

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue
San Francisco, California 94102-3688

Report Summary

TO: Members of the Judicial Council

FROM: California Blue Ribbon Commission on Children in Foster Care
Hon. Carlos R. Moreno, Chair
Christopher N. Wu, Executive Director, 415-865-7721,
christopher.wu@jud.ca.gov

DATE: August 15, 2008

SUBJECT: Children in Foster Care: Final Recommendations of the California Blue Ribbon Commission on Children in Foster Care to Improve the Juvenile Dependency Courts and Foster Care System in California (Action Required)

Issue Statement

On March 9, 2006, Chief Justice Ronald M. George established the California Blue Ribbon Commission on Children in Foster Care and appointed Supreme Court Associate Justice Carlos R. Moreno as its chair. The commission was charged with providing recommendations to the Judicial Council of California on the ways in which the courts and their partners can improve safety, permanency, well-being, and fairness outcomes for children and families. This report contains the commission's recommendations for improving California's juvenile dependency courts and foster care system and provides the values and principles that the commission adopted to guide and inform its development of the recommendations.

Background

The commission is a high-level, multidisciplinary body providing leadership on the issues that face foster children and their families and the courts and agencies that serve them. A roster of commission members is attached at pages 31–34.

The establishment of the commission builds on recent Judicial Council efforts to improve California's juvenile courts. At the national level and commensurate with the Judicial Council's focus on improving California's juvenile courts, the Pew Commission on Children in Foster Care was established in 2003. Its purpose was to develop recommendations to improve outcomes for children throughout our nation's foster care system. Former U.S. Representatives Bill Frenzel and William H. Gray III served as chair

and vice-chair, respectively. William C. Vickrey, Administrative Director of the Courts, was one of 18 members.

In 2004, the Pew Commission issued its recommendations, among them a recommendation that the courts and public agencies be required to demonstrate effective collaboration by developing multidisciplinary, broad-based state commissions on children in foster care. In 2006, the Chief Justice followed this recommendation by establishing the California Blue Ribbon Commission on Children in Foster Care.

The California Blue Ribbon Commission on Children in Foster Care seeks to achieve four results:

1. A comprehensive set of politically viable recommendations for how courts and their partners can improve child welfare outcomes, including an implementation plan with key milestones;
2. Improved court performance and accountability in achieving child welfare outcomes of safety, permanency, well-being, and fairness;
3. Improved collaboration and communication among courts and child welfare agencies and others, including the institutionalization of county commissions that support ongoing efforts; and
4. Greater awareness of the court's role in the foster care system and the need for adequate and flexible funding.

In its early strategic planning, the commission developed a comprehensive work plan to guide the work of the commission and determined that it would focus on three key areas:

- The role of the courts in achieving improved outcomes for children and families;
- Court collaboration with partner organizations and agencies; and
- Funding and resource options for child welfare services and the courts.

The commission held nine meetings and three public hearings in various locations throughout California. It heard from a variety of juvenile court and child welfare experts, social workers, and families and children who have been in the system on issues facing the juvenile courts and the foster care system. The commission focused on the following issues:

- Financing of the child welfare system;
- The role of the courts in child welfare and alternative models for juvenile dependency courts, including unified family courts and tribal court models;
- Permanency and adequate transition services for older foster youth;
- Juvenile court resources and caseload issues;
- Achievement of better results for children and families through collaboration among the courts and all of the agencies providing services to children and families; and

- The disproportionate representation of African-American and American Indian children in the foster care system.

To guide information review and analysis, the commission established four subcommittees: Court Oversight, chaired by Justice Richard D. Huffman; Funding and Resources, chaired by Judge Susan D. Huguenor; Accountability for Better Outcomes, chaired by Judge Michael Nash; and Case Management and Data Exchange Systems, chaired by Presiding Judge Dean Stout.

After nearly two years of information gathering, the commission developed draft recommendations. The commission sent the recommendations out for public comment in March 2008. It also held public hearings in Los Angeles (May 12, 2008) and San Francisco (May 14, 2008), where it heard testimony on the proposed recommendations from experts in the field, representatives of the courts, representatives of nonbranch partners, parents, caregivers, foster youth, and members of the public. In response to the public comment and testimony, some of the draft recommendations were modified.

The final recommendations of the California Blue Ribbon Commission on Children in Foster Care, being presented to the Judicial Council, can be found on pages 20–30. The commission’s recommendations fall under four broad categories:

- Reasonable efforts to prevent removal and achieve permanency;
- Court reforms;
- Collaboration among courts and partnering agencies; and
- Resources and funding.

Within those categories, the commission makes 79 specific recommendations, 26 of which are exclusively within the purview of the Judicial Council and the judicial branch.

Recommendation

The California Blue Ribbon Commission on Children in Foster Care recommends that the Judicial Council, effective August 15, 2008:

1. Receive and accept the final recommendations of the California Blue Ribbon Commission on Children in Foster Care;
2. Approve the commission’s principles and values as stated on page 4;
3. Acknowledge the 26 specific recommendations that are within the purview of the Judicial Council and can be implemented by the judicial branch without collaboration with nonbranch partners;
 - a. Direct the Administrative Director of the Courts to refer these recommendations to the appropriate advisory committee or Administrative Office of the Courts (AOC) division for review and preparation of proposals to be considered by the council through the normal judicial branch processes; and

- b. Direct the Administrative Director of the Courts to provide a status report at the council's October 2008 meeting on the action that is being taken to create specific rules or proposals for council action;
4. Direct the commission to develop an implementation plan in keeping with its principles and values for recommendations that require collaboration with nonbranch partners, to include key milestones for implementing the recommendations;
5. Direct the commission to present the implementation plan to the council for approval by December 2008;
6. Direct the commission to prepare and distribute a final report to the public on the recommendations and implementation plan by December 2008; and
7. Request the commission to report progress on implementation of the recommendations to the council by June 2009.

Rationale for Recommendation

In developing draft recommendations, the California Blue Ribbon Commission on Children in Foster Care was guided by the Judicial Council's strategic and operational plans and the following overarching principles:

- All children are equal and deserve safe and permanent homes;
- Efforts to improve the foster care system must focus on improving safety, permanency, well-being, and fairness outcomes for children, and services should be integrated and comprehensive;
- Collaboration is essential for achieving the best possible outcomes for children and families;
- Courts play an important statutory role in overseeing children, families, and services in the dependency system;
- Children and families should have a say in decisions that affect their lives; and
- Government agencies need adequate and flexible funding to provide the best outcomes for children in the foster care system.

The commission also wanted to ensure that recommendations were consistent with the following values, which were adopted early in the process: collaboration, shared responsibility, accountability, leadership, children and families, child safety, inclusion, permanency, and youth voice.

The child welfare system, including the juvenile dependency courts, too often fails to protect our children and provide essential services to families. Judges often make critical decisions about children and families without important information because court dockets are overcrowded. Caseloads for judges, attorneys, and social workers are too high. Federal and state funding is not flexible enough to allow counties to achieve the

outcomes for which the funding is provided. The commission's recommendations are designed to improve safety, permanency, and fairness outcomes for children and families.

Alternative Actions Considered

The commission was cognizant throughout the process of drafting recommendations to reform California's foster care system that in these times of severe fiscal restraint change would, by necessity, be incremental. However, the commission did not want to limit its blueprint for foster care reform to conform to current fiscal problems, but rather chose to propose a vision for real change. Budget restraints may affect the timing of their implementation, but these recommendations represent the priorities—both short-term and long-term—that must be followed to ensure a better future for the state's most vulnerable children and families.

