

106TH CONGRESS
2D SESSION

S. 2271

To amend the Social Security Act to improve the quality and availability of training for judges, attorneys, and volunteers working in the Nation's abuse and neglect courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997.

IN THE SENATE OF THE UNITED STATES

MARCH 22, 2000

Mr. DEWINE (for himself, Mr. ROCKEFELLER, Ms. LANDRIEU, Mr. LEVIN, Mr. KERRY, Mr. KERREY, Mr. WELLSTONE, Ms. COLLINS, Mrs. BOXER, Mr. L. CHAFEE, Mrs. LINCOLN, and Mr. BINGAMAN) introduced the following bill; which was read twice and referred to the Committee on Finance

A BILL

To amend the Social Security Act to improve the quality and availability of training for judges, attorneys, and volunteers working in the Nation's abuse and neglect courts, and for other purposes consistent with the Adoption and Safe Families Act of 1997.

1 *Be it enacted by the Senate and House of Representa-*
2 *tives of the United States of America in Congress assembled,*

3 **SECTION 1. SHORT TITLE.**

4 This Act may be cited as the "Training and Knowl-
5 edge Ensure Children a Risk-Free Environment (TAKE
6 CARE) Act".

1 **SEC. 2. FINDINGS.**

2 Congress finds the following:

3 (1) Under both Federal and State law, the
4 courts play a crucial and essential role in the Na-
5 tion's child welfare system and in ensuring safety,
6 stability, and permanence for abused and neglected
7 children under the supervision of that system.

8 (2) The Adoption and Safe Families Act of
9 1997 (Public Law 105–89; 111 Stat. 2115) estab-
10 lishes explicitly for the first time in Federal law that
11 a child's health and safety must be the paramount
12 consideration when any decision is made regarding a
13 child in the Nation's child welfare system.

14 (3) The Adoption and Safe Families Act of
15 1997 promotes stability and permanence for abused
16 and neglected children by requiring timely decision-
17 making in proceedings to determine whether children
18 can safely return to their families or whether they
19 should be moved into safe and stable adoptive homes
20 or other permanent family arrangements outside the
21 foster care system.

22 (4) To avoid unnecessary and lengthy stays in
23 the foster care system, the Adoption and Safe Fami-
24 lies Act of 1997 specifically requires, among other
25 things, that States move to terminate the parental

1 rights of the parents of those children who have
2 been in foster care for 15 of the last 22 months.

3 (5) While essential to protect children and to
4 carry out the general purposes of the Adoption and
5 Safe Families Act of 1997, the accelerated timelines
6 for the termination of parental rights and the other
7 requirements imposed under that Act increase the
8 pressure on the Nation's already overburdened abuse
9 and neglect courts.

10 (6) The administrative efficiency and effective-
11 ness of the Nation's abuse and neglect courts would
12 be substantially improved by the acquisition and im-
13 plementation of computerized case-tracking systems
14 to identify and eliminate existing backlogs, to move
15 abuse and neglect caseloads forward in a timely
16 manner, and to move children into safe and stable
17 families. Such systems could also be used to evaluate
18 the effectiveness of such courts in meeting the pur-
19 poses of the amendments made by, and provisions
20 of, the Adoption and Safe Families Act of 1997.

21 (7) The administrative efficiency and effective-
22 ness of the Nation's abuse and neglect courts would
23 also be improved by the identification and implemen-
24 tation of projects designed to eliminate the backlog
25 of abuse and neglect cases, including the temporary

1 hiring of additional judges, extension of court hours,
2 and other projects designed to reduce existing case-
3 loads.

4 (8) The administrative efficiency and effective-
5 ness of the Nation's abuse and neglect courts would
6 be further strengthened by improving the quality
7 and availability of training for judges, court per-
8 sonnel, agency attorneys, guardians ad litem, volun-
9 teers who participate in court-appointed special ad-
10 vocate (CASA) programs, and attorneys who rep-
11 resent the children and the parents of children in
12 abuse and neglect proceedings.

13 (9) While recognizing that abuse and neglect
14 courts in this country are already committed to the
15 quality administration of justice, the performance of
16 such courts would be even further enhanced by the
17 development of models and educational opportunities
18 that reinforce court projects that have already been
19 developed, including models for case-flow procedures,
20 case management, representation of children, auto-
21 mated interagency interfaces, and "best practices"
22 standards.

23 (10) Judges, magistrates, commissioners, and
24 other judicial officers play a central and vital role in
25 ensuring that proceedings in our Nation's abuse and

1 neglect courts are run efficiently and effectively. The
2 performance of those individuals in such courts can
3 only be further enhanced by training, seminars, and
4 an ongoing opportunity to exchange ideas with their
5 peers.

