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PROGRAM INSTRUCTION

- TO:** Highest State Courts of Appeal
- SUBJECT:** Instructions for State Courts Applying for Court Improvement Program (CIP) Funds for Fiscal Years (FYs) 2012-2016.
- REFERENCES:** Section 438 of the Social Security Act; Section 7401 of the Deficit Reduction Act of 2005 (Public Law (P.L.) 109-171); titles IV-B and IV-E of the Social Security Act (the Act). The Child and Family Services Improvement and Innovation Act (P.L. 112-34).
- PURPOSE:** The purpose of this Program Instruction (PI) is to set forth the eligibility requirements and grant application procedures for CIP grants for FYs 2012 through 2016 and provide guidance on the requirements for State courts to assess and improve the handling of proceedings related to foster care and adoption, and engagement of the entire family in court processes relating to child welfare, family preservation, family reunification and adoption.
- BACKGROUND:** The CIP funds three grants that the highest State court of each State can apply for: a basic grant, a grant for data collection and analysis, and a grant for training. The basic CIP grant was funded under the Promoting Safe and Stable Families Program to enable State courts to conduct assessments of the role, responsibilities and effectiveness of State courts in carrying out State laws relating to foster care and adoption proceedings. Improvements made under the grant are required to provide for the safety, well-being, and permanence of children in foster care and assist in the implementation of Program Improvement Plans (PIPs) jointly developed

by the State agency, courts and the Children’s Bureau (CB) staff as a result of the Child and Family Services and title IV-E Foster Care Eligibility Reviews. The basic CIP grant was first enacted in 1993 and reauthorized in 1997, 2001 and 2006.

The data and training grants were authorized for five years by the Deficit Reduction Act of 2005 (P.L. 109-171) beginning in FY 2006. The data grant was created to facilitate State court data collection and analysis and promote data sharing between State courts and child welfare agencies. The training grant was created to increase child welfare expertise within the legal community and facilitate cross-training opportunities among agencies, courts and other key stakeholders. The basic, training and data grants all received continued funding for FY 2011 under a continuing resolution.

On September 30, 2011, the President signed the Child and Family Services Improvement and Innovation Act (P.L. 112-34) into law, reauthorizing all three CIP grants through FY 2016. The Child and Family Services Improvement and Innovation Act adds provisions encouraging State courts to promote the use of concurrent planning and increase and improve engagement of the entire family in court processes relating to child welfare, family preservation, family reunification and adoption. It also allocated one million dollars to establish a Tribal Court Improvement Program. Awards for the Tribal CIP will be made on a competitive basis. Information on the Tribal CIP Funding Opportunity Announcement will be published separately.

INFORMATION: Organization of the Program Instruction:

- Section I. Instruction for State Courts
- Section II. Programmatic Requirements for CIP Grants
- Section III. Application Requirements
- Section IV. Strategic Plan Requirements
- Section V. Data Collection and Reporting Requirements
- Section VI. Annual Program Assessment Report Requirements
- Section VII. Annual Fiscal Reporting Requirements

I. INSTRUCTION

This PI describes the application procedures and reporting requirements for CIP grants for FYs 2012-2016 and explains how State courts must plan for, implement, amend, update and report on the programs and activities they support using grant funds. State courts must comply with the requirements delineated in this PI as a prerequisite to receiving CIP funds.

Eligibility

The highest State court of each State that participates in the programs funded under title IV-E of the Act is eligible to apply for CIP funds. The term “highest State court” means the judicial tribunal that is the ultimate court of appeals in the State and responsible for the implementation of the CIP grants. Although the highest State court is the designated applicant for the grant, the application must reflect meaningful and ongoing collaboration among State and local courts, State and local child welfare agencies and, where applicable, Indian Tribes.

A State court may apply for one, two or all three CIP grants. It is not necessary for a State to receive the basic CIP grant to be eligible to receive either the data or training grant.

Funding

- **Allotments:** For each grant, 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.) Estimated allotments for FY 2012 are based on the FY 2011 allotments for each of the three grants and included as Attachment E of this document. The Administration for Children and Families (ACF) will issue estimated allotments annually for FYs 2012-2016.
- **Project Period:** Each State court must obligate its Federal funds by the end of the following fiscal year, with an additional 90 days to liquidate any outstanding obligations. ACF does not have the authority to grant an extension of a program expenditure period. Any funds remaining unobligated or un-liquidated by the respective deadlines will be recouped by ACF and returned to the U.S. Treasury through the issuance of a negative grant award.
- **Cost Sharing Requirement:** A non-Federal share is required for each CIP grant at the rate of 25 percent of the total budget (1/3 of the Federal share). For example, a project totaling \$100,000 would require a State court contribution of \$25,000 to receive Federal funds totaling \$75,000. Funds eligible to be used as non-Federal share must meet the regulatory provisions of 45 CFR 92.24, which establishes the rules for cost sharing.