Comments From Interested Parties

The commission sought comment on its draft recommendations from a wide array of persons, including justices, judges, commissioners, referees, legislators, attorneys, social workers, probation officers, advocates, service providers, parents, caregivers, foster children, and members of the public. The invitation to comment was posted on the California Courts Web site, and the comment period was from March to May 2008. In addition the commission conducted two public hearings, one in Los Angeles on May 12, 2008, and one in San Francisco on May 14, 2008. The commission received more than 130 comments, all of which were reviewed and analyzed and which, in many cases, led to revisions of the draft recommendations. A chart summarizing the comments received follows this report at pages 35–134.

Implementation Requirements and Costs

Many of the commission's recommendations call for using existing resources differently, implementing policies that are already in place, or phasing in proposals over time in order to reduce reliance on new funds. Some recommendations have little fiscal impact, focusing on using existing resources more efficiently within the courts. Other proposals call on Congress to give states more flexibility in how they use existing federal child welfare funds. Some of the recommendations will require new resources. However, if the changes recommended are implemented successfully, there should be significant savings due to the reduction of the number of children in costly foster care and group home placements. Money saved by reducing the number of children in foster care should be reinvested in preventive services to help keep children and families out of the system and in reducing judicial, attorney, and social worker caseloads of children and families who remain in the system. However, even with using current funds more effectively additional funds may still be required. The commission believes that the expenditure of these resources for children now will result in long-term savings by reducing the number of former foster children who become homeless, dependent on welfare, and incarcerated as adults.

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Hon. Carlos R. Moreno, Chair
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SUBJECT: Children in Foster Care: Final Recommendations of the Blue Ribbon
Commission on Children in Foster Care to Improve the Juvenile
Dependency Courts and Foster Care System in California (Action
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Issue Statement

On March 9, 2006, Chief Justice Ronald M. George established the California Blue Ribbon Commission on Children in Foster Care and appointed Supreme Court Associate Justice Carlos R. Moreno as its chair. The commission was charged with providing recommendations to the Judicial Council of California on the ways in which the courts and their partners can improve safety, permanency, well-being, and fairness outcomes for children and families. This report contains the commission's recommendations for improving California's juvenile dependency courts and foster care system and provides the values and principles that the commission adopted to guide and inform its development of the recommendations.

Background

The commission is a high-level, multidisciplinary body providing leadership on the issues that face foster children and their families and the courts and agencies that serve them. A roster of commission members is attached at pages 31–34.

The establishment of the commission builds on recent Judicial Council efforts to improve California's juvenile courts and is consistent with the goals and objectives recently adopted by the Judicial Council. These efforts include expansion of the Court Improvement Project to increase the number of training programs and to enhance development of data exchanges to improve communication between the courts and child welfare agencies; expansion of the Judicial Review and Technical Assistance program to

include specific projects related to improving compliance with the Indian Child Welfare Act and increasing the number of permanent placements for children in foster care; and establishment of the Dependency Representation, Administration, Funding, and Training pilot program relating to attorney representation of parents and children in juvenile dependency court.

At the national level and commensurate with the Judicial Council's focus on improving California's juvenile courts, the Pew Commission on Children in Foster Care was established in 2003. Its purpose was to develop recommendations to improve outcomes for children throughout our nation's foster care system. Former U.S. Representatives Bill Frenzel and William H. Gray III served as chair and vice-chair respectively. William C. Vickrey, Administrative Director of the Courts, was one of 18 members representing a broad cross-section of organizations involved in foster care issues.

The Pew Commission was charged with investigating and making recommendations concerning federal child welfare financing mechanisms and improving court oversight of child welfare cases. In 2004, the Pew Commission issued its recommendations, among them a recommendation that the courts and public agencies be required to demonstrate effective collaboration by developing multidisciplinary, broad-based state commissions on children in foster care. These state commissions would ensure ongoing collaboration between child welfare agencies and courts and would engage a broad coalition of public and private agencies and organizations with an interest in the welfare of children. In 2006, the Chief Justice followed this recommendation by establishing the California Blue Ribbon Commission on Children in Foster Care.

The California Blue Ribbon Commission on Children in Foster Care seeks to achieve four results:

1. A comprehensive set of politically viable recommendations for how courts and their partners can improve child welfare outcomes, including an implementation plan with key milestones;
2. Improved court performance and accountability in achieving child welfare outcomes of safety, permanency, well-being, and fairness;
3. Improved collaboration and communication among courts and child welfare agencies and others, including the institutionalization of county commissions that support ongoing efforts; and
4. Greater awareness of the court's role in the foster care system and the need for adequate and flexible funding.

Process/Approach

In its early strategic planning, the commission developed a comprehensive work plan to guide the work of the commission and its subcommittees and determined that it would focus on three key areas:

- The role of the courts in achieving improved outcomes for children and families;
- Court collaboration with partner organizations and agencies; and
- Funding and resource options for child welfare services and the courts.

Meetings

The commission held nine meetings. The meetings occurred in San Francisco (March, June, and September 2006 and June 2008), Monterey (December 2006), Sacramento (March 2007), Riverside (June and October 2007), and San Diego (December 2007). The commission also held three public hearings in Sacramento (March 2007), San Francisco (May 2008), and Los Angeles (May 2008). At the June 2007 meeting the commission visited the California Institute for Women in Corona and heard presentations from several women about their experiences with the courts and the foster care system. Commission staff conducted focus groups with social workers and caregivers and presented the results to the commission.

The commission heard from a variety of juvenile court and child welfare experts and from social workers, families, and children who have been in the system on issues facing the juvenile courts and the foster care system. The commission focused on the following issues:

- Financing of the child welfare system;
- The role of the courts in child welfare and alternative models for juvenile dependency courts, including unified family court and tribal court models;
- Permanency and adequate transition services for older foster youth;
- Juvenile court resources and caseload issues;
- Achievement of better results for children and families through collaboration between the courts and all of the agencies providing services to children and families;
- The disproportionate representation of African-American and American Indian children in the foster care system; and
- The special issues and concerns of incarcerated parents and American Indian and immigrant families and children.

Subcommittees

To guide information review and analysis, the commission established four subcommittees: Court Oversight, chaired by Justice Richard D. Huffman; Funding and Resources, chaired by Judge Susan D. Huguenor; Accountability for Better Outcomes, chaired by Judge Michael Nash; and Case Management and Data Exchange Systems, chaired by Presiding Judge Dean Stout.

The subcommittees met during the commission's quarterly meetings and also convened interim conference calls and other meetings to examine the following issues:

- **Court Oversight.** Issues related to policies and procedures in the trial and appellate courts and the overall role of the juvenile court in the child welfare system; information regarding fair and effective hearings, calendaring, caseflow, and methods for overseeing services that social workers and probation officers provide to families to prevent or eliminate the need for removing children.
- **Funding and Resources.** Issues related to federal, state, and local financing options for foster care; wraparound mental health services and education services; information concerning the resources needed for the courts to provide effective oversight.
- **Accountability for Better Outcomes.** Current and future initiatives to ensure accountability of courts and agencies throughout the foster care system on both the local and state levels; information regarding how to reduce the amount of time a child spends in foster care; and methods for identifying and ensuring accountability for systemic delays.
- **Case Management and Data Exchange Systems.** Case management and data needs in courts and child welfare agencies and effective communication and sharing of data between systems; information regarding development of court and case management outcome measures; and barriers that may inhibit the court from receiving and sharing the information critical to informed decisionmaking.

