidance on the requirement for meaningful and ongoing collaboration under all three Court Improvement Program grants.
- BACKGROUND:** From the funds appropriated for the Promoting Safe and Stable Families Program (PSSF), \$10 million is reserved each year for grants to State court systems (see Section 438 of the Act). These funds, plus 3.3 percent of discretionary funds appropriated under PSSF, are awarded to enable the courts to conduct assessments of their foster care and adoption laws and judicial processes and to develop and implement plans for system improvement. The improvements must provide for the safety, well-being, and permanence of children in foster care and implement Program Improvement Plans (PIPs) developed as a result of the Child and Family Services and Title IV-E Foster Care Eligibility Reviews. These Court Improvement Program (CIP) grants (the basic CIP grants) were first enacted in 1993 and reauthorized in 1997 and 2001.

The Deficit Reduction Act of 2005 (P.L. 109-171) (DRA) amends Section 438 to authorize two new CIP grants. The new grants include:

- A grant for data collection and analysis, to help ensure that foster children's needs for safety, permanency and well-being are met in a timely and complete manner (the data collection and analysis grant); and
- A grant for training judges, attorneys, and other legal personnel in child welfare cases and conducting cross-training with child welfare agency staff and contractors (the training grant).

The new grants are authorized for \$10 million each for Federal FYs 2006 through 2010.

The DRA also establishes a collaboration requirement for both State courts and child welfare agencies:

- The law adds a provision to Section 438 of the Act requiring State court applicants to include in their applications for all three CIP grants a demonstration of meaningful and ongoing collaboration among the courts in the State, the State agency (or any other agency with which the State contracts to administer Titles IV-B or IV-E), and, where applicable, Indian Tribes. See Section 438(b)(1)(C).
- The law adds a Title IV-B State plan requirement to Section 422 of the Act for the State or Tribal child welfare agency to demonstrate substantial, ongoing and meaningful collaboration with State courts in the development and implementation of its State plans under Titles IV-B and IV-E and PIPs developed as a result of the Child and Family Services and IV-E Foster Care Eligibility Reviews. See Section 422(b)(15) of the Act.

## **I. INSTRUCTION**

This Program Instruction describes the application procedures and reporting requirements for the two new CIP grants and explains how State courts must plan for and evaluate the programs and activities they support using these grant funds. State courts must comply with the requirements delineated in this Program Instruction in order to receive CIP funds for the two new CIP grants for FYs 2006-2010. For instructions on applications for FY 2006 funding for the basic CIP grant, see Program Instruction ACYF-CB-PI-03-04.<sup>1</sup>

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<sup>1</sup> See [http://www.acf.dhhs.gov/programs/cb/laws\\_policies/policy/pi/pi0304.htm](http://www.acf.dhhs.gov/programs/cb/laws_policies/policy/pi/pi0304.htm)

## **Eligibility**

The highest State court of each State that participates in the programs funded by Title IV-E of the Act is eligible to apply for CIP funds. The term “highest State court” means the judicial tribunal that is the ultimate court of appeals in the State, and the ultimate responsibility for implementing these grants remains with the highest State court. Although the highest State court must apply for the grant, as described below the application must reflect meaningful and ongoing collaboration among State and local courts, State and local child welfare agencies, and Indian Tribes, as applicable.

A State may apply for one, two, or three of the CIP grants. It is not necessary for a State to receive the basic CIP grant to be eligible to receive one of the new grants.

## **Funding**

Section 438(e) of the Act authorizes \$10,000,000 for each of the two new grant programs for FYs 2006-2010.

- Allotments: Each State court with an approved application will be allotted \$85,000 and, after the sum of all States’ base amounts is subtracted from the total appropriation, a percentage of the remainder based on the State’s proportionate share of children under age 21. See Section 438(c). Attachment 1 provides the estimated allotments for FY 2006. The Administration for Children and Families (ACF) will issue estimated allotments annually for FYs 2007-2010.
- Program Expenditure Period: Each State court has two years from the date of the grant award to expend (obligate and liquidate) each Federal fiscal year’s funds. A negative grant award will be issued for any unobligated balances or unliquidated obligations reported at the end of each two-year program expenditure period. ACF does not have the authority to grant an extension of a program expenditure period. Accordingly, any unexpended funds must be returned to the U.S. Treasury.
- Cost Sharing Requirement: A non-Federal share is required for each of the new CIP grants at the rate of 25 percent of the total budget (1/3 of the Federal share). For example, for a project totaling \$100,000, a State court must contribute \$25,000 for \$75,000 of Federal funds requested. Funds that are eligible to be used as non-Federal share must meet the regulatory provisions of 45 CFR 92.24, which establishes the rules for cost sharing.