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

- Must not be Federal grant funds, unless specifically allowed by Federal statute;
 - Must not be used to match any other Federal grant;
 - Must be used for costs that are otherwise allowable. (i.e. the non-Federal share, like the Federal share must also be used for the purposes described in Section 438 of the Act and this program instruction);
 - May originate with a third party, public or non-public; and
 - May be in-kind contributions of services, equipment, or property.
- Indirect Costs: If a State court wishes to receive reimbursement for indirect costs within its allotment as a part of a CIP grant, it must have an approved indirect cost rate with the cognizant Federal agency. The cognizant Federal agency is that Federal agency that provides the most funds to the State court. If a State court has not been assigned a cognizant agency, it should work with the Federal agency from which it receives the largest amount of funds to negotiate and receive approval of indirect cost proposals.
 - Drawdown of Funds from the Payment Management System: In accordance with P.L. 101-510, any grant funds that have been expended within the two-year program expenditure period must be drawn down within five years from the fiscal year for which the funds were awarded (e.g., FY 2012 funds must be drawn down by no later than September 30, 2016). Requests for adjustments/revisions to the Payment Management account after five years will not be approved.

II. PROGRAMMATIC REQUIREMENTS FOR CIP GRANTS

a. Meaningful and Ongoing Collaboration

State courts are required to demonstrate “meaningful, ongoing collaboration” among the courts in the State, the title IV-B/IV-E agency, and where applicable, Indian Tribes in their CIP applications in order to receive funding (Section 438(b)(1)(C) of the Act.) “Meaningful, ongoing collaboration” means that the courts and title IV-B/IV-E agencies will identify and work toward shared goals and activities to increase the safety, permanency, and well-being of children in the child welfare system. To satisfy this requirement, State courts must: (1) create a multi-disciplinary statewide task force to guide CIP activities; and (2) describe how they will work with the title IV-B/IV-E agency to meet grant requirements. Please note that the creation of the Tribal CIP in no way diminishes the requirement for ongoing and meaningful collaboration with the Tribes under the basic, data collection and analysis and training grants.

i. Statewide Multidisciplinary Task Force

State courts must form a statewide multidisciplinary task force which includes, State and local courts, the State title IV-B/IV-E agency, and where applicable Indian Tribes. In addition to the mandatory task force members, other suggested members include representatives of: parent's counsel; children's attorneys or guardians ad litem; counsel for the title IV-B/IV-E agency or State; Court Appointed Special Advocate (CASA) programs; the mental health/behavioral health treatment provider community; the substance abuse treatment provider community; the State department of education; other relevant State departments or agencies; relevant county agencies; local school districts and, foster care alumni. State courts must convene the task force at least annually and consult with the task force in developing and implementing strategic plans and monitoring progress toward outcomes to meet the requirements of this program instruction.

ii. Collaboration with Title IV-B/IV-E Agency and Tribes

State courts must demonstrate collaboration with the title IV-B/IV-E agency in applications for CIP funding by describing how the title IV-B/IV-E agency and Tribes, where applicable, are involved in:

- identifying, defining and assessing outcomes;
- developing the strategic plan; and
- planning how the State court will respond to CFSSR and title IV-E Foster Care Eligibility Review findings and participate in PIP activities related to court functioning and performance that relate to the purposes of the Act within PIP timeframes.¹

Collaboration should result in institutional and infrastructural changes that lead to measurably improved outcomes for the children and families that the State is serving. One example of the above is for the State court and the title IV-B/IV-E agency to regularly meet to examine State Adoption and Foster Care Analysis and Reporting System (AFCARS) data and establish activities for both the court and agency to target for improvement, such as improving placement stability or increasing the number of children that achieve timely reunification, adoptions or guardianships.

¹ It is also important to note that there is a corresponding State agency requirement to demonstrate collaboration with State courts. Specifically, the Act requires State child welfare agencies to demonstrate substantial, ongoing and meaningful collaboration with State courts in the development and implementation of its State plans under titles IV-B and IV-E and PIPs developed as a result of the Child and Family Services and IV-E Foster Care Eligibility Reviews. *See* Section 422(b)(13) of the Act.

