

THE WHITE HOUSE
WASHINGTON

10/5 automatic - DOT

10/18 backlog reduction

99 - HHS

training 5 mil/5
best practices

As. ' 5 mil 99 DOT

United States Senate

MEMORANDUM

2/27/99

Nicole —

Here's the latest draft on the courts bill. It will be DeWine - Rockefeller - Chafee and others we hope. We'll introduce in March

The Nat. Center for State Courts passed a resolution on this which should help!

I'll keep in touch.

Best
Barbara

Fact Sheet

Strengthening Abuse & Neglect Courts Act of 1999

A bill to improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and the quality and availability of training for judges, attorneys, and volunteers working in such courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997.

Section 1, 2, & 3: Title, Findings, and Definitions

The Strengthening Abuse and Neglect Courts Act of 1999

Section 4: Grants to courts for computer automation and case tracking systems

A program to provide competitive state and local grants to abuse and neglect courts to create computerized case tracking systems, and to encourage the replication and implementation of successful systems in other court systems. Grants will be awarded based on eligibility criteria designed to encourage applications from both state and local courts, and a balance of urban and rural courts. Guidelines will also ensure that successful models can be disseminated to other courts. Applicants will need to include evaluation plans as part of the grant request.

Grant program is \$10 million, with a 25% state matching requirement, but a hardship exemption.

Section 5: Grants to reduce backlogs of abuse and neglect cases

A program to provide grants to court systems to reduce pending backlogs of abuse and neglect cases so that courts are able to comply with the time frames established in the Adoption and Safe Families Act. Competitive grants will be awarded to court systems to reduce backlogs by using night court sessions, hiring additional personnel to manage reduce caseloads, or other innovative strategies.

Grant program is \$10 million, and courts can use funding for up to 3 years.

Section 6: Training for Judges and Court Personnel

A provision to allow judges, attorneys, and court personnel to qualify for training under Title IV-E's existing training provisions, which is a federal-state matching program set at 75%-25%.

CBO to score the provision.

Section 7: State standards for agency attorneys

States shall develop and encourage by January 1, 2001, basic guidelines for education and training needed to handle abuse and neglect cases within the state and local court systems.

Section 8: Technical assistance for child abuse, neglect and dependency matters

A program for competitive grants, administered by HHS in coordination with the Attorney General, to provide technical assistance to state and local courts to carry out their new responsibilities, including efforts to speed the process of adoption of children.

Technical assistance will be \$5 million for each year, from 2000 to 2004, for a five year total of \$25 million.

Section 9: Grants to expand the Court-Appointed Special Advocates (CASA) Program in Underserved Areas

A special grant program to expand the well-respected CASA program to the most needy areas, including the 15 largest urban areas and regional programs for rural areas.

A single start up grant of \$5 million in 2000.

106TH CONGRESS
1ST SESSION

S. _____

IN THE SENATE OF THE UNITED STATES

_____ introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and the quality and availability of training for judges, attorneys, and volunteers working in such courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Strengthening Abuse
5 and Neglect Courts Act of 1999".

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

(1) Under both Federal and State law, the courts play a crucial and essential role in the Nation's child welfare system and in ensuring safety, stability, and permanence for abused and neglected children under the supervision of that system.

(2) The Adoption and Safe Families Act of 1997 (Public Law 105-89; 111 Stat. 2115) establishes explicitly for the first time in Federal law that a child's health and safety must be the paramount consideration when any decision is made regarding a child in the Nation's child welfare system.

(3) The Adoption and Safe Families Act of 1997 promotes stability and permanence for abused and neglected children by requiring timely decision-making in proceedings to determine whether children can safely return to their families or whether they should be moved into safe and stable adoptive homes or other permanent family arrangements outside the foster care system.

(4) To avoid unnecessary and lengthy stays in the foster care system, the Adoption and Safe Families Act of 1997 specifically requires, among other things, that States move to terminate the parental rights of the parents of those children who have been in foster care for 15 of the last 22 months.

1 (5) While essential to protect children and to
2 carry out the general purposes of the Adoption and
3 Safe Families Act of 1997, the accelerated timelines
4 for the termination of parental rights and the other
5 requirements imposed under that Act increase the
6 pressure on the Nation's already overburdened abuse
7 and neglect courts.

8 (6) The administrative efficiency and effective-
9 ness of the Nation's abuse and neglect courts would
10 be substantially improved by the acquisition and im-
11 plementation of computerized case-tracking systems
12 to identify and eliminate existing backlogs, to move
13 abuse and neglect caseloads forward in a timely
14 manner, and to move children into safe and stable
15 families. Such systems could also be used to evaluate
16 the effectiveness of such courts in meeting the pur-
17 poses of the amendments made by, and provisions
18 of, the Adoption and Safe Families Act of 1997.

19 (7) The administrative efficiency and effective-
20 ness of the Nation's abuse and neglect courts would
21 also be improved by the identification and implemen-
22 tation of projects designed to eliminate the backlog
23 of abuse and neglect cases, including the temporary
24 hiring of additional judges, extension of court hours.

1 and other projects designed to reduce existing case-
2 loads.

3 (8) The administrative efficiency and effective-
4 ness of the Nation's abuse and neglect courts would
5 be further strengthened by improving the quality
6 and availability of training for judges, court person-
7 nel, agency attorneys, guardians ad litem, volunteers
8 who participate in court-appointed special advocate
9 (CASA) programs, and attorneys who represent the
10 children and the parents of children in abuse and
11 neglect proceedings.

12 (9) While recognizing that abuse and neglect
13 courts in this country are already committed to the
14 quality administration of justice, the performance of
15 such courts would be even further enhanced by the
16 development of models and educational opportunities
17 that reinforce court projects that have already been
18 developed, including models for case-flow procedures,
19 case management, representation of children, auto-
20 mated interagency interfaces, and "best practices"
21 standards.

22 (10) Judges, magistrates, commissioners, and
23 other judicial officers play a central and vital role in
24 ensuring that proceedings in our Nation's abuse and
25 neglect courts are run efficiently and effectively. The

1 performance of those individuals in such courts can
2 only be further enhanced by training, seminars, and
3 an ongoing opportunity to exchange ideas with their
4 peers.

5 (11) Volunteers who participate in court-ap-
6 pointed special advocate (CASA) programs play a
7 vital role as the eyes and ears of abuse and neglect
8 courts in proceedings conducted by, or under the su-
9 pervision of, such courts and also bring increased
10 public scrutiny of the abuse and neglect court sys-
11 tem. The Nation's abuse and neglect courts would
12 benefit from an expansion of this program to cur-
13 rently underserved communities.

14 (12) Improved computerized case-tracking sys-
15 tems, comprehensive training, and development of,
16 and education on, model abuse and neglect court
17 systems, particularly with respect to underserved
18 areas, would significantly further the purposes of the
19 Adoption and Safe Families Act of 1997 by reducing
20 the average length of an abused and neglected
21 child's stay in foster care, improving the quality of
22 decision-making and court services provided to chil-
23 dren and families, and increasing the number of
24 adoptions.

1 SEC. 3. DEFINITIONS.

2 In this Act:

3 (a) ABUSE AND NEGLECT COURTS.—The term
4 “abuse and neglect courts” means the State and local
5 courts that carry out State or local laws requiring proceed-
6 ings (conducted by or under the supervision of the
7 courts)—

8 (1) that implement part B and part E of title
9 IV of the Social Security Act (42 U.S.C. 620 et seq.;
10 670 et seq.) (including preliminary disposition of
11 such proceedings);

12 (2) that determine whether a child was abused
13 or neglected;

14 (3) that determine the advisability or appro-
15 priateness of placement in a family foster home,
16 group home, or a special residential care facility; or

17 (4) that determine any other legal disposition of
18 a child in the abuse and neglect court system.

19 (b) AGENCY ATTORNEY.—The term “agency attor-
20 ney” means an attorney or other individual, including any
21 government attorney, district attorney, attorney general,
22 State attorney, county attorney, city solicitor or attorney,
23 corporation counsel, or privately retained special prosecu-
24 tor, who represents the State or local agency administrat-
25 ing the programs under parts B and E of title IV of the
26 Social Security Act (42 U.S.C. 620 et seq., 670 et seq.).

