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PROGRAM INSTRUCTION

- TO:** Highest State Courts of Appeal
- SUBJECT:** Instructions for States Applying for Court Improvement Program Funds (the basic grant) for Fiscal Years 2007-2011
- LEGAL AND RELATED:** Section 438 of the Social Security Act (the Act); Section 7401 of the Deficit Reduction Act of 2005, Public Law (P.L.) 109-171; the Safe and Timely Interstate Placement of Foster Children Act of 2006, P.L.109-239; the Child and Family Services Improvement Act of 2006, P.L. 109-288; ACYF-CB-PI-03-04; ACYF-CB-PI-06-05; ACYF-CB-PI-07-03.
- PURPOSE:** The purpose of this Program Instruction is to set forth the eligibility requirements and grant application procedures for the basic grant under the State Court Improvement Program for Fiscal Years (FYs) 2007 through 2011. **Applications for FY 2007 are due to ACF by August 1, 2007.**
- INFORMATION:** 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. These improvements must provide for the safety, well-being, and permanence of children in foster care, and assist in the implementation of Program Improvement Plans (PIPs) developed by State child welfare agencies as a result of the Child and Family Services and Title IV-E Foster Care Eligibility Reviews. The basic Court Improvement Program (CIP) grants (the

basic CIP grants) were first enacted in 1993, and reauthorized in 1997, 2001 and 2006.

The Deficit Reduction Act of 2005 (P.L. 109-171) (DRA) amended section 438 of the Act to authorize two new CIP grants: the data collection and analysis grant and the training grant, but made no changes in the basic CIP grants. The DRA authorized these two new CIP grants for \$10 million each for Federal FYs 2006 through 2010. The Children's Bureau issued instructions for State courts applying for these two new grants in ACYF-CB-PI-06-05 dated June 15, 2006.

During 2006, two laws amended section 438 of the Act regarding the basic CIP grant. The President signed the Safe and Timely Interstate Placement of Foster Children Act, Public Law (P.L.) 109-239, into law on July 3, 2006. P.L. 109-239 amended section 438(a)(1)(E) of the Act to require the courts to assess their effectiveness in carrying out State laws that:

- require courts in different States to cooperate in sharing information,
- authorize courts to obtain information and testimony from agencies and parties without requiring interstate travel by the agencies and parties, and
- permit the participation of parents, children, other necessary parties, and attorneys in interstate placement cases without requiring their interstate travel.

The Child and Family Services Improvement Act of 2006 (P.L. 109-288) was signed into law on September 28, 2006. The law reauthorizes the PSSF and the basic CIP grant. The basic CIP grant was reauthorized without change through FY 2011.

INSTRUCTIONS: This Program Instruction describes the application procedures and reporting requirements for the basic CIP grant, 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 basic CIP grant funds for FYs 2007-2011. These instructions apply only to the basic CIP grants, starting with FY 2007 grants (to be awarded in September 2007). As mentioned above, for instructions for applying for the two new CIP grants enacted under the Deficit Reduction Act of 2005, see ACYF-CB-PI-06-05.¹

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. The court

¹ See http://www.acf.dhhs.gov/programs/cb/laws_policies/policy/pi/2006/pi0605.htm

may choose to enter into an agreement with another entity, such as a university or non-profit organization, for the purpose of complying with CIP requirements, particularly with regard to the assessment portion of the program or an evaluation. The ultimate responsibility for implementing the grant remains with the highest State court.

Funding

Public Law 109-288 authorizes \$545 million for the Promoting Safe and Stable Families program for each of Fiscal Years 2007 through 2011, including \$345 million in mandatory funds (\$40 million of which is designated to support monthly caseworker visits and regional partnership grants) and \$200 million in discretionary funds. Of this amount, \$10 million of the mandatory funds and 3.3 percent of any discretionary funds appropriated are set aside for the basic Court Improvement Program grant annually.

