


# Examining the Child and Family Services Review Outcomes and Systemic Factors: Legal and Judicial Perspective

Capacity Building Center for Courts

U.S. Children’s Bureau

This document helps states consider the legal dimensions of the seven outcomes and seven systemic factors assessed in the Child and Family Services Review (CFSR). It annotates 36 items within the outcomes and systemic factors that have legal and judicial aspects to illustrate practice and policy issues that may require attention. The “Considerations for legal professionals” column identifies practice and policy issues for legal professionals.

In 2022, the Capacity Building Center for Courts co-created new performance measures called the Judicial, Court, and Attorney Measures of Performance (JCAMP). Courts and other legal organizations can use JCAMP to collect, track, understand, and improve practices over time. The measures build on and complement existing court and CFSR measures and can be adapted to site-specific priorities, measurement goals, and differing data capacities. They may serve multiple purposes, including allowing an opportunity for these data to help jurisdictions assess outcomes and systemic factors during the CFSR process. The measures focus on the court process, legal professional practice (in and outside of court), and families’ experiences.

 <b>SAFETY</b>		
Item	Considerations for legal professionals	Related JCAMP measure(s)
1. Were the agency’s responses to all <b>accepted child maltreatment reports initiated, and face-to-face contact</b> with the child(ren) made, within timeframes established by agency policies or state statutes?	Legislation or court rules provide legal remedies to address barriers to agencies completing investigations.	
2. Did the agency make concerted efforts to provide services to the family to <b>prevent children’s entry into foster care or re-entry</b> after reunification?	<p>In appropriate circumstances, judges order parents to participate in services to protect the child instead of ordering the child removed from home.</p> <p>Adequate evidence demonstrating whether services or safety plans, such as removing someone from the home or placing someone in the home, will alleviate danger to the child is offered in court proceedings.</p> <p>Laws, regulations, or policies define an array of services for children and their families, to be delivered immediately in emergency situations.</p> <p>Judges hold the agency accountable for assessing safety considerations (threats of danger and protective capacities) in making removal decisions.</p> <p>Courts order removal of children from their homes when they are unsafe.</p>	<p><b>4.1</b> How often and at what points in the case do courts make a finding of reasonable or active efforts to prevent removal? How often is the finding that the agency made “no reasonable efforts”?</p> <p><b>4.2</b> How do courts discuss safety and removal?</p> <p><b>4.3</b> How do courts discuss the agency’s reasonable or active efforts to prevent removal?</p> <p><b>4.4</b> Do attorneys cross-examine reasonable or active efforts to prevent removal?</p> <p><b>4.5</b> Do attorneys raise the issue of reasonable or active efforts if not raised?</p> <p><b>4.6</b> Do prosecuting (or agency or state) attorneys offer information or evidence about the agency’s reasonable or active efforts to court?</p>

Item	Considerations for legal professionals	Related JCAMP measure(s)
		<p><b>4.7</b> Do judges ask about the agency's efforts to prevent removal?</p> <p><b>4.8</b> Do judges make detailed reasonable or active efforts findings that explain how the agency has worked with the family to prevent removal?</p>
<p>3. Did the agency make concerted efforts to <b>assess and address the risk and safety</b> concerns relating to the child(ren) in their own homes or while in foster care?</p>	<p>Courts ask about risk and safety assessments.</p> <p>Courts hear matters regarding removal of children from their foster homes when the agency appropriately requests it to avoid potential abuse or neglect. (Note that courts do not have the power in all states to block removal of a child from a foster home.)</p> <p>Courts order return of children to their home when safety threats have been alleviated.</p> <p>Courts monitor foster placements by asking caseworkers and children's legal representatives about their visits and observations of the child in their foster homes.</p>	<p><b>4.2</b> How do courts discuss safety and removal?</p> <p><b>4.10</b> Do parents understand the safety threats to the child and how those led to the child's removal?</p> <p><b>4.11</b> Do parents understand the conditions for return of the child?</p> <p><b>4.12</b> Do parents believe judges considered their protective capacities in decision making regarding removal and return?</p> <p><b>4.13</b> Do parents feel their voices were heard in safety-planning discussions?</p> <p><b>4.14</b> Do children and youth feel their voices were heard in safety discussions?</p>



