

106TH CONGRESS
2D SESSION

S. 2272

To improve the administrative efficiency and effectiveness of 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 the Judiciary

A BILL

To improve the administrative efficiency and effectiveness of 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 “Strengthening Abuse
5 and Neglect Courts Act of 2000”.

6 **SEC. 2. FINDINGS.**

7 Congress finds the following:

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

6 (2) The Adoption and Safe Families Act of
7 1997 (Public Law 105–89; 111 Stat. 2115) estab-
8 lishes explicitly for the first time in Federal law that
9 a child's health and safety must be the paramount
10 consideration when any decision is made regarding a
11 child in the Nation's child welfare system.

12 (3) The Adoption and Safe Families Act of
13 1997 promotes stability and permanence for abused
14 and neglected children by requiring timely decision-
15 making in proceedings to determine whether children
16 can safely return to their families or whether they
17 should be moved into safe and stable adoptive homes
18 or other permanent family arrangements outside the
19 foster care system.

20 (4) To avoid unnecessary and lengthy stays in
21 the foster care system, the Adoption and Safe Fami-
22 lies Act of 1997 specifically requires, among other
23 things, that States move to terminate the parental
24 rights of the parents of those children who have
25 been in foster care for 15 of the last 22 months.

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

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

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

1 and other projects designed to reduce existing case-
2 loads.

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

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

22 (10) Judges, magistrates, commissioners, and
23 other judicial officers play a central and vital role in
24 ensuring that proceedings in our Nation's abuse and
25 neglect courts are run efficiently and effectively. The

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

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

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

1 **SEC. 3. DEFINITIONS.**

2 In this Act:

3 (a) **ABUSE AND NEGLECT COURTS.**—The term
4 “abuse and neglect courts” means the State and local
5 courts that carry out State or local laws requiring pro-
6 ceedings (conducted by or under the supervision of the
7 courts)—

8 (1) that implement part B and part E of title
9 IV of the Social Security Act (42 U.S.C. 620 et seq.;

10 670 et seq.) (including preliminary disposition of
11 such proceedings);

12 (2) that determine whether a child was abused
13 or neglected;

14 (3) that determine the advisability or appro-
15 priateness of placement in a family foster home,
16 group home, or a special residential care facility; or

17 (4) that determine any other legal disposition of
18 a child in the abuse and neglect court system.

19 (b) **AGENCY ATTORNEY.**—The term “agency attor-
20 ney” means an attorney or other individual, including any
21 government attorney, district attorney, attorney general,
22 State attorney, county attorney, city solicitor or attorney,
23 corporation counsel, or privately retained special pros-
24 ecutor, who represents the State or local agency adminis-
25 trating the programs under parts B and E of title IV of
26 the Social Security Act (42 U.S.C. 620 et seq.; 670 et

1 seq.) in a proceeding conducted by, or under the super-
 2 vision of, an abuse and neglect court, including a pro-
 3 ceeding for termination of parental rights.

4 **SEC. 4. GRANTS TO STATE COURTS AND LOCAL COURTS TO**
 5 **AUTOMATE THE DATA COLLECTION AND**
 6 **TRACKING OF PROCEEDINGS IN ABUSE AND**
 7 **NEGLECT COURTS.**

8 (a) AUTHORITY TO AWARD GRANTS.—

9 (1) IN GENERAL.—Subject to paragraph (2),
 10 the Attorney General, acting through the Office of
 11 Juvenile Justice and Delinquency Prevention of the
 12 Office of Justice Programs, shall award grants in
 13 accordance with this section to State courts and
 14 local courts for the purposes of—

15 (A) enabling such courts to develop and
 16 implement automated data collection and case-
 17 tracking systems for proceedings conducted by,
 18 or under the supervision of, an abuse and ne-
 19 glect court;

20 (B) encouraging the replication of such
 21 systems in abuse and neglect courts in other ju-
 22 risdictions; and

23 (C) requiring the use of such systems to
 24 evaluate a court's performance in implementing
 25 the requirements of parts B and E of title IV

1 of the Social Security Act (42 U.S.C. 620 et
2 seq.; 670 et seq.).