The subcommittees met separately and, on occasion, held joint meetings to work on crossover issues. For example, the Case Management and Data Exchange Systems and the Accountability for Better Outcomes subcommittees paired up to review performance measures recommended by the Pew Commission as well as those measures used in the California Department of Social Services Outcomes Services Review. From these and other sources, the subcommittees developed proposed performance measures for dependency courts in California. Those court performance measures were circulated for comment in the winter 2007 rule cycle and recirculated during the spring 2008 rule cycle; they will be considered by the council at the October 2008 Judicial Council meeting.

Draft and final recommendations

After nearly two years of information gathering, the commission developed draft recommendations. The commission sent the recommendations out for public comment in March 2008. It also held public hearings in Los Angeles (May 12, 2008) and San Francisco (May 14, 2008), where it heard testimony on the proposed recommendations from experts in the field, representatives of the courts, representatives of nonbranch partners, parents, caregivers, foster youth, and members of the public. In response to the public comment and testimony, some of the draft recommendations were modified at the June 2008 commission meeting.

The final recommendations of the Blue Ribbon Commission on Children in Foster Care that are being presented to the Judicial Council can be found on pages 20–30. The commission’s recommendations fall under four broad categories:

- Reasonable efforts to prevent removal and achieve permanency;
- Court reforms;
- Collaboration among courts and partnering agencies; and
- Resources and funding.

Within those categories, the commission makes 79 specific recommendations, 26 of which are exclusively within the purview of the Judicial Council and the judicial branch. Details of the commission’s recommendation to the Judicial Council are immediately below, followed by highlights of both the proposed recommendations and the public commentary and testimony.

Recommendation

The California Blue Ribbon Commission on Children in Foster Care recommends that the Judicial Council, effective August 15, 2008:

1. Receive and accept the final recommendations of the California Blue Ribbon Commission on Children in Foster Care;
2. Approve the commission’s principles and values as stated on page 11;
3. Acknowledge the 26 specific recommendations that are within the purview of the Judicial Council and can be implemented by the judicial branch without collaboration with nonbranch partners;
 - a. Direct the Administrative Director of the Courts to refer these recommendations to the appropriate advisory committee or Administrative Office of the Courts (AOC) division for review and preparation of proposals to be considered by the council through the normal judicial branch processes; and
 - b. Direct the Administrative Director of the Courts to provide a status report at the council’s October 2008 meeting on the action that is being taken to create specific rules or proposals for council action;
4. Direct the commission to develop an implementation plan in keeping with its principles and values for recommendations that require collaboration with nonbranch partners, to include key milestones for implementing the recommendations;
5. Direct the commission to present the implementation plan to the council for approval by October 2008;
6. Direct the commission to prepare and distribute a final report to the public on the recommendations and implementation plan by December 2008; and
7. Request the commission to report progress on implementation of the recommendations to the council by June 2009.

Rationale for Recommendation

In developing draft recommendations, the California Blue Ribbon Commission on Children in Foster Care was guided by the following overarching principles, adopted by the commission early in its deliberations:

- All children are equal and deserve safe and permanent homes;
- Efforts to improve the foster care system must focus on improving safety, permanency, well-being, and fairness outcomes for children, and services should be integrated and comprehensive;
- Collaboration is essential for achieving the best possible outcomes for children and families;
- Courts play an important statutory role in overseeing children, families, and services in the dependency system;
- Children and families should have a say in decisions that affect their lives; and
- Government agencies need adequate and flexible funding to provide the best outcomes for children in the foster care system.

The commission also wanted to ensure that recommendations were consistent with the following values, also adopted early in the process:

- Collaboration;
- Shared responsibility;
- Accountability;
- Leadership;
- Children and families;
- Child safety;
- Inclusion;
- Permanency; and
- Youth voice.

The commission's recommendations fall into four broad subject areas, listed previously in this report. The rationale for the recommendations in these four areas follows.

Reasonable efforts to prevent removal and achieve permanency

The commission proposes a series of recommendations focused on reasonable efforts to prevent removal and achieve permanency. Key rationales for this set of recommendations include:

- The Judicial Council has adopted objectives in *The Operational Plan for California's Judicial Branch, 2008–2011* to (1) ensure that all court users are treated with dignity, respect, and concern for their rights and cultural backgrounds, without bias or appearance of bias, and are given an opportunity to be heard; (2) improve safety, permanency, and fairness outcomes for children and families; and

(3) promote a state judiciary and judicial branch workforce that reflects California's diverse population.

- The courts and child welfare agencies share a fundamental belief that all children deserve a safe, stable family in which to grow up and thrive. Interrupting a child's bond to a parent, even when necessary and temporary, is a destabilizing event in any child's life. Child welfare agencies aspire to offer more services to prevent placement in foster care. Yet funds to support preventive services are not a priority. A recent national study sponsored by the nonprofit organization Kids Are Waiting found that states are allowed to use only 10 percent of federal child welfare funding for prevention or reunification services. It is no wonder then that dependency court officials are often engaged in building support for child welfare services in their communities and advocating for a higher priority for funding for preventive services among agencies that work with vulnerable children and families.
- Each one of the nearly 80,000 children in foster care in California has a hearing before a dependency court. Yet placement does not necessarily ensure improved outcomes for them or for their families, even when removal is required. Far too many of these foster children experience multiple placements, changes in schools, and separation from siblings, friends, and other family members.
- African-American and American Indian children are disproportionately in the system. They are more likely than other children to be reported because of abuse, more likely to be removed, and less likely to be reunified or adopted.
- As many as 5,000 youth in California reach the age of 18 every year without reunifying with their own families or being placed in other permanent families. National research shows that young people who "age out" of the foster care system are more likely to drop out of school, have serious mental health needs, experience homelessness and unemployment, and end up in the criminal justice system. These are the children who all too often languish in a foster care limbo.

Court reforms

The commission proposes a number of court reforms to improve the foster care system. Most are within the purview of the Judicial Council and the judicial branch to implement without the participation of nonbranch partners. These proposed recommendations comprise many of the 26 recommendations for which early action is urged. Rationales for these proposed recommendations include:

- The Judicial Council has adopted objectives in *The Operational Plan for California's Judicial Branch, 2008–2011* to (1) ensure that all court users are

treated with dignity, respect, and concern for their rights and cultural backgrounds, without bias or appearance of bias, and are given an opportunity to be heard; (2) identify and eliminate barriers to court access at all levels of service; ensure interactions with the court are understandable, convenient, and perceived as fair; and (3) measure and regularly report branch performance—including branch progress toward infrastructure improvements to achieve benefits for the public.

- California’s dependency court system is overstressed and under-resourced. Because of staggering caseloads, judicial officers are often forced to limit the time and attention they give to each child. Even if they do give each case a thorough review, they may not meet the federal and state statutory timeline for the case. Either way, children and their families lose. Since dependency cases represent the most intrusive form of governmental intervention and interference with and disruption of family relations, it is essential that the court system have sufficient resources to appropriately oversee these cases. It is also essential that the local trial courts make these cases a priority and allocate the resources needed for appropriate oversight.
- Although many well-qualified commissioners and referees hear these cases, the dependency court is often viewed by many both inside and outside the court as a “lesser” court because judges are not always assigned to these cases.
- Many families and children appear at the courthouse but wait for hours before their hearings, to receive only a few minutes with the court and with their attorneys. The median time for a juvenile dependency hearing in California is just 10–15 minutes, far short of the recommended 30–60 minutes. Dependency court attorneys, who represent foster children and their families, suffer from similar time and caseload pressures. Such systemic problems inhibit the courts’ ability to make informed decisions about children and families and to meet their obligation to ensure that all participants in the hearings understand their rights and responsibilities and the decisions made in court.
- Dependency courts are able to gather only limited data on their ability to meet statutory timelines for hearings and requirements regarding the safety, permanency, and well-being of the children for whom they are responsible. Currently, uniform court data is limited to the number of filings and dispositions. Without data systems and court performance measures, the courts are not able to measure compliance with statutes, track children’s progress, and identify sources of delay and other areas of reform needed in juvenile dependency court cases.