## PERMANENCY

Item	Considerations for legal professionals	Related JCAMP measure(s)
<p>4. Is the child in foster care in a <b>stable placement</b> and were any changes in the child's placement in the best interests of the child and consistent with achieving the child's permanency goal(s)?</p>	<p>Judges monitor children's moves and their needs while they are in foster care.</p> <p>Laws, regulations, and state policies encourage planned and thoughtful placement changes for children in foster homes.</p> <p>Judges understand bonding/attachment issues and factor them into decision making.</p> <p>Children's counsel effectively represent children by: reviewing case plans; participating in case planning; advocating for appropriate reunification services; and advocating for independent living services.</p>	<p><b>1.7</b> Do judges ask how children and youth are doing in their placements? Do they ask if caregivers need additional supports with placements for children and youth?</p> <p><b>1.11</b> Are important issues discussed in hearings? (E.g. Child's current placement and possibility of kinship placement)</p> <p><b>1.14</b> Do foster parents and relative caregivers feel judges engaged them in hearings?</p> <p><b>2.9</b> Do child or youth attorneys and/or attorney GALS request a placement option that is supportive of the sexual orientation, gender identity, and expression (SOGIE) of children or youth?</p> <p><b>3.5b</b> Do parent attorneys advocate for parents in hearings?</p> <p><b>3.6b</b> Do child or youth attorneys and/or attorney GALs advocate for children and youth in hearings?</p> <p><b>4.2</b> Do the courts discuss the safety of children and youth in their current placement?</p> <p><b>5.16</b> Do child or youth attorneys and/or attorney GALs advocate for placements in hearings?</p>

Item	Considerations for legal professionals	Related JCAMP measure(s)
<p>5. Did the agency establish <b>appropriate permanency goals</b> for the child <b>timely</b>?</p>	<p>Judges thoroughly review the agency's permanency goal(s), and approve or modify, as appropriate.</p> <p>State laws set appropriate grounds for legal guardianship, clear and efficient legal guardianship procedures, and adequate legal protections/financial supports for legal guardians.</p> <p>Sufficient resources, including state laws providing appropriate grounds and procedures, and court time are available to timely file TPRs.</p> <p>Attorneys, judges, and court personnel are adequately trained in permanency planning practices. Permanency hearings are conducted timely and sufficient time is allotted for hearings.</p> <p>Attorneys support reunification and permanency planning through out-of-court advocacy in consultation with their clients.</p>	<p><b>1.11</b> Are important issues discussed in hearings?</p> <p><b>5.7</b> How do courts discuss permanency?</p> <p><b>5.14</b> Do prosecuting (or agency or state) attorneys file motions and petitions related to permanency goals in a timely manner?</p> <p><b>5.22</b> Do children and youth feel their voices were heard in permanency decisions?</p>
<p>6. Did the agency make concerted efforts to <b>achieve reunification, guardianship, adoption, or another planned permanent living arrangement</b> (APPLA) for the child?</p>	<p>Courts make reasonable efforts to finalize permanency decisions, and order or recommend services that might allow the child to return home or move into a more permanent placement.</p> <p>Courts and attorneys take appropriate steps to finalize legal guardianship as a permanency option and ensure adequate legal protections/financial support for legal guardians.</p> <p>Courts operate with the understanding that independent living (foster children "aging out") is not a permanency goal, but children in foster care are entitled to independent living services and secure permanent connections.</p> <p>Courts and attorneys are familiar with available independent living services for children in the community and refer children to appropriate services.</p> <p>State laws authorize extending court jurisdiction for children who have turned 18 and specify appropriate requirements for states that extend foster care.</p> <p>Courts adequately track timely case progress toward the established permanency goal.</p> <p>Courts thoroughly consider the appropriateness of prospective adoptive caretakers.</p> <p>Courts carefully use APPLA as a permanency option, ensuring compelling reasons exist and that its use complies with the guidelines set forth in the Preventing Sex Trafficking and Strengthening Families Act.</p> <p>Courts minimize delays by notifying parties, ensuring diligent efforts to locate missing parents throughout the case, determining paternity early in case, and addressing other procedural problems.</p>	<p><b>1.11</b> Are important issues discussed in hearings?</p> <p><b>2.6</b> How do judges ensure fair hearings?</p> <p><b>5.4</b> How often and at what points in the case do courts make a finding of reasonable or active efforts to reunify or finalize permanency?</p> <p><b>5.7</b> How do courts discuss permanency? (e.g., Discuss reasonable or active efforts to reunify or finalize permanency, concrete steps to achieve permanency, barriers to finalize permanency, permanency timeline?)</p> <p><b>5.8</b> Do judges ask what is preventing the child or youth from safely returning home today?</p> <p><b>5.9</b> Do judges ask about parents' access to and receipt of relevant services?</p> <p><b>5.10</b> Do judges order any relevant services to support reunification/permanency?</p> <p><b>5.12</b> Do judges make detailed reasonable or active efforts to achieve permanency findings that explain how the agency has worked to reunify the family or achieve permanency?</p> <p><b>5.13</b> What information or evidence about reasonable or active efforts to reunify or finalize permanency do prosecuting (or agency or state) attorneys present to the court?</p> <p><b>5.15</b> Do parent attorneys advocate for reunification in hearings?</p> <p><b>5.16</b> Do child attorneys and/or attorney GALs advocate for reunification or other permanency in hearings?</p>