- Allotments: Each year, any discretionary funds set aside for the CIP will be added to the amount of mandatory funds appropriated by Congress. 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) of the Act. Attachment B provides the estimated allocations for FY 2007 that States should use to prepare their budget submissions. ACF will issue estimated allocation tables annually for FYs 2008-2011.
- Program Expenditure Period: Each State court has two years from the effective date of the grant award to obligate each Federal fiscal year's funds. All obligations must be liquidated no later than 90 days after the end of the two-year funding period. A negative grant award will be issued for any unobligated balances or unliquidated obligations. 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 FYs 2007-2011 basic CIP grant awards 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 establish the rules for cost sharing.

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

- Must not be Federal grant funds, unless specifically allowed by Federal statute;

- o Must not be used to match any other Federal grant;
 - o Must be used for costs that are otherwise allowable. The non-Federal share, whatever its nature, must be used for assessments or the implementation of improvements described in this Program Instruction;
 - o May originate with a third party, public or non-public; and
 - o 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 its grant, it must have an approved indirect cost rate with the cognizant Federal agency. The cognizant Federal agency is that Federal agency which provides the most funds to the State court. If a State court has not been assigned a cognizant agency, it should work with the Federal agency from which it receives the largest amount of funds to negotiate and receive approval of indirect cost proposals.
 - **Drawdown of Funds from the Payment Management System:** In accordance with Public Law 101-510, 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 (i.e., FY 2007 funds must be drawn down by no later than September 30, 2012). Requests for adjustments/revisions to the Payment Management account after five years will not be honored.

Meaningful, Ongoing Collaboration

The Deficit Reduction Act of 2005 established a collaboration requirement for both State courts and child welfare agencies. Highest State court applicants must, as part of their applications for the basic CIP grant, 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) of the Act.

"Meaningful, ongoing collaboration" means that the courts and State child welfare agencies will identify and work toward developing and achieving 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 improved outcomes that are both clearly defined and measurable 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 Tribes² 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.³ 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.

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 by:

- 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.

² This requirement applies if a State has any Tribes within its borders, regardless of whether or not the Tribe receives title IV-B funding.

³ 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.

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.⁴ 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 ensure that courts and court systems are more involved with improving outcomes for children and issued specific guidance on that topic in June 2005.⁵ 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 to 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

⁴ See <http://www.acf.dhhs.gov/programs/cb/cwmonitoring/index.htm#cfsr> for more details about the CFSR. The second round of CFSRs began in March 2007.

⁵ 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

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 Reviews⁶: 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 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.

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, in their oversight role, 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.

As with the CFR, 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 attorneys for the child, agency and parents, 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

⁶ See http://www.acf.dhhs.gov/programs/cb/cwmonitoring/general_info/title_iv-3.htm

identifying the strategies that have the best opportunity for success in any given State. Courts bring to the table a perspective on 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.

REQUIRED ACTIVITIES

New Interstate Placement Assessment Requirement

The Safe and Timely Interstate Placement of Foster Children Act of 2006 (P.L. 109-239) established a new assessment requirement for courts under the Court Improvement Program. In addition to the four categories of assessments previously listed in section 438 (a)(1) of the Act, State courts that receive the basic CIP grant now must assess their role, responsibilities and effectiveness in the interstate placement of children, and must implement improvements to develop the best strategy to use to expedite these placements.

P.L. 109-239 specifies that State courts should assess the effectiveness of their laws and strategies for State courts sharing information with out-of-State courts, developing methods to obtain information and testimony from agencies and parties in other States without requiring interstate travel by the agencies and parties, and permitting parents, children, other necessary parties, and attorneys to participate in cases that involve interstate placement without requiring those parties to travel interstate.

Sharing information that is needed to expedite the interstate placement of children may be accomplished in various ways. For example, judges in different States may converse with each other in an effort to aid in the logistics or to discuss legal issues. Similarly, judges may wish to hold interstate hearings by telephone, or by video conference. Doing so allows these parties to testify and present evidence without being physically present at the hearing, and similarly allows attorneys that are located in other States to file motions and question and cross-examine witnesses in these hearings. Judges should also be actively involved in requests for timely evaluation of a foster home, parent, or child located in another State. State courts may assess and implement various manners of using technology to further the goals of P.L. 109-239, as long as the practice is consistent with the relevant State and Federal laws.