Collaboration among courts and partnering agencies

The commission proposes a series of recommendations focused on improving foster care through collaboration among courts and partnering agencies. Rationales for this set of proposals include:

- The Judicial Council has adopted objectives in *The Operational Plan for California's Judicial Branch, 2008–20011* to (1) improve communication within the judicial branch, with other branches of government, with members of the bar, and with the public to achieve better understanding of statewide issues that impact the delivery of justice and (2) develop and support collaborations to improve court practices, to leverage and share resources, and to create tools to educate stakeholders and the public.
- In California, nearly 80,000 children are in foster care. The courts share responsibility for their safety and well-being with a range of agencies, including child welfare, education, alcohol and drug treatment, mental health, public health, and Indian tribal councils.
- Families are often involved with more than one agency at a time. These agencies have independent and sometimes conflicting policies and regulations that inhibit communication and sharing of data and information. Judges and attorneys sometimes lack full knowledge of a child's health, mental health, education, language, or citizenship. This means the courts must sometimes make decisions without a complete or accurate picture of the child and his or her family.
- Court-ordered services to benefit families and children sometimes conflict with mandated services from other courts or agencies. The courts and child welfare agencies do not always know what services exist in the community. Often there is limited availability of essential services.

Resources and funding

The commission proposes a series of recommendations based on issues in the foster care system related to resources and funding. The rationales for these proposals include:

- Financial support for children and families in the child welfare system is built on a patchwork of funding streams, each with its own rules and restrictions. In addition to state and county funding, child welfare dollars come from at least a half-dozen federal sources, some of which require matching funds from state, county, and local agencies. Delays in services result when providers, social service agencies, and the courts struggle to determine the pertinent funding source for services. Delays are compounded when a child is moved to a new county or state.

- Even when services are available, agencies and the courts do not always give priority to foster children and their families in the delivery of these services. For example, children have a statutory right to certain educational and transition to independent living services but are not able to benefit from these services because there are no resources or funding supports to help these children access the services. This lack of prioritization of, and accountability to, children and families in the delivery of services limits the courts' and agencies' ability to offer the comprehensive and concentrated services that are critical to family reunification and permanency.

Alternative Actions Considered

The commission was cognizant throughout the process of drafting recommendations to reform California's foster care system that in these times of severe fiscal restraint change would, by necessity, be incremental. But, while acknowledging that reality, the commission did not want to limit its blueprint for foster care reform to conform to current fiscal problems, but rather chose to put aside fiscal considerations and document a vision for real change. The commissioners believe their recommendations are practical, viable, and necessary, but they are quite aware of the current fiscal realities in the state. Budget restraints may affect the timing of implementation, but these recommendations represent the priorities—both short-term and long-term—that must be followed to ensure a better future for the state's most vulnerable children and families.

Comments From Interested Parties

The commission sought comment on its draft recommendations from a wide array of persons, including justices, judges, commissioners, referees, legislators, attorneys, social workers, probation officers, advocates, service providers, parents, caregivers, foster children, and members of the public. The invitation to comment was posted on the California Courts Web site, and the comment period was from March to May 2008. Specifically, the commission:

- Distributed its draft recommendation for statewide written comment in March 2008, with comments due on May 16, 2008; and
- Conducted two public hearings, one in Los Angeles on May 12, 2008, and one in San Francisco on May 14, 2008.

The commission received more than 130 comments, all of which were reviewed and analyzed and which, in many cases, led to revisions of the draft recommendations. A chart summarizing the comments received follows this report at pages 35–134.

Overall the comments were exceedingly supportive of the draft recommendations. A summary of the most significant comments follows.

Reasonable efforts to prevent removal and achieve permanency

Among the proposed recommendations under this theme, those related to disproportionate representation of African-American and American Indian children in the child welfare system generated the most comments. The draft recommendation called for further study of the causes of this disproportionate representation. Several commenters recommended that the draft recommendation be made stronger to suggest that measures be undertaken to address the issue. In response to the comments, the commission modified its recommendation by calling for the courts and partnering agencies to work together to reduce the disproportionate number of African-American and American Indian children in the child welfare system; rather than a study of the issue of disproportionality. It also added a recommendation to “increase the diversity and cultural competence of the workforce.”

In response to another comment concerning the obstacles in existing law to placing children with relatives, the commission also modified a draft recommendation to suggest that the Judicial Council work with state and federal leaders to amend existing law to make it easier to increase relative placements by addressing funding disparities and by developing greater flexibility in the approval process.

Court reforms

This theme generated many comments and led to significant revision of the draft recommendations. First, the commission’s draft recommendation that judges, not subordinate judicial officers, should hear dependency and delinquency cases and that judges be assigned to juvenile court for a minimum of three years generated the most comments and the most controversy of any of the draft recommendations. The comments were best summarized by those submitted by the California Court Commissioners Association (CCCA), which suggested that “some of the wording in the Blue Ribbon Commission’s recommendations is counterproductive and creates some possibility of confusion.” CCCA urged the commission to recognize and acknowledge the valuable contributions of subordinate judicial officers to the juvenile court system and to recommend that changes be based on attrition to ensure continuity. The commission took the many comments to heart and substantially revised its recommendations to continue to honor Judicial Council policy to have judges hear juvenile court cases, while acknowledging the importance of well-qualified subordinate judicial officers.

Second, the commission’s recommendations for caseload reduction for judges, attorneys, and social workers were widely supported. Full-time judicial officials in California carry an average of 1,000 cases, which has a direct impact on the level of time and attention any one case receives. Attorneys who represent children and families in dependency court carry an average caseload of 273 clients per attorney, and, in a few counties, attorney caseloads rise to 500 to 600 or more. This far exceeds the state’s recommended standard of 188 (for attorneys who have appropriate support staff).

Third, the commission received comment and testimony about the need for a stable funding source to implement the council's recently adopted attorney caseload standards and to develop and/or implement caseload standards for social workers and social service agency attorneys. In response, the commission amended its recommendation to suggest that there be a stable funding source for attorney representation for parents and children and that caseload standards be implemented for social workers and attorneys representing child welfare agencies.

Fourth, the commission received a comment from an appellate court administrative presiding justice urging the adoption of new recommendations to have the Judicial Council (1) provide an expedited process for all juvenile dependency appeals by extending the application of rule 8.416 of the California Rules of Court to all dependency appeals and (2) require the appointment of independent counsel for all children in juvenile dependency appeals. These comments were sent to the other five administrative presiding justices for comment. They indicated that the proposed recommendation on amending the existing rule to expedite the appellate process for all dependency appeals was unnecessary as they already generally meet the timelines. Since it is essential to resolve all outstanding issues to achieve finality and permanency for children, the commission decided to recommend that the rule be modified to extend the expedited process to all dependency appeals.

The recommendation to require the appointment of counsel for all children in juvenile dependency appeals is controversial and has historically not been supported by the administrative presiding justices in five of the six appellate court districts. Recent legislation required the California Blue Ribbon Commission on Children in Foster Care to make a recommendation on this issue. The commission carefully considered a comment from the five administrative presiding justices who do not support the appointment of independent counsel in all cases in which the child is not the appellant. They recommended that the Judicial Council review recently adopted rule 5.661 of the California Rules of Court, which provides for a procedure for trial counsel to request appointment of appellate counsel, in one year to determine how well it is working. After a very lengthy and in-depth discussion, the commission decided to support the appointment of counsel for children in all appellate cases because the child is a party to the proceeding and any decision of the appellate court can have a long-term significant impact on the child's life.