Item	Considerations for legal professionals	Related JCAMP measure(s)
	Multi-court involvement in different stages of child welfare cases is discouraged to avoid delays, loss of information, and other inefficiencies.	<p><b>5.17</b> Why are continuances granted?</p> <p><b>5.18</b> Do parents feel their voices were heard in permanency planning discussions?</p> <p><b>5.19</b> Do parents understand what is required of them and steps needed to have their child returned?</p> <p><b>5.22</b> Do the children and youth feel their voices were heard in permanency decisions?</p>
7. Did the agency make concerted efforts to ensure <b>siblings in foster care are placed together</b> unless separation was necessary to meet the needs of one of the siblings?	<p>Statutes, court rules and policies address the priority of placement with siblings.</p> <p>Attorneys and judges are adequately trained on the importance of maintaining sibling ties and on reasons why placements with siblings may not be appropriate.</p> <p>Judges and attorneys request an assessment to determine whether siblings should be separated when children may be placed for adoption in separate homes.</p>	<p><b>1.11</b> Are important issues discussed in hearings?</p>
8. Did the agency make concerted efforts to ensure <b>visitation between a child in foster care and his or her mother, father, and siblings</b> was of sufficient frequency and quality to promote continuity in the child's relationships with close family members?	<p>Courts request information about the nature and quality of foster children's family time, contacts, and relationships with parents and siblings.</p> <p>Attorneys request evaluations of the quality of family time with parents and siblings.</p> <p>Statutes, court rules, and policies provide clear guidance regarding family time, and attorneys and judges are adequately trained on family time issues.</p> <p>Attorneys consistently request evaluations of relatives.</p>	<p><b>3.5b</b> Do parent attorneys advocate for parents in hearings?</p> <p><b>3.6b</b> Do child or youth attorneys and/or attorney GALs advocate for children and youth in hearings?</p> <p><b>5.7</b> How do courts discuss permanency? (e.g., Does the court discuss nature, extent, and quality of family time, including family time with siblings?)</p> <p><b>5.11</b> How do court orders address family time?</p> <p><b>5.16</b> Do child or youth attorneys and/or attorney GALs advocate for family time/visitation in hearings, including with siblings?</p> <p><b>5.21</b> Do parents feel they were able to engage in meaningful family time?</p>
9. Did the agency make concerted efforts to <b>preserve the child's connections</b> to his or her neighborhood, community, religious community, extended family, Tribe, school, and friends?	<p>Statutes, court rules, and policies provide clear guidance regarding maintaining connections to neighborhood, community, religious community, extended family, Tribe, school, and friends.</p> <p>Attorneys consider how "family" is defined in each community and are adequately trained on the importance of maintaining connections to neighborhood, community, religious community, extended family, Tribe, school, and friends.</p> <p>Statutes, court rules, and policies provide clear guidance regarding maintaining relative ties.</p>	<p><b>1.1</b> Are important issues discussed in hearings? Topics may include child's educational placement and child's cultural needs.</p> <p><b>2.4</b> Do parties to the case receive timely notice of hearings?</p> <p><b>2.5</b> Are Indian children identified early in the case?</p> <p><b>3.6b</b> Do child or youth attorneys and/or attorney GALs advocate for children and youth in hearings?</p>
10. Did the agency make concerted efforts to <b>place the child with relatives</b> when appropriate?	Attorneys and judges are adequately trained on relative placement issues, including the applicable rules and regulations regarding kinship foster care.	<p><b>1.6</b> What do judges do to engage parents, children, and youth in hearings?</p>

Item	Considerations for legal professionals	Related JCAMP measure(s)
	<p>Courts ask about possible placements with relatives early and often in the case.</p> <p>Courts ask agencies to present specific reasons for not placing children with relatives.</p> <p>Attorneys are adequately trained on the importance of maintaining relative ties.</p>	
<p>11. Did the agency make concerted efforts to promote, support, and/or maintain <b>positive relationships between the child in foster care and his or her mother and father</b> or other primary caregivers from whom the child had been removed through activities other than visitation?</p>	<p>Courts consistently hear about a child's relationship with parents while in care, including nature and quality of visits and other contact options, including virtual visits or phone calls and education meetings.</p> <p>Attorneys are adequately trained regarding maintaining parent-child relationships during foster placements and advocate for the needs of their clients throughout the course of proceedings.</p>	<p><b>1.1</b> Are important issues discussed in hearings? Topics may include visitation/family time.</p> <p><b>1.6</b> What do judges do to engage parents, children, and youth in hearings?</p> <p><b>4.2</b> Do courts discuss family time supervision in relation to the safety threats?</p> <p><b>5.7</b> Do courts discuss the nature, extent, and quality of family time?</p> <p><b>5.11</b> How do court orders address family time?</p> <p><b>5.15</b> Do parent attorneys advocate for family time/visitation in hearings?</p> <p><b>5.16</b> Do child or youth attorneys and/or attorney GALs advocate for family time/visitation in hearings?</p> <p><b>5.21</b> Do parents feel they were able to engage in meaningful family time?</p>