In accordance with these provisions, funds eligible to be used as non-Federal share, among other things:

- Must not be Federal grant funds, unless specifically allowed by Federal statute;
  - Must not be used to match any other Federal grant;
  - Must be used for costs that are otherwise allowable. The non-Federal share, whatever its nature, must be used for data collection and analysis, training, and collaborative activities as described in this Program Instruction;
  - May originate with a third party, public or non-public; and
  - May be in-kind contributions of services, equipment, or property.
- Indirect Costs: If a State court wishes to receive reimbursement for indirect costs within its allotment as a part of a CIP grant, it must have an approved indirect cost rate with the cognizant Federal agency. The cognizant Federal agency is that Federal agency that 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.
  - Drawdown of Funds from the Payment Management System: In accordance with P.L. 101-510, any grant funds that have been expended within the two-year program expenditure period must be drawn down within five years from the fiscal year for which the funds were awarded (e.g., FY 2010 funds must be drawn down by no later than September 30, 2015). Requests for adjustments/revisions to the Payment Management account after five years will not be honored.

### **Meaningful, Ongoing Collaboration**

As discussed above, Section 438 of the Act has a collaboration requirement for both the new and basic CIP grants. Highest State court applicants must, as part of their applications for these grants, demonstrate that they will have “meaningful, ongoing collaboration” among the courts in the State, the State agency (or any other agency with which the State contracts to administer Titles IV-B or IV-E) and, where applicable, Indian Tribes. See Section 438(b)(1)(C).

“Meaningful, ongoing collaboration” means that the courts and State child welfare agencies will identify and work toward shared goals and activities. In general, these goals and activities must be aimed at increasing the safety, permanency, and well-being of children in the child welfare system. Collaboration should include scheduling, planning, and

participating in ongoing meetings between the courts and the State child welfare agencies.

State courts and child welfare agencies should work together jointly to identify and prioritize issues they can work on, establish concrete goals, determine how they will work together to meet those goals, and decide how they will monitor and evaluate their progress toward meeting those goals.

State courts and child welfare agencies should jointly establish timelines for their goals and for each major step toward the achievement of those goals. To those ends, they should develop effective methods of communication and exchange of ideas. They should work together to establish explicit measures to determine whether they are meeting their goals. Most importantly, this ongoing, collaborative process should result in institutional and infrastructural changes that lead to measurably improved outcomes for the children and families that the State is serving.

We encourage each State court to work diligently and creatively to determine how, in the context of the circumstances within the State, the court might meaningfully collaborate with the State child welfare agency, any agency under contract with the State that is responsible for administering the State program under Titles IV-B or IV-E, and, where applicable, with Indian Tribes to ensure safety, permanency, and well-being for children within the State.

**To fulfill the requirement for meaningful, ongoing collaboration State courts must establish a statewide multidisciplinary task force including, at a minimum, State and local courts, the State agency or any other agency under contract with the State that is responsible for administering the State program under Titles IV-B and IV-E, and, where applicable, Indian Tribes.** The task force should work to develop and institutionalize the collaboration necessary to identify and address barriers to safety, permanency, and child and family well-being at the State and local level.<sup>2</sup>

Beyond this requirement, State courts have the flexibility to determine the most effective and efficient ways to achieve and sustain meaningful and ongoing collaboration and to address the unique goals and issues that they have delineated in their respective strategic plans. However, State courts are encouraged to undertake the following activities to demonstrate the required meaningful and ongoing collaboration:

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<sup>2</sup> A number of States have recently formed State court commissions and task forces pursuant to a recommendation of the Pew Commission on Children in Foster Care. Any State commission or task force would meet this CIP requirement, provided the participants and purpose include those described above.

- Holding regular meetings between courts and child welfare agencies at both the State and local levels to review policies and procedures, share data and case analysis information, and sponsor joint training activities;
- Promoting active participation by judges, the CIP Coordinator, and other legal and judicial staff with the State child welfare agency in the Child and Family Services Reviews (CFSRs) and the Title IV-E Foster Care Eligibility Reviews, described in more detail below;
- Ensuring that the State's Chief Justice and State Child Welfare Director are visibly and jointly involved in convening, leading, and developing court and agency activities that improve outcomes for children;
- Encouraging outreach by State and local courts and child welfare agencies to Indian Tribes within the State (regardless of whether or not the Tribe receives Title IV-B funding), including Tribal agencies, courts, and organizations; and
- Enacting State legislation to expedite permanency for children that requires meaningful and ongoing collaboration between the State and local courts and child welfare agencies.