1 in a proceeding conducted by, or under the supervision of,
2 an abuse and neglect court, including a proceeding for ter-
3 mination of parental rights.

4 (c) ATTORNEY REPRESENTING A CHILD.—The term
5 “attorney representing a child” means an attorney or a
6 guardian ad litem who represents a child in a proceeding
7 conducted by, or under the supervision of, an abuse and
8 neglect court.

9 (d) ATTORNEY REPRESENTING A PARENT.—The
10 term “attorney representing a parent” means an attorney
11 who represents a parent who is an official party to a pro-
12 ceeding conducted by, or under the supervision of, an
13 abuse and neglect court.

14 **SEC. 4. GRANTS TO STATE COURTS AND LOCAL COURTS TO**
15 **AUTOMATE THE DATA COLLECTION AND**
16 **TRACKING OF PROCEEDINGS IN ABUSE AND**
17 **NEGLECT COURTS.**

18 (a) AUTHORITY TO AWARD GRANTS.—

19 (1) IN GENERAL.—Subject to paragraph (2),
20 the Attorney General, acting through the Office of
21 Juvenile Justice and Delinquency Prevention of the
22 Office of Justice Programs, shall award grants in
23 accordance with this section to State courts and
24 local courts for the purposes of—

(A) enabling such courts to develop and implement automated data collection and case-tracking systems for proceedings conducted by, or under the supervision of, an abuse and neglect court;

(B) encouraging the replication of such systems in abuse and neglect courts in other jurisdictions; and

(C) requiring the use of such systems to evaluate a court's performance in implementing the requirements of parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.).

(2) LIMITATIONS.—

(A) NUMBER OF GRANTS.—Not less than 20 nor more than 50 grants may be awarded under this section.

(B) PER STATE LIMITATION.—Not more than 2 grants authorized under this section may be awarded per State.

(C) USE OF GRANTS.—Funds provided under a grant made under this section may only be used for the purpose of developing, implementing, or enhancing automated data collection and case-tracking systems for proceedings

1 conducted by, or under the supervision of, an
2 abuse and neglect court.

3 (b) APPLICATION.—

4 (1) IN GENERAL.—A State court or local court
5 may submit an application for a grant authorized
6 under this section at such time and in such manner
7 as the Attorney General may determine.

8 (2) INFORMATION REQUIRED.—An application
9 for a grant authorized under this section shall con-
10 tain the following:

11 (A) A description of a proposed plan for
12 the development, implementation, and mainte-
13 nance of an automated data collection and case-
14 tracking system for proceedings conducted by,
15 or under the supervision of, an abuse and ne-
16 glect court, including a proposed budget for the
17 plan and a request for a specific funding
18 amount.

19 (B) A description of the extent to which
20 such plan and system are able to be replicated
21 in abuse and neglect courts of other jurisdic-
22 tions that specifies the common case-tracking
23 data elements of the proposed system, includ-
24 ing, at a minimum—

1 (i) identification of relevant judges,

2 court, and agency personnel;

3 (ii) records of all court proceedings

4 with regard to the abuse and neglect case,

5 including all court findings and orders

6 (oral and written); and

7 (iii) relevant information about the

8 subject child, including family information

9 and the reason for court supervision.

10 (C) In the case of an application submitted

11 by a local court, a description of how the plan

12 to implement the proposed system was devel-

13 oped in consultation with related State courts,

14 particularly with regard to a State court im-

15 provement plan funded under section 13712 of

16 the Omnibus Budget Reconciliation Act of 1993

17 (42 U.S.C. 670 note) if there is such a plan in

18 the State.

19 (D) In the case of an application that is

20 submitted by a State court, a description of

21 how the proposed system will integrate with a

22 State court improvement plan funded under

23 section 13712 of such Act if there is such a

24 plan in the State.

(E) After consultation with the State agency responsible for the administration of parts B and E of title IV of the Social Security Act (42 U.S.C. 620 et seq.; 670 et seq.)—

(i) a description of the coordination of the proposed system with other child welfare data collection systems, including the Statewide automated child welfare information system (SACWIS) and the adoption and foster care analysis and reporting system (AFCARS) established pursuant to section 479 of the Social Security Act (42 U.S.C. 679); and

(ii) an assurance that such coordination will be implemented and maintained.

(F) Identification of an independent third party that will conduct ongoing evaluations of the feasibility and implementation of the plan and system and a description of the plan for conducting such evaluations.

(G) A description or identification of a proposed funding source for completion of the plan (if applicable) and maintenance of the system after the conclusion of the period for which the grant is to be awarded.

1 (H) An assurance that any contract en-
2 tered into between the State court or local court
3 and any other entity that is to provide services
4 for the development, implementation, or mainte-
5 nance of the system under the proposed plan
6 will require the entity to agree to allow for rep-
7 lication of the services provided, the plan, and
8 the system, and to refrain from asserting any
9 proprietary interest in such services for pur-
10 poses of allowing the plan and system to be rep-
11 licated in another jurisdiction.

12 (I) An assurance that the system estab-
13 lished under the plan will provide data that al-
14 lows for evaluation (at least on an annual basis)
15 of the following information:

16 (i) The total number of cases that are
17 filed in the abuse and neglect court.

18 (ii) The number of cases assigned to
19 each judge who presides over the abuse
20 and neglect court.

21 (iii) The average length of stay of
22 children in foster care.

23 (iv) With respect to each child under
24 the jurisdiction of the court—

13

1 (I) the number of episodes of
2 placement in foster care;

3 (II) the number of days placed in
4 foster care and the type of placement
5 (foster family home, group home, or
6 special residential care facility);

7 (III) the number of days of in-
8 home supervision; and

9 (IV) the number of separate fos-
10 ter care placements.

11 (v) The number of adoptions,
12 guardianships, or other permanent disposi-
13 tions finalized.

14 (vi) The number of terminations of
15 parental rights.

16 (vii) The number of child abuse and
17 neglect proceedings closed that had been
18 pending for 2 or more years.

19 (viii) With respect to each proceeding
20 conducted by, or under the supervision of,
21 an abuse and neglect court—

22 (I) the timeliness of each stage of
23 the proceeding from initial filing
24 through legal finalization of a perma-

1 nency plan (for both contested and
2 uncontested hearings);

3 (II) the number of adjournments,
4 delays, and continuances occurring
5 during the proceeding, including iden-
6 tification of the party requesting each
7 adjournment, delay, or continuance
8 and the reasons given for the request;

9 (III) the number of courts that
10 conduct or supervise the proceeding
11 for the duration of the abuse and ne-
12 glect case;

13 (IV) the number of judges as-
14 signed to the proceeding for the dura-
15 tion of the abuse and neglect case;
16 and

17 (V) the number of agency attor-
18 neys, children's attorneys, parent's at-
19 torneys, guardians ad litem, and vol-
20 unteers participating in a court-ap-
21 pointed special advocate (CASA) pro-
22 gram assigned to the proceeding dur-
23 ing the duration of the abuse and ne-
24 glect case.

(J) A description of how the proposed system will reduce the need for paper files and ensure prompt action so that cases are appropriately listed with national and regional adoption exchanges, and public and private adoption services.

(K) An assurance that the data collected in accordance with subparagraph (I) will be made available to relevant Federal, State, and local government agencies and to the public.

(L) An assurance that the proposed system is consistent with other civil and criminal information requirements of the Federal government.

(M) An assurance that the proposed system will provide notice of timeframes required under the Adoption and Safe Families Act of 1997 (Public Law 105-89; 111 Stat. 2115) for individual cases to ensure prompt attention and compliance with such requirements.

(c) CONDITIONS FOR APPROVAL OF APPLICATIONS.—

(1) MATCHING REQUIREMENT.—

(A) IN GENERAL.—A State court or local court awarded a grant under this section shall

1 expend \$1 for every \$3 awarded under the
2 grant to carry out the development, implemen-
3 tation, and maintenance of the automated data
4 collection and case-tracking system under the
5 proposed plan.