## CHILD & FAMILY WELL-BEING

Item	Considerations for legal professionals	Related JCAMP measure(s)
<p>12. Did the agency make concerted efforts to <b>assess the needs of and provide services to children, parents, and foster parents</b> to identify services needed to achieve case goals and address the issues relevant to the agency's involvement with the family?</p>	<p>Courts ensure that agencies conduct thorough assessments and provide services to meet the needs of the child, parents, and foster parents.</p> <p>Courts assess effectiveness of a case plan to address safety considerations (whether the case plan targets a reduction in the threats and enhances protective capacity to manage threats).</p> <p>Attorneys and advocates identify and address their clients' needs and advocate for timely, appropriate, trauma-informed services.</p> <p>Attorneys, advocates, and judges have sufficient training, experiences, and resources to advocate effectively for children's needs (special education, medical/mental health needs).</p>	<p><b>4.1</b> How often and at what points in the case do courts make a finding of reasonable or active efforts to prevent removal?</p> <p><b>4.2</b> How do courts discuss safety and removal?</p> <p><b>4.10</b> Do parents understand the safety threats to the child and how those led to the child's removal?</p> <p><b>4.11</b> Do parents understand the conditions for return of the child?</p> <p><b>4.12</b> Do parents believe judges considered their protective capacities in decision making regarding removal and return?</p> <p><b>5.7</b> How do courts discuss permanency? Do they discuss reasonable or active efforts to reunify or finalize permanency?</p> <p><b>5.9</b> Do judges ask about parents' access to and receipt of relevant services?</p> <p><b>5.10</b> Do judges order any relevant services to support reunification/permanency?</p>

Item	Considerations for legal professionals	Related JCAMP measure(s)
		<p><b>5.12</b> Do judges make detailed reasonable or active efforts to achieve permanency findings that explain how the agency has worked to reunify the family or achieve permanency?</p> <p><b>5.13</b> What information or evidence about reasonable or active efforts to reunify or finalize permanency do prosecuting (or agency or state) attorneys present to the court?</p> <p><b>5.15</b> Do parent attorneys advocate for tailored services to support reunification in hearings?</p>
<p>13. Did the agency make concerted efforts to involve the <b>parents and children</b> (if developmentally appropriate) <b>in the case planning</b> process on an ongoing basis?</p>	<p>Attorneys and advocates participate in and encourage child and family involvement in case planning. Throughout proceedings, courts inquire about the level of child and family involvement in case planning.</p> <p>Statutes, court rules, and policies provide guidance to encourage child and family involvement in case planning. Throughout proceedings, courts inquire about the level of child and family involvement in case planning.</p>	<p><b>5.7</b> How do courts discuss permanency? Do they discuss parent involvement in the case plan? Do they discuss child or youth involvement in permanency planning?</p> <p><b>3.5b</b> Do parent attorneys advocate for parents in hearings?</p> <p><b>3.6b</b> Do child or youth attorneys and/or attorney GALs advocate for children and youth in hearings?</p> <p><b>3.5c</b> Do parent attorneys prepare in between hearings?</p> <p><b>3.6c</b> Do child or youth attorneys and/or attorney GALs prepare in between hearings?</p> <p><b>5.15</b> Do parent attorneys advocate for reunification in hearings?</p> <p><b>5.16</b> Do child or youth attorneys and/or attorney GALs advocate for reunification or other permanency in hearings?</p> <p><b>5.18</b> Do parents feel their voices were heard in permanency planning discussions? Do they feel they were involved in case planning?</p> <p><b>5.22</b> Do children and youth feel their voices were heard in permanency decisions?</p>
<p>14. Were the <b>frequency and quality of visits between caseworkers and child(ren)</b> sufficient to ensure the safety, permanency, and well-being of the child(ren) and promote achievement of case goals?</p>	<p>Statutes, court rules, regulations, and policies provide appropriate guidance on worker visits with children.</p> <p>Attorneys and advocates request information about and, when appropriate, advocate for worker visits with the child.</p>	<p><b>4.3</b> How do courts discuss the agency's reasonable or active efforts to prevent removal?</p> <p><b>4.14</b> Do children and youth feel their voices were heard in safety discussions?</p> <p><b>5.7</b> How do courts discuss permanency?</p> <p><b>5.22</b> Do children and youth feel their voices were heard in permanency decisions?</p>

