

Calendar No. 737106TH CONGRESS
2^D 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, Mr. BINGAMAN, Mr. JOHNSON, Mr. CRAIG, and Mr. EDWARDS) introduced the following bill; which was read twice and referred to the Committee on the Judiciary

JULY 27, 2000

Reported by Mr. HATCH, without amendment

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,*

1 **SECTION 1. SHORT TITLE.**

2 This Act may be cited as the “Strengthening Abuse
3 and Neglect Courts Act of 2000”.

4 **SEC. 2. FINDINGS.**

5 Congress finds the following:

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

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

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

25 (4) To avoid unnecessary and lengthy stays in
26 the foster care system, the Adoption and Safe Fami-

1 lies Act of 1997 specifically requires, among other
2 things, that States move to terminate the parental
3 rights of the parents of those children who have
4 been in foster care for 15 of the last 22 months.

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

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

23 (7) The administrative efficiency and effective-
24 ness of the Nation's abuse and neglect courts would
25 also be improved by the identification and implemen-

1 tation of projects designed to eliminate the backlog
2 of abuse and neglect cases, including the temporary
3 hiring of additional judges, extension of court hours,
4 and other projects designed to reduce existing case-
5 loads.

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

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

1 (10) Judges, magistrates, commissioners, and
2 other judicial officers play a central and vital role in
3 ensuring that proceedings in our Nation's abuse and
4 neglect courts are run efficiently and effectively. The
5 performance of those individuals in such courts can
6 only be further enhanced by training, seminars, and
7 an ongoing opportunity to exchange ideas with their
8 peers.

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

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

1 decision-making and court services provided to chil-
2 dren and families, and increasing the number of
3 adoptions.

4 **SEC. 3. DEFINITIONS.**

5 In this Act:

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

11 (1) that implement part B and part E of title
12 IV of the Social Security Act (42 U.S.C. 620 et seq.;
13 670 et seq.) (including preliminary disposition of
14 such proceedings);

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

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

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

22 (b) AGENCY ATTORNEY.—The term “agency attor-
23 ney” means an attorney or other individual, including any
24 government attorney, district attorney, attorney general,
25 State attorney, county attorney, city solicitor or attorney,

1 corporation counsel, or privately retained special pro-
 2 secutor, who represents the State or local agency adminis-
 3 trating the programs under parts B and E of title IV of
 4 the Social Security Act (42 U.S.C. 620 et seq.; 670 et
 5 seq.) in a proceeding conducted by, or under the super-
 6 vision of, an abuse and neglect court, including a pro-
 7 ceeding for termination of parental rights.

8 **SEC. 4. GRANTS TO STATE COURTS AND LOCAL COURTS TO**
 9 **AUTOMATE THE DATA COLLECTION AND**
 10 **TRACKING OF PROCEEDINGS IN ABUSE AND**
 11 **NEGLECT COURTS.**

12 (a) **AUTHORITY TO AWARD GRANTS.—**

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

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

1 (B) encouraging the replication of such
2 systems in abuse and neglect courts in other ju-
3 risdictions; and

4 (C) requiring the use of such systems to
5 evaluate a court's performance in implementing
6 the requirements of parts B and E of title IV
7 of the Social Security Act (42 U.S.C. 620 et
8 seq.; 670 et seq.).

9 (2) LIMITATIONS.—

10 (A) NUMBER OF GRANTS.—Not less than
11 20 nor more than 50 grants may be awarded
12 under this section.

13 (B) PER STATE LIMITATION.—Not more
14 than 2 grants authorized under this section
15 may be awarded per State.

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

23 (b) APPLICATION.—

24 (1) IN GENERAL.—A State court or local court
25 may submit an application for a grant authorized

1 under this section at such time and in such manner
2 as the Attorney General may determine.

3 (2) INFORMATION REQUIRED.—An application
4 for a grant authorized under this section shall con-
5 tain the following:

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

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

20 (i) identification of relevant judges,
21 court, and agency personnel;

22 (ii) records of all court proceedings
23 with regard to the abuse and neglect case,
24 including all court findings and orders
25 (oral and written); and

1 (iii) relevant information about the
2 subject child, including family information
3 and the reason for court supervision.

4 (C) In the case of an application submitted
5 by a local court, a description of how the plan
6 to implement the proposed system was devel-
7 oped in consultation with related State courts,
8 particularly with regard to a State court im-
9 provement plan funded under section 13712 of
10 the Omnibus Budget Reconciliation Act of 1993
11 (42 U.S.C. 670 note) if there is such a plan in
12 the State.

13 (D) In the case of an application that is
14 submitted by a State court, a description of
15 how the proposed system will integrate with a
16 State court improvement plan funded under
17 section 13712 of such Act if there is such a
18 plan in the State.

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

23 (i) a description of the coordination of
24 the proposed system with other child wel-
25 fare data collection systems, including the

1 Statewide automated child welfare infor-
2 mation system (SACWIS) and the adop-
3 tion and foster care analysis and reporting
4 system (AFCARS) established pursuant to
5 section 479 of the Social Security Act (42
6 U.S.C. 679); and

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

9 (F) Identification of an independent third
10 party that will conduct ongoing evaluations of
11 the feasibility and implementation of the plan
12 and system and a description of the plan for
13 conducting such evaluations.