The State court's interstate assessment must examine the current strengths and challenges of interstate placement throughout the State by analyzing what is allowed under current State and Federal law. At a minimum, this assessment should determine whether State laws (including the State's version of the Uniform Child Custody and Jurisdiction Enforcement Act) and/or the State court rules permit the

forms of interstate information sharing and participation described above. The assessment should also analyze whether there are any legal barriers that prevent timely and thorough judicial decision-making regarding interstate placement.

State courts also should study current court practices in cases involving interstate child placement through a variety of methods (e.g., surveys, individual and group interviews, administrative data, review of case files), as appropriate. This will help State courts assess the typical circumstances and how often interstate placement occurs throughout the State. The assessment should also study the overall practical barriers to timely information-sharing in judicial proceedings, and the timeliness of the proceedings to obtain and review evidence from another State, including the judicial decisions regarding approval of an interstate placement.

Finally, State courts should determine what State law, State court organization, or State court practice changes are needed to expedite interstate placement cases, based on the legal analysis and facts that the State courts have collected in this assessment. The State courts should develop the best strategy for improvements for their State courts to expedite these cases and make recommendations to implement these improvements.

State court applications for the FY 2007 basic court improvement grant, which are due to ACF by August 1, 2007, must include as a part of the strategic plan for the basic CIP grant a description of steps planned and undertaken to assess the State courts' role, responsibilities and effectiveness in the interstate placement of children. A report of this assessment, including the State courts' strategy and recommendations to implement improvements needed, must be completed and submitted with the application for FY 2008 funding, due to ACF by June 30, 2008.

Strategic Plan

State courts applying for the FY 2007 basic CIP grant must submit a detailed five-year strategic plan for court improvement for the period beginning October 1, 2007 and ending September 30, 2012. The strategic plan must include a description of steps planned and undertaken to assess the State's policies and procedures for the interstate placement of children, as described above. In developing the new five-year strategic plan, the State court should implement recommendations for court improvement resulting from the State's CIP reassessment and the State's CFSR, and build on work accomplished under previous strategic plans developed for the basic CIP grant. This strategic plan should also support and strengthen activities planned under the strategic plans for the CIP data collection and analysis grant and the CIP training grant.

The strategic plan submitted for FY 2007 funding for the basic CIP grant must:

- Identify, in concrete terms, the issues and State-specific needs that the State court will focus on using the basic CIP funds;

- Describe steps planned and/or undertaken to assess the State courts' role, responsibilities and effectiveness in the interstate placement of children;
- Explain the State court's planned activities for the next four years and identify tangible, measurable, and time-specific improved outcomes for children and families in the child welfare system that these activities are expected to achieve;
- 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 basic 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 short- and long-term court activities that will help State child welfare systems address the CFSR child welfare outcomes. These outcomes⁷ 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.

To that end, the 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:
 - o Tangible,
 - o Measurable, and
 - o Time-specific.

⁷ For further information about these outcomes and the performance and data indicators utilized in the CFSR, visit <http://www.acf.hhs.gov/programs/cb/cwmonitoring/index.htm#cfsr>. States should note the statewide data indicators used to evaluate Permanency 1 in the CFSR, which have particular relevance to the courts, including timeliness and permanency of reunifications; timeliness of adoption; achieving permanency for children in foster care; and placement stability.

- 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, in collaboration with the child welfare agency, measures of progress or goal achievement; and
- Include interim benchmarks developed in collaboration with the child welfare agency, such as quantitative monthly or quarterly projections of the accomplishments to be achieved for each function or activity, in such terms as:
 - o Terminations of parental rights finalized, as well as the percentage filed for children in foster care for 15 of the most recent 22 months;
 - o Adoptions finalized, as well as the percentage finalized within 24 months of the child entering foster care;
 - o Reduction in number of continuances;
 - o Rules changed;
 - o Case review timeframes accelerated;
 - o Organizational changes in the court or in legal representation;
 - o State legislative or policy changes enacted or drafted;
 - o Planning meetings and communications that reflect meaningful, ongoing collaboration;
 - o Interactions between and among court personnel, attorneys, judges, and State agency staff to facilitate court improvement activities; and
 - o Institutionalized methods of collaboration between courts, child welfare agencies, Tribes, when applicable, and other entities.