Courts and child welfare agencies are expected to develop and demonstrate institutionalized collaboration rather than one-time efforts. In one of the primary examples of collaborative opportunities, the CFSR, improvement efforts must be ongoing throughout all stages of the process. Accordingly, there must be ongoing communication between the courts and the child welfare agencies with continual review and assessment of progress, successes, and barriers.

**ACF will not approve applications for CIP grants that do not demonstrate a clear commitment to meaningful and ongoing collaboration with the required partners in all of these areas and a clear plan for how that will be accomplished during the grant period.**

**Child and Family Services Reviews:** A primary vehicle for demonstrating collaboration between child welfare agencies and the courts is through the CFSR.<sup>3</sup> The CFSRs present a number of opportunities to strengthen these partnerships and to engage in productive collaboration. Throughout the implementation of the CFSR, ACF has made numerous efforts to promote the active participation of State court representatives in all phases of the CFSR. However, ACF has noted wide variation among States in the level of involvement and consultation with the court representatives in the CFSR and PIP processes. Therefore, ACF has determined that one of the key goals for the second round of CFSRs is to

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<sup>3</sup> See <http://www.acf.dhhs.gov/programs/cb/cwmonitoring/index.htm#cfsr> for more details about the CFSR. The second round of CFSRs will most probably begin in late FY 2006.

ensure that courts and court systems are more involved with improving outcomes for children and issued specific guidance on that topic in June 2005.<sup>4</sup> For example:

- During the first phase of the review process, the statewide assessment, there is a strong role for the courts in working with State child welfare agencies to self-evaluate the status of outcomes for children and families—to examine statewide data that can provide insights into how children and families are faring and to delve into the reasons behind the successes and the areas identified as needing improvement.
- During the on-site review, the courts can take this evaluation to the next step by participating in the review activities as knowledgeable stakeholders who can inform the findings of the review. During the first round of CFSRs, some juvenile court judges committed an entire week of their time to serve as reviewers in their States. In all States, interviews with juvenile or family court judges are required components of the process.
- When States use the findings of the CFSR to develop their PIPs, courts can identify the strategies that have the best opportunity for success. Courts bring a unique perspective on many of the issues that must be included in PIPs. Therefore, court participation in this process is extremely important.
- ACF conducts training sessions on the PIP process in each State immediately following the on-site review. States have 90 days following the receipt of the report of the findings of the review to submit their plans to the Federal Government. These training sessions help State child welfare agencies develop approvable plans within that time frame and to do so in collaboration with other stakeholders in the State, such as the courts, who need to participate in that process.
- Finally, there is an important role for the courts in implementing the provisions of PIPs in States. The courts' participation in implementing certain action steps will be critical to achieving improvements in safety, permanency and well-being for children.

**Title IV-E Foster Care Eligibility Reviews:** The reviews of the Federal Title IV-E foster care program focus on whether children in foster care meet Federal statutory eligibility requirements for foster care maintenance

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<sup>4</sup> For further information about court involvement in the CFSR, see Information Memorandum ACYF-CB-IM-05-05 at [http://www.acf.dhhs.gov/programs/cb/laws\\_policies/policy/im/im0505.htm](http://www.acf.dhhs.gov/programs/cb/laws_policies/policy/im/im0505.htm).

payments. As an indicator of meaningful collaboration with the State child welfare agency, courts are encouraged to participate in the entrance and exit conferences, case reviews, and the development and implementation of the program improvement plans for the Title IV-E foster care eligibility reviews.<sup>5</sup>

While the State agency has responsibility for placement and care of the child, the court plays a pivotal role in making determinations and findings related to ensuring timely permanency for children. Courts are asked to determine whether a child should be removed from the home and whether reasonable efforts were made to prevent a removal, to return a child home, or to place the child in another permanent home. Courts review whether it is safe for a child to remain in the home, whether it is safe for a child to be placed in another home, and when, including if, a child should return home. Compliance with Federal eligibility requirements is significantly affected by the findings and oversight at the judicial level, safety of the child in his/her placement setting (including permanency placement), and the skills and knowledge of the staff and foster parents who are engaged in the child's day-to-day life.

As with the CFSR, Title IV-E foster care reviews are a week long in duration and are conducted by teams of Federal and State representatives. Judicial participation is also encouraged when the State undergoes a Title IV-E review. For example,

- Child-specific judicial findings in court orders are examined for relevant findings. Collaborating as partners in the review process provides judicial representatives an opportunity to review activities as knowledgeable stakeholders who can disseminate the findings of the review not only to other judges, but to the broader legal community including parents, agency and child attorneys, Court Appointed Special Advocates (CASAs), guardians ad litem, masters, and court administrators.
- Committing a week of time may be a challenge for an already full judicial calendar. There are opportunities for a judge to participate in the process by attending the entrance and exit conferences. The CIP Coordinator should be present for both of these events, and other legal and judicial stakeholders are encouraged to attend as well.
- For a State determined not to be in substantial compliance, during the development of a PIP, there is an extremely important role for the courts in identifying the strategies that have the best opportunity for success in any given State. Courts bring to the table a perspective on

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<sup>5</sup> See [http://www.acf.dhhs.gov/programs/cb/cwmonitoring/general\\_info/title\\_iv-3.htm](http://www.acf.dhhs.gov/programs/cb/cwmonitoring/general_info/title_iv-3.htm).



many of the issues that must be addressed in PIPs that cannot be obtained from other sources.

