

CONFERENCE OF CHIEF JUSTICES CONFERENCE OF STATE COURT ADMINISTRATORS

Resolution 18

In Support for Court Involvement in Audits Conducted by the Children's Bureau

WHEREAS, Congress authorized the Children's Bureau of the United States Department of Health and Human Services to conduct Child and Family Service Reviews (CFSRs) and Title IV-E Audits in 50 states and territories for the purpose of insuring that state child welfare systems are in compliance with federal policy, operate efficiently and effectively, and expeditiously move abused and neglected children to safe and permanent homes; and

WHEREAS, Congress charged the state courts with oversight responsibilities for the state child welfare systems and, as such, state courts are critical stakeholders in these systems; and

WHEREAS, after the initial CFSRs were conducted, the Children's Bureau of the U.S. Department of Health and Human Services recognized the need to actively involve the judiciary in all phases of the reviews, including the self-assessment, review planning, conduct of the on-site review, and planning and implementation of the Program Improvement Plans; and

WHEREAS, after recognizing this need, the Children's Bureau made concerted efforts to encourage state child welfare agencies to engage the judiciary in the CFSR process; and

WHEREAS, some state child welfare agencies did engage the judiciary in the CFSR process, but this did not occur in all states and the judiciary was not consistently included in all phases of the reviews; and

WHEREAS, a similar effort to engage the judiciary was not made in conducting the IV-E Audits and, as such, the judiciary had little involvement in these audits; and

WHEREAS, failure to engage the judiciary in the reviews and audits results in a lack of understanding by the executive branch of the courts' processes and procedures, a lack of understanding by the judiciary of the federal requirements and executive branch processes, and a lack of inter-branch collaboration and commitment to addressing systemic problems; and

WHEREAS, greater collaboration could be achieved if the highest court officials were notified of upcoming critical events related to future audits by copying the Chief Justice on correspondence to the state executive agency as well as meeting with the highest court official (or designee) as part of future on-site reviews; and

WHEREAS, collaboration between the judicial and executive branches for the purpose of federal audits would yield more meaningful outcomes and would be of greater value to the courts;

NOW, THEREFORE, BE IT RESOLVED that the Conference of Chief Justices and the Conference of State Court Administrators request that the Children's Bureau directly communicate with the Chief Justices and State Court Administrators on the scheduling, planning and implementation of CSFRs and IV-E Audits so that state judiciaries are better able to fully and actively participate in improving service to children and families; and

BE IT FURTHER RESOLVED that the Conferences request that a representative of the Children's Bureau meet with the Chief Justice (or designee) in each state as part of any federal review or audit to insure that state court leadership has an opportunity to directly communicate with and provide information to the audit team; and

BE IT FURTHER RESOLVED that the leadership of the Conferences should meet with the Children's Bureau leadership to discuss additional ways in which greater collaboration between the judicial and executive branches would be mutually beneficial for future reviews and audits.

Adopted as proposed by the CCI/COSCA Courts, Children and Families Committee and the CCI/COSCA Court Management Committee at the 56th Annual Meeting on July 29, 2004.