Another example of collaboration could include the formation of a work group consisting of representatives from the State court, title IV-B/IV-E agency and State and local departments of education. This work group would meet regularly to examine data concerning educational stability and educational outcomes for youth in care. Such a group could work to enhance data sharing with the goal of ensuring that foster youth receive all necessary and appropriate educational services and opportunities.

b. Assessment and Continuous Quality Improvement

Previous PIs for CIP grants required periodic assessments² to prompt examination of current law, policy and practice and to identify areas in need of improvement to be addressed through CIP grant activity. However, there were no requirements for assessment activities to continue beyond the reporting period or for CIP activities to be explicitly linked to assessment findings and recommendations. While the requirement led many States to revisit and revise certain aspects of policy and practice and make point-in-time interventions, few interventions were designed to promote ongoing monitoring and assessment.

A significant body of research literature now highlights the importance of using data to identify, inform and systematically monitor the implementation and results of programs and interventions in an ongoing fashion. Rather than one-time assessments and interventions, efforts to implement Continuous Quality Improvement³ (CQI) have proven more effective in achieving positive outcomes.

The Children's Bureau, in consultation with key stakeholders, determined that CQI is critical to improving outcomes for children and families for both title IV-B/IV-E agencies and State courts. Many State courts have made significant progress in improving outcomes for children and families through collaborative efforts with title IV-B/IV-E agencies, such as jointly training staff, exchanging data, and working together to identify challenges, promising practices and strategies for improvement.

² The first PI in 1994 required an assessment of the functioning of the State court systems (*see* http://www.acf.hhs.gov/programs/cb/laws_policies/policy/pi/1994/pi9412.htm). In 2004, State courts were required to re-assess their earlier findings, particularly in light of ASFA and CIP reform efforts. State courts were also directed to update the reports to address strengths and weaknesses discovered during the first round of CFSRs (*see* http://www.acf.hhs.gov/programs/cb/laws_policies/policy/pi/2003/pi0304.htm#five). Finally, in 2007, State courts were required to conduct an assessment of their effectiveness in carrying out laws related to the Safe and Timely Interstate Placement of Foster Children Act, Public Law (P.L.) 109-239 (*see*: http://www.acf.hhs.gov/programs/cb/laws_policies/policy/pi/2007/pi0709.htm).

³ For purposes of this PI, 'continuous quality improvement (CQI)' is used and defined in a general, programmatic fashion to mean that data is used to identify, inform, monitor and improve progress toward outcomes in an ongoing fashion. State courts may design systems and approaches to ensure continuous quality improvement that meet their particular needs with available resources.

Consistent with CB's focus on continuous improvement, State courts receiving CIP grants are now required to implement approaches for CQI to ensure that proceedings related to child abuse and neglect promote:

- (1) due process of law;
- (2) timely, thorough and complete⁴ court hearings;
- (3) high quality legal representation⁵ to parents, children and title IV-B/IV-E agencies, both in and out of court, in an ongoing fashion; and
- (4) engagement of the entire family in court processes relating to child welfare, family preservation, family reunification and adoption.

State courts must focus on incorporating CQI into CIP activities for each grant by identifying:

- the outcomes they intend to achieve;
- measurable objectives to determine progress toward achieving outcomes;
- the data that will be necessary to monitor progress and measure success;
- how those data will be measured; and
- who will be responsible for measuring and presenting the data.

State courts must develop activities to meet stated outcomes and approaches that include the following components:

- use of data to identify needs and shape the type of interventions undertaken;
- ongoing monitoring and data collection to measure and track the progress of interventions and activities, including but not limited to timeliness and quality indicators of hearings and legal representation;

⁴ There are a number of indicators that may increase the likelihood that a quality hearing will or has occurred. Such indicators provide evidence that the hearing was timely, thorough and complete including a meaningful review of safety, case plans and permanency goals. A list of quality indicators is provided in Attachment A. For further discussion of what constitutes quality court hearings see the National Council of Juvenile and Family Court Judges (NCJFCJ) *Resource Guidelines*, <http://www.ncjfcj.org/images/stories/dept/ppcd/pdf/resguide.pdf>; see also the National Center for State Courts (NCSC) *Building a Better Court*, <http://contentdm.ncsconline.org/cgi-bin/showfile.exe?CISOROOT=/famct&CISOPTR=63>.

⁵ Attachment B contains a list of indicators that may provide evidence that parties are receiving quality legal representation. For further information on improving the quality of legal representation in dependency cases see the Quality Improvement Center on the Legal Representation of Children in Child Welfare System website at: <http://www.improvechildrep.org>. See also the ABA Parents Representation Project website at: http://www.americanbar.org/groups/child_law/projects_initiatives/parentrepresentation.html.