- Finally, there is an important role for the courts in implementing the provisions of PIPs in States. Implementation is the key area, and court leadership is critical in bringing about the changes necessary to achieve improvements in permanency for children.

### **Activities**

The new CIP grants will allow State courts to address fundamental problems by improving legal and judicial training and developing and improving court data systems. State courts should take advantage of this opportunity to identify and address issues unique to their State system. In planning for these grants, States are encouraged to review and analyze information received from the reassessment recently conducted under the basic CIP grant; the CIP strategic plan; the Child Protection Summit action plan; the CFSR and Title IV-E eligibility review final reports and PIPs;<sup>6</sup> and the most recent progress reports regarding implementation of the CFSR and Title IV-E eligibility review PIPs.

State courts should be creative and collaborative in determining which activities will be most effective in improving safety, permanency, and well-being outcomes for the children in the State.

### Data Collection and Analysis Grants

Section 438(b)(1)(A) requires State courts to describe how courts and child welfare agencies on the local and State levels will collaborate and jointly plan to collect and share all relevant data. The State court must demonstrate in its application how funds will be used specifically for cases involving child abuse and neglect, foster care, and adoption and legal guardianship of children in foster care to improve data collection and analysis for such cases, and how this will produce safe and timely permanency decisions for the children in the State.

State courts that apply for the data collection and analysis grants may use the funds in a variety of ways, including, but not limited to:

- Developing a comprehensive computerized management information system specifically for cases involving child abuse and neglect, foster care, and adoption and legal guardianship of children in foster care;
- Adopting and implementing court performance measures to allow court systems to analyze their performance regarding child safety,

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<sup>6</sup> See [http://basis.caliber.com/cwig/ws/cwmd/docs/cb\\_web/SearchForm](http://basis.caliber.com/cwig/ws/cwmd/docs/cb_web/SearchForm).

permanency, procedural fairness, timeliness, and, if practical, other aspects of child well-being;

- Providing for automated data exchange between the courts, the child welfare agency and other entities, such as through developing an interface between the court data system and the child welfare agency Statewide Automated Child Welfare Information System (SACWIS);
- Identifying and correcting State law and policy barriers to data collection and analysis, particularly to data exchange;
- Developing and implementing policies and procedures that assist court employees to collect and use data in a more effective manner;
- Identifying children who remain in foster care for extended periods of time or whose cases are delayed at particular stages of the court process and analyzing demographic information regarding such children;
- Developing and using specific tools and automating court functions, such as the following:
  - Electronic filing of court documents;
  - Creation and printing of documents;
  - Downloading of data from court documents (e.g., court orders) into the management information system database;
  - Case scheduling software that takes into account scheduling needs of all parties and the production of court calendars;
  - Generation of improved calendars with electronic distribution of this information within and outside the court;
  - Reminders (ticklers) to prompt users to take specific actions, such as scheduling hearings and providing notice;
  - Electronic transmission of information to parties, participants, and other agencies;
  - Tracking—checking status of individual cases (or group of related cases) and involvement of parties and other persons in such cases; and
  - Summary information for specific cases (i.e., adding summary case information to lists of “actions,” such as service of process, filing of pleadings, and court orders).
- Developing and implementing quality assurance and quality improvement for court operations and performance;
- Developing and conducting workload assessments for judges, court staff, and attorneys, using computerized data to the extent practical, and focusing on what workloads are needed both to support judicial best practices and to achieve positive outcomes for children and families; and
- Collaborating and training on improving data collection and analysis.

Funds from the CIP data collection and analysis grant must be used to improve proceedings related to child abuse and neglect cases. Funds cannot be used to build segments of a management information system (MIS) that are larger than foster care and adoption (i.e., an MIS for the entire family court or for all juvenile court proceedings).

State courts may use these funds to:

- Pay for a proportionate share of the common architecture of a larger specialized segment of the MIS (i.e., for family court or juvenile court proceedings);
- Pay for the child abuse and neglect portion of the MIS or of a larger segment of the MIS;
- Adapt or customize existing MIS systems specifically for abuse and neglect;
- Create abuse and neglect modules within the MIS system;
- Pay for interfaces for exchange of information with the child welfare agency and others; and
- Pay for projects to share data with other entities.