6 (B) WAIVER FOR HARDSHIP.—The Attor-
7 ney General may waive or modify the matching
8 requirement described in subparagraph (A) in
9 the case of any State court or local court that
10 the Attorney General determines would suffer
11 undue hardship as a result of being subject to
12 the requirement.

13 (C) NON-FEDERAL EXPENDITURES.—

14 (i) CASH OR IN KIND.—State court or
15 local court expenditures required under
16 subparagraph (A) may be in cash or in
17 kind, fairly evaluated, including plant,
18 equipment, or services.

19 (ii) NO CREDIT FOR PRE-AWARD EX-
20 PENDITURES.—Only State court or local
21 court expenditures made after a grant has
22 been awarded under this section may be
23 counted for purposes of determining
24 whether the State court or local court has

1 satisfied the matching expenditure require-
2 ment under subparagraph (A).

3 (2) NOTIFICATION TO STATE OR APPROPRIATE
4 CHILD WELFARE AGENCY.—No application for a
5 grant authorized under this section may be approved
6 unless the State court or local court submitting the
7 application demonstrates to the satisfaction of the
8 Attorney General that the court has provided the
9 State, in the case of a State court, or the appro-
10 priate child welfare agency, in the case of a local
11 court, with notice of the contents and submission of
12 the application.

13 (3) CONSIDERATIONS.—In evaluating an appli-
14 cation for a grant under this section the Attorney
15 General shall consider the following:

16 (A) The extent to which the system pro-
17 posed in the application may be replicated in
18 other jurisdictions.

19 (B) The extent to which the proposed sys-
20 tem is consistent with the provisions of, and
21 amendments made by, the Adoption and Safe
22 Families Act of 1997 (Public Law 105–89; 111
23 Stat. 2115), and parts B and E of title IV of
24 the Social Security Act (42 U.S.C. 620 et seq.;
25 670 et seq.).

(C) The extent to which the proposed system is feasible and likely to achieve the purposes described in subsection (a)(1).

(4) DIVERSITY OF AWARDS.—The Attorney General shall award grants under this section in a manner that results in a reasonable balance among grants awarded to State courts and grants awarded to local courts, grants awarded to courts located in urban areas and courts located in rural areas, and grants awarded in diverse geographical locations.

(d) LENGTH OF AWARDS.—No grant may be awarded under this section for a period of more than 5 years.

(e) AVAILABILITY OF FUNDS.—Funds provided to a State court or local court under a grant awarded under this section shall remain available until expended without fiscal year limitation.

(f) REPORTS.—

(1) ANNUAL REPORT FROM GRANTEEES.—Each State court or local court that is awarded a grant under this section shall submit an annual report to the Attorney General that contains—

(A) a description of the ongoing results of the independent evaluation of the plan for, and implementation of, the automated data collec-

tion and case-tracking system funded under the grant; and

(B) the information described in subsection (b)(2)(I).

(2) INTERIM AND FINAL REPORTS FROM ATTORNEY GENERAL.—

(A) INTERIM REPORTS.—Beginning 2 years after the date of enactment of this Act, and biannually thereafter until a final report is submitted in accordance with subparagraph (B), the Attorney General shall submit to Congress interim reports on the grants made under this section.

(B) FINAL REPORT.—Not later than 90 days after the termination of all grants awarded under this section, the Attorney General shall submit to Congress a final report evaluating the automated data collection and case-tracking systems funded under such grants and identifying successful models of such systems that are suitable for replication in other jurisdictions. The Attorney General shall ensure that a copy of such final report is transmitted to the highest State court in each State.

(g) AUTHORIZATION OF APPROPRIATIONS.—There is authorized to be appropriated to carry out this section \$10,000,000 for the period of fiscal years 2000 through 2004.

SEC. 5. GRANTS TO REDUCE PENDING BACKLOGS OF ABUSE AND NEGLECT CASES TO PROMOTE PERMANENCY FOR ABUSED AND NEGLECTED CHILDREN.

Part E of title IV of the Social Security Act (42 U.S.C. 670 et seq.) is amended by adding at the end the following:

“SEC. 479B. GRANTS TO REDUCE BACKLOGS OF ABUSE AND NEGLECT CASES.

“(a) IN GENERAL.—Subject to the amount appropriated under subsection (f), the Secretary shall make grants to State courts or local courts for the purposes of—

“(1) promoting the permanency goals established in the Adoption and Safe Families Act of 1997 (Public Law 105–89; 111 Stat. 2115); and

“(2) enabling such courts to reduce existing backlogs of cases pending in abuse and neglect courts, especially with respect to cases to terminate parental rights and cases in which parental rights to a child have been terminated but an adoption of the child has not yet been finalized.

1 “(b) APPLICATION.—A State court or local court
2 shall submit an application for a grant under this section,
3 in such form and manner as the Secretary shall require,
4 that contains a description of the following:

5 “(1) The barriers to achieving the permanency
6 goals established in the Adoption and Safe Families
7 Act of 1997 that have been identified.

8 “(2) The size and nature of the backlogs of
9 children awaiting termination of parental rights or
10 finalization of adoption.

11 “(3) The strategies the State court or local
12 court proposes to use to reduce such backlogs and
13 the plan and timetable for doing so.

14 “(4) How the grant funds requested will be
15 used to assist the implementation of the strategies
16 described in paragraph (3).

17 “(c) USE OF FUNDS.—Funds provided under a grant
18 awarded under this section may be used for any purpose
19 that the Secretary determines is likely to successfully
20 achieve the purposes described in subsection (a), including
21 temporarily—

22 “(1) establishing night court sessions for abuse
23 and neglect courts;

1 “(2) hiring additional judges, magistrates, com-
2 missioners, hearing officers, referees, special mas-
3 ters, and other judicial personnel for such courts;

4 “(3) hiring personnel such as clerks, adminis-
5 trative support staff, case managers, mediators, and
6 attorneys for such courts; or

7 “(4) extending the operating hours of such
8 courts.

9 “(d) NUMBER OF GRANTS.—Not less than 15 nor
10 more than 20 grants shall be awarded under this section.

11 “(e) AVAILABILITY OF FUNDS.—Funds awarded
12 under a grant made under this section shall remain avail-
13 able for expenditure by a grantee for a period not to ex-
14 ceed 3 years from the date of the grant award.

15 “(f) REPORT ON USE OF FUNDS.—Not later than the
16 date that is halfway through the period for which a grant
17 is awarded under this section, and 90 days after the end
18 of such period, a State court or local court awarded a
19 grant under this section shall submit a report to the Sec-
20 retary that includes the following:

21 “(1) The barriers to the permanency goals es-
22 tablished in the Adoption and Safe Families Act of
23 1997 that are or have been addressed with grant
24 funds.

1 “(2) The nature of the backlogs of children that
2 were pursued with grant funds.

3 “(3) The specific strategies used to reduce such
4 backlogs.

5 “(4) The progress that has been made in reduc-
6 ing such backlogs, including the number of children
7 in such backlogs—

8 “(A) whose parental rights have been ter-
9 minated; and

10 “(B) whose adoptions have been finalized.

11 “(5) Any additional information that the Sec-
12 retary determines would assist “jurisdictions in
13 achieving the permanency goals established in the
14 Adoption and Safe Families Act of 1997.

15 “(g) DEFINITION OF ABUSE AND NEGLECT COURT.—
16 In this section, the term ‘abuse and neglect court’ has the
17 meaning given that term in section 3(a) of the Strengthen-
18 ing Abuse and Neglect Courts Act of 1999.

19 “(h) APPROPRIATION.—Out of any money in the
20 Treasury of the United States not otherwise appropriated,
21 there are appropriated for fiscal year 2000 \$10,000,000
22 for the purpose of making grants under this section.”.

