

CONFERENCE OF STATE COURT ADMINISTRATORS

Policy Statement

Child Welfare

The Conference of State Court Administrators believes that children should have a safe, permanent and nurturing environment in which they can grow and reach their potential. Child welfare programs should emphasize the need for ensuring the safety and well-being of children while preventing unnecessary entry of children into the foster care system; provide needed services to families and children to promote the safety, *stability*, and well-being of children and the permanence of children's family relationships; and emphasize the prompt placement of children to a safe, nurturing, and permanent environment.

The judicial branch plays a key role in ensuring that the rights of children are protected and the needs of children at risk are served, and also ensuring that the necessary judicial resources are available to provide for the efficient, effective, and consistent processing of child protection cases to achieve better outcomes for children and families. Courts should explore a problem-solving approach and less adversarial alternatives to litigation as methods of handling child welfare matters that come before them, with safeguards to ensure the safety of children, the legal representation of children and parents in all child protection cases and at every stage of the case, and the preservation of the rights of interested parties. While a child is in the child welfare system, it is important for the court to hold the child welfare agency accountable for making every effort to ensure that the child is placed in the least-restrictive, most family-like setting possible, as well as ensuring educational and placement stability.

While the judiciary must maintain independence in its decision-making role, courts must proactively work interdependently with agencies of other branches of government, tribes, tribal courts, educators, their communities, and private service providers to ensure that the needs of children at risk and their families are met. The Conference of State Court Administrators recognizes that if child welfare programs are to succeed, state, local, tribal judicial leaders must actively participate as part of a three-branch collaboration in the development, planning and implementation of programs that attempt to address the welfare of children and their families and expedite the handling of these cases. All stakeholders must learn how to share their data with one another, within the legal parameters, to be as successful as possible in monitoring the effectiveness of programs to ensure that the limited available public dollars are invested in initiatives that produce demonstrable benefit for the affected populations. Furthermore, the tracking and conformance with federal legislation that advise and fund child welfare activities should be a priority.

The improvement of services to children and families will require adequate financial and technical assistance resources, allocated appropriately to all involved in child welfare programs. Programs affecting the welfare of children and families require the concerted efforts of all three branches of government at all levels of government. Of special concern is the need for closer coordination of the operation and funding of all programs and policies affecting children and families.

In order to improve programs, data systems must measure outcomes of programs and data must be used to facilitate constant improvement. Data should not only advise policy makers, but drive policy development and practice.

Issues affecting the family are complex in nature and often inter-connected. The consideration and development of policies and programs relating to juvenile justice and delinquency, child welfare, substance abuse, mental and behavioral health, child support, child custody and parenting time, and domestic violence must be approached in an integrated fashion. Court practice must also be integrated in this manner, and the one-family, one-judge approach provides judicial officers ready access to information about the family and their needs, maximizes resources and service delivery, eliminates conflicting orders and improves order compliance, and reduces the burden on families of attending multiple, duplicative hearings. The Conference of State Court Administrators is committed to being a full and active partner with the other branches of government at the federal, state, and local levels in promoting the welfare of children.

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