- a method for analyzing data on CIP interventions and activities, including, but not limited to: timeliness and quality indicators of hearings and legal representation; and
- a feedback mechanism involving stakeholders for using data to identify, inform, and implement midcourse adjustments and modifications to improve CIP interventions and activities.

The scope of activities may vary among State courts based on the size of the award received, structure of the court system, current court data capacities, number of CIP staff and other available resources.

In addition to the activities identified and developed by the State court, specific court-related issues or concerns identified in the CFSR and title IV-E Foster Care Eligibility Review processes, and in particular issues under court responsibility identified as in need of improvement, not in substantial conformity, or in error, must be explicitly stated and addressed in strategic plans and addressed to ensure continuous improvement.

c. Outcome Focused CIP Activities

State courts must clearly identify the outcomes they seek to achieve with CIP activities and develop measurable objectives to determine progress in achieving those outcomes. While some CIP activities may tie exclusively to one particular grant funding stream, most outcomes require combinations of all three funding streams and a comprehensive, coordinated approach.

Activities are required to fall into one or more of the following strategic categories to help achieve measurable outcomes, each equally applicable to all combinations of CIP grants.

- **Court Function Improvement** (e.g., improving and monitoring the timeliness and quality of court hearings and legal representation, improving court orders, increasing and improving the engagement of the entire family in court processes relating to child welfare, family preservation, family reunification and adoption; ensuring full participation of parties with limited English proficiency in court processes; improving the handling of cases involving the interstate placement of children; improving the handling of cases involving Indian Children and the Indian Child Welfare Act; incorporating trauma-informed services and evidence-based practices into court and legal representation practice).
- **Capacity Building** (e.g., Increasing judicial and attorney knowledge and expertise; cross-training with multidisciplinary

stakeholders; collecting data and developing data collection infrastructure,⁶ sharing data with the title IV-B/IV-E child welfare agency, State departments of education and other State agencies responsible for child well-being (including automated efforts to achieve interoperability with other systems through the use of a national data exchange standard such as the National Information Exchange Model (NIEM),⁷ and bi-directional interfaces with Statewide Automated Child Welfare Information Systems (SACWIS)⁸); improving and increasing the engagement of the entire family in court processes; increasing collaborative work with Tribes, incorporating trauma-informed services and evidence-based practices into court and legal representation practice, and improving and monitoring dependency court emergency and disaster preparedness⁹).

- **Systemic Reform** (e.g., State legislative and law reform initiatives, judicial leadership activities, CIP participation in Statewide committees, work groups and other collaborative bodies; collaboration with Tribes; efforts to encourage and promote concurrent planning pursuant to ASFA, increasing and improving the engagement of the entire family in court processes relating to child welfare, family preservation, family reunification and adoption; court involvement with title IV-E/IV-B agency CQI activities; participation in the CFSR and title IV-E Foster Care Eligibility Review processes).

⁶ Funds from the CIP data collection and analysis grant must be used to improve proceedings related to child abuse and neglect cases. Funds cannot be used to build segments of a Management Information System (MIS) that are intended for other types of cases (i.e., an MIS for the entire family court or for all juvenile court proceedings). State courts are highly encouraged to use these funds to: pay for a proportionate share of the common architecture of a larger specialized segment of the MIS (i.e., for family court or juvenile justice proceedings); pay for the child abuse and neglect portion of the MIS or of a larger segment of the MIS; adapt or customize existing MIS systems specifically for abuse and neglect; create abuse and neglect modules within the MIS system; pay for interfaces for exchange of information with the child welfare agency (SACWIS) and others; and pay for projects to share data with other entities.

⁷ The National Information Exchange Model (NIEM) enables information sharing among government agencies by offering an XML standard, proven methodology, and a tool suite for developing data exchange specifications. The NIEM exchange framework represents a collaborative partnership of agencies and organizations across all levels of government (Federal, State, Tribal, and local) and with private industry. See <https://www.niem.gov>. NIEM training and technical assistance are available to State Court Improvement Programs through CB's National Resource Centers and other avenues.

⁸ State courts are highly encouraged to explore and discuss with the title IV-B/IV-E child welfare agency the possibility of implementing information sharing interfaces with existing SACWIS systems that support the calculation of court-specific performance measures, as such activity may be eligible for SACWIS funding.

⁹ The ABA Center on Children and the Law and National Council for Juvenile and Family Court Judges issued a technical assistance bulletin especially for disaster planning in dependency court, which is available at: <http://www.ncjfcj.org/images/stories/dept/ppcd/pdf/katrina%20ta%20brief%20final.pdf>. See also <https://www.ncsconline.org/What'sNew/NewsAlerts/NewsAlertHaveRecoveryPlan.html>; and <http://www.icmeducation.org/katrina/content.html>.