Fifth, the commission received a number of comments that supported its recommendations for the implementation of performance measures for juvenile courts. Recent legislation requires the Judicial Council to adopt performance standards for juvenile dependency courts through a rule of court. The council will be considering a proposed rule for court performance measures as part of the spring rules cycle at the October Judicial Council meeting. The commission added one additional

recommendation that the Judicial Council advocate for local, state, and federal funding to implement the recommended measures.

Finally, a number of commenters and commissioners noted that the court reforms were critical because all children who enter the system are literally “our children.” As one commenter put it: “These children are literally and legally the children of the state. The courts are their parents. You provide for your own children first and foremost. You decide what they need, and then you allocate the remainder. That is the ethically defensible posture for court budgeting. Under what circumstance is any expenditure deserving of higher priority than the care of the courts’ own children, for whom they are legally and morally responsible.” In developing its court reform recommendations, the commission focused on the needs of the children under the jurisdiction of the juvenile dependency court.

Collaboration among courts and partnering agencies

This theme generated some helpful commentary, and the commission modified its recommendations in response. Significant interest was generated by the concept of developing local commissions to address local system concerns (including implementation of the recommendations of the Blue Ribbon Commission). And there was beneficial public testimony on collaborations with Indian tribes and tribal courts that led to an expanded set of recommendations in that area.

Resources and funding

As the result of written comments and public testimony concerning the issues that confront caregivers, the commission modified the recommendations under this theme to include a recommendation for support of those who provide care to dependent children by increasing foster care rates. The commission believes that there is a great need to expand the pool of available caregivers in order to give the courts more flexibility in making less-restrictive placements. The commission also added a recommendation that calls for providing statewide legal and informational support for caregivers in order to increase caregivers’ understanding of juvenile court processes.

In response to a comment about the need to expand the opportunities for foster youth to attend college, the commission also added a recommendation to expand programs that give current and former foster youth access to free tuition, housing, and other support services so they can attend college.

Finally, an almost universal comment about funding concerned the overwhelming need for additional resources to properly serve the children and families who come into the foster care system.

Implementation Requirements and Costs

Many of the commission's recommendations call for using existing resources differently, implementing policies that are already in place, or phasing in proposals over time in order to reduce reliance on new funds. Some recommendations have little fiscal impact, focusing on using existing resources more efficiently within the courts. Other proposals call on Congress to give states more flexibility in how they use existing federal child welfare funds.

Some of the recommendations will require new resources. However, if the changes recommended are implemented successfully, there should be significant savings due to the reduction of the number of children in costly foster care and group home placements. Money saved by reducing the number of children in foster care should be reinvested in preventive services to help keep children and families out of the system and in reducing judicial, attorney, and social worker caseloads of children and families who remain in the system. However, even with using current funds more effectively and efficiently and reinvesting money that will be saved as a result of the commission's proposed reforms, additional resources will still be required. The commission believes that the expenditure of these resources for children now will result in long-term savings by reducing the number of former foster children who become homeless, dependent on welfare, and incarcerated as adults.

Attachments

California Blue Ribbon Commission on Children in Foster Care Final Recommendations to the Judicial Council

1

Recommendation 1

Reasonable Efforts to Prevent Removal and Achieve Permanency

Because families who need assistance should receive necessary services to keep children safely at home whenever possible, the Blue Ribbon Commission recommends that the Judicial Council, the California Department of Social Services, and local courts and child welfare agencies implement improvements to ensure immediate, continuous, and appropriate services and timely, thorough review for all families in the system.

1A

Children and families need access to a range of services to prevent removal whenever possible. All reasonable efforts should be made to maintain children at home in safe and stable families. The courts should make an informed finding as to whether these efforts actually have been made.

The Blue Ribbon Commission recommends that:

- The courts and partnering agencies tailor resources to make sure they have sufficient information and time to establish that all reasonable efforts have been made to prevent removal.
- All children and families receive timely and appropriate mental health, health care, education, substance abuse, and other services, whether children reside with their own parents or with relatives, foster parents, guardians, or adoptive parents or are in another setting.
- At the earliest possible point in their involvement with the family, child welfare agencies engage family members, including extended family wherever they may live, to support the family and children in order to prevent placement whenever possible. Child welfare systems should develop and improve internal protocols for finding family members.
- The courts and partnering agencies work to reduce the disproportionate number of African-American and American Indian children in the child welfare system.
- Judicial officers, attorneys, social workers, and other professionals who serve foster children and their families increase the diversity and cultural competence of the workforce.
- The Judicial Council work with local, state, and federal leaders to advocate for greater flexibility in the use of federal, state, and local funding for preventive services.

1B

If foster care placement is necessary, children, families, and caregivers should have access to appropriate services and timely court reviews that lead to permanency as quickly as possible. Service delivery and court review should ensure that all reasonable efforts are made to return children home, to make sure families and workers comply with case plans, and to achieve timely and stable transitions home or, if necessary, to place with relatives or in another permanent, stable family.

The Blue Ribbon Commission recommends that:

- The Judicial Council work with state and federal leaders to advocate changes in law and practice to increase and encourage more relative placements, including:
 - Addressing funding disparities;
 - Developing greater flexibility in approving relative placements whereby relatives would not, by virtue of federal law, be held to the same standard as nonrelatives; and
 - Formulating protocols to facilitate swift home assessments and placement with family members when appropriate.
- The courts and child welfare agencies expedite services for families and ensure that foster children maintain a relationship with all family members and other important people in their lives.
- The courts ensure that children who cannot return home receive services and court reviews to enable them to successfully transition into a permanent home and into adulthood. This includes paying attention to each child’s language, development, and cultural needs in making decisions about home and school placements, visitation, education, and mental health needs. It also means making sure they have consistent community ties and help from supportive adults, such as mentors, as they grow up.
- All court participants continuously review and make extraordinary efforts to preserve and promote sibling connections and co-placement.
- Children and families receive continuous and comprehensive services if a child enters the delinquency system from foster care.
- The Judicial Council and the state Department of Social Services work together to urge Congress, the state Legislature, and state and local agencies to ensure that THP-Plus programs for transitional housing sustain a level of funding sufficient to maintain and expand program capacity to meet the demonstrated need of youth aging out of the foster care system.
- The Judicial Council work with federal and state leaders to support or sponsor legislation to extend the age when children receive foster care assistance from age 18 to age 21. This change should apply to those children who at age 18 cannot be returned home safely, who are not in a permanent home, and who choose to remain under the jurisdiction of the court. If the court terminates jurisdiction before a youth’s 21st birthday, the youth should have the right to reinstatement of jurisdiction and services.
- The Judicial Council work with local, state, and federal leaders to develop practices, protocols, and enhanced services to promote both placement and placement stability of children and youth in family-like, rather than institutional, settings.

2

Recommendation 2
Court Reforms

Because the courts are responsible for ensuring that a child’s rights to safety, permanency, and well-being are met in a timely and comprehensive manner and that all parties are treated fairly in the process, the Blue Ribbon Commission recommends that the Judicial Council and the trial and appellate courts make children in foster care and their families a priority when making decisions about the allocation of resources and administrative support.

2A

The trial and appellate courts must have sufficient resources to meet their obligations to children and families in the child welfare system.