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

19 (H) An assurance that any contract en-
20 tered into between the State court or local court
21 and any other entity that is to provide services
22 for the development, implementation, or mainte-
23 nance of the system under the proposed plan
24 will require the entity to agree to allow for rep-
25 lication of the services provided, the plan, and

1 the system, and to refrain from asserting any
2 proprietary interest in such services for pur-
3 poses of allowing the plan and system to be rep-
4 licated in another jurisdiction.

5 (I) An assurance that the system estab-
6 lished under the plan will provide data that al-
7 lows for evaluation (at least on an annual basis)
8 of the following information:

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

11 (ii) The number of cases assigned to
12 each judge who presides over the abuse
13 and neglect court.

14 (iii) The average length of stay of
15 children in foster care.

16 (iv) With respect to each child under
17 the jurisdiction of the court—

18 (I) the number of episodes of
19 placement in foster care;

20 (II) the number of days placed in
21 foster care and the type of placement
22 (foster family home, group home, or
23 special residential care facility);

24 (III) the number of days of in-
25 home supervision; and

1 (IV) the number of separate fos-
2 ter care placements.

3 (v) The number of adoptions,
4 guardianships, or other permanent dispo-
5 sitions finalized.

6 (vi) The number of terminations of
7 parental rights.

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

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

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

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

1 (III) the number of courts that
2 conduct or supervise the proceeding
3 for the duration of the abuse and ne-
4 glect case;

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

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

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

23 (K) An assurance that the data collected in
24 accordance with subparagraph (I) will be made

1 available to relevant Federal, State, and local
2 government agencies and to the public.

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

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

13 (c) CONDITIONS FOR APPROVAL OF APPLICA-
14 TIONS.—

15 (1) MATCHING REQUIREMENT.—

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

23 (B) WAIVER FOR HARDSHIP.—The Attor-
24 ney General may waive or modify the matching
25 requirement described in subparagraph (A) in

1 the case of any State court or local court that
2 the Attorney General determines would suffer
3 undue hardship as a result of being subject to
4 the requirement.

5 (C) NON-FEDERAL EXPENDITURES.—

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

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

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

1 appropriate child welfare agency, in the case of a local
2 court, with notice of the contents and submission of
3 the application.

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

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

10 (B) The extent to which the proposed sys-
11 tem is consistent with the provisions of, and
12 amendments made by, the Adoption and Safe
13 Families Act of 1997 (Public Law 105–89; 111
14 Stat. 2115), and parts B and E of title IV of
15 the Social Security Act (42 U.S.C. 620 et seq.;
16 670 et seq.).

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

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

1 urban areas and courts located in rural areas, and
2 grants awarded in diverse geographical locations.

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

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

9 (f) REPORTS.—

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

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

19 (B) the information described in subsection
20 (b)(2)(I).

21 (2) INTERIM AND FINAL REPORTS FROM AT-
22 TORNEY GENERAL.—

23 (A) INTERIM REPORTS.—Beginning 2
24 years after the date of enactment of this Act,
25 and biannually thereafter until a final report is

1 submitted in accordance with subparagraph
2 (B), the Attorney General shall submit to Con-
3 gress interim reports on the grants made under
4 this section.

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

16 (g) AUTHORIZATION OF APPROPRIATIONS.—There is
17 authorized to be appropriated to carry out this section,
18 \$10,000,000 for the period of fiscal years 2001 through
19 2005.

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

24 (a) AUTHORITY TO AWARD GRANTS.—The Attorney
25 General, acting through the Office of Juvenile Justice and

1 Delinquency Prevention of the Office of Justice Programs
2 and in collaboration with the Secretary of Health and
3 Human Services, shall award grants in accordance with
4 this section to State courts and local courts for the pur-
5 poses of—

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

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

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

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

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

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

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

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

12 (1) establishing night court sessions for abuse
13 and neglect courts;

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

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

20 (4) extending the operating hours of such
21 courts.

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

24 (e) AVAILABILITY OF FUNDS.—Funds awarded
25 under a grant made under this section shall remain avail-

1 able for expenditure by a grantee for a period not to ex-
2 ceed 3 years from the date of the grant award.

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

9 (1) The barriers to the permanency goals estab-
10 lished in the Adoption and Safe Families Act of
11 1997 that are or have been addressed with grant
12 funds.

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

15 (3) The specific strategies used to reduce such
16 backlogs.

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

20 (A) whose parental rights have been termi-
21 nated; and

22 (B) whose adoptions have been finalized.

23 (5) Any additional information that the Attor-
24 ney General determines would assist jurisdictions in

1 achieving the permanency goals established in the
2 Adoption and Safe Families Act of 1997.

3 (g) AUTHORIZATION OF APPROPRIATION.—There are
4 authorized to be appropriated for fiscal year 2001
5 \$10,000,000 for the purpose of making grants under this
6 section.

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

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

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

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

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

24 (b) LIMITATION ON ADMINISTRATIVE EXPENDI-
25 TURES.—Not more than 5 percent of the grant made

1 under this subsection may be used for administrative ex-
2 penditures.

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

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

Calendar No. 737

106TH CONGRESS
2D SESSION

S. 2272

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.

JULY 27, 2000

Reported without amendment