If a State court would like to pursue an activity with CIP funding that does not fall within or directly connect to one of the above categories, prior approval from the CB Regional Office is necessary.

III. APPLICATION REQUIREMENTS

A complete application including all of the requirements detailed below will be due for FY 2012. New applications will not be required for States that receive CIP grants in FY 2012 until the close of FY 2016. Continued funding for interim years (2013, 2014, 2015 and 2016) will be contingent upon successful demonstration of progress toward outcomes through periodic review calls hosted by CB, annually updated strategic plans and year-end program assessment reports. Annual letters of assurance from the highest State court and the title IV-B/IV-E agency are required to demonstrate continued commitment and satisfaction of CIP requirements.

State courts that elect not to apply for all of the CIP grants in FY 2012, but wish to do so in a future year may apply for any of the CIP grants not received in FY 2012 at the close of the interim Federal Fiscal Years (FFYs). To receive funding, State courts applying in interim years must submit applications meeting all of the requirements below.

Applications for FY 2012 CIP Grants

For FY 2012, State courts must submit a single application to the appropriate CB Regional Office and Federal Project Officer clearly identifying each type of CIP grant for which they wish to apply. Each application must include the following components:

1. A budget narrative;
2. A letter from the highest State court requesting funding for FY 2012, specifying which CIP grants the State wishes to apply for including assurances that:
 - a. the court has in effect a rule requiring State courts to ensure that foster parents, pre-adoptive parents, and relative caregivers of a child in foster care under the responsibility of the State are notified of any proceeding held with respect to the child and are afforded the right to be heard;
 - b. at least one representative per each CIP grant received (with a maximum of six reps per State) will attend the annual CIP Grantee Meeting each year funding is received;

3. A letter of support from the State agency administering the title IV-B and IV-E programs that assures:
 - a. ongoing collaboration with the State court on CIP and PIP activities;
 - b. invitation and inclusion of the State court or appointed designees to participate in the CFSR, title IV-E Foster Care Eligibility Review and program improvement processes;
 - c. ongoing engagement, consultation and coordination with the State court on the Child and Family Services Plan (CFSP) and Annual Progress and Services Report (APSR) as required by 45 CFR 1357.16.
 - d. ongoing administrative data sharing, including AFCARS and SACWIS data with the State court.
4. A description clearly articulating why each individual grant for which the State court is applying is necessary and how the funds specific to each grant will be used to promote the identified objectives;
5. A description of how the State court will implement CQI approaches to use data in identifying needs and desired outcomes and measuring progress toward those outcomes;
6. A description of the collaboration (who and how) that has taken place in preparing the grant application;
7. A list of the members of the statewide multidisciplinary taskforce including the:
 - a. name of the member;
 - b. professional affiliation, and
 - c. title
8. A description of how the identified stakeholders will meaningfully collaborate on the activities for which the grant funds will be used;
9. A proposed strategic plan that reflects use of all three grants for at least two years and incorporates identified approaches to ensure continuous quality improvement (State courts have discretion to plan for up to five years); and

10. Certifications:

- a. An Anti-Lobbying Certification and Disclosure Form must be signed and submitted with the State's CIP application(s) pursuant to 45 CFR Part 93; and
- b. If applicable, a SF-LLL, which discloses lobbying payments, also must be submitted.

The signature on the State court's CIP application by an authorized official attests to the applicant's intent to comply with each of the following certifications:¹⁰

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

Submitting an Application

State courts must submit applications in MS Word, electronically to the appropriate CB Regional Office (See Attachment F) and David Kelly, Federal Project Officer, at david.kelly@acf.hhs.gov via e-mail. CB will approve applications that satisfy the requirements and purposes described at Section 438 of the Act and the requirements described in this PI.

Applications for FY 2012 will be due on February 29, 2012.

Please note that the obligation period for FY 2012 grants began on October 1, 2011.

For State courts that elect not to apply for all three CIP grants for FY 2012, applications will be due during interim years (FYs 2013-2016) on August 30.

Annual letters of assurance as described in the application section of this PI will be due on August 30 for each of the interim years for all States applying for or receiving CIP grants.