6 (11) Volunteers who participate in court-ap-
7 pointed special advocate (CASA) programs play a
8 vital role as the eyes and ears of abuse and neglect
9 courts in proceedings conducted by, or under the su-
10 pervision of, such courts and also bring increased
11 public scrutiny of the abuse and neglect court sys-
12 tem. The Nation's abuse and neglect courts would
13 benefit from an expansion of this program to cur-
14 rently underserved communities.

15 (12) Improved computerized case-tracking sys-
16 tems, comprehensive training, and development of,
17 and education on, model abuse and neglect court
18 systems, particularly with respect to underserved
19 areas, would significantly further the purposes of the
20 Adoption and Safe Families Act of 1997 by reducing
21 the average length of an abused and neglected
22 child's stay in foster care, improving the quality of
23 decision-making and court services provided to chil-
24 dren and families, and increasing the number of
25 adoptions.

1 **SEC. 3. TRAINING IN CHILD ABUSE AND NEGLECT PRO-**
2 **CEEDINGS.**

3 (a) PAYMENT FOR TRAINING.—

4 (1) IN GENERAL.—Section 474(a)(3) of the So-
5 cial Security Act (42 U.S.C. 674(a)(3)) is
6 amended—

7 (A) by redesignating subparagraphs (C),
8 (D), and (E) as subparagraphs (D), (E), and
9 (F), respectively; and

10 (B) by inserting after subparagraph (B),
11 the following:

12 “(C) 75 percent of so much of such ex-
13 penditures as are for the training (including
14 cross-training with personnel employed by, or
15 under contract with, the State or local agency
16 administering the plan in the political subdivi-
17 sion, training on topics relevant to the legal
18 representation of clients in proceedings con-
19 ducted by or under the supervision of an abuse
20 and neglect court (as defined in section
21 475(8)), and training on related topics such as
22 child development and the importance of devel-
23 oping a trusting relationship with a child) of
24 judges, judicial personnel, law enforcement per-
25 sonnel, agency attorneys (as defined in section
26 475(9)), attorneys representing parents in pro-

1 proceedings conducted by, or under the supervision
2 of, an abuse and neglect court (as defined in
3 section 475(8)), attorneys representing children
4 in such proceedings (as defined in section
5 475(10)), guardians ad litem, and volunteers
6 who participate in court-appointed special advo-
7 cate (CASA) programs, to the extent such
8 training is related to provisions of, and amend-
9 ments made by, the Adoption and Safe Families
10 Act of 1997, provided that any such training
11 that is offered to judges or other judicial per-
12 sonnel shall be offered by, or under contract
13 with, the State or local agency in collaboration
14 with the judicial conference or other appro-
15 priate judicial governing body operating in the
16 State.”.

17 (2) CONFORMING AMENDMENTS.—

18 (A) Section 473(a)(6)(B) of such Act (42
19 U.S.C. 673(a)(6)(B)) is amended by striking
20 “474(a)(3)(E)” and inserting “474(a)(3)(F)”.

21 (B) Section 474(a)(3)(E) of such Act (42
22 U.S.C. 674(a)(3)(E)) (as redesignated by sub-
23 section (a)(1)) is amended by striking “sub-
24 paragraph (C)” and inserting “subparagraph
25 (D)”.

1 (C) Section 474(c) of such Act (42 U.S.C.
2 674(c)) is amended by striking “subsection
3 (a)(3)(C)” and inserting “subsection
4 (a)(3)(D)”.

5 (b) DEFINITION OF CERTAIN TERMS.—Section 475
6 of such Act (42 U.S.C. 675) is amended by adding at the
7 end the following new paragraphs:

8 “(8) The term ‘abuse and neglect courts’ means
9 the State and local courts that carry out State or
10 local laws requiring proceedings (conducted by or
11 under the supervision of the courts)—

12 “(A) that implement part B and this part
13 (including preliminary disposition of such pro-
14 ceedings);

15 “(B) that determine whether a child was
16 abused or neglected;

17 “(C) that determine the advisability or ap-
18 propriateness of placement in a family foster
19 home, group home, or a special residential care
20 facility; or

21 “(D) that determine any other legal dis-
22 position of a child in the abuse and neglect
23 court system.

24 “(9) The term ‘agency attorney’ means an at-
25 torney or other individual, including any government

1 attorney, district attorney, attorney general, State
 2 attorney, county attorney, city solicitor or attorney,
 3 corporation counsel, or privately retained special
 4 prosecutor, who represents the State or local agency
 5 administrating the programs under part B and this
 6 part in a proceeding conducted by, or under the su-
 7 pervision of, an abuse and neglect court, including a
 8 proceeding for termination of parental rights.