1 SEC. 6. TRAINING IN CHILD ABUSE AND NEGLECT PRO-
2 CEEDINGS.

3 (a) IN GENERAL.—Section 474(a)(3) of the Social
4 Security Act (42 U.S.C. 674(a)(3)) is amended—

5 (1) by redesignating subparagraphs (C), (D),
6 and (E) as subparagraphs (D), (E), and (F), respec-
7 tively; and

8 (2) by inserting after subparagraph (B), the
9 following:

10 “(C) 75 percent of so much of such ex-
11 penditures as are for the training (including
12 cross-training with personnel employed by, or
13 under contract with, the State or local agency
14 administering the plan in the political subdivi-
15 sion, training on topics relevant to the legal
16 representation of clients in proceedings con-
17 ducted by or under the supervision of an abuse
18 and neglect court (as defined in section 3(a) of
19 the Strengthening Abuse and Neglect Courts
20 Act of 1999), and training on related topics
21 such as child development and the importance
22 of developing a trusting relationship with a
23 child) of judges, judicial personnel, law enforce-
24 ment personnel, agency attorneys (as defined in
25 section 3(b) of such Act), attorneys represent-
26 ing persons in proceedings conducted by or

1 under the supervision of, an abuse and neglect
2 court (as so defined), attorneys representing
3 children in such proceedings, guardians ad
4 litem, and volunteers who participate in court-
5 appointed special advocate (CASA) programs,
6 to the extent such training is related to provi-
7 sions of, and amendments made by, the Adop-
8 tion and Safe Families Act of 1997 (Public
9 Law 105-89; 111 Stat. 2115), provided that
10 any such training that is offered to judges or
11 other judicial personnel shall be offered by, or
12 under contract with, the State or local agency
13 in collaboration with the judicial conference or
14 other appropriate judicial governing body oper-
15 ating in the State.”.

16 (b) CONFORMING AMENDMENTS.—

17 (1) Section 473(a)(6)(B) of such Act (42
18 U.S.C. 673(a)(6)(B)) is amended by striking
19 “474(a)(3)(E)” and inserting “474(a)(3)(F)”.

20 (2) Section 474(a)(3)(D) of such Act (42
21 U.S.C. 674(a)(3)(D)) (as redesignated by paragraph
22 (1)(A)) is amended by striking “subparagraph (C)”
23 and inserting “subparagraph (D)”.

1 (3) Section 474(e) of such Act (42 U.S.C.
2 674(e)) is amended by striking “subsection
3 (a)(3)(C)” and inserting “subsection (a)(3)(D)”.

4 **SEC. 7. STATE STANDARDS FOR AGENCY ATTORNEYS.**

5 Section 471(a) of the Social Security Act (42 U.S.C.
6 671(a)) is amended—

7 (1) in paragraph (22), by striking “and” at the
8 end;

9 (2) in paragraph (23), by striking the period
10 and inserting “; and”; and

11 (3) by adding at the end the following:

12 “(24) provides that, not later than January 1,
13 2001, the State shall develop and encourage the im-
14 plementation of guidelines for all agency attorneys
15 (as defined in section 3(b) of the Strengthening
16 Abuse and Neglect Courts Act of 1999), including
17 legal education requirements for such attorneys re-
18 garding the handling of abuse, neglect, and depend-
19 ency proceedings.”.

20 **SEC. 8. TECHNICAL ASSISTANCE FOR CHILD ABUSE, NE-**
21 **GLECT, AND DEPENDENCY MATTERS.**

22 (a) IN GENERAL.—The Secretary of Health and
23 Human Services, in coordination with the Attorney Gen-
24 eral, shall provide the technical assistance, training, and
25 evaluations authorized under this section through grants.

1 contracts, or cooperative arrangements with other entities,
 2 including universities, and national, State, and local orga-
 3 nizations. The Secretary of Health and Human Services
 4 and the Attorney General should ensure that entities that
 5 have not had a previous contractual relationship with the
 6 Department of Health and Human Services, the Depart-
 7 ment of Justice, or another Federal agency can compete
 8 for grants for technical assistance, training, and evalua-
 9 tions.

10 (b) PURPOSE.—Technical assistance shall be pro-
 11 vided under this section for the purpose of supporting and
 12 assisting State and local courts that handle child abuse,
 13 neglect, and dependency matters to effectively carry out
 14 new responsibilities enacted as part of the Adoption and
 15 Safe Families Act of 1997 (Public Law 105–89; 111 Stat.
 16 2115) and to speed the process of adoption of children
 17 and legal finalization of permanent families for children
 18 in foster care by improving practices of the courts involved
 19 in that process.

20 (c) ACTIVITIES.—Technical assistance consistent
 21 with the purpose described in subsection (b) may be pro-
 22 vided under this section through the following:

23 (1) The dissemination of information, existing
 24 and effective models, and technical assistance to
 25 State and local courts that receive grants under sec-

tion 4 concerning the automated data collection and case-tracking systems and outcome measures required under that section.

(2) The provision of specialized training on child development that is appropriate for judges, referees, nonjudicial decision-makers, administrative, and other court-related personnel, and for agency attorneys, attorneys representing children, guardians ad litem, volunteers who participate in court-appointed special advocate (CASA) programs, or parents.

(3) The provision of assistance and dissemination of information about best practices of abuse and neglect courts for effective case management strategies and techniques, including automated data collection and case-tracking systems, assessments of caseload and staffing levels, management of court dockets, timely decision-making at all stages of a proceeding conducted by, or under the supervision of, an abuse and neglect court, and the development of streamlined case flow procedures, case management models, early case resolution programs, mechanisms for monitoring compliance with the terms of court orders, models for representation of children, automated interagency interfaces between data

1 bases, and court rules that facilitate timely case
2 processing.

3 (4) The development and dissemination of
4 training models for judges, attorneys representing
5 children, agency attorneys, guardians ad litem, and
6 volunteers who participate in court-appointed special
7 advocate (CASA) programs.

8 (5) The development of standards of practice
9 for agency attorneys, attorneys representing chil-
10 dren, guardians ad litem, volunteers who participate
11 in court-appointed special advocate (CASA) pro-
12 grams, and parents in such proceedings.

13 (d) TRAINING REQUIREMENT.—Any training offered
14 in accordance with this section to judges or other judicial
15 personnel shall be offered in collaboration with the judicial
16 conference or other appropriate judicial governing body
17 operating with respect to the State in which the training
18 is offered.

19 (e) AUTHORIZATION OF APPROPRIATIONS.—There is
20 authorized to carry out this section \$5,000,000 for the pe-
21 riod of fiscal years 2000 through 2004.

1 SEC. 9. GRANTS TO EXPAND THE COURT-APPOINTED SPE-
2 CIAL ADVOCATE PROGRAM IN UNDERSERVED
3 AREAS.

4 (a) GRANTS TO EXPAND CASA PROGRAMS IN UN-
5 DERSERVED AREAS.—The Administrator of the Office of
6 Juvenile Justice and Delinquency Prevention of the De-
7 partment of Justice shall make a grant to the National
8 Court-Appointed Special Advocate Association for the pur-
9 poses of—

10 (1) expanding the recruitment of, and building
11 the capacity of, court-appointed special advocate
12 programs located in the 15 largest urban areas;

13 (2) developing regional, multijurisdictional
14 court-appointed special advocate programs serving
15 rural areas; and

16 (3) providing training and supervision of volun-
17 teers in court-appointed special advocate programs.

18 (b) LIMITATION ON ADMINISTRATIVE EXPENDI-
19 TURES.—Not more than 5 percent of the grant made
20 under this subsection may be used for administrative ex-
21 penditures.

22 (c) DETERMINATION OF URBAN AND RURAL
23 AREAS.—For purposes of administering the grant author-
24 ized under this subsection, the Administrator of the Office
25 of Juvenile Justice and Delinquency Prevention of the De-

26

1 one of the 15 largest urban areas or a rural area in ac-
 2 cordance with the practices of, and statistical information
 3 compiled by, the Bureau of the Census.

4 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
 5 authorized to be appropriated to make the grant author-
 6 ized under this section, \$5,000,000 for fiscal year 2000.