Item	Considerations for legal professionals	Related JCAMP measure(s)
<p>15. Were the <b>frequency and quality of visits between caseworkers and the mothers and fathers</b> of the child(ren) sufficient to ensure the safety, permanency, and well-being of the child(ren) and promote achievement of case goals?</p>	<p>Courts consistently review the quality and quantity of worker visits with mothers and fathers.</p> <p>Statutes, court rules, regulations, and policies provide appropriate guidance on, and, when appropriate, advocate for worker visits with parents.</p>	<p><b>2.6</b> What do judges do to ensure fair hearings? (Do they discuss the child welfare agency's obligations during the hearing?)</p> <p><b>4.3</b> How do courts discuss the agency's reasonable or active efforts to prevent removal?</p> <p><b>5.7</b> How do courts discuss permanency?</p> <p><b>5.18</b> Do parents feel their voices were heard in permanency planning discussions?</p> <p><b>5.19</b> Do parents understand what is required of them and steps needed to have their child returned?</p> <p><b>5.20</b> Do parents feel services met their needs and assisted them in reunification?</p>
<p>16. Did the agency make concerted efforts to assess <b>children's educational needs</b>, and address identified needs in case-planning and case-management activities?</p>	<p>Attorneys request and courts review information about children's education from teachers, guidance counselors, caseworkers, placement providers, and others.</p> <p>Judges, attorneys, and advocates consistently assess whether children's educational needs are being met.</p> <p>Policies offer guidance on minimizing disruptions in children's education due to frequent moves.</p> <p>Judges, attorneys, and advocates have sufficient knowledge about the education system to intervene effectively to ensure a quality and equitable education for children.</p>	<p><b>1.11</b> Are important issues discussed in hearings? Topics may include the child's educational needs.</p> <p><b>3.6</b> How do child or youth attorneys and/or attorney GALs ensure they provide high-quality legal representation?</p> <p><b>3.6b</b> Do child or youth attorneys and/or attorney GALs advocate for children and youth in hearings?</p>
<p>17. Did the agency address the <b>physical health</b> of children, including dental health?</p>	<p>Judges, attorneys, and advocates consistently determine whether children's physical health needs are being met.</p> <p>State laws address confidentiality issues surrounding access to medical information.</p>	<p><b>1.11</b> Are important issues discussed in hearings? Topics may include a child's physical health/developmental needs and services.</p> <p><b>3.6</b> How do child or youth attorneys and/or attorney GALs ensure they provide high-quality legal representation?</p> <p><b>3.6b</b> Do child or youth attorneys and/or attorney GALs advocate for children and youth in hearings?</p>
<p>18. Did the agency address the <b>mental/behavioral health</b> of children?</p>	<p>Judges, attorneys, and advocates request information from children's mental health providers about children's mental health.</p> <p>Judges, attorneys, and advocates consistently determine whether children's mental health needs are being met and review the use of or need for psychotropic medication, including informed consent.</p> <p>State laws address confidentiality issues surrounding access to mental health information.</p>	<p><b>1.11</b> Are important issues discussed in hearings? Topics may include a child's mental health needs and services</p> <p><b>3.6</b> How do child or youth attorneys and/or attorney GALs ensure they provide high-quality legal representation?</p> <p><b>3.6b</b> Do child or youth attorneys and/or attorney GALs advocate for children and youth in hearings?</p>



## STATEWIDE INFORMATION SYSTEM

Item	Considerations for legal professionals	Related JCAMP measure(s)
19. How well is the <b>statewide information system</b> functioning statewide to ensure that, at a minimum, the state can readily identify the status, demographic characteristics, location, and goals for the placement of every child who is (or within the immediately preceding 12 months, has been) in foster care?	<p>Courts who have a statewide information system may partner with the child welfare agency to supply or validate required data.</p> <ul style="list-style-type: none"> <li>• Case-tracking responsibilities are clearly assigned to appropriate court staff.</li> <li>• Courts and agencies have automated systems that use tickler systems to manage cases.</li> <li>• Agency information systems include information about critical court events to help evaluate judicial performance in child welfare cases.</li> <li>• Data is shared between judicial and agency systems, and appropriate procedures exist to collect and report data.</li> </ul>	While there is not a specific relevant measure, JCAMP was designed to be able to supplement these agency systems. See <a href="#">JCAMP Vol. III: Implementation Tools</a> , 2023, 20-24 for a list of which measures could be put into a statewide information system.