### Training Grants

Section 438(a)(4) specifies that State courts are to use training grants to train judges, attorneys, and other legal personnel in child welfare cases. Section 438(b)(1)(B) also requires that in applying for a training grant, the State court must demonstrate that part of the grant will be used for cross-training (i.e., training legal, judicial, and child welfare agency staff at the same time) initiatives that are jointly planned and executed with the State child welfare agency or any other agency under contract with the State to administer its Title IV-B or IV-E plans. State courts are encouraged to review with their State agency annual training plans for funding under Titles IV-B and IV-E.

State courts that apply for these grants may focus their attention broadly or may apply for grants to address narrow issues within the State child welfare system that can be remedied with effective training. As part of meaningful collaboration, we encourage the courts and child welfare agencies to reflect on the findings of their CFSR, and the court and agency issues behind these findings, when considering their training options and developing training plans.

State courts that apply for these training grants may use the funds in a wide variety of ways. In planning for and using these funds, they should consider ways to:

- Identify the specific skills and areas of knowledge that judges, attorneys, and other legal personnel need to best serve children and families;
- Develop curricula that address those skills and areas of knowledge and employ the most effective methods for imparting them;
- Ensure that all who need such training will receive it, such as by making participation convenient, providing inducements for attendance or imposing requirements for attendance, and tracking attendance;
- Ensure that those attending training actually obtain the identified skills and knowledge, such as through online testing and refresher training;
- Use technology such as online training and training videos;
- Convene local meetings and groups to participate in training developed in remote locations, such as through use of videos or videoconferences;
- Provide cross-system, multidisciplinary training on topics of mutual interest to different participants in the system, such as mental health, substance abuse, education of children in foster care, the role of caseworkers in court, and the preparation and use of court reports; and
- Co-locate judicial, court employee, and agency training, when practical, to allow a combination of cross-system training and separate training on specialized topics.

## **The Strategic Plan**

### FY 2006 Proposed Strategic Plan

State courts that apply for FY 2006 CIP funds for either the data collection and analysis grant or the training grant must submit with the application a five-year proposed strategic plan for use of FYs 2006-2010 funding. The State court must submit a separate proposed strategic plan for each grant funding stream for which it applies. The proposed plan must:

- Detail the needs or issues identified through the CIP reassessment, or through other State studies or CIP activities, that the State court has preliminarily chosen to focus on with the new CIP funds;
- Address the State court's plans for collaboration with the State child welfare agency to develop the final strategic plan;
- Explain the State court's planned activities and how those activities will lead to tangible, measurable, and time-specific improved outcomes for children and families in the child welfare system;
- Describe how the State court intends to collaborate meaningfully with the State child welfare agency and other stakeholders to achieve these outcomes and how these stakeholders will continue to be involved in ongoing program implementation and evaluation for these grants; and

- Include proposed timetables for programs and activities that the State court plans to pursue with the new CIP funds.

### Final Strategic Plan

State courts that apply for FYs 2007-2010 CIP funds for either the data collection and analysis grant or the training grant must submit a detailed, final strategic plan with each application for FY 2007 funding. The final strategic plan submitted for FY 2007 funding for each grant must:

- Identify, in concrete terms, the issues and State-specific needs that the State court will focus on using the new CIP funds;
- Describe the State court's collaboration with the State child welfare agency in the previous fiscal year to develop and implement the final strategic plan;
- Explain the State court's planned activities for the next four years and how those activities will lead to tangible, measurable, and time-specific improved outcomes for children and families in the child welfare system;
- Describe how the State court intends to collaborate meaningfully with the State child welfare agency and other stakeholders to achieve these outcomes and how these stakeholders will continue to be involved in ongoing program implementation and evaluation for these grants; and
- Include proposed timetables for programs and activities that the State court plans to pursue with the CIP funds.

An updated strategic plan must be submitted with the application each year after FY 2007.

Because the purposes underlying the CIP and the CFSRs are closely linked, the strategic plan should identify both the short- and long-term data collection and analysis activities and training activities that will help State child welfare systems address the CFSR child welfare outcomes. These outcomes are as follows:

#### Safety

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

#### Permanency

- Children have permanency and stability in their living situation; and
- The continuity of family relationships and connections is preserved for children.