National Center for State Courts

OFFICE OF GOVERNMENT RELATIONS
1700 North Moore Street, Suite 1710
Arlington, Virginia 22209
(703) 841-0200 / FAX: (703) 841-0206

February 23, 1999

Ms. Barbara Pryor
C/O Senator John D. Rockefeller, IV
SH-531 Hart Senate Office Building
Washington, DC 20510-4802

Re: Strengthening Abuse and Neglect Court Act

Dear Barbara:

I have enclosed two resolutions related to the Strengthening Abuse and Neglect Court Act (SANCA) for your information. Both the Conference of Chief Justices (CCJ) and the Conference of State Court Administrators (COSCA) have endorsed passage of legislation similar to SANCA of 1998.

CCJ and COSCA are both very supportive of this legislation that Senators Rockefeller and DeWine will be reintroducing; and would like to do whatever they can to assist you as Congress considers this important piece of legislation.

Please let us know how we can be of assistance. You can reach me at (703) 841-0200 or at kfarley@ncsc.dni.us.

Sincerely,



Kay Farley
Government Relations Representative

Encl.

c: Chief Justice David A. Brock, President, Conference of Chief Justices
William C. Vickrey, President, Conference of State Court Administrators
Hon. Roger K. Warren, President, National Center for State Courts
Brenda Williams
Shelley Rockwell

CONFERENCE OF CHIEF JUSTICES

Resolution XV

In Support of Effective Implementation of the Adoption and Safe Families Act

WHEREAS, the Conference of Chief Justices recognizes the importance of securing safe, permanent homes for children; and

WHEREAS, the Adoption and Safe Families Act (ASFA) of 1997 provides structure and accountability critical to ensuring that our nation's children are cared for in safe, permanent homes; and

WHEREAS, state courts are committed to effectively implementing the provisions of ASFA; and

WHEREAS, state courts have traditionally not been included in the allocation of federal funding, but need the benefit of federal funding to be effective in carrying out the responsibilities assigned to them by Congress under ASFA; and

WHEREAS, S. 2607, Strengthening Abuse and Neglect Courts Act of 1998, was introduced in the 105th Congress and similar legislation will be introduced in the 106th Congress;

NOW, THEREFORE, BE IT RESOLVED that the Conference supports the goals and objectives of the Strengthening Abuse and Neglect Courts Act of 1998; and

BE IT FURTHER RESOLVED, that proposed legislation should provide the needed federal funding to assist state courts in areas such as: developing automated tracking systems; reducing case backlogs affording greater training, providing best practices information, and bolstering state sponsored guardian ad litem programs, such as Court Appointed Special Advocate (CASA) programs; and

BE IT FURTHER RESOLVED that the Conference urges Congress to adopt legislation with similar goals and objectives of S. 2607 during the 106th Congress.

Adopted as proposed by the Courts, Children and the Family Committee of the Conference of Chief Justices in Washington, DC, at the 22nd Midyear Meeting, on January 21, 1999.

CONFERENCE OF STATE COURT ADMINISTRATORS

RESOLUTION I

In Support of Effective Implementation of the Adoption and Safe Families Act

WHEREAS, the Conference of State Court Administrators recognizes the importance of securing permanent and safe homes for children of the United States; and

WHEREAS, the Adoption and Safe Families Act (ASFA) of 1997 provides needed structure and accountability critical to ensuring our nation's children are cared for in permanent and safe homes; and

WHEREAS, courts are committed to effectively implementing the provisions of ASFA; and

WHEREAS, courts have traditionally not been included in the allocation of federal funding, but need the benefit of federal funding to be effective and efficient in carrying out the responsibilities assigned to them by Congress under ASFA; and

WHEREAS, S. 2607, Strengthening Abuse and Neglect Courts Act of 1998 was introduced in the 105th Congress and similar legislation will be introduced in the 106th Congress; and

NOW, THEREFORE, BE IT RESOLVED that the Conference of State Court Administrators supports the goals and objectives of the Strengthening Abuse and Neglect Courts Act of 1998; and

BE IT FURTHER RESOLVED, that proposed legislation should provide the needed federal funding to assist courts in five areas: grants for court automated tracking systems; grants to courts to assist with reducing backlogged cases; more flexibility in the funding of training; a requirement that states establish attorney standards, technical assistance to states to provide best practices information, and increased funds for state sponsored guardian ad litem programs, such as Court Appointed Special Advocate (CASA) programs.

BE IT FURTHER RESOLVED that the Conference of State Court Administrators urges Congress to adopt legislation with similar goals and objectives of S. 2607 during the 106th Congress.

Adopted as proposed by the Conference of State Court Administrators at the Twentieth Midyear Meeting in Charleston, South Carolina on December 4, 1998.

United States Senate

WASHINGTON, DC 20510-4802

October 15, 1998

Dear Mrs. ^{H. Clinton} Clinton,

I very much enjoyed hearing your remarks at last week's NCPCA luncheon. I was sorry we didn't have a chance to speak afterwards, but it seemed to be one of those unfortunate days where we all needed to be in three places at once.

I did want you to know that Senator DeWine and I, along with Senators Landrieu and Chafee, have just introduced a bill designed to provide more support to the Nation's abuse and neglect courts. Since the Adoption and Safe Families Act became law last year, I have had some lingering concerns that the new accelerated time lines for the termination of parental rights, while necessary to carry out the goals of the law, will increase the pressure on our already overburdened court system.

The Strengthening Abuse and Neglect Courts Act is designed to help alleviate this burden by providing competitive grants to state and local abuse and neglect courts for the development of computerized case-tracking systems and the reduction of existing case backlogs. The bill will expand federal reimbursement to provide better training for abuse and neglect judges and will also provide technical assistance for the development and implementation of "best practice" standards for attorneys practicing before the abuse and neglect courts. Finally, the bill authorizes a one-time seed grant for the expansion of the Court Appointed Special Advocate (CASA) Program into under-served urban and rural areas.

In view of your vast experience as an attorney and child advocate and your support of the Adoption and Safe Families Act, I thought you might be particularly interested in this latest legislative effort on behalf of abused and neglected children. I am hopeful that the attached bill will help move vulnerable children even more quickly into safe and permanent homes.

As always, my ongoing thanks to you and the President for your outstanding leadership in this area.

Sincerely,


John D. Rockefeller IV

First Lady Hillary Rodham Clinton
The White House
Washington, DC 20500

105TH CONGRESS
2D SESSION

S. _____

IN THE SENATE OF THE UNITED STATES

Mr. DEWINE (for himself, Mr. ROCKEFELLER, Ms. LANDRIEU, and Mr. CHAFFEE) introduced the following bill; which was read twice and referred to the Committee on _____

A BILL

To improve the administrative efficiency and effectiveness of the Nation's abuse and neglect courts and the quality and availability of training for judges, attorneys, and volunteers working in such courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Strengthening Abuse
5 and Neglect Courts Act of 1998".

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

1 (1) Under both Federal and State law, the
2 courts play a crucial and essential role in the Na-
3 tion's child welfare system and in ensuring safety,
4 stability, and permanence for abused and neglected
5 children under the supervision of that system.

6 (2) The Adoption and Safe Families Act of
7 1997 (Public Law 105-89; 111 Stat. 2115) estab-
8 lishes for the first time in Federal law that a child's
9 health and safety must be the paramount consider-
10 ation when any decision is made regarding a child
11 in the Nation's child welfare system.

12 (3) The Adoption and Safe Families Act of
13 1997 promotes stability and permanence for abused
14 and neglected children by requiring timely decision-
15 making in proceedings to determine whether children
16 can safely return to their families or whether they
17 should be moved into safe and stable adoptive homes
18 or other permanent family arrangements outside the
19 foster care system.

20 (4) To avoid unnecessary and lengthy stays in
21 the foster care system, the Adoption and Safe Fam-
22 lies Act of 1997 specifically requires, among other
23 things, that States move to terminate the parental
24 rights of the parents of those children who have
25 been in foster care for 15 of the last 22 months.

