

Legal and Judicial Issues in Each CFSR Measure Quicksheet

This Quicksheet is a part of a series that describe how court personnel can partner with child welfare agencies for involvement in federal child welfare services planning.

Safety		
1. Accepted child maltreatment reports initiated, and face-to-face contact	Legal advice is provided to support the filing of actions in dependency court whenever abused and neglected children need state intervention.	
	Legislation and court rules provide legal remedies allowing agencies to complete investigation when family members or others refuse to cooperate.	
	Statute, regulations, and procedures provide clear guidance for investigators and caseworkers to obtain otherwise confidential information to make sound decisions.	
2. Entry into foster care or re- entry	Judge's order parents to participate in services to protect the child.	
	Evidence during court proceedings demonstrates whether services will alleviate danger to the child.	
	Laws and regulations define services for abused and neglected children and families to be delivered immediately in emergency situations.	
3. Assess and address risk and safety	Judges hold agencies accountable for assessing safety considerations in making removal decisions.	
	Courts order removal of children from foster homes at the agency's request to avoid abuse or neglect.	
	Courts monitor placements by requiring caseworkers and attorney visits to evaluate the foster home.	
	Safety clearances are done on every adult in the foster or adoptive parents' homes that courts order placement into.	
	Permanency	
	4. Stable placement	Judges monitor moves and the children's needs while children are in foster care.
Laws, regulations, and policies discourage moving children between foster homes.		
Children's counsel reviews and participates in case planning, preserves placements, advocates for reunification services, and advocates for independent living services.		
5. Appropriate permanency goals	Judges review placement options and reasonable efforts to achieve a permanent home.	
	Courts minimize delays by notifying parties, ensuring diligent efforts to locate missing parents', determining paternity early, and addressing other procedural problems.	
	Multi-court involvement in different stages of child welfare cases is discouraged to avoid delays, loss of information, and other inefficiencies.	
	State laws provide grounds for legal guardianship, clear procedure for establishing legal guardianships, and adequate legal protections/financial supports for legal guardians.	
	Sufficient resources and court time must be available to promote timely TPRs.	
	State laws govern and extend court jurisdiction for children who have turned 18.	
	Courts adequately track timely case progress toward adoption, before and after TPR has occurred.	
	Courts thoroughly consider the appropriateness of prospective adoptive caretakers.	
	Courts carefully use APPLA as a permanency option, ensuring compelling reasons exist.	
Courts make "reasonable efforts to finalize permanency" decisions, and order services that might allow the child to move into a more permanent placement.		
7. Siblings in foster care are placed together	Courts ask agencies to present specific reasons for failing to place siblings together.	
	Statutes, court rules, and policies address the priority of placement with siblings.	
8. Visitation between a child in foster care and his or her family	Courts request information about foster children's visits and relationships with parents/siblings.	
	Attorneys request evaluations of the quality of visits with parents and siblings.	
	Statutes, court rules, and policies provide clear guidance regarding visitation, and attorneys and judges are adequately trained on visitation issues.	

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9. Preserve the child's connections	Attorneys request evaluations of relatives.
	Statutes, court rules, and policies provide guidance regarding maintaining relative ties.
	Courts ask about possible placement with relatives early and often in case.
	Courts ask agencies to present specific reasons for not placing children with relatives.
11. Positive relationships for the child in foster care and parents	Courts ask about child's relationship with parents while in care.
	Courts order visitation and make determinations about the level of supervision.
Child and Family Well-Being	
12. Assess the needs and provide services to children, parents, and foster parents	Courts ensure that agencies conduct thorough assessments and provide services to meet the needs of the child, parents, and foster parents.
	Courts assess effectiveness of case plan to address safety considerations
	Attorneys identify and address their clients' needs and advocate appropriate services.
13. Parent/children in case planning	Attorneys participate in and encourage child/family involvement in case planning.
	Statutes, court rules, and policies encourage child/family involvement in case planning.
14. Caseworkers/child visits	Statutes, court rules, and policies provide guidance on visits with parents and children.
	Attorneys and advocates request information about, and advocate for, workers visits with the child.
15. Caseworker/parents visits	Courts consistently review and note workers visits with parents and children.
	Statutes, court rules, and policies provide guidance on, and advocate for, workers visits with parents.
16. Children's educational needs	Courts request information about foster children's education.
	Judges, attorneys, and advocates determine whether educational needs are being met.
	Laws and policies offer guidance on minimizing disruptions in foster children's education.
17. Physical health needs	Courts obtain information about foster children's medical needs.
	Judges, attorneys, and advocates determine whether physical health needs are met.
	State laws address confidentiality issues surrounding access to medical information.
18. Mental/behavioral health needs	Judges, attorneys, and advocates request information about foster children's mental health issues.
	Judges, attorneys, and advocates determine whether foster children's mental health needs are being met.
	State laws address confidentiality issues with access to mental health information.
Statewide Information System	
19. Statewide information system	Courts have created a statewide information system or local information systems, and computer data is used to measure judicial performance.
	Case tracking responsibilities are usually assigned to court or clerk staff.
	Courts and agencies have automated systems to manage cases.
	Agency information systems include critical court events.
	Data is shared between judicial and agency computers (and potentially systems).
Case Review System	
20. Written case plan	Parents' attorneys (and usually children's attorneys) participate in the case planning process.
	Courts assess quality of case plans to address safety.
	Judges ask about parental involvement in case planning.
21. Periodic review	Courts schedule six-month reviews in a timely manner.
	Reviews consider whether reasonable efforts have been made to achieve permanency.
	Courts set aside enough time to hold thorough review hearings.
22. Permanency hearing	Adequate scheduling procedures for reviews are in place.
	Courts devote enough time to conduct thorough permanency hearings.
	State laws, court rules, court forms, and court procedures create a structure for permanency hearings that encourages timely and difficult decisions by the court and agency.
	Permanency hearings consider whether reasonable efforts have been made to achieve permanency.