The Blue Ribbon Commission recommends that:

- Consistent with Judicial Council policy, judges—not subordinate judicial officers—hear dependency and delinquency cases. Pending a full transition from subordinate judicial officers to judges (through reassignment or conversion of subordinate judicial officer positions to judgeships), presiding judges should continue the assignment of well-qualified and experienced subordinate judicial officers to juvenile court.
- The Judicial Council work with bar organizations, the Governor’s office, and state and local leadership to ensure that juvenile law experience is given favorable consideration during the judicial appointment and assignment process and well-qualified subordinate judicial officers and attorneys with juvenile law experience are encouraged to apply for vacant judicial positions.
- Presiding judges follow standard 5.40 of the California Standards of Judicial Administration and assign judges to juvenile court for a minimum of three years and give priority to judges who are actively interested in juvenile law as an assignment.
- The Judicial Council undertake a new judicial caseload study focused specifically on juvenile dependency courts. The study should take into account the court’s unique oversight and case management responsibilities and address the use of case managers to support judges in meeting their workloads.
- Pending completion of the study, presiding judges evaluate their current allocation of judgeships and resources and make adjustments as necessary. If reallocation of existing resources is not sufficient, the Judicial Council should seek additional funding to ensure full implementation of the standards and statutory requirements.
- The Administrative Office of the Courts (AOC) help courts comply with the judicial standard outlining the knowledge, commitment, and leadership role required of judicial officers who make decisions about children in foster care (see standard 5.40 of the California Standards of Judicial Administration). Presiding judges of the superior courts should receive training in the role and duties of juvenile court judicial officers as outlined in the standard.

2B

All participants in dependency hearings and subsequent appeals, including children and families, should have an opportunity to be heard and meaningfully participate in court.

The Blue Ribbon Commission recommends that:

- Judicial officers identify and engage all parties in each case as early as possible. A particular emphasis should be placed on finding fathers and identifying Indian tribes where applicable.
- Judicial officers and other stakeholders remove barriers that prevent children, parents, and caretakers from attending hearings. This includes addressing transportation and scheduling difficulties, as well as exploring telephonic appearances and other technological options.
- The Judicial Council and other stakeholders develop and implement laws and policies to promote relative finding, funding, assessment, placement, and connections.
- The Judicial Council provide an expedited process for all juvenile dependency appeals by extending the application of rule 8.416 of the California Rules of Court to all dependency appeals.
- The Judicial Council require the appointment of independent counsel for all children in juvenile dependency appeals.

2C

Judicial officers should ensure that local court practices facilitate and promote the attendance of children, parents, and caregivers at hearings.

The Blue Ribbon Commission recommends that:

- Hearings be available at times that do not conflict with school or work or other requirements of a family's case plan.
- To the extent feasible, hearings be set for a specific date and time. Delays should be minimized, and hearings should be conducted on consecutive days until completed.
- A concurrent criminal proceeding should not mean delay of a dependency case.
- All parties, including children, parents, and social workers, have the opportunity to review reports and meet with their attorneys before the initial hearing and in advance of all subsequent hearings.
- Hearings be timely and meet all federal and state mandated timelines. Continuances should be minimized, and the reasons for systemic continuances should be addressed by the local court and child welfare agency.
- All participants leave court hearings with a clear understanding of what happened, why decisions were made, and, if appropriate, what actions they need to take.
- The AOC provide judicial officers and court participants with education and support to create courtroom environments that promote communication with, and meaningful participation of, all parties, including children, that takes into account age, development, language, and cultural issues.
- The same judicial officer hear a case from beginning to end, when possible.
- Courts explore telephonic appearance policies and new technology options to ensure participation in juvenile court hearings.

2D

The court's ability to make fair, timely, and informed decisions requires attorneys, social workers, and Court Appointed Special Advocates (CASAs) who are well qualified and have the time and resources to present accurate and timely information to the courts.

The Blue Ribbon Commission recommends that:

- The Judicial Council advocate for the resources, including a stable funding source, necessary to implement the council’s recently adopted attorney caseload standards, to implement caseload standards for social workers, and to develop and implement caseload standards for social services agency attorneys.
- The Judicial Council take active steps to promote the advancement of juvenile law as a sought-after career. Accomplishing this recommendation requires:
 - Fair and reasonable compensation for court-appointed attorneys;
 - Adoption and implementation of a methodology for determining attorney effectiveness;
 - Forgiveness of student loans for attorneys who commit a substantial portion of their careers to juvenile law;
 - That public and nonprofit law offices hire and retain attorneys based on their interest in the field and encourage them to build careers in juvenile law; and
 - Collaboration with State Bar of California leaders to include juvenile dependency law as a mandatory area of study for the California Bar exam and create a State Bar juvenile law section.
- The Administrative Office of the Courts expand multidisciplinary training opportunities for court professionals and other participants, including caregivers, educational representatives, CASA volunteers, and tribal leaders. Training should include conferences as well as distance learning opportunities.
- The Judicial Council continue to support the development and expansion of CASA programs and to help make available CASA volunteers for all foster children in the dependency system. State funding for CASA programs should be expanded to allow for appointments in all cases.
- Local or regional legal advocacy resource centers be established to ensure that the nondependency legal needs of dependent children and their parents are appropriately addressed. This includes education, immigration, tribal enrollment or other requirements to receive the benefits of tribal membership, tort issues, and other issues.

2E

All courts should have nonadversarial programs available as early as possible and whenever necessary for children and families to use to resolve legal and social issues when appropriate.

The Blue Ribbon Commission recommends that:

- Mediation and other forms of alternative dispute resolution be available in all courts at any time in the proceedings.
- Families in all counties have access to other types of court proceedings—drug, mental health, and unified courts, for example—that can help them remain together or, if the children are removed, to stabilize and reunify the family as soon as possible.
- Presiding judges work with agencies to ensure that families in all counties have access to specific nonadversarial child welfare–based practices such as family group conferencing, team decisionmaking, and family team meetings.

The Judicial Council should establish and implement a comprehensive set of court performance measures as required by state law (Welf. & Inst. Code, § 16545).

The Blue Ribbon Commission recommends that:

- The Judicial Council adopt and direct the AOC to work with local courts and state agencies to implement a rule of court that embodies the commission’s following recommendations:
 - Court performance measures include those for safety, permanency, timeliness of court hearings, due process, and child well-being;
 - Court performance measures align with and promote the federal and California Child and Family Services Review outcome measures and indicators;
 - The California Court Case Management System (CCMS) collect uniform court performance data and have the capability to produce management reports on performance measures; and
 - Trial court performance measures be included in a separate Judicial Council–approved AOC Implementation Guide to Juvenile Dependency Court Performance Measures.
- These performance measures and management reports be used for the following:
 - To promote court accountability for ensuring fair and timely hearings and to inform improvements in local case processing;
 - To provide stakeholders and the public with an aggregate picture of the outcomes for children before the court and to increase the public’s understanding of the court’s role in the child welfare system; and
 - To measure compliance with statutory mandates and effective practices.
- The Judicial Council work with the Child Welfare Council and local courts and state agencies to develop uniform child well-being performance measures. Based on these measures, the AOC Center for Families, Children & the Courts should work with local courts to develop and implement educational tools that help courts improve child well-being outcomes.
- The Judicial Council and other stakeholders advocate at the federal, state, and local levels for the funding necessary to implement recommended court performance measures.

3

Recommendation 3 Collaboration Among Courts and Partnering Agencies

Because the courts share responsibility with child welfare agencies and other partners for the well-being of children in foster care, the courts, child welfare, and other partnering agencies must work together to prioritize the needs of children and families in each system and remove barriers that keep stakeholders from working together effectively.