1 (5) While essential to protect children and to
2 carry out the general purposes of the Adoption and
3 Safe Families Act of 1997, the accelerated timelines
4 for the termination of parental rights and the other
5 requirements imposed under that Act increase the
6 pressure on the Nation's already overburdened abuse
7 and neglect courts.

8 (6) The administrative efficiency and effective-
9 ness of the Nation's abuse and neglect courts would
10 be substantially improved by the acquisition and im-
11 plementation of computerized case tracking systems
12 to identify and eliminate existing backlogs, to move
13 abuse and neglect caseloads forward in a timely
14 manner, and to move children into safe and stable
15 families. Such systems could also be used to evaluate
16 the effectiveness of such courts in meeting the pur-
17 poses of the amendments made by, and provisions
18 of, the Adoption and Safe Families Act of 1997.

19 (7) The administrative efficiency and effective-
20 ness of the Nation's abuse and neglect courts would
21 also be improved by the identification and implemen-
22 tation of projects designed to eliminate the backlog
23 of abuse and neglect cases, including the temporary
24 hiring of additional judges, extension of court hours,

1 and other projects designed to reduce existing case-
2 loads.

3 (8) The administrative efficiency and effective-
4 ness of the Nation's abuse and neglect courts would
5 be further strengthened by improving the quality
6 and availability of training for judges, court person-
7 nel, agency attorneys, guardians ad litem, and attor-
8 neys who represent the children and the parents of
9 children in abuse and neglect proceedings.

10 (9) While recognizing that abuse and neglect
11 courts in this country are already committed to the
12 quality administration of justice, the performance of
13 such courts would be even further enhanced by the
14 development of models and educational opportunities
15 that reinforce court projects that have already been
16 developed, including models for case-flow procedures,
17 case management, representation of children, auto-
18 mated interagency interfaces, and "best practices"
19 standards.

20 (10) Volunteers who participate in court-ap-
21 pointed special advocate (CASA) programs play a
22 vital role as the eyes and ears of abuse and neglect
23 courts in proceedings conducted by, or under the su-
24 pervision of, such courts and also bring increased
25 public scrutiny of the abuse and neglect court sys-

1 tem. The Nation's abuse and neglect courts would
2 benefit from an expansion of this program to cur-
3 rently underserved communities.

4 (11) Improved computerized case-tracking sys-
5 tems, comprehensive training, and development of,
6 and education on, model abuse and neglect court
7 systems, particularly with respect to underserved
8 areas, would significantly further the purposes of the
9 Adoption and Safe Families Act of 1997 by reducing
10 the average length of an abused and neglected
11 child's stay in foster care, improving the quality of
12 decision-making and court services provided to chil-
13 dren and families, and increasing the number of
14 adoptions.

15 **SEC. 3. DEFINITIONS.**

16 In this Act:

17 (a) **ABUSE AND NEGLECT COURTS.**—The term
18 “abuse and neglect courts” means the State and local
19 courts that carry out State or local laws requiring proceed-
20 ings (conducted by or under the supervision of the
21 courts)—

22 (1) that implement part B and part E of title
23 IV of the Social Security Act (42 U.S.C. 620 et seq.;
24 670 et seq.) (including preliminary disposition of
25 such proceedings);

1 (2) that determine whether a child was abused
2 or neglected;

3 (3) that determine the advisability or appro-
4 priateness of foster care placement; or

5 (4) that determine any other legal disposition of
6 a child in the abuse and neglect court system.

7 (b) AGENCY ATTORNEY.—The term “agency attor-
8 ney” means an agency attorney or agency representative
9 including any government attorney, district attorney, at-
10 torney general, State attorney, city solicitor or attorney,
11 corporation counsel, or privately retained special prosecu-
12 tor who represents the petitioner or moving party in a pro-
13 ceeding conducted by, or under the supervision of, an
14 abuse and neglect court, including a proceeding for termi-
15 nation of parental rights.

16 (c) ATTORNEY REPRESENTING A CHILD.—The term
17 “attorney representing a child” means an attorney or a
18 guardian ad litem who represents a child in a proceeding
19 conducted by, or under the supervision of, an abuse and
20 neglect court.

21 (d) ATTORNEY REPRESENTING A PARENT.—The
22 term “attorney representing a parent” means an attorney
23 who represents a parent who is an official party to a pro-
24 ceeding conducted by, or under the supervision of, an
25 abuse and neglect court.

1 **SEC. 4. GRANTS TO STATE COURTS AND LOCAL COURTS TO**
2 **AUTOMATE THE DATA COLLECTION AND**
3 **TRACKING OF PROCEEDINGS IN ABUSE AND**
4 **NEGLECT COURTS.**

5 (a) **AUTHORITY TO AWARD GRANTS.—**

6 (1) **IN GENERAL.**—Subject to paragraph (2),
7 the Attorney General, acting through the Office of
8 Justice Programs, shall award grants in accordance
9 with this section to State courts and local courts for
10 the purposes of—

11 (A) enabling such courts to develop and
12 implement automated data collection and case-
13 tracking systems for proceedings conducted by,
14 or under the supervision of, an abuse and ne-
15 glect court;

16 (B) encouraging the replication of such
17 systems in abuse and neglect courts in other ju-
18 risdictions; and

19 (C) requiring the use of such systems to
20 evaluate a court's performance in complying
21 with the requirements of part B and part E of
22 title IV of the Social Security Act (42 U.S.C.
23 620 et seq.; 670 et seq.).

24 (2) **LIMITATIONS.—**

1 (A) NUMBER OF GRANTS.—Not less than
2 30 or more than 50 grants may be awarded
3 under this section.

4 (B) PER STATE LIMITATION.—Not more
5 than 2 grants authorized under this section
6 may be awarded per State.

7 (C) USE OF GRANTS.—Funds provided
8 under a grant made under this section may only
9 be used for the purpose of developing, imple-
10 menting, or enhancing automated data collec-
11 tion and case-tracking systems for proceedings
12 conducted by, or under the supervision of, an
13 abuse and neglect court.

14 (b) APPLICATION.—

15 (1) IN GENERAL.—A State court or local court
16 may submit an application for a grant authorized
17 under this section at such time and in such manner
18 as the Attorney General may determine.

19 (2) INFORMATION REQUIRED.—An application
20 for a grant authorized under this section shall con-
21 tain the following:

22 (A) A description of a proposed plan for
23 the development, implementation, and mainte-
24 nance of an automated data collection and case-
25 tracking system for proceedings conducted by,

1 or under the supervision of, an abuse and ne-
2 glect court, including a proposed budget for the
3 plan and a request for a specific funding
4 amount.

5 (B) A description of the extent to which
6 such plan and system are able to be replicated
7 in abuse and neglect courts of other jurisdic-
8 tions.

9 (C) In the case of an application submitted
10 by a local court, a description of how the plan
11 to implement the proposed system was devel-
12 oped in consultation with related State courts,
13 particularly with regard to a State court im-
14 provement plan funded under section 13712 of
15 the Omnibus Budget Reconciliation Act of 1993
16 (42 U.S.C. 670 note) if there is such a plan in
17 the State.

18 (D) In the case of an application that is
19 submitted by a State court, a description of
20 how the proposed system will integrate with a
21 State court improvement plan funded under
22 such section if there is such a plan in the State.

23 (E) After consultation with the State agen-
24 cy responsible for the administration of part B
25 and part E of title IV of the Social Security Act

1 (42 U.S.C. 620 et seq.; 670 et seq.), an assess-
2 ment of the feasibility of future coordination of
3 the proposed system with other child welfare
4 data collection systems, including the Statewide
5 automated child welfare information system and
6 the adoption and foster care analysis and re-
7 porting system (AFCARS) established pursuant
8 to section 479 of the Social Security Act (42
9 U.S.C. 679).

10 (F) Identification of an independent third
11 party that will conduct ongoing evaluations of
12 the feasibility and implementation of the plan
13 and system and a description of the plan for
14 conducting such evaluations.