3 (2) LIMITATIONS.—

4 (A) NUMBER OF GRANTS.—Not less than
5 20 nor more than 50 grants may be awarded
6 under this section.

7 (B) PER STATE LIMITATION.—Not more
8 than 2 grants authorized under this section
9 may be awarded per State.

10 (C) USE OF GRANTS.—Funds provided
11 under a grant made under this section may only
12 be used for the purpose of developing, imple-
13 menting, or enhancing automated data collec-
14 tion and case-tracking systems for proceedings
15 conducted by, or under the supervision of, an
16 abuse and neglect court.

17 (b) APPLICATION.—

18 (1) IN GENERAL.—A State court or local court
19 may submit an application for a grant authorized
20 under this section at such time and in such manner
21 as the Attorney General may determine.

22 (2) INFORMATION REQUIRED.—An application
23 for a grant authorized under this section shall con-
24 tain the following:

1 (A) A description of a proposed plan for
2 the development, implementation, and mainte-
3 nance of an automated data collection and case-
4 tracking system for proceedings conducted by,
5 or under the supervision of, an abuse and ne-
6 glect court, including a proposed budget for the
7 plan and a request for a specific funding
8 amount.

9 (B) A description of the extent to which
10 such plan and system are able to be replicated
11 in abuse and neglect courts of other jurisdic-
12 tions that specifies the common case-tracking
13 data elements of the proposed system, includ-
14 ing, at a minimum—

15 (i) identification of relevant judges,
16 court, and agency personnel;

17 (ii) records of all court proceedings
18 with regard to the abuse and neglect case,
19 including all court findings and orders
20 (oral and written); and

21 (iii) relevant information about the
22 subject child, including family information
23 and the reason for court supervision.

24 (C) In the case of an application submitted
25 by a local court, a description of how the plan

1 to implement the proposed system was devel-
2 oped in consultation with related State courts,
3 particularly with regard to a State court im-
4 provement plan funded under section 13712 of
5 the Omnibus Budget Reconciliation Act of 1993
6 (42 U.S.C. 670 note) if there is such a plan in
7 the State.

8 (D) In the case of an application that is
9 submitted by a State court, a description of
10 how the proposed system will integrate with a
11 State court improvement plan funded under
12 section 13712 of such Act if there is such a
13 plan in the State.

14 (E) After consultation with the State agen-
15 cy responsible for the administration of parts B
16 and E of title IV of the Social Security Act (42
17 U.S.C. 620 et seq.; 670 et seq.)—

18 (i) a description of the coordination of
19 the proposed system with other child wel-
20 fare data collection systems, including the
21 Statewide automated child welfare infor-
22 mation system (SACWIS) and the adop-
23 tion and foster care analysis and reporting
24 system (AFCARS) established pursuant to

1 section 479 of the Social Security Act (42
2 U.S.C. 679); and

3 (ii) an assurance that such coordina-
4 tion will be implemented and maintained.

5 (F) Identification of an independent third
6 party that will conduct ongoing evaluations of
7 the feasibility and implementation of the plan
8 and system and a description of the plan for
9 conducting such evaluations.

10 (G) A description or identification of a
11 proposed funding source for completion of the
12 plan (if applicable) and maintenance of the sys-
13 tem after the conclusion of the period for which
14 the grant is to be awarded.

15 (H) An assurance that any contract en-
16 tered into between the State court or local court
17 and any other entity that is to provide services
18 for the development, implementation, or mainte-
19 nance of the system under the proposed plan
20 will require the entity to agree to allow for rep-
21 lication of the services provided, the plan, and
22 the system, and to refrain from asserting any
23 proprietary interest in such services for pur-
24 poses of allowing the plan and system to be rep-
25 licated in another jurisdiction.

1 (I) An assurance that the system estab-
2 lished under the plan will provide data that al-
3 lows for evaluation (at least on an annual basis)
4 of the following information:

5 (i) The total number of cases that are
6 filed in the abuse and neglect court.

7 (ii) The number of cases assigned to
8 each judge who presides over the abuse
9 and neglect court.

10 (iii) The average length of stay of
11 children in foster care.