3A

The Judicial Council, trial courts, and state Department of Social Services should work cooperatively with all departments, agencies, and other stakeholders to ensure optimal sharing of information to promote decisionmaking that supports the well-being of children and families in the child welfare system.

The Blue Ribbon Commission recommends that:

- The Judicial Council continue its efforts to fully develop and implement the California Court Case Management System, as well as other data exchange protocols, so that the judicial branch, the California Department of Social Services, and other trusted partners will be able to exchange essential information about the children and families they are mandated to serve.
- CCMS permit judicial officers in dependency courts to access information about children and families who are involved in cases in other courts.
- CCMS and the state Child Welfare Services/Case Management System promote coordinated data collection, data exchange, and filing of documents, including electronic filing, between the courts, social service agencies, and other key partners and track data that permits them to measure their performance.
- The Child Welfare Council prioritizes solutions to federal and state statutory and regulatory policy barriers that prevent information sharing between the courts and their partners and that cause delays in the delivery of services and, hence, delays in permanency for children.
- Data systems in the various agencies evolve to capture the growing complexity of California demographics, including issues such as limited English proficiency, use of psychotropic medications, and disabilities.

3B

The presiding judge of the juvenile court and the county social services or human services director should convene multidisciplinary commissions at the local level to identify and resolve local system concerns, address the recommendations of the Blue Ribbon Commission, and build the capacity to provide a continuum of services.

The Blue Ribbon Commission recommends that:

- These multidisciplinary local commissions include participation from the courts; local government officials; public and private agencies and organizations that support children and families; children, parents, and families in the system; caregivers; and all other appropriate parties to the process.
- These commissions focus on key areas of local concern and activities, including:
 - Undertaking a comprehensive assessment of existing services available in the community; encouraging development of appropriate services that are not

available; coordinating services with tribal services and transitional services; and ensuring that children and families receive the support they need for reunification and permanency;

- Identifying and resolving barriers to sharing information among the courts, agencies, and schools;
- Communicating local needs and concerns to the Child Welfare Council; and
- Raising the visibility and public understanding of foster care issues in their communities.
- The AOC support local commissions in their efforts to collaborate and to avoid duplication with other efforts to achieve positive child welfare outcomes (including county efforts to develop system improvement plans as required by state law).
- All participating agencies prioritize children in foster care, and their families, when providing services.

3C

Courts, child welfare agencies, and other agencies should collaborate with Indian tribes and tribal courts to ensure that the rights of children, families, and tribes are protected and that Indian children and families have access to all appropriate services for which they are eligible.

The Blue Ribbon Commission recommends that:

- The AOC work with state trial courts and tribal courts to establish protocols for identifying and sharing jurisdiction between state and tribal courts and for sharing services, case management, and data among superior courts, tribal courts, and county and tribal service agencies. The protocols established should encourage a mutual understanding of and respect for the procedures in both the state and tribal courts and the challenges that all communities face in providing services for children and families. The AOC collaborate with the state to develop and offer judicial education and technical assistance opportunities to tribal court officers and staff and legal education to tribal attorneys, lay advocates, and service providers.
- The AOC work with the California Department of Social Services to offer ongoing multidisciplinary training and technical assistance to judges, court staff, attorneys, social workers, and other service providers on all of the requirements of the Indian Child Welfare Act.
- Indian children and families have access to the same services as other families and children regardless of whether their cases are heard in state court or tribal court.

4

Recommendation 4
Resources and Funding

In order to meet the needs of children and families in the foster care system, the Judicial Council, Congress, the Legislature, the courts, and partnering agencies should give priority to children and their families in the child welfare system in the allocation and administration of resources, including public funding—federal, state, and local—and private funds from foundations that support children’s issues.

4A

The Judicial Council should urge Congress, the state Legislature, and state and local agencies—including agencies and organizations that provide health, mental health, education, substance abuse, domestic violence, housing, employment, and child care services—to prioritize the delivery and availability of services to children and families in the child welfare system.

The Blue Ribbon Commission recommends that:

- Congress and the state Legislature fund dissemination of evidence-based or promising practices that lead to improved outcomes for foster children and their parents. Examples include therapeutic foster care and drug courts.

4B

States and counties should be given permission to use federal funding more flexibly. Flexible funding should be used to address the needs of children and families in a timely manner that recognizes the child’s developmental needs and relationship with his or her parents, guardian, and extended family. The commission supports key financial recommendations of the Pew Commission on Children in Foster Care and encourages innovative funding strategies at the federal, state, and local levels of government.

The Blue Ribbon Commission recommends that:

- The Judicial Council urge Congress to adopt the following federal financing reform recommendations, based on those advocated in 2004 by the Pew Commission on Children in Foster Care, a national panel of experts that issued proposals around financing child welfare and court reforms:
 - Creation of an incentive model for permanency. Based on the adoption incentive, this model would encompass all forms of permanency, including reunification and guardianship, and would offer equal payment levels;
 - Federal adoption assistance for all children adopted from foster care;
 - Federal guardianship assistance for all children who leave foster care to live with a permanent, legal guardian;
 - Elimination of the income limit for eligibility for federal foster care funding;
 - Flexibility for states and counties to use federal funds to serve children from Indian tribes and children living within U.S. territories;
 - Extension of federal title IV-E funding to children in Indian tribes and the U.S. territories;
 - Reinvestment of local, state, and federal dollars saved from reduced foster care placements into services for children and families in the child welfare system;

- Reinvestment of penalties levied in the federal Child and Family Services Review process into program improvement activities; and
- Bonuses when the state demonstrates improved worker competence and lighter caseloads.

4C

No child or family should be denied services because it is unclear who should pay for them. Funding limitations that prohibit or delay the delivery of services to children and families should be addressed through coordinated and more flexible funding.

The Blue Ribbon Commission recommends that:

- The Judicial Council work with other branches of federal, state, and local governments to identify barriers to funding for services and to develop solutions.
- The Judicial Council should urge Congress to change any federal law that prevents federal funds from being coordinated among several agencies to support specific services.

4D

The Judicial Council, along with other stakeholders, should work to improve the foster care system by supporting those who provide care to dependent children.

The Blue Ribbon Commission recommends that:

- The Judicial Council and other stakeholders advocate for increasing foster care rates and supports to enable foster parents to care for their foster children.
- The Judicial Council and other stakeholders advocate for funding and other resources to provide statewide legal and informational support for caregivers so they understand the dependency process and know what to expect in court.

4E

The Judicial Council, the executive and legislative branches of federal and state government, local courts, businesses, foundations, and community service organizations should work together to establish a fund to provide foster youth with the money and resources they need to participate in extracurricular activities and programs to help make positive transitions into adulthood.

The Blue Ribbon Commission recommends that:

- Children in foster care and partnering agencies have access to reliable funding to support their access to extracurricular activities and transitional programs. These activities should include music and dance lessons, sports, school events, and independent living activities.
- Systemic barriers that prevent foster children from participating in the above events be eliminated, including transportation, licensing restrictions, and confusion regarding waivers and consents.

4F

Educational services for foster youth and former foster youth should be expanded to increase access to education and to improve the quality of those services.