15 (G) A description or identification of a
16 proposed funding source for completion of the
17 plan (if applicable) and maintenance of the sys-
18 tem after the conclusion of the period for which
19 the grant is to be awarded.

20 (H) An assurance that any contract en-
21 tered into between the State court or local court
22 and any other entity that is to provide services
23 for the development, implementation, or mainte-
24 nance of the system under the proposed plan
25 will require the entity to agree to allow for rep-

1 lication of the services provided, the plan, and
2 the system, and to refrain from asserting any
3 proprietary interest in such services for pur-
4 poses of allowing the plan and system to be rep-
5 licated in another jurisdiction.

6 (I) An assurance that the system estab-
7 lished under the plan will provide data that al-
8 lows for evaluation (at least on an annual basis)
9 of the following:

10 (i) The total number of cases that are
11 filed in the abuse and neglect court.

12 (ii) The number of cases assigned to
13 each judge who presides over the abuse
14 and neglect court.

15 (iii) The average length of stay of
16 children in foster care.

17 (iv) With respect to each child under
18 the jurisdiction of the court—

19 (I) the number of episodes of
20 placement in foster care;

21 (II) the number of days placed in
22 foster care;

23 (III) the number of days of in-
24 home supervision; and

1 (IV) the number of separate fos-
2 ter care placements.

3 (v) The number of adoptions,
4 guardianships, or other permanent disposi-
5 tions finalized.

6 (vi) The number of terminations of
7 parental rights.

8 (vii) The number of child abuse and
9 neglect proceedings closed that had been
10 pending for 2 or more years.

11 (viii) With respect to each proceeding
12 conducted by, or under the supervision of,
13 an abuse and neglect court—

14 (I) the timeliness of each stage of
15 the proceeding from initial filing
16 through legal finalization of a perma-
17 nency plan (for both contested and
18 uncontested hearings);

19 (II) the number of adjournments,
20 delays, and continuances occurring
21 during the proceeding, including iden-
22 tification of the party requesting each
23 adjournment, delay, or continuance
24 and the reasons given for the request;

1 (III) the number of courts that
2 conduct or supervise the proceeding
3 for the duration of the abuse and ne-
4 glect case;

5 (IV) the number of judges as-
6 signed to the proceeding for the dura-
7 tion of the abuse and neglect case;
8 and

9 (V) the number of agency attor-
10 neys, children's attorneys, and par-
11 ent's attorneys assigned to the pro-
12 ceeding during the duration of the
13 abuse and neglect case.

14 (J) A description of how the proposed sys-
15 tem will reduce the need for paper files, tie into
16 national and regional adoption exchanges, and
17 public and private adoption services.

18 (K) An assurance that the data collected in
19 accordance with subparagraph (I) will be made
20 available to relevant Federal, State, and local
21 government agencies and to the public.

22 (L) An assurance that the proposed system
23 is consistent with other civil and criminal infor-
24 mation requirements of the Federal govern-
25 ment.

1 (c) CONDITIONS FOR APPROVAL OF APPLICA-
2 TIONS.—

3 (1) MATCHING REQUIREMENT.—

4 (A) IN GENERAL.—A State court or local
5 court awarded a grant under this section shall
6 expend \$1 for every \$3 awarded under the
7 grant to carry out the development, implemen-
8 tation, and maintenance of the automated data
9 collection and case-tracking system under the
10 proposed plan.

11 (B) WAIVER FOR HARDSHIP.—The Attor-
12 ney General may waive or modify the matching
13 requirement described in subparagraph (A) in
14 the case of any State court or local court that
15 the Attorney General determines would suffer
16 undue hardship as a result of being subject to
17 the requirement.

18 (2) CONSIDERATIONS.—In evaluating an appli-
19 cation for a grant under this section the Attorney
20 General shall consider the following:

21 (A) The extent to which the system pro-
22 posed in the application may be replicated in
23 other jurisdictions.

24 (B) The extent to which the proposed sys-
25 tem is consistent with the provisions of, and

1 amendments made by, the Adoption and Safe
2 Families Act of 1997 (Public Law 105-89; 111
3 Stat. 2115), and part B and part E of title IV
4 of the Social Security Act (42 U.S.C. 620 et
5 seq.; 670 et seq.).

6 (C) The extent to which the proposed sys-
7 tem is feasible and likely to achieve the pur-
8 poses described in subsection (a)(1).

9 (3) DIVERSITY OF AWARDS.—The Attorney
10 General shall award grants under this section in a
11 manner that results in a reasonable balance among
12 grants awarded to State courts and grants awarded
13 to local courts, grants awarded to courts located in
14 urban areas and courts located in rural areas, and
15 grants awarded in diverse geographical locations.

16 (d) LENGTH OF AWARDS.—No grant may be award-
17 ed under this section for a period of more than 5 years.

18 (e) AVAILABILITY OF FUNDS.—Funds provided to a
19 State court or local court under a grant awarded under
20 this section shall remain available until expended without
21 fiscal year limitation.

22 (f) REPORTS.—

23 (1) ANNUAL REPORT FROM GRANTEEES.—Each
24 State court or local court that is awarded a grant

1 under this section shall submit an annual report to
2 the Attorney General that contains—

3 (A) a description of the ongoing results of
4 the independent evaluation of the plan for, and
5 implementation of, the automated data collec-
6 tion and case-tracking system funded under the
7 grant; and

8 (B) the information described in subsection
9 (b)(2)(I).

10 (2) INTERIM AND FINAL REPORTS FROM AT-
11 TORNEY GENERAL.—

12 (A) INTERIM REPORTS.—Beginning 2
13 years after the date of enactment of this Act,
14 and biannually thereafter until a final report is
15 submitted in accordance with subparagraph
16 (B), the Attorney General shall submit to Con-
17 gress interim reports on the grants made under
18 this section.

19 (B) FINAL REPORT.—Not later than 90
20 days after the termination of all grants awarded
21 under this section, the Attorney General shall
22 submit to Congress a final report evaluating the
23 automated data collection and case-tracking
24 systems funded under such grants and identify-
25 ing successful models of such systems that are

1 suitable for replication in other jurisdictions.

2 The Attorney General shall ensure that a copy
3 of such final report is transmitted to the high-
4 est State court in each State.

5 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
6 authorized to be appropriated to carry out this section,
7 \$10,000,000 for the period of fiscal years 1999 through
8 2003.

9 **SEC. 5. GRANTS TO REDUCE PENDING BACKLOGS OF**
10 **ABUSE AND NEGLECT CASES.**

11 (a) INCREASE IN APPROPRIATED AMOUNT.—Section
12 430(b)(6) of the Social Security Act (42 U.S.C. 629(b)(6))
13 is amended by striking “\$275,000,000” and inserting
14 “\$285,000,000”.

15 (b) AUTHORITY TO AWARD GRANTS.—Section
16 430(d)(2) of the Social Security Act (42 U.S.C.
17 429(d)(2)) is amended—

18 (1) by striking “The Secretary” and inserting
19 the following:

20 “(A) IN GENERAL.—The Secretary”; and

21 (2) by adding at the end the following:

22 “(B) GRANTS TO REDUCE BACKLOGS OF
23 ABUSE AND NEGLECT CASES.—

24 “(i) IN GENERAL.—Subject to clause

25 (ii), the Secretary shall reserve

1 \$10,000,000 of the amount described in
2 subsection (b)(6) for fiscal year 1999 for
3 making grants to the highest State courts
4 in States participating in the program
5 under part E for the purpose of enabling
6 such courts to reduce existing backlogs of
7 cases pending in abuse and neglect courts.
8 Funds provided under a grant awarded
9 under this subparagraph may be used for
10 any purpose that the Secretary determines
11 is likely to successfully reduce such back-
12 logs, including for the purpose of tempo-
13 rarily—

14 “(I) establishing night court ses-
15 sions for abuse and neglect courts;

16 “(II) hiring additional judges and
17 judicial personnel for such courts; or

18 “(III) extending the operating
19 hours of such courts.

20 “(ii) NUMBER OF GRANTS.—Not less
21 than 15 nor more than 20 grants shall be
22 awarded under this subparagraph.