## Child and Family Well-Being

- Families have enhanced capacity to provide for their children's needs;
- Children receive appropriate services to meet their educational needs; and
- Children receive adequate services to meet their physical and mental health needs.<sup>7</sup>

To that end, the final strategic plan must also:

- Define specific data collection and analysis and/or training activities that are likely to produce better outcomes for children and families that are:
  - Tangible,
  - Measurable, and
  - Time-specific.
- Lay out timetables describing the steps to be taken in conducting the activities to achieve these outcomes and identifying who is responsible for accomplishing them;
- Identify measures of progress or goal achievement; and
- Include interim benchmarks, such as quantitative monthly or quarterly projections of the accomplishments to be achieved for each function or activity, in such terms as:
  - Rules changed;
  - Case review timeframes accelerated;
  - Organizational changes in the court or in legal representation;
  - State legislative or policy changes enacted or drafted;
  - Completed study of needs regarding data collection and analysis;
  - Formation of working group for data collection and analysis;
  - Assignment of staff for data collection and analysis;
  - Specific advances or stages in data collection and analysis that the State has achieved or is in the process of achieving;
  - Analysis of training needs;
  - Curriculum development for trainings;
  - Completion of training sessions;
  - Attendance at training;
  - Development of technology supports for training;

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<sup>7</sup> For further information about these outcomes and the performance and data indicators utilized in the CFSR, see the materials available at <http://www.acf.hhs.gov/programs/cb/cwmonitoring/index.htm#cfsr>. States should note the statewide data indicators used to evaluate Permanency Outcome 1 in the CFSR, which have particular relevance to the courts, including the rate of foster care re-entries; the number of moves experienced by children in foster care; the length of time to achieve reunification; and the length of time to achieve adoption.

- Training events using technology supports;
- Planning meetings and communications that reflect meaningful, ongoing collaboration;
- Interactions between and among court personnel, attorneys, judges, and State agency staff to facilitate training; and
- Institutionalized methods of collaboration between courts, child welfare agencies, Tribes, when applicable, and other entities.

When the State court cannot quantify its targeted goals, the State court must list, at a minimum, a schedule of accomplishments and their target dates.

The strategic plan must address how the State court will collect and analyze automated and non-automated data to evaluate the quality of court performance and measure the success of court improvement efforts. This is particularly important for State courts that receive data collection and analysis grants. The strategic plan also must include procedures for monitoring implementation and evaluation of improvement efforts and methods for measuring progress and updating the plan as needed.

Since these grants will parallel many of the same purposes of the CFSR, courts should consider using the basic CFSR PIP format, language, and performance measurement areas. In this way, the court's three CIP strategic plans and the State's Annual Progress and Services Report (APSR)/PIP would reciprocally incorporate and mutually reflect collaborative efforts, including mutual performance improvement areas, performance indicators, and shared activities and action steps.

A State court may revise its final strategic plan at any time during FYs 2007-2010 by submitting the proposed change in writing to the appropriate ACF Regional Office for approval.

## **II. APPLICATION PROCESS FOR THE DATA COLLECTION AND ANALYSIS AND TRAINING GRANTS**

State courts may apply for either or both of these grants, as long as they fulfill the application requirements described below and submit separate, complete applications for each grant. The application requirements for FY 2006 grants are different than the requirements for FY 2007-2010 grants, and both are described below. In order to be considered for funding, applications must be received by the appropriate ACF Regional Office on or before the designated due date.

## Applications for FY 2006 Funding

For FY 2006, State courts must submit a separate application to the appropriate ACF Regional Office for either or both of the data collection and analysis grant and the training grant **on or before August 1, 2006**. Each application must include the following:

- A letter from the highest State court requesting funding for FY 2006, including an assurance that the State court will develop and implement an assessment of programs and activities conducted under the grant;
- A letter of support from the State child welfare agency that assures its ongoing collaboration with the State court;
- A description of the data collection and analysis or training activities planned under the grant, as described above;
- A description of the collaboration that has taken place in preparing the grant application;
- A description of the members or prospective members, or range of membership, of the statewide, multidisciplinary task force described above. At a minimum, State courts must submit the members' names, professional affiliation, and title.
- A description of how the identified stakeholders will meaningfully collaborate on the activities for which the grant funds will be used;
- A proposed five year strategic plan that includes objectives and timetables for accomplishment of outcomes under the grant, as described above;
- Standard Form (SF) 424 and SF-424-A describing the State court's budget for use of FY 2006 funds and a tentative budget for the FYs 2007-2010. A line-item budget and budget justification must be submitted with these forms; and
- Certifications:
  - Anti-Lobbying Certification and Disclosure Form (pursuant to 45 CFR Part 93, an Anti-Lobbying Certification and Disclosure Form must be signed and submitted with the State's CIP application(s)), and
  - If applicable, a SF-LLL, which discloses lobbying payments, also must be submitted. If a State submits an application for each of the two new CIP grants, only one of these forms is required.