IV. STRATEGIC PLAN REQUIREMENTS

State courts are required to submit a single strategic plan for at least two years that includes outcomes and activities for all CIP grants received. Strategic plans are the primary way that State courts will communicate their intended outcomes and objectives to CB. Strategic plans are living documents that are required to be reviewed, updated and approved annually to demonstrate progress toward objectives. Progress reported on

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

the strategic plan will form the centerpiece of year-end program assessment reports for interim years (FYs 2013-2016). Strategic plans must incorporate approaches for CQI and accurately reflect:

- anticipated outcomes for improved court functioning, family improvement, and/or capacity building for the court;
- measurable objectives and related activities to be conducted for each anticipated outcome under each CIP grant received; and
- use of data and findings in improving or retooling program components.

CIP strategic plans are required to include specific plans for participation in the CFSR and title IV-E Foster Care Eligibility Review processes including efforts to assist in preparation for reviews, and participation in and on:

- review teams;
- entrance and exit interviews; and
- program improvement plan (PIP) teams.

State courts should provide performance, outcome and any additional relevant data collected through required CIP activities to the teams working on the CFSR and title IV-E Foster Care Eligibility Reviews.

CIP strategic plans and annual program assessment reports are required to clearly demonstrate meaningful and ongoing collaboration among the courts of the State, the title IV-B/IV-E agency and, where applicable, Indian Tribes.

In an effort to strengthen the CIP and allow for enhanced appraisal of overall program success, a new single, combined, Strategic Plan/Annual Program Assessment Report template is included as Attachment C of this document. The template is designed to enhance uniformity in reporting and to ensure that the State court is utilizing CQI processes and accurately addressing and reporting activities. The template serves as the central component of the required annual program assessment report as it enables users to easily provide chronological annual strategic plan and narrative updates. State courts are strongly encouraged to utilize the template; however, its use is not mandatory.

Regardless of whether the template is used, Strategic Plans must provide the following information for each activity:

1. **Need(s):** Identify the issue(s) driving the implementation of the activity and the data source that justifies or supports the need: How was the need identified? What data was used to identify it? (e.g., CIP assessment or reassessment, CFSR report, title IV-E Foster Care

Eligibility Review report, focus group work, survey work, data review, case file review, etc.).

2. **Outcome(s):** Specify the change in law, process, or practice or target audience in terms of content, procedure, knowledge, skills, attitudes, behaviors, capacity, or conditions the State court seeks to make.
3. **Measurable Objective(s):** Identify the measurable step(s) toward accomplishing the outcome within a specified period of time.
4. **Strategic Category:** Classify the type of activities or projects (can be more than one) necessary to reach the desired outcome (e.g. court function improvement, capacity building, systemic reform).
5. **Description of Activity or Project:** Describe the specific actions or projects that will be completed to produce specific outputs and demonstrate progress toward the outcome.
6. **CIP Funding Stream(s):** Specify which CIP grant (basic, data, training grant) will be used to fund the activity (can be more than one), and any additional non-CIP funding being used that the court wishes to identify.
7. **Collaborative Partner(s):** Identify the responsible parties and partners involved in implementation of the activity.
8. **Timeframe:** Provide the proposed completion date or, if appropriate, “ongoing”.
9. **Anticipated Output(s) and Result(s) of the Activity:** Identify, define and describe what the State court intends to produce, provide or accomplish through the activity. Measurable units of service provided, or number of people served by a program or policy; or a count of goods and services produced (e.g., training a certain number of judges, creation of a bench book or curriculum, new legislative proposal, establishment of an Memorandum of Understanding) are all examples of acceptable quantifiable achievements.
10. **Target Improvement(s):** Indicate, where relevant and practicable, the specific changes in data the State court intends to achieve (e.g., 95 percent of permanency hearings occurring on time, 50 percent increase in the number of children and youth attending hearing).
11. **Feedback Vehicle(s):** Provide a brief description of the stakeholders with whom the data will be shared and how it will be used to guide improvement work (e.g., CIP multidisciplinary task force reviews, Administrative Office of the Courts (AOC) review, judicial districts, joint reviews with the title IV-B/IV-E agency).

V. DATA COLLECTION AND REPORTING REQUIREMENTS

Given the critical role data play in promoting continuous improvement and demonstrating progress, CB worked with stakeholders to identify specific timeliness measures to assist courts in tracking and assessing compliance with Federally required timelines. Four of the measures are taken from *Court Performance Measures in Child Abuse and Neglect Cases* (commonly known as the “Toolkit”). The Toolkit is a set of resources developed by the Office of Juvenile Justice and Delinquency Prevention, the National Center on State Courts, the National Council of Juvenile and Family Court Judges and the American Bar Association’s Center on Children and the Law in 2008.¹¹ One measure is an expansion of a Toolkit Measure. The Toolkit Measures were selected based on importance to court function, relevance of these data to CFSR and title IV-E Foster Care Eligibility Reviews and the feasibility of courts collecting the relevant data.