The strategic plan also must include procedures for monitoring implementation and evaluation of court improvement efforts and methods for measuring progress and updating the plan as needed.

In light of the close connection between the purposes of the CIP and the purposes of the CFSRs, State courts also must include in their strategic plans a strategy to facilitate legal and judicial participation in the CFSR and collaboration with the child welfare agency at all stages of the review, including the development of the statewide assessment, planning of and participation in the on-site review, and development and implementation of the PIP. Activities should be identified that will inform the legal and judicial community about the reviews and encourage active legal and judicial participation.

The strategic plan must address how the State will collect and analyze automated and non-automated data to evaluate the quality of court performance and measure the success of court improvement efforts. The strategic plan also must include procedures for monitoring implementation and evaluation of improvement efforts, and methods to measure progress and revise the plan as needed.

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.

In the development of strategic plans, State courts should carefully review the court improvement recommendations in their assessments and reassessments. States must address the most crucial court reform issues that will improve the safety, well-being and permanency of children in foster care, and strengthen the legal and judicial system's areas of weakness identified in the CFSR and title IV-E foster care eligibility review. These issues include:

- improving judicial competence and skills and identifying and supporting judicial leadership for dependency issues;
- limiting workloads to allow timely and well-informed judicial decisions through increases in personnel or resources, reductions in numbers of case reviews mandated by State law, or any other changes needed to enable the courts to effectively manage their caseloads;
- developing automated information systems to track cases and measure performance, including the collection and dissemination of additional data or information, and the establishment of links with other child welfare information systems in the State, such as the Statewide Automated Child Welfare Information System (SACWIS), to improve decision-making in the courts;
- institutionalizing stronger links with child welfare agencies, tribal courts, and community programs (including faith-based programs) to improve the coordination of services for children;
- encouraging communication between, and cross-systems training of, court and agency personnel including, but not limited to, judges, attorneys, social workers, administrators, and court appointed representatives of parents and children;
- improving the amount and quality of legal representation for children, parents and agencies; and
- giving fairer treatment, notice, and consideration to all parties before the court.

A State court may revise its strategic plan at any time during FYs 2008-2011 by submitting the proposed change in writing to the appropriate ACF Regional Office for approval.

Application Procedures

The application requirements for FY 2007 grants are different than the requirements for FYs 2008-2011 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 2007 Funding

For FY 2007 funding, State courts must submit an application to the appropriate ACF Regional Office by August 1, 2007.⁸ The application must include the following:

- A letter from the highest State court requesting funding for FY 2007, 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 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 five-year strategic plan that includes objectives and timetables for accomplishment of outcomes under the grant, as described above;

- A copy of the highest State court's rule or other mandate that is in effect requiring State courts to ensure the required notice of court proceedings is being sent to foster parents, pre-adoptive parents and relative caregivers of a child in foster care;

- The annual Program Report covering all activities currently supported by Court Improvement Program funds, as described in ACYF-CB-PI-03-04;⁹

- Standard Form (SF) 424 and SF-424-A describing the State court's budget for use of FY 2007 funds and a tentative budget for the FYs 2008-2011. A line-item budget and budget justification must be submitted with these forms; and
- Certifications:

⁸ To allow States sufficient time, **for this year only**, applications for the basic CIP grant are due to ACF regional offices by August 1st. Please note that, as per ACYF-CB-PI-06-05, this year's applications for the CIP training grant and the CIP data collection and analysis grant are due to ACF regional offices by June 30, 2007. Beginning next year, with the FY 2008 awards, applications for all three CIP grants will revert to the June 30th deadline, and will be due to ACF regional offices by June 30, 2008.

⁹ Note, this is the last time that the program report for the basic CIP grant is due at the same time the application is submitted. Beginning with the FY 2007 basic CIP grants, program assessment reports are due to the ACF Regional Office no later than December 31st (see description of Program Assessment Report below).

- o 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
- o 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 certifications¹⁰:

- o Certification Regarding Drug-Free Work Place;
- o Debarment Certification; and
- o Certification Regarding Environmental Tobacco Smoke.