23 “(iii) DEFINITION OF ABUSE AND NE-
24 GLECT COURT.—In this subparagraph, the
25 term ‘abuse and neglect court’ has the

1 meaning given that term in section 3(a) of
2 the Strengthening Abuse and Neglect
3 Courts Act of 1998.”.

4 **SEC. 6. TRAINING IN CHILD ABUSE AND NEGLECT PRO-**
5 **CEEDINGS AND STANDARDS FOR ATTORNEYS**
6 **REPRESENTING CLIENTS IN SUCH PROCEED-**
7 **INGS.**

8 (a) TRAINING.—

9 (1) IN GENERAL.—Section 474(a)(3) of the So-
10 cial Security Act (42 U.S.C. 674(a)(3)) is amend-
11 ed—

12 (A) by redesignating subparagraphs (C),
13 (D), and (E) as subparagraphs (D), (E), and
14 (F), respectively; and

15 (B) by inserting after subparagraph (B),
16 the following:

17 “(C) 75 percent of so much of such ex-
18 penditures as are for the training (including
19 cross-training with personnel employed by the
20 State or local agency administering the plan in
21 the political subdivision, training on topics rel-
22 evant to the legal representation of clients in
23 proceedings conducted by or under the super-
24 vision of an abuse and neglect court (as defined
25 in section 3(a) of the Strengthening Abuse and

1 Neglect Courts Act of 1998), and training on
2 related topics such as child development and
3 the importance of developing a trusting rela-
4 tionship with a child) of judges, judicial person-
5 nel, law enforcement personnel, attorneys rep-
6 resenting the State or local agency administer-
7 ing the program under this part, attorneys rep-
8 resenting parents in proceedings conducted by,
9 or under the supervision of, an abuse and ne-
10 glect court (as so defined), attorneys represent-
11 ing children in such proceedings, and guardians
12 ad litem, to the extent such training is related
13 to provisions of, and amendments made by, the
14 Adoption and Safe Families Act of 1997 (Pub-
15 lic Law 105-89; 111 Stat. 2115),”.

16 (2) CONFORMING AMENDMENTS.—

17 (A) Section 473(a)(6)(B) of such Act (42
18 U.S.C. 673(a)(6)(B)) is amended by striking
19 “474(a)(3)(E)” and inserting “474(a)(3)(F)”.

20 (B) Section 474(a)(3)(D) of such Act (42
21 U.S.C. 674(a)(3)(D)) (as redesignated by para-
22 graph (1)(A)) is amended by striking “subpara-
23 graph (C)” and inserting “subparagraph (D)”.

24 (C) Section 474(c) of such Act (42 U.S.C.
25 674(c)) is amended by striking “subsection

1 (a)(3)(C)” and inserting “subsection
2 (a)(3)(D)”.

3 (b) STANDARDS, TRAINING, AND TECHNICAL ASSIST-
4 ANCE FOR ATTORNEYS.—

5 (1) FOSTER CARE AND ADOPTION ASSISTANCE
6 STATE PLAN REQUIREMENT.—Section 471(a) of the
7 Social Security Act (42 U.S.C. 671(a)) is amend-
8 ed—

9 (A) in paragraph (22), by striking “and”
10 at the end;

11 (B) in paragraph (23), by striking the pe-
12 riod and inserting “; and”; and

13 (C) by adding at the end the following:

14 “(24) provides that, not later than January 1,
15 2001, the State shall develop and encourage the im-
16 plementation of practice standards for all attorneys
17 representing the State or local agency administering
18 the program under this part, including standards re-
19 garding the interaction of such attorneys with other
20 attorneys who practice before an abuse and neglect
21 court (as defined in section 3(a) of the Strengthen-
22 ing Abuse and Neglect Courts Act of 1998).”.

23 (2) TECHNICAL ASSISTANCE.—

24 (A) IN GENERAL.—The Secretary of
25 Health and Human Services shall provide the

1 technical assistance, training, and evaluations
2 authorized under this paragraph through
3 grants, contracts, or cooperative arrangements
4 with other entities, including universities, and
5 national, State, and local organizations that
6 have not had a previous contractual relationship
7 with the Department of Health and Human
8 Services or another Federal agency for any
9 such purpose.

10 (B) PURPOSE.—Technical assistance shall
11 be provided under this paragraph for the pur-
12 pose of supporting and assisting State and local
13 courts that handle child abuse, neglect, and de-
14 pendency matters to effectively carry out new
15 responsibilities enacted as part of the Adoption
16 and Safe Families Act of 1997 (Public Law
17 105–89; 111 Stat. 2115) and to speed the proc-
18 ess of adoption of children and legal finalization
19 of permanent families for children in foster care
20 by improving practices of the courts involved in
21 that process.

22 (C) TRAINING.—Technical assistance con-
23 sistent with the purpose described in subpara-
24 graph (B) may be provided under this para-
25 graph through the following:

1 (i) The dissemination of information
2 and technical assistance to State and local
3 courts that receive grants under section 4
4 concerning the automated data collection
5 and case-tracking systems and outcome
6 measures required under that section.

7 (ii) The provision of specialized train-
8 ing on child development that is appro-
9 priate for judges, referees, nonjudicial deci-
10 sion-makers, administrative, and other
11 court-related personnel, and for attorneys
12 involved in abuse and neglect courts who
13 represent the State or a human services
14 agency, children, guardians ad litem, or
15 parents.

16 (iii) The provision of assistance and
17 dissemination of information about best
18 practices of abuse and neglect courts for
19 effective case management strategies and
20 techniques, including assessments of case-
21 load and staffing levels, management of
22 court dockets, timely decision-making at all
23 stages of a proceeding conducted by, or
24 under the supervision of, an abuse and ne-
25 glect court, and the development of

1 streamlined case flow procedures, case
2 management models, early case resolution
3 programs, mechanisms for monitoring
4 compliance with the terms of court orders,
5 models for representation of children, auto-
6 mated interagency interfaces between data
7 bases, and court rules that facilitate timely
8 case processing.

9 (iv) The development of standards of
10 practice for attorneys representing the
11 State or a human services agency, chil-
12 dren, guardians ad litem, or parents in
13 such proceedings.

14 (D) AUTHORIZATION OF APPROPRIA-
15 TIONS.—There is authorized to carry out this
16 paragraph \$5,000,000 for the period of fiscal
17 years 1999 through 2003.

18 **SEC. 7. GRANTS TO EXPAND THE COURT-APPOINTED SPE-**
19 **CIAL ADVOCATE PROGRAM IN UNDERSERVED**
20 **AREAS.**

21 (a) GRANTS TO EXPAND CASA PROGRAMS IN UN-
22 DERSERVED AREAS.—The Administrator of the Office of
23 Juvenile Justice and Delinquency Prevention of the De-
24 partment of Justice shall make a grant to the National

1 Court-Appointed Special Advocate Association for the pur-
2 poses of—

3 (1) expanding the recruitment of, and building
4 the capacity of, court-appointed special advocate
5 programs located in the 15 largest urban areas;

6 (2) developing regional, multijurisdictional re-
7 source centers for court-appointed special advocate
8 programs serving rural areas; and

9 (3) providing training and supervision of volun-
10 teers in court-appointed special advocate programs.

11 (b) LIMITATION ON ADMINISTRATIVE EXPENDI-
12 TURES.—Not more than 5 percent of the grant made
13 under this subsection may be used for administrative ex-
14 penditures.

15 (c) DETERMINATION OF URBAN AND RURAL
16 AREAS.—For purposes of administering the grant author-
17 ized under this subsection, the Administrator of the Office
18 of Juvenile Justice and Delinquency Prevention of the De-
19 partment of Justice shall determine whether an area is
20 one of the 15 largest urban areas or a rural area in ac-
21 cordance with the practices of, and statistical information
22 compiled by, the Bureau of the Census.

23 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
24 authorized to be appropriated to make the grant author-
25 ized under this section, \$5,000,000 for fiscal year 1999.