The signature on the State court's CIP application by an authorized official attests to the applicant's intent to comply with each of the following certifications:<sup>8</sup>

- Certification Regarding Drug-Free Work Place;

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<sup>8</sup> It is not necessary to include these certifications with the application.



- Debarment Certification; and
- Certification Regarding Environmental Tobacco Smoke.

**Applications for FYs 2007-2010 Funding**

For FYs 2007-2010, State courts must submit a separate application each year to the appropriate ACF Regional Office for either or both of the data collection and analysis and training grants **on or before June 30 of the fiscal year.**<sup>9</sup> Each application must include the following:

- A letter from the highest State court requesting funding for that fiscal year;
- A letter of support from the State child welfare agency that assures its ongoing collaboration with the State court;
- Names and titles of the members of the multidisciplinary, statewide task force described above and a description of the collaboration completed to develop this application;
- A final strategic plan (as described above), updated each year with any changes noted from submission the previous year; and
- SF-424 and SF-424-A describing the State court’s budget for use of FY 2007-2010 funds. A line-item budget and budget justification must be submitted with these forms.

**Submitting an Application**

State courts may apply for either or both of these new grants at their discretion, but must submit a separate application for each of the two grants. State courts need not have received any of the three CIP grants in order to apply for one or both of these two new grants.

State courts must submit applications to the appropriate ACF Regional Office via e-mail or compact disk. Applications must be submitted electronically; hard copies only will not be accepted by ACF Regional Office staff. ACF Regional Administrators will approve applications that satisfy the requirements and purposes described at Section 438 of the Act and the requirements described in this Program Instruction.

**III. ADMINISTRATIVE PROVISIONS**

**Program Assessment Reports**

State courts must submit an annual program assessment report for either or both of the data collection and analysis and training grants (the report).

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<sup>9</sup> Note that starting with submission of applications for FY 2007, applications for each of the three CIP grants will be due to the appropriate ACF Regional Office on or before June 30 of the fiscal year.

The report must be outcome focused and should include an assessment of the effectiveness of the activities supported with these new grant funds. The assessment may be conducted by the State court or by an outside contractor, and a separate program assessment is required for each grant.

The report should detail the outcomes of the data collection and analysis or training activities included in each strategic plan and demonstrate that they have measurably and tangibly helped to provide for the safety, well-being, and permanence of children in foster care. Annual program assessment reports must include:

- A description of the needs that the State court has addressed with CIP funds, the programs and activities that the State court developed and implemented to address the needs, and the resultant outcomes;
- A discussion of the State court's overall progress towards the goals delineated in the strategic plan;
- Any findings, recommendations, or reports of the statewide task force; and
- Results of any assessment of activities funded under this grant.

Program assessment reports are due 90 days after the end of the fiscal year (December 31). State courts must submit the reports to the appropriate ACF Regional Office via e-mail or compact disk. Reports must be submitted electronically; hard copies only will not be accepted by ACF Regional Office staff. A copy of the program assessment report should be submitted concurrently to:

National Child Welfare Resource Center on Legal and Judicial Issues  
c/o ABA Center on Children and the Law  
740 15th Street, NW  
Washington, D.C. 20005-1022  
Attn: Ms. Shante Bullock  
E-mail: [bullocks@staff.abanet.org](mailto:bullocks@staff.abanet.org)

### **Fiscal Reports**

Expenditures under the data collection and analysis grants and the training grants must be reported annually on an SF-269 Financial Status Report. This fiscal report is due 90 days after the close of each twelve months of each grant's two-year program expenditure period (December 31). The first fiscal report for a program period is an interim report covering the first twelve months of the program period. The final report should cover the entire 24-month program period. Fiscal reports and program and evaluation reports must be current before new funding will be awarded each year.

The original SF-269 for each grant should be submitted to your ACF Regional Administrator, with a copy to the following address:

Division of Mandatory Grants  
Office of Administration  
Administration for Children and Families  
370 L'Enfant Promenade, S.W.  
Washington, D.C. 20447

Alternatively, an electronic SF-269 submission for the CIP grants may be made through the ACF Online Data Collection (OLDC) system. Contact your ACF Regional Office for more information on gaining access to and using the OLDC submission process. For information about how to contact your Regional Office, see [http://www.acf.hhs.gov/programs/oro/regions/regional\\_contacts.html](http://www.acf.hhs.gov/programs/oro/regions/regional_contacts.html).