Applications for FYs 2008-2011 Funding

For FYs 2008-2011, State courts must submit an application each year to the appropriate ACF Regional Office **by June 30 of that fiscal year**. 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 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 2008-2011 funds. A line-item budget and budget justification must be submitted with these forms.

Submitting an Application

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. The Associate Commissioner of the Children's Bureau will approve applications that satisfy the requirements and purposes described at Section 438 of the Act and the requirements described in this Program Instruction.

ADMINISTRATIVE PROVISIONS

Program Assessment Reports

¹⁰ It is not necessary to include these certifications with the application

State courts must submit an annual program assessment report for the basic CIP grant (the report). The report must be outcome focused and should include an assessment of the effectiveness of the activities supported with these 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 of the three CIP grants.

The report should detail the outcomes of the activities included in the 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 the assessment of activities funded under this grant.

Beginning with FY 2007 basic CIP grants, program assessment reports are due 90 days after the end of the fiscal year (December 31).¹¹ 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 via e-mail or compact disk 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

Fiscal Reports

Expenditures under the basic CIP grant 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 assessment reports must be current before new funding will be awarded each year.

The original SF-269 for each grant should be submitted to:
Division of Mandatory Grants
Office of Administration

¹¹ Please note that this is a new due date for the program report for the basic CIP grant, starting with the report on use of the first year funds awarded under this program instruction (FY 2007 funds).

Administration for Children and Families
Attention: Michael Bratt
370 L'Enfant Promenade S.W.
Washington, D.C. 20447

A copy of the SF-269 for each CIP grant should be submitted to the ACF Regional Office, Att: Grants Officer and to the ACF Regional Office, Att: Regional Program Manager.¹²

Alternatively, CIP grantees may also submit their financial status reports (SF-269) using the Internet-based On Line Data Collection (OLDC) system. The web address for OLDC is <https://extranet.acf.hhs.gov/oldc/>. Access to the system is requested by using the Request for OLDC Access form, available on the OLDC Help/FAQ site at

<https://extranet.acf.hhs.gov/oldcdocs/materials.html>. Each staff person who will play a role in OLDC needs a request form. Access is controlled by user names, passwords and job types, as well as user roles. Completed forms can be faxed (202-401-5471) or emailed to Michael Bratt in the Division of Mandatory Grants (Michael.bratt@acf.hhs.gov).

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 the basic CIP grant, State courts should contact the Children's Bureau's National Child Welfare Resource Center on Legal and Judicial Issues¹³ at the American Bar Association Center on Children and the Law,¹⁴ the National Center for State Courts,¹⁵ and the National Council of Juvenile and Family Court Judges.¹⁶ 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

¹² See Attachment A for a list of the Children's Bureau Regional Program Managers.

¹³ Note, requests for T&TA from the Resource Center on Legal and Judicial Issues should be submitted through the State's ACF Regional Office.

¹⁴ See <http://www.abanet.org/child/home.html>

¹⁵ See <http://www.ncsconline.org/>.

¹⁶ See <http://www.ncjfcj.org/>

court performance and judicial workload in child abuse and neglect cases (see *Building a Better Court*¹⁷ and the report of the Pew Commission on Children in Foster Care¹⁸). 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 by the end of FY 2007.

Paperwork Reduction Act

This information collection meets the requirements of 44 U.S.C. section 3507, amended by section 2 of the Paperwork Reduction Act of 1995. 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. Send **only** comments on our time estimate to the Administration for Children and Families, Office of Administration, Office of Information Services, 370 L'Enfant Promenade, SW., Washington, DC 20447, Attn: ACF Reports Clearance Officer.

INQUIRIES: Children's Bureau Regional Program Managers

/s/

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

Attachments:

- A: Children's Bureau Regional Program Managers
- B: Estimated Allocations for the FY 2007 Basic Court Improvement Program Grant¹⁹

¹⁷ *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.

¹⁸ See <http://pewfostercare.org>.

¹⁹ These numbers are based on the assumption that all eligible States are awarded FY 2007 basic CIP grants.