

**Resolution 13
In Support of State Discretion for Public Access Policy in Child Abuse and Neglect Cases**

WHEREAS, the Children's Bureau of the Department of Health and Human Services has interpreted the federal confidentiality requirements in Titles IV-B and IV-E of the Social Security Act to prohibit public access to court hearings and court records related to child abuse and neglect cases, and enforcement of the Children's Bureau's interpretation might jeopardize federal child welfare funding in a significant number of states; and

WHEREAS, states have taken different approaches in the degree and circumstances under which the public is allowed access to court proceedings and court records related to child abuse and neglect cases; and

WHEREAS, the Conference of Chief Justices and the Conference of State Court Administrators recognize the need to balance the value of protecting the confidentiality and privacy of children who are alleged to have been abused or neglected and the value of public accountability; and

WHEREAS, the balance between confidentiality and accountability should be determined within each state by state policy officials; and

WHEREAS, the 108th Congress, in its reauthorization of the Child Abuse Prevention and Treatment Act (CAPTA), has also recognized the appropriateness of state discretion in this matter; and

WHEREAS, the Conferences believe CAPTA Titles IV-B and IV-E could be interpreted to allow states the flexibility to determine their own policies related to public access in child abuse and neglect cases;

NOW, THEREFORE, BE IT RESOLVED, that the Conferences urge Congress to amend Titles IV-B and IV-E of the Social Security Act to conform with the CAPTA reauthorization language to allow states the flexibility to determine their own policies on public access to court proceedings and court records as long as the state policies ensure the safety and well-being of the child, parents and families.

Adopted as proposed by the Joint CCJ/COSCA Courts, Children and Families Committee at the Annual Meeting on July 31, 2003.