### **Forms**

The following forms are available electronically at <http://www.acf.dhhs.gov/programs/ofs/forms.htm>:

- SF-269
- SF-424 and SF-424-A
- Anti-Lobbying Certification and Disclosure Form
- Certification Regarding Drug-Free Work Place
- Debarment Certification
- Certification Regarding Environmental Tobacco Smoke

### **Resources for State Courts**

For training and technical assistance regarding implementing programs under these data collection and analysis and training grants, State courts should contact the Children's Bureau's National Child Welfare Resource Center on Legal and Judicial Issues at the American Bar Association Center on Children and the Law,<sup>10</sup> the National Center for State Courts,<sup>11</sup> and the National Council of Juvenile and Family Court Judges.<sup>12</sup> These three organizations have a long history of providing training and technical assistance to State courts. In addition, with support from the David and Lucile Packard Foundation, the three organizations collaborated on methods to measure and improve court performance and judicial workload in child abuse and neglect cases (see *Building a Better Court*<sup>13</sup> and the

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<sup>10</sup> See <http://www.abanet.org/child/home.html>.

<sup>11</sup> See <http://www.ncsconline.org/>.

<sup>12</sup> See <http://www.ncjfcj.org/>.

<sup>13</sup> *Building A Better Court: Measuring and Improving Court Performance and Judicial Workload in Child Abuse and Neglect Cases*, Los Altos, California, The David and Lucile Packard Foundation, 2004.

report of the Pew Commission on Children in Foster Care).<sup>14</sup> The collaboration on this work has continued, supported by grants from the Children's Bureau and the Office of Juvenile Justice and Delinquency Prevention, and a Toolkit with specific guidance on court performance measurement and workload assessment will be published in early FY 2007.

### **Paperwork Reduction Act**

Under the Paperwork Reduction Act of 1995 (P.L. 104-13), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget (OMB) Control Number. The public reporting burden for each of the CIP grants covered under this Program Instruction is estimated to average 76 hours per response.

**INQUIRIES TO: ACF Regional Offices**

/s/

Joan E. Ohl  
Commissioner  
Administration on Children,  
Youth and Families

**Attachment:** FY 2006 Tentative Allocations for Each of the New Court Improvement Program Grants

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<sup>14</sup> See <http://pewfostercare.org/>.

**FY 2006 Tentative Allocations for Each of the New Court Improvement Program Grants**

**Total Allocated**            10,000,000

<b>State</b>	<b>Base Allocation</b>	<b>Additional Allocation</b>	<b>Total Allocation</b>
Alabama	85,000	84,072	169,072
Alaska	85,000	14,596	99,596
Arizona	85,000	116,428	201,428
Arkansas	85,000	51,947	136,947
California	85,000	726,150	811,151
Colorado	85,000	89,349	174,349
Connecticut	85,000	63,889	148,889
Delaware	85,000	14,869	99,869
District of Columbia	85,000	8,237	93,237
Florida	85,000	305,061	390,061
Georgia	85,000	176,689	261,689
Hawaii	85,000	23,109	108,109
Idaho	85,000	28,723	113,723
Illinois	85,000	246,234	331,234
Indiana	85,000	121,671	206,671
Iowa	85,000	53,050	138,050
Kansas	85,000	52,925	137,925
Kentucky	85,000	75,239	160,239
Louisiana	85,000	90,037	175,037
Maine	85,000	22,117	107,117
Maryland	85,000	106,178	191,178
Massachusetts	85,000	111,792	196,792
Michigan	85,000	193,695	278,695
Minnesota	85,000	95,994	180,994
Mississippi	85,000	57,668	142,668
Missouri	85,000	106,916	191,916
Montana	85,000	16,470	101,470
Nebraska	85,000	33,706	118,706
Nevada	85,000	45,206	130,206
New Hampshire	85,000	23,475	108,475
New Jersey	85,000	162,718	247,718
New Mexico	85,000	38,095	123,095
New York	85,000	349,039	434,039
North Carolina	85,000	160,498	245,498
North Dakota	85,000	11,121	96,121
Ohio	85,000	213,204	298,204
Oklahoma	85,000	66,642	151,642
Oregon	85,000	65,280	150,280
Pennsylvania	85,000	218,380	303,380
Puerto Rico	85,000	80,015	165,015
Rhode Island	85,000	18,749	103,749

<b>South Carolina</b>	85,000	78,403	163,403
<b>South Dakota</b>	85,000	14,922	99,922
<b>Tennessee</b>	85,000	10,665	95,665
<b>Texas</b>	85,000	475,407	560,407
<b>Utah</b>	85,000	56,359	141,359
<b>Vermont</b>	85,000	10,565	95,565
<b>Virginia</b>	85,000	138,602	223,602
<b>Washington</b>	85,000	114,864	199,864
<b>West Virginia</b>	85,000	29,763	114,763
<b>Wisconsin</b>	85,000	101,617	186,617
<b>Wyoming</b>	85,000	9,600	94,600
<b>Total</b>	4,420,000	5,580,000	10,000,000