

CONFERENCE OF STATE COURT ADMINISTRATORS

Policy Statement

Role of State Courts in the Implementation of Federal Policies

For reasons stated below, the Conference of State Court Administrators (COSCA) believes that court leaders must take an active role in planning and implementing federal policies and procedures affecting the administration of justice.

- An increasing number of federal programs and policies depend upon the active participation of state courts for their success.
- Implementation planning for these federal policies and procedures must recognize the impact on state court operations and strive to strengthen the function and effectiveness of the judiciary.
- State executive agencies, state legislatures, and state courts must coordinate and collaborate in the planning process for implementing federal legislation and policy.
- Resources must be provided commensurate with each branch of government's implementation responsibilities.
- The funding mechanisms must recognize that the judiciary is an independent branch of government.
- Federal funding should be provided directly to the courts as the third branch of government and not through the executive branch of state government.
- It is critical that the development of any federal program be done with the courts as a full and equal partner in planning, funding and implementation.

To the extent possible, federal funds directed specifically for state and local court improvement, except for those funds provided directly to the highest courts, should be administered through the State Justice Institute, a federal entity created specifically to award federal funds to state and local courts, rather than being administered through federal executive branch agencies.

This policy recognizes the growing importance of state courts to the successful implementation of federal policies and programs, most recently in the areas of social service programs and automated justice information systems development. For example, court records provide critical data for criminal information histories, ensuring the welfare of children, and preventing family violence. Court proceedings and court-based programs are the lynchpin for implementation of timely child placement decisions, civil protection orders, and criminal prosecutions. Historically, the effect of federal programs on the state courts in these and other policy areas has been ignored, thereby undermining the objectives of the programs. State court leaders are prepared to assume responsibility for ensuring the judiciary contributes to the success of these federal policies. But to do so, they must be full partners in their design, implementation and funding.

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