12 (iv) With respect to each child under
13 the jurisdiction of the court—

14 (I) the number of episodes of
15 placement in foster care;

16 (II) the number of days placed in
17 foster care and the type of placement
18 (foster family home, group home, or
19 special residential care facility);

20 (III) the number of days of in-
21 home supervision; and

22 (IV) the number of separate fos-
23 ter care placements.

1 (v) The number of adoptions,
2 guardianships, or other permanent disposi-
3 tions finalized.

4 (vi) The number of terminations of
5 parental rights.

6 (vii) The number of child abuse and
7 neglect proceedings closed that had been
8 pending for 2 or more years.

9 (viii) With respect to each proceeding
10 conducted by, or under the supervision of,
11 an abuse and neglect court—

12 (I) the timeliness of each stage of
13 the proceeding from initial filing
14 through legal finalization of a perma-
15 nency plan (for both contested and
16 uncontested hearings);

17 (II) the number of adjournments,
18 delays, and continuances occurring
19 during the proceeding, including iden-
20 tification of the party requesting each
21 adjournment, delay, or continuance
22 and the reasons given for the request;

23 (III) the number of courts that
24 conduct or supervise the proceeding

1 for the duration of the abuse and ne-
2 glect case;

3 (IV) the number of judges as-
4 signed to the proceeding for the dura-
5 tion of the abuse and neglect case;
6 and

7 (V) the number of agency attor-
8 neys, children's attorneys, parent's at-
9 torneys, guardians ad litem, and vol-
10 unteers participating in a court-ap-
11 pointed special advocate (CASA) pro-
12 gram assigned to the proceeding dur-
13 ing the duration of the abuse and ne-
14 glect case.

15 (J) A description of how the proposed sys-
16 tem will reduce the need for paper files and en-
17 sure prompt action so that cases are appro-
18 priately listed with national and regional adop-
19 tion exchanges, and public and private adoption
20 services.

21 (K) An assurance that the data collected in
22 accordance with subparagraph (I) will be made
23 available to relevant Federal, State, and local
24 government agencies and to the public.

1 (L) An assurance that the proposed system
2 is consistent with other civil and criminal infor-
3 mation requirements of the Federal govern-
4 ment.

5 (M) An assurance that the proposed sys-
6 tem will provide notice of timeframes required
7 under the Adoption and Safe Families Act of
8 1997 (Public Law 105–89; 111 Stat. 2115) for
9 individual cases to ensure prompt attention and
10 compliance with such requirements.

11 (c) CONDITIONS FOR APPROVAL OF APPLICA-
12 TIONS.—

13 (1) MATCHING REQUIREMENT.—

14 (A) IN GENERAL.—A State court or local
15 court awarded a grant under this section shall
16 expend \$1 for every \$3 awarded under the
17 grant to carry out the development, implemen-
18 tation, and maintenance of the automated data
19 collection and case-tracking system under the
20 proposed plan.

21 (B) WAIVER FOR HARDSHIP.—The Attor-
22 ney General may waive or modify the matching
23 requirement described in subparagraph (A) in
24 the case of any State court or local court that
25 the Attorney General determines would suffer

1 undue hardship as a result of being subject to
2 the requirement.

3 (C) NON-FEDERAL EXPENDITURES.—

4 (i) CASH OR IN KIND.—State court or
5 local court expenditures required under
6 subparagraph (A) may be in cash or in
7 kind, fairly evaluated, including plant,
8 equipment, or services.

9 (ii) NO CREDIT FOR PRE-AWARD EX-
10 PENDITURES.—Only State court or local
11 court expenditures made after a grant has
12 been awarded under this section may be
13 counted for purposes of determining
14 whether the State court or local court has
15 satisfied the matching expenditure require-
16 ment under subparagraph (A).

17 (2) NOTIFICATION TO STATE OR APPROPRIATE
18 CHILD WELFARE AGENCY.—No application for a
19 grant authorized under this section may be approved
20 unless the State court or local court submitting the
21 application demonstrates to the satisfaction of the
22 Attorney General that the court has provided the
23 State, in the case of a State court, or the appro-
24 priate child welfare agency, in the case of a local

1 court, with notice of the contents and submission of
2 the application.