The timeliness measures that will be required for data collection and reporting are:

1. **Time to First Permanency Hearing (Toolkit Measure 4G):** The median time from the filing of the original petition to first permanency hearing (how long it takes to complete the first permanency hearing).
2. **Time to all Subsequent Permanency Hearings (No Toolkit Measure Available):** The median length of time in days between each subsequent permanency hearing that occurs until final permanency is achieved. For example, the number of days between the first permanency hearing and the second permanency hearing, the second permanency hearing and third, etc, for each hearing that occurs while the child remains in care.
3. **Time to Permanent Placement (Toolkit Measure 4A):** The median time from filing of the original petition to legal permanency (how long it takes for children in abuse and neglect cases to achieve legal permanency, following the filing of the original petition). “Legal Permanency” means that there is a permanent and secure legal relationship between the adult caregiver and the child, including reunification, adoption, legal guardianship or placement with a fit and willing relative.

¹¹ <http://www.ojjdp.gov/publications/courttoolkit.html>.

4. **Time to Termination of Parental Rights Petition (Toolkit Measure 4H):** Where reunification has not been achieved, the median time from filing of the original petition to filing the petition to terminate parental rights (how long it takes from the date the original child abuse or neglect petition is filed to the date the termination of parental rights petition is filed).
5. **Time to Termination of Parental Rights (Toolkit Measure 4I):** Where reunification has not been achieved, the median time from filing of the original child abuse and neglect petition to the termination of parental rights (how long it takes from the date the original child abuse and neglect petition was filed to the date the termination of parental rights proceeding is completed).

To meet the timeliness measures reporting requirement, States, at a minimum, are required to develop a plan to implement and report on the above the measures as part of the FY 2012 application. Submission of data on each of the measures listed will be required annually beginning in FY 2013. States that currently have the ability to report on these measures, additional toolkit measures, or other data relevant to the CFSR are strongly encouraged to do so.

Monitoring these data will provide courts a point to begin identifying strengths and areas in need of improvement. For example, if hearings are occurring timely, the court can monitor to ensure that they continue to be so and begin examining the quality of those hearings. If hearings are not timely, or stop being so, a flag is raised indicating possible system or practice problems for which additional inquiry is necessary.

For State courts that do not currently have automated systems, or for whom statewide court data are not available, alternative data collection methods are required. State courts are required to identify, explain and report on the methods selected. Alternative options to consider include:

- Data from local court databases, where available;
- Data from State title IV-B/IV-E agency databases (e.g., SACWIS, AFCARS);
- Systematic or sampling methods to collect data on a county, pilot or multiple county basis; and
- Manual data collection activities:
 - Periodic court observation using a standardized protocol;
 - Periodic court file review using a standardized protocol;
 - Judicial and attorney individual interviews, focus groups or surveys;

- Agency and stakeholder interviews, focus groups or surveys; and
- Other (State courts should describe).

Each of the above methods should be useful in meeting data reporting requirements and helping to identify strengths and areas in need of improvement in current processes and practice.

VI. ANNUAL PROGRAM ASSESSMENT REPORT REQUIREMENTS

State courts must submit a single, consolidated annual program assessment report, in MS Word, covering all CIP grants received. Rather than simply providing a catalog of activities undertaken, the report must demonstrate how activities have advanced outcomes identified in the strategic plan.

The primary content required in the program assessment report can be provided by updating the Strategic Plan /Annual Program Assessment Report template to reflect progress made toward anticipated outcomes and activities completed during the reporting period (for FY 2012 that would mean from October 1, 2011 through September 30, 2012). The template is included as Attachment C to this document and also available on the National Child Welfare Resource Center for Legal and Judicial Issues (NRCLJI) website and the CIP Community of Practice. State courts are strongly encouraged to utilize the template; however, its use is not mandatory.

All annual year-end program assessment reports must include the following:

- An accounting of the 11 required elements of the Strategic Plan as detailed in section IV of these instructions, including results of implemented activities;
- For FY 2012, an analysis of collected and/or available data on timeliness and quality indicators of hearings and legal representation;
- An explanation of how the data have or will be used to identify, inform, and implement necessary interventions and reforms to improve the timeliness and quality of hearings and legal representation;
- A description of improvements in data collection both in quantity and quality;
- Suggestions of how alternative or enhanced data collection (e.g. data mining) may be possible and the creation of action plans towards that end; and
- Beginning with FY 2013, data to measure timeliness of hearings and indicators of the quality of hearings and legal representation, including:

1. Time to first permanency hearing;
2. Time to subsequent permanency hearings;
3. Time to filing of termination of parental rights petition;
4. Time to termination of parental rights; and
5. Time to permanent placement.