## CASE REVIEW SYSTEM

Item	Considerations for legal professionals	Related JCAMP measure(s)
20. How well is the case-review system functioning statewide to ensure that each child has a <b>written case plan</b> that is developed jointly with the child's parent(s) and includes the required provisions?	<p>Parent attorneys participate in the case-planning process and are trained on nonadversarial models for resolving conflict (i.e., family group conferencing and mediation).</p> <p>Courts assess the quality of case plans to address safety considerations.</p> <p>Judges ask about parental and child involvement in case planning.</p>	<p><b>1.11</b> Are important issues discussed in hearings?</p> <p><b>5.7</b> How do courts discuss permanency? Do they discuss parent involvement in the case plan?</p> <p><b>5.13</b> What information or evidence about reasonable or active efforts to reunify or finalize permanency do prosecuting (or agency or state) attorneys present to the court?</p> <p><b>5.18</b> Do parents feel their voices were heard in permanency-planning discussions? Do they feel they were involved in case planning?</p> <p><b>5.22</b> Do children and youth feel their voices were heard in permanency decisions?</p>
21. How well is the case-review system functioning statewide to ensure that a <b>periodic review</b> for each child occurs no less frequently than once every six months, either by a court or by administrative review?	<p>Courts and/or agencies schedule six-month reviews in a timely manner.</p> <p>Reviews thoroughly consider whether reasonable efforts have been made to achieve permanency—especially after the case goal is no longer reunification.</p> <p>Courts set aside enough time to hold thorough and high-quality review hearings.</p>	<p><b>5.5</b> How often and at what points in the case are continuances granted?</p> <p><b>5.17</b> Why are continuances granted?</p>
22. How well is the case-review system functioning statewide to ensure that, for each child, a <b>permanency hearing</b> in a qualified court or administrative body occurs no later than 12 months from the date the child entered foster care and no less frequently than every 12 months thereafter?	<p>Adequate scheduling procedures for reviews are in place.</p> <p>Courts devote enough time to conduct thorough and high-quality permanency hearings.</p> <p>State laws, court rules, court forms, and court procedures create a structure for permanency hearings that encourages timely decisions by the court and agency.</p>	<p><b>5.1</b> How much time does it take until the first permanency hearing?</p> <p><b>5.5</b> How often and at what points in the case are continuances granted?</p> <p><b>5.7</b> How do courts discuss permanency?</p> <p><b>5.17</b> Why are continuances granted?</p>



Item	Considerations for legal professionals	Related JCAMP measure(s)
	Permanency hearings thoroughly consider whether reasonable efforts have been made to achieve permanency—especially after the case goal is no longer reunification.	
23. How well is the case-review system functioning to ensure the filing of <b>termination of parental rights</b> (TPR) proceedings occurs in accordance with required provisions?	Agency procedures and policies for deciding whether and when to file TPR are timely and equitable.	<b>5.2</b> How much time does it take to file the TPR petition? <b>5.3</b> How much time does it take until the TPR? <b>5.6</b> How many TPR decisions are appealed? <b>5.7</b> How do courts discuss permanency? Do they discuss the timeline to achieve permanency? <b>5.14</b> Do prosecuting (or agency or state) attorneys file motions and petitions related to permanency goals in a timely manner?
	State laws do not require parties to reprove facts established in earlier stages of the court process in order to TPR.	
	Statutes, rules, and policies set clear grounds for TPR.	
	Court monitors agency timeliness and makes relevant orders.	
24. How well is the case-review system functioning to ensure that foster parents, preadoptive parents, and relative caregivers of children in foster care are <b>notified of, and have a right to be heard</b> in, any review or hearing held regarding the child?	State laws and procedures clearly define an effective notification method for foster parents and other necessary parties and what is meant by “right to be heard.”	<b>1.4</b> Do foster parents and relative caregivers attend hearings? <b>2.4</b> Do parties to the case receive timely notice of hearings? <b>1.14</b> Do foster parents and relative caregivers feel judges engaged them in hearings?
	Courts have forms and procedures for review and permanency hearings that call for statements by and questioning of placement resources.	
	State laws, court rules, and policies clarify and reinforce the role of foster parents, preadoptive parents, and relative caregivers in court.	
	Courts encourage active participation of foster parents, preadoptive parents, and relative caregivers in court proceedings.	



## QUALITY ASSURANCE SYSTEM

Item	Considerations for legal professionals	Related JCAMP measure(s)
25. How well is the <b>quality assurance system</b> functioning statewide to ensure that it is (1) operating in the jurisdictions where the services included in the Child and Family Services Plan (CFSP) are provided, (2) has standards to evaluate the quality of services (including standards to ensure that children in foster care are provided quality services that protect their health and safety), (3) identifies strengths and needs of the service delivery system, (4) provides relevant reports, and (5) evaluates implemented program improvement measures?	The agency has and courts are aware of comprehensive standards for evaluation of services to children in child welfare cases.	While there is not a specific measure, JCAMP as a whole can serve as a vehicle to build a quality assurance system for judges, courts, and attorneys.
	Agencies and courts work together to exchange information regarding services for children and families.	
	Agencies enlist courts to help evaluate caseworkers’ performance in court.	
	Courts have systematic quality assurance systems to evaluate their own performance.	