3 (3) CONSIDERATIONS.—In evaluating an appli-
4 cation for a grant under this section the Attorney
5 General shall consider the following:

6 (A) The extent to which the system pro-
7 posed in the application may be replicated in
8 other jurisdictions.

9 (B) The extent to which the proposed sys-
10 tem is consistent with the provisions of, and
11 amendments made by, the Adoption and Safe
12 Families Act of 1997 (Public Law 105–89; 111
13 Stat. 2115), and parts B and E of title IV of
14 the Social Security Act (42 U.S.C. 620 et seq.;
15 670 et seq.).

16 (C) The extent to which the proposed sys-
17 tem is feasible and likely to achieve the pur-
18 poses described in subsection (a)(1).

19 (4) DIVERSITY OF AWARDS.—The Attorney
20 General shall award grants under this section in a
21 manner that results in a reasonable balance among
22 grants awarded to State courts and grants awarded
23 to local courts, grants awarded to courts located in
24 urban areas and courts located in rural areas, and
25 grants awarded in diverse geographical locations.

1 (d) LENGTH OF AWARDS.—No grant may be award-
2 ed under this section for a period of more than 5 years.

3 (e) AVAILABILITY OF FUNDS.—Funds provided to a
4 State court or local court under a grant awarded under
5 this section shall remain available until expended without
6 fiscal year limitation.

7 (f) REPORTS.—

8 (1) ANNUAL REPORT FROM GRANTEES.—Each
9 State court or local court that is awarded a grant
10 under this section shall submit an annual report to
11 the Attorney General that contains—

12 (A) a description of the ongoing results of
13 the independent evaluation of the plan for, and
14 implementation of, the automated data collec-
15 tion and case-tracking system funded under the
16 grant; and

17 (B) the information described in subsection
18 (b)(2)(I).

19 (2) INTERIM AND FINAL REPORTS FROM AT-
20 TORNEY GENERAL.—

21 (A) INTERIM REPORTS.—Beginning 2
22 years after the date of enactment of this Act,
23 and biannually thereafter until a final report is
24 submitted in accordance with subparagraph
25 (B), the Attorney General shall submit to Con-

1 gress interim reports on the grants made under
2 this section.

3 (B) FINAL REPORT.—Not later than 90
4 days after the termination of all grants awarded
5 under this section, the Attorney General shall
6 submit to Congress a final report evaluating the
7 automated data collection and case-tracking
8 systems funded under such grants and identi-
9 fying successful models of such systems that
10 are suitable for replication in other jurisdic-
11 tions. The Attorney General shall ensure that a
12 copy of such final report is transmitted to the
13 highest State court in each State.

14 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
15 authorized to be appropriated to carry out this section,
16 \$10,000,000 for the period of fiscal years 2001 through
17 2005.

18 **SEC. 5. GRANTS TO REDUCE PENDING BACKLOGS OF**
19 **ABUSE AND NEGLECT CASES TO PROMOTE**
20 **PERMANENCY FOR ABUSED AND NEGLECTED**
21 **CHILDREN.**

22 (a) AUTHORITY TO AWARD GRANTS.—The Attorney
23 General, acting through the Office of Juvenile Justice and
24 Delinquency Prevention of the Office of Justice Programs
25 and in collaboration with the Secretary of Health and

1 Human Services, shall award grants in accordance with
2 this section to State courts and local courts for the pur-
3 poses of—

4 (1) promoting the permanency goals established
5 in the Adoption and Safe Families Act of 1997
6 (Public Law 105–89; 111 Stat. 2115); and

7 (2) enabling such courts to reduce existing
8 backlogs of cases pending in abuse and neglect
9 courts, especially with respect to cases to terminate
10 parental rights and cases in which parental rights to
11 a child have been terminated but an adoption of the
12 child has not yet been finalized.

13 (b) APPLICATION.—A State court or local court shall
14 submit an application for a grant under this section, in
15 such form and manner as the Attorney General shall re-
16 quire, that contains a description of the following:

17 (1) The barriers to achieving the permanency
18 goals established in the Adoption and Safe Families
19 Act of 1997 that have been identified.

20 (2) The size and nature of the backlogs of chil-
21 dren awaiting termination of parental rights or final-
22 ization of adoption.