Beginning with FY 2013, data on the above five timeliness measures must be included in the program assessment report due December 29, 2013 (for the period of October 1, 2012 through September 30, 2013). The data report must include:

1. Initial baseline data at the beginning of the grant period;
2. The targeted or projected levels of improvement in the measure;
3. The annual rate or level of performance after each year of implementation;
4. The difference from the previous annual rate;
5. The difference from the baseline (starting after year two of implementation); and
6. Identification of any of the above measures that were targeted for improvement with CIP activities.

A template for the timeliness measures to guide State courts in reporting the elements of these data for each measure is included in Attachment D.

Program assessment reports are due 90 days after the end of the fiscal year (December 29). State courts must submit the reports to the appropriate CB Regional Office and The Federal Project Officer, David Kelly at: david.kelly@acf.hhs.gov electronically via email.

In addition a copy of the program assessment report must be submitted concurrently to Alicia Davis of the National Resource Center for Legal and Judicial Issues at the National Center for State Courts at: Adavis@ncsc.org electronically via email.

CB will host individual calls with each State court to review State court progress in meeting grant requirements, identified outcomes and to provide guidance and support at least annually.

VII. ANNUAL FISCAL REPORTING REQUIREMENTS

An interim financial report, covering the current fiscal year, must be submitted no later than 90 days following the end of the current FFY. In addition, and in accordance with Federal regulations at 45 CFR 92.23(b), the final financial report, covering the entire obligation and liquidation

periods, must be submitted no later than the last day of the liquidation period.

Expenditures under the basic, data collection and analysis grants and the training grants must be reported on an SF-425 Financial Status Report. A separate report is required for each grant received.

State courts are requested to file these reports electronically through the ACF On-Line Data Collection (OLDC) system. OLDC requires electronic signatures from the appropriate State official.¹² When electronic reports are completed and submitted, no paper submission is required.

For States that elect to submit paper copies of the required expenditure reports, send one (1) copy with an original signature of each submission of Form SF-425 to the financial office:

Administration for Children and Families
Office of Grants Management
Division of Mandatory Grants
Att'n: State Court Improvement Program
370 L'Enfant Promenade, S.W., 6th Floor East
Washington, D.C. 20447

Send an additional copy of each submission to the appropriate CB Regional Program Office identified in Attachment F.

Forms

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

- SF-425
- Anti-Lobbying Certification and Disclosure Form
- Certification Regarding Drug-Free Work Place
- Debarment Certification
- Certification Regarding Environmental Tobacco Smoke

Resources for State Courts

For training and technical assistance regarding implementing programs under these grants, including technical assistance in developing CQI processes and strategic plans, State courts may contact CB's National Child Welfare Resource Center on Legal and Judicial Issues (NRCLJI).¹³

¹² See Action Transmittal OA-ACF-AT-01-05, issued January 24, 2005.
<https://extranet.acf.hhs.gov/oldcdocs/materials.html>.

¹³ See http://www.americanbar.org/groups/child_law/projects_initiatives/rcjji.html.

The NRCLJI is composed of three organizations¹⁴ with long histories of providing training and technical assistance to State courts. Training and technical assistance on issues related to the new data reporting requirements and developing CQI approaches is also available from CB's National Resource Center for Child Welfare Data and Technology¹⁵ and National Child Welfare Resource Center for Organizational Improvement¹⁶.

Paperwork Reduction Act

Under the Paperwork Reduction Act of 1995 (P.L. 104-13), an agency may not conduct or sponsor, and a person is not required to respond to, a collection of information unless it displays a currently valid Office of Management and Budget Control Number. The public reporting burden for each of the CIP grants covered under this PI is estimated to average 92 hours per response for States applying for all three CIP grants.

INQUIRIES TO: CB Regional Offices

Bryan Samuels
Commissioner
Administration on Children, Youth
and Families

Attachments:

- A: Indicators of Quality Hearings
- B: Indicators of Quality Legal Representation
- C: Optional Strategic Plan/Annual Program Assessment Report Template
- D: Optional Timeliness Measures Template
- E: FY 2012 Tentative Allocations for Each Court Improvement Program Grants
- F: CB Regional Office Program Manager Directory

¹⁴ The NRCLJI is currently composed of the American Bar Association Center on Children and the Law, The National Council of Juvenile and Family Court Judges and the National Center for State Courts.

¹⁵ <https://www.nrcwdt.org/index.html>.

¹⁶ <http://muskie.usm.maine.edu/helpkids/>.