## TRAINING

Item	Considerations for legal professionals	Related JCAMP measure(s)
26. How well is the staff and provider training system functioning statewide to ensure that <b>initial training</b> is provided to all staff who deliver services pursuant to the Child and Family Services Plan (CFSP) that includes the basic skills and knowledge required for their positions?	Training is available and provided for all new judges and attorneys concerning Title IV-B and IV-E.	While there is not a specific measure, JCAMP can be used to help evaluate training.
	Agency attorney staff receive training that includes basic skills and knowledge required for their position.	
	Lawyers and judges can observe and provide information regarding how new caseworkers are demonstrating the training they received through their performance in court.	
27. How well is the staff and provider training system functioning statewide to ensure that <b>ongoing training</b> is provided for staff that addresses the skills and knowledge needed to carry out their duties regarding the services included in the CFSP?	Periodic training is available and provided for experienced judges and attorneys on child welfare, including training on permanency planning procedures.	While there is not a specific measure, JCAMP can be used to help evaluate training.
	Courts and agencies use appropriate cross training—addressing issues of mutual concern—and avoid inappropriate use of cross training in lieu of training in core legal skills and knowledge.	
28. How well is the staff and provider training system functioning to ensure that <b>training</b> is occurring statewide for current or prospective <b>foster parents, adoptive parents, and staff</b> of state licensed or approved facilities (that care for children receiving foster care or adoption assistance under title IV-E) that addresses the skills and knowledge needed to carry out their duties regarding foster and adopted children?	Prospective foster parents receive training on the legal aspects of permanency planning, including the stages and purposes of the legal process.	<b>1.4</b> Do foster parents and relative caregivers attend hearings? <b>1.7</b> What do judges do to engage foster parents and relative caregivers in hearings? <b>1.14</b> Do foster parents and relative caregivers feel judges engaged them in hearings?
	Foster parents receive training and materials on their rights and responsibilities in child welfare proceedings, including the right to be heard and to participate in the case.	
	Prospective adoptive parents receive training concerning their legal responsibilities and about the legal process of adoption, including legal protections regarding adoption assistance.	
	Courts ensure meaningful participation by foster parents and relative caregivers in the court process.	
	Foster parents, prospective adoptive parents, and staff receive training concerning legal protections (e.g., procedural rights, entitlements, contractual rights) regarding adoption assistance.	



## SERVICE ARRAY

Item	Considerations for legal professionals	Related JCAMP measure(s)
29. How well is the service array and resource development system functioning to ensure that the following array of services is <b>accessible</b> in all political jurisdictions covered by the Child and Family Services Plan (CFSP)?	Child welfare agencies inform courts of services, who is eligible for different services, and usual waiting periods for services.	See 30 below.
	State laws, regulations, and budgets provide for a core of services that are consistently available to children and their families.	
	Agencies have plans to ensure consistent availability of key services.	
	State laws and policies ensure availability of services to clients served by the child welfare agency and under court jurisdiction.	

Item	Considerations for legal professionals	Related JCAMP measure(s)
<p>30. How well is the service array and resource development system functioning statewide to ensure that the services in item 29 can be <b>individualized</b> to meet the unique needs of children and families served by the agency?</p>	<p>State laws and policies budget for child welfare services based on a documented need for such services.</p> <p>Agencies' partnerships provide flexible services to meet the material and special needs of children and families.</p> <p>Judges communicate with the agency about observations of strengths and gaps in services, what services are effective, and what services have waitlists.</p>	<p><b>5.9</b> Do judges ask about parents' access to and receipt of relevant services?</p> <p><b>5.10</b> Do judges order any relevant services to support reunification/permanency?</p> <p><b>5.15</b> Do parent attorneys advocate for reunification in hearings? (Do they advocate for tailored services to support reunification in hearings?)</p> <p><b>5.16</b> Do child or youth attorneys and/or attorney GALs advocate for reunification or other permanency in hearings? (Do they advocate for tailored services to support reunification in hearings?)</p> <p><b>5.20</b> Do parents feel services met their needs and assisted them in reunification?</p>