23 (3) The strategies the State court or local court
24 proposes to use to reduce such backlogs and the plan
25 and timetable for doing so.

1 (4) How the grant funds requested will be used
2 to assist the implementation of the strategies de-
3 scribed in paragraph (3).

4 (c) USE OF FUNDS.—Funds provided under a grant
5 awarded under this section may be used for any purpose
6 that the Attorney General determines is likely to success-
7 fully achieve the purposes described in subsection (a), in-
8 cluding temporarily—

9 (1) establishing night court sessions for abuse
10 and neglect courts;

11 (2) hiring additional judges, magistrates, com-
12 missioners, hearing officers, referees, special mas-
13 ters, and other judicial personnel for such courts;

14 (3) hiring personnel such as clerks, administra-
15 tive support staff, case managers, mediators, and at-
16 torneys for such courts; or

17 (4) extending the operating hours of such
18 courts.

19 (d) NUMBER OF GRANTS.—Not less than 15 nor
20 more than 20 grants shall be awarded under this section.

21 (e) AVAILABILITY OF FUNDS.—Funds awarded
22 under a grant made under this section shall remain avail-
23 able for expenditure by a grantee for a period not to ex-
24 ceed 3 years from the date of the grant award.

1 (f) REPORT ON USE OF FUNDS.—Not later than the
2 date that is halfway through the period for which a grant
3 is awarded under this section, and 90 days after the end
4 of such period, a State court or local court awarded a
5 grant under this section shall submit a report to the Attor-
6 ney General that includes the following:

7 (1) The barriers to the permanency goals estab-
8 lished in the Adoption and Safe Families Act of
9 1997 that are or have been addressed with grant
10 funds.

11 (2) The nature of the backlogs of children that
12 were pursued with grant funds.

13 (3) The specific strategies used to reduce such
14 backlogs.

15 (4) The progress that has been made in reduc-
16 ing such backlogs, including the number of children
17 in such backlogs—

18 (A) whose parental rights have been termi-
19 nated; and

20 (B) whose adoptions have been finalized.

21 (5) Any additional information that the Attor-
22 ney General determines would assist jurisdictions in
23 achieving the permanency goals established in the
24 Adoption and Safe Families Act of 1997.

1 (g) AUTHORIZATION OF APPROPRIATION.—There are
2 authorized to be appropriated for fiscal year 2001
3 \$10,000,000 for the purpose of making grants under this
4 section.

5 **SEC. 6. GRANTS TO EXPAND THE COURT-APPOINTED SPE-**
6 **CIAL ADVOCATE PROGRAM IN UNDERSERVED**
7 **AREAS.**

8 (a) GRANTS TO EXPAND CASA PROGRAMS IN UN-
9 DERSERVED AREAS.—The Administrator of the Office of
10 Juvenile Justice and Delinquency Prevention of the De-
11 partment of Justice shall make a grant to the National
12 Court-Appointed Special Advocate Association for the pur-
13 poses of—

14 (1) expanding the recruitment of, and building
15 the capacity of, court-appointed special advocate
16 programs located in the 15 largest urban areas;

17 (2) developing regional, multijurisdictional
18 court-appointed special advocate programs serving
19 rural areas; and

20 (3) providing training and supervision of volun-
21 teers in court-appointed special advocate programs.

22 (b) LIMITATION ON ADMINISTRATIVE EXPENDI-
23 TURES.—Not more than 5 percent of the grant made
24 under this subsection may be used for administrative ex-
25 penditures.

1 (c) DETERMINATION OF URBAN AND RURAL
2 AREAS.—For purposes of administering the grant author-
3 ized under this subsection, the Administrator of the Office
4 of Juvenile Justice and Delinquency Prevention of the De-
5 partment of Justice shall determine whether an area is
6 one of the 15 largest urban areas or a rural area in ac-
7 cordance with the practices of, and statistical information
8 compiled by, the Bureau of the Census.

9 (d) AUTHORIZATION OF APPROPRIATIONS.—There is
10 authorized to be appropriated to make the grant author-
11 ized under this section, \$5,000,000 for fiscal year 2001.

○