9 “(10) The term ‘attorneys representing chil-
 10 dren’ means any attorney or a guardian ad litem
 11 who represents a child in a proceeding conducted by,
 12 or under the supervision of, an abuse and neglect
 13 court.”.

14 **SEC. 4. STATE STANDARDS FOR AGENCY ATTORNEYS.**

15 Section 471(a) of the Social Security Act (42 U.S.C.
 16 671(a)) is amended—

17 (1) in paragraph (22), by striking “and” at the
 18 end;

19 (2) in paragraph (23), by striking the period
 20 and inserting “; and”; and

21 (3) by adding at the end the following:

22 “(24) provides that, not later than January 1,
 23 2002, the State shall develop and encourage the im-
 24 plementation of guidelines for all agency attorneys
 25 (as defined in section 475(9)), including legal edu-

1 cation requirements for such attorneys regarding the
2 handling of abuse, neglect, and dependency pro-
3 ceedings.”.

4 **SEC. 5. TECHNICAL ASSISTANCE FOR CHILD ABUSE, NE-**
5 **GLECT, AND DEPENDENCY MATTERS.**

6 (a) IN GENERAL.—The Secretary of Health and
7 Human Services, in coordination with the Attorney Gen-
8 eral, shall provide the technical assistance, training, and
9 evaluations authorized under this section through grants,
10 contracts, or cooperative arrangements with other entities,
11 including universities, and national, State, and local orga-
12 nizations. The Secretary of Health and Human Services
13 and the Attorney General should ensure that entities that
14 have not had a previous contractual relationship with the
15 Department of Health and Human Services, the Depart-
16 ment of Justice, or another Federal agency can compete
17 for grants for technical assistance, training, and evalua-
18 tions.

19 (b) PURPOSE.—Technical assistance shall be pro-
20 vided under this section for the purpose of supporting and
21 assisting State and local courts that handle child abuse,
22 neglect, and dependency matters to effectively carry out
23 new responsibilities enacted as part of the Adoption and
24 Safe Families Act of 1997 (Public Law 105–89; 111 Stat.
25 2115) and to speed the process of adoption of children

1 and legal finalization of permanent families for children
2 in foster care by improving practices of the courts involved
3 in that process.

4 (c) ACTIVITIES.—Technical assistance consistent
5 with the purpose described in subsection (b) may be pro-
6 vided under this section through the following:

7 (1) The dissemination of information, existing
8 and effective models, and technical assistance to
9 State and local courts that receive grants for auto-
10 mated data collection and case-tracking systems and
11 outcome measures.

12 (2) The provision of specialized training on
13 child development that is appropriate for judges, ref-
14 erees, nonjudicial decision-makers, administrative,
15 and other court-related personnel, and for agency at-
16 torneys, attorneys representing children, guardians
17 ad litem, volunteers who participate in court-ap-
18 pointed special advocate (CASA) programs, or par-
19 ents.

20 (3) The provision of assistance and dissemina-
21 tion of information about best practices of abuse and
22 neglect courts for effective case management strate-
23 gies and techniques, including automated data col-
24 lection and case-tracking systems, assessments of
25 caseload and staffing levels, management of court

1 dockets, timely decision-making at all stages of a
2 proceeding conducted by, or under the supervision
3 of, an abuse and neglect court (as so defined), and
4 the development of streamlined case flow procedures,
5 case management models, early case resolution pro-
6 grams, mechanisms for monitoring compliance with
7 the terms of court orders, models for representation
8 of children, automated interagency interfaces be-
9 tween data bases, and court rules that facilitate
10 timely case processing.

11 (4) The development and dissemination of
12 training models for judges, attorneys representing
13 children, agency attorneys, guardians ad litem, and
14 volunteers who participate in court-appointed special
15 advocate (CASA) programs.

16 (5) The development of standards of practice
17 for agency attorneys, attorneys representing chil-
18 dren, guardians ad litem, volunteers who participate
19 in court-appointed special advocate (CASA) pro-
20 grams, and parents in such proceedings.

21 (d) TRAINING REQUIREMENT.—Any training offered
22 in accordance with this section to judges or other judicial
23 personnel shall be offered in collaboration with the judicial
24 conference or other appropriate judicial governing body

1 operating with respect to the State in which the training
2 is offered.

3 (e) DEFINITIONS.—In this section, the terms “agency
4 attorneys”, “abuse and neglect courts”, and “attorneys
5 representing children” have the meanings given such
6 terms in section 475 of the Social Security Act (42 U.S.C.
7 675) (as amended by section 3(b) of this Act).

8 (f) AUTHORIZATION OF APPROPRIATIONS.—There is
9 authorized to carry out this section \$5,000,000 for the pe-
10 riod of fiscal years 2001 through 2005.

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