### AGENCY RESPONSIVENESS TO COMMUNITY

Item	Considerations for legal professionals	Related JCAMP measure(s)
<p>31. How well is the agency's responsiveness to the community system functioning statewide to ensure that, in implementing the provisions of the Child and Family Services Plan (CFSP) and developing related Annual Progress and Services Reports (APSRs), the state engages in <b>ongoing consultation</b> with tribal representatives, consumers, service providers, foster care providers, the juvenile court, and other public and private child-and family-serving agencies. Are the major concerns of these representatives included in the goals, objectives, and annual updates of the CFSP?</p>	<p>Courts regularly meet with the agency and all child welfare professionals to work on mutual problems and improve working relationships.</p> <p>Judicial ethics clarify and encourage judicial engagement with the agency and community regarding child welfare cases.</p> <p>The agency involves legal system representatives in its annual child welfare planning.</p>	<p>While there is not a specific measure, the need for JCAMP measures can help ensure agency responsiveness to the community. JCAMP Vol III advises including community members in developing site-specific approaches to JCAMP.</p>
<p>32. How well is the agency's responsiveness to the community system functioning statewide to ensure the state's services under the Child and Family Services Plan (CFSP) are <b>coordinated with services or benefits of other federal or federally assisted programs</b> serving the same population?</p>	<p>The agency consults with legal system representatives specifically concerning the delivery of federally assisted services provided by agencies and entities not funded by the child welfare agency.</p>	



## FOSTER & ADOPTIVE PARENT LICENSING, RECRUITMENT & RETENTION

Item	Considerations for legal professionals	Related JCAMP measure(s)
<p>33. How well is the foster and adoptive parent licensing, recruitment, and retention system functioning statewide to ensure that <b>state standards</b> are applied to all licensed or approved foster family homes or child care institutions receiving title IV-B or IV-E funds?</p>	<p>Courts have information about standards for foster and adoptive parents and concerning child care institutions.</p> <p>Courts are informed when foster family homes and child caring institutions no longer meet agency standards.</p>	
<p>34. How well is the foster and adoptive parent licensing, recruitment, and retention system functioning statewide to ensure the state complies with federal requirements for <b>criminal background clearances</b> relating to licensing or approving foster care and adoptive placements? Is a case-planning process in place that includes provisions for addressing the safety of foster care and adoptive placements for children?</p>	<p>State law requires criminal record checks of foster or adoptive parents found to have abused or neglected their children and of other people living in the households of abused and neglected children, as well as all adults in prospective foster and adoptive homes.</p>	
<p>35. How well is the foster and adoptive parent licensing, recruitment, and retention system functioning to ensure the process for ensuring the <b>diligent recruitment</b> of potential foster and adoptive families who reflect the ethnic and racial diversity of children in the state for whom foster and adoptive homes are needed is occurring statewide?</p>	<p>Courts and attorneys are well-informed about the process of recruiting, matching, screening, and evaluating foster and adoptive families.</p> <p>Judges and attorneys address the adequacy of recruitment of adoptive parents when relevant to evaluating reasonable efforts to finalize the permanency plan.</p> <p>Courts and attorneys address the adequacy of recruitment of foster parents, when relevant, while conducting case reviews.</p>	<p><b>1.4</b> Do foster parents and relative caregivers attend hearings?  <b>1.7</b> What do judges do to engage foster parents and relative caregivers in hearings?  <b>1.14</b> Do foster parents and relative caregivers feel judges engaged them in hearings?</p> <p>JCAMP includes caregiver surveys. Conducting and disaggregating them by race, ethnicity, etc. could be helpful in recruitment and retention efforts. See <u>JCAMP Vol III</u>, pp. 70 - 71.</p>
<p>36. How well is the foster and adoptive parent licensing, recruitment, and retention system functioning to ensure the process for ensuring the effective use of <b>cross-jurisdictional resources</b> to facilitate timely adoptive or permanent placements for waiting children is occurring statewide?</p>	<p>Courts receive capacity building assistance, materials, and training on interstate placements, including implementing the Interstate Compact on the Placement of Children (ICPC).</p> <p>Judges and attorneys are familiar with the ICPC, interstate adoption assistance benefits, Interstate Compact on Adoption and Medical Assistance (ICAMA), and other interstate placement benefits and requirements.</p> <p>Judges, attorneys, and advocates consistently ask informed, specific questions when interstate placement or services are being considered.</p>	<p>JCAMP guidance on discussion in court includes ICPC under barriers to permanency. See <u>JCAMP Vol. III</u>, p. 116.</p>

This product was created by the Child Welfare Capacity Building Center for Courts under Cooperative Agreement No. 90CZ0030, funded by the Children's Bureau, Administration for Children and Families, U.S. Department of Health and Human Services. The content of this product does not necessarily reflect the official views of the Children's Bureau. *Suggested citation:* Child Welfare Capacity Building Center for Courts. 2023. *Legal and Judicial Issues Suggested by the CFSR Areas of Performance*. Washington, D.C.: Children's Bureau, Administration for Children and Families, U.S. Department of Health and Human Services.