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23. Termination of parental rights (TPR)	Laws may govern whether parties have to prove facts established in earlier court proceedings in order to terminate parental rights.
	Grounds for termination of parental rights are governed by state and federal laws.
	Agency procedures and policies exist for deciding whether to file.
24. Notification and right to be heard	State laws and procedures define an effective notification method for foster parents and other necessary parties and what is meant by “right to be heard.”
	Courts have process for hearings that call for questioning of foster parents (“opportunity to be heard”).
	Courts encourage participation of foster parents, pre-adoptive parents, and relative caregivers in court.
Quality Assurance System	
25. Quality assurance system	The agency has, and courts are aware, of standards for services to children in child welfare cases.
	Agencies and courts work together to exchange information on services to children.
	Agencies enlist courts to help evaluate caseworkers’ performance in court.
	Courts have systematic quality assurance systems to evaluate their own performance.
Training	
26. Initial training	Training is provided for all new judges and attorneys concerning Title IV-B and IV-E.
	Comprehensive training is provided for all new judges and attorneys concerning child welfare law and basic social work principles.
27. Ongoing training	Periodic training for judges and attorneys on child welfare cases is provided, including training on permanency planning procedures.
	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. Training for foster parents, adoptive parents, and staff	Prospective foster parents receive training on the legal aspects of permanency planning, including the states and purposes of the legal process.
	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 agency staff receive training concerning legal protections (e.g. procedural rights, entitlements, contractual rights) regarding adoption assistance.
Service Array	
29. Accessible	Child protection agencies inform courts of available service, eligibility, and waiting periods.
	Laws, regulations, and budgets provide for core of services that are available to children and families.
	State laws may require other agencies to give priority to and ensure availability of services to clients served by the child welfare agency and under court jurisdiction.
30. Individualized	State laws and policies budget for child protection services based on documented need for such services.
	Agencies provide, and Courts order, flexible services to meet material and special needs of children and families.
Agency Responsiveness to the Community	
31. Ongoing consultation	Courts regularly meet with the agency and all of the child protection professionals listed above to work on mutual problems and improve working relationships.
	Ethics clarify and encourage judicial outreach to the agency and community regarding child welfare cases.
	The agency consults with legal system representatives concerning its annual reports, including allowing them to review draft reports in advance (or co-author).
32. Coordinated services/benefits	The agency consults with legal system representatives specifically concerning the delivery of federally assisted service provide by agencies and entities not funded by the child welfare agency.

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Foster and Adoptive Parent Licensing, Recruitment, and Retention	
33. State standards	<p>Courts have information about standards for foster and adoptive parents and childcare institutions.</p> <p>Courts are informed when foster family homes and child caring institutions no longer meet standards.</p>
34. Criminal background clearances	<p>State and federal law govern criminal record checks of parents and other people living in the household, as well as all adults in foster and adoptive homes.</p> <p>Courts or court forms may ask about the criminal record of parents found to have abused or neglected their children and of other people living in the household of abused and neglected children.</p>
35. Diligent recruitment	<p>Courts are informed about recruiting, matching, and evaluating foster and adoptive families.</p> <p>Judges and advocates 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 recruitment of foster parents while conducting case review.</p>
36. Cross-jurisdictional resources	<p>Courts receive assistance, materials, and training on interstate placements.</p> <p>Judges and attorneys are familiar with the ICPC, interstate adoption assistance benefits, ICAMA and other interstate placement benefits and requirements.</p> <p>Judges, attorneys, and advocates ask questions when interstate placement/services are being considered.</p>