

ENTITLEMENT FUNDING FOR STATE COURTS TO ASSESS AND IMPROVE HANDLING OF PROCEEDINGS RELATING TO FOSTER CARE AND ADOPTION¹

SEC. 438. [42 U.S.C. 629h] (a) IN GENERAL.—The Secretary shall make grants, in accordance with this section, to the highest State courts in States participating in the program under part E, for the purpose of enabling such courts—

(1) to conduct assessments, in accordance with such requirements as the Secretary shall publish, of the role, responsibilities, and effectiveness of State courts in carrying out State laws requiring proceedings (conducted by or under the supervision of the courts)—

(A) that implement parts B and E;

(B) that determine the advisability or appropriateness of foster care placement;

(C) that determine whether to terminate parental rights;

(D) that determine whether to approve the adoption or other permanent placement of a child; and

(E) that determine the best strategy to use to expedite the interstate placement of children, including—

(i) requiring courts in different States to cooperate in the sharing of information;

(ii) authorizing courts to obtain information and testimony from agencies and parties in other States without requiring interstate travel by the agencies and parties; and

(iii) permitting the participation of parents, children, other necessary parties, and attorneys in cases involving interstate placement without requiring their interstate travel; and

(F) that determine the appropriateness and best practices for use of technology to conduct remote hearings, subject to participant consent, including to ensure maximum participation of individuals involved in proceedings and to enable courts to maintain operations in times of public health or other emergencies; and

(2) to implement improvements the highest state courts deem necessary as a result of the assessments, including—

(A) to provide for the safety, well-being, and permanence of children in foster care, as set forth, as set forth in the Adoption and Safe Families Act of 1997 (Public Law 105- 89), including the requirements in the Act related to concurrent planning;

(B) to implement a corrective action plan, as necessary, resulting from reviews of child and family service programs under section 1123A of this Act; and

(C) to increase and improve engagement of the entire family in court processes relating to child welfare, family preservation, family reunification, and

¹ Sec. 107(e) of P.L. 107-133, amended and re-designated section 13712 of the *Omnibus Budget Reconciliation Act of 1993* (42 U.S.C. 670 note) as section 438 of the Act.

adoption, including by training judges, attorneys, and other legal personnel and supporting optimal use of remote hearing technology; and

(3) to ensure that the safety, permanence, and well-being needs of children are met in a timely and complete manner; and

(4)(A) to provide for the training of judges, attorneys and other legal personnel in child welfare cases.

(B) to increase and improve engagement of the entire family in court processes relating to child welfare, family preservation, family reunification, and adoption;

(5) to ensure continuity of needed court services, prevent disruption of the services, and enable their recovery from threats such as public health crises, natural disasters or cyberattacks, including through--

(A) support for technology that allows court proceedings to occur remotely subject to participant consent, including hearings and legal representation;

(B) the development of guidance and protocols for responding to the occurrences and coordinating with other agencies; and

(C) other activities carried out to ensure backup systems are in place.

(b) APPLICATIONS.—In order to be eligible to receive a grant under this section, a highest State court shall have 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 to be held with respect to the child, shall provide for the training of judges, attorneys, and other legal personnel in child welfare cases on Federal child welfare policies and payment limitations with respect to children in foster care who are placed in settings that are not a foster family home, and shall submit to the Secretary an application at such time, in such form, and including such information and assurances as the Secretary may require, including—

(1) a description of how courts and child welfare agencies on the local and State levels will use not less than 30 percent of grant funds to collaborate and jointly plan for the collection and sharing of all relevant data and information to demonstrate how improved case tracking and analysis of child abuse and neglect cases will produce safe and timely permanency decisions;

(2) a demonstration that a portion of the grant will be used for cross-training initiatives that are jointly planned and executed with the State agency or any other agency under contract with the State to administer the State program under the State plan under subpart 1, the State plan approved under section 434, or the State plan approved under part E; and

(3) a demonstration of meaningful and ongoing collaboration among the courts in the State, the State agency or any other agency under contract with the State who is responsible for administering the State program under part B or E, and, where applicable, Indian tribes.

(c) AMOUNT OF GRANT.—

(1) IN GENERAL.— From the amounts reserved under sections 436(b)(2) and 437(b)(2) for a fiscal year, each highest State court that has an application approved

under this section for the fiscal year, shall be entitled to payment of an amount equal to the sum of—

(A) \$255,000; and

(B) the amount described in paragraph (2) with respect to the court and the fiscal year.

(2) AMOUNT DESCRIBED.— The amount described in this paragraph with respect to a court and a fiscal year is the amount that bears the same ratio to the total of the amounts reserved under sections 436(b)(2) and 437(b)(2) for grants under this section for the fiscal year (after applying paragraphs (1)(A) and (3) of this subsection) as the number of individuals in the State in which the court is located who have not attained 21 years of age bears to the total number of such individuals in all States with a highest State court that has an approved application under this section for the fiscal year.

(3) INDIAN TRIBES.—From the amounts reserved under section 436(b)(2) for a fiscal year, the Secretary shall, before applying paragraph (1) of this subsection, allocate \$2,000,000 for grants to be

to be awarded on a competitive basis among the highest courts of Indian tribes or tribal consortia that—

(A) are operating a program under part E, in accordance with section 479B;

(B) are seeking to operate a program under part E and have received an implementation grant under section 476; or

(C) has a court responsible for proceedings related to foster care or adoption.

(d) EXTENSION OF FEDERAL SHARE.— Each highest State court which receives funds paid under this section may use such funds to pay not more than 75 percent of the cost of activities under this section in each of fiscal years 2025 and each succeeding year.

Also in Supporting America's Children and Families Act, P.L. 118-258, which was signed into law on Jan 4th, 2025

“Enhancements to the court improvement program. (a) Increase in reservation of funds...(42 U.S.C. 629f(b)(2)) is amended by inserting [\$30,000,000] “for fiscal year 2025 and \$40,000,000 for fiscal year 2026 and each succeeding fiscal year” before “for grants.” Section 104