The Blue Ribbon Commission recommends that:

- Courts and partnering agencies ensure that foster children receive the full education they are entitled to, including the support they need to graduate from high school. This includes tutoring and participation in extracurricular activities. The courts should require other agencies to justify any denial of such services to foster youth in school.
- The Judicial Council urge Congress and the state Legislature to strengthen current education laws to explicitly include all foster children and to fill funding gaps, such as the lack of support for transportation to maintain school stability.
- The Child Welfare Council prioritizes foster children’s educational rights and work with educators to establish categorical program monitoring to oversee compliance with education laws and regulations that support foster youth in school.
- The California Department of Education designate foster youth as “at-risk” students to recognize that foster care creates challenges and obstacles to a child’s education that other children do not experience and to increase the access of foster youth to local education programs.
- Foster Youth Services grants be expanded to include all children age five or older, including those in kinship placements, because close to half of foster children are placed with kin and Foster Youth Services is not currently funded to serve those children.
- The Judicial Council urge legislative bodies and higher education officials to expand programs, such as the Guardian Scholars, statewide to ensure that all current and former foster youth who attend college have access to housing and other support services and to waive tuition and other educational fees for current and former foster youth.

California Blue Ribbon Commission
on Children in Foster Care

As of July 15, 2008

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California Blue Ribbon Commission
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As of July 15, 2008

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California Blue Ribbon Commission
on Children in Foster Care

As of July 15, 2008

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**California Blue Ribbon Commission on Children in Foster Care
Comment Chart**

Recommendation 1

Because families who need assistance should receive necessary services to keep children safely at home whenever possible, the Blue Ribbon Commission recommends that the Judicial Council, the **California** Department of Social Services, and local courts and child welfare agencies implement improvements to ensure immediate, continuous, and appropriate services and timely, thorough review for all families in the system.

Commentator	Comments—Recommendation 1	Commission Response
<p>Hon. Katherine Lucero Supervising Judge of Dependency Court Superior Court of Santa Clara County</p>	<p>Pre-removal services to families should include an extensive array of on demand drug and alcohol treatment.</p> <p>The Judicial Council should work with legislators to expand the 48 hour window for the Detention hearing to 72 hours, in order to make sure that each family has a Family Team Meeting prior to the detention of the child. This is currently being done in Washington, D.C.</p> <p>All stakeholders should capture information on race and gender at each decision making point to track this valuable statistic.</p>	<p>This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.</p> <p>The recommendations already encourage expansion of family group conferencing and other nonadversarial court-and-child welfare-based resolution techniques. The commission believes that expansion of availability of services must precede advocating for statutory change in time for initial hearing.</p> <p>This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.</p>
<p>Ana Espana Supervising Attorney Office of Children’s Counsel San Diego County</p>	<p>Children should receive timely and appropriate services consistent with their rights under law and in the case where the law is silent, consistent with best practice. Foster youth come into the foster care system with significant health and education needs. As a system, we ought to provide our youth with care consistent with statutory mandates and best practice, and build into the system ways to disseminate and collect data to help courts and agencies ensure appropriate care is provided.</p> <p>Also, funding needs to be provided to establish/expand resources provided to parents and children.</p> <p>And finally, more outreach is needed to providers who are bilingual and trained in and knowledgeable about cultural norms and</p>	<p>This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.</p> <p>Recommendations 1A and 4C address resources needed for services to children and parents.</p> <p>This suggestion is more applicable to the implementation process and will be considered during the development of an</p>

**California Blue Ribbon Commission on Children in Foster Care
Comment Chart**

Recommendation 1

Because families who need assistance should receive necessary services to keep children safely at home whenever possible, the Blue Ribbon Commission recommends that the Judicial Council, the **California** Department of Social Services, and local courts and child welfare agencies implement improvements to ensure immediate, continuous, and appropriate services and timely, thorough review for all families in the system.

	sensitivities, especially for our African, Asian, and Middle Eastern populations.	implementation plan.
Leslie Scott Guidance Counselor San Diego Unified School District	In the case of African-Americans and possibly Native Americans in numerous cases there are conflicts between foster parents and the social workers/child care workers. It would best serve us all if there were a system to monitor the unethical practices of social worker/child care workers as there is for the foster parent.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan. But, see recommendation 2 addressing court reforms, which advocates for significantly more meaningful opportunities for all participants to participate and be heard.
Susan Marsh Director Focus for Tomorrow Riverside County	Recommendations are great, but what checks and balances will be in place to see that any of the recommendations are carried out?	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Kenny Woo Investigator Citizens Commission on Human Rights Santa Clara County	I have been following CPS for almost three years. More rules equal more violations. We need to upgrade the ethical standards of social workers, etc., as I have encountered too many lying social workers, attorneys and such. The fact that they are overloaded is no excuse for lying. This then makes it into court records and the person cannot get the false reports off the record. The Ombudsman and their policies are a waste of time. The policies need to be given more teeth.	No response required.
John Davis Tulare County Health & Human Services Agency	Not all counties have equal access to services, the same array of services, or the infrastructure. I propose that your panel insist that service areas be funded differently, and in such a manner as poorer counties, like these in the Central Valley, receive additional funding so that they can begin providing more diverse and more intense services to children. The law is very clear about what is expected in services to children, but the funding distribution and implementation is faulty; it does not take into account poverty areas.	The commission agrees that the foster care system is underfunded, but the distribution formula to county welfare agencies is outside the scope of the commission's charge.
Robert C. Fellmeth Price Professor of	Urges the commission to address prevention to treat the root causes "that create your caseload." Specifically encouraged the commission	This suggestion is outside the scope of the commission's charge.

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Public Interest Law, University of San Diego School of Law Director, Children’s Advocacy Institute	to focus on the unwed birth rate, parenting education, and the meth epidemic. Very concerned about non-foster care deaths—his study shows that almost 75% of these deaths from abuse or neglect had former contact with CPS. “Removing a child who should not be removed is a terrible thing. . .”, but urges that we not let the pendulum swing too far in the other direction.	
Phil Crandall Director Health & Human Services Agency Humboldt County	Urges the BRC to re-visit the role of public health nursing and evidence-based practices such as the Nurse Family Partnership and other types of home intervention programs. “The acceptance of public health nursing in at-risk families, especially with mothers, is profound and very successful.” Sees it as one of the important factors in strengthening communities and children and families so they don’t enter foster care.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Hon. Patrick E. Tondreau and Hon. Katherine Lucero Superior Court of Santa Clara County	Pre-removal services to families should include an extensive array of on demand drug and alcohol treatment. Due diligence search for father and paternal relatives should happen before jurisdiction. Judicial Council should work with legislators to expand the 48 hour window for the detention hearing to 72 hours to make sure that each family has a Family Team Meeting prior to detention.	Recommendation 1A calls for appropriate services to prevent removal of a child. Recommendation 2B suggests that special emphasis be placed on finding and engaging fathers. The recommendations already encourage expansion of family group conferencing and other nonadversarial court-and-child welfare-based resolution techniques. The commission believes that expansion of availability of services must precede advocating for statutory change in time for initial hearing.
Roger Schlafly Santa Cruz County	Cases should be rejected unless there is a serious allegation that meets the statutory definition of abuse or neglect; demonstrated proof of the allegation; and some evidence that a court-ordered remedy would make things better, not worse.	No response required.
Thomas D. Curry	Advocates for an ombudsperson to assist families in the system and help prevent removal of children on unfounded hearsay.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.

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Because families who need assistance should receive necessary services to keep children safely at home whenever possible, the Blue Ribbon Commission recommends that the Judicial Council, the **California** Department of Social Services, and local courts and child welfare agencies implement improvements to ensure immediate, continuous, and appropriate services and timely, thorough review for all families in the system.

Steven Meiers Los Angeles County	Children should be placed with a family member, or, if that is not possible, should be adopted swiftly.	Recommendations 1 and 2 address these concerns.
Children’s Advocacy Institute San Diego County	Proposes new recommendations related to prevention—studying the correlation between unwed births and child maltreatment, parent education, and substance abuse.	This suggestion goes beyond the scope of the commission’s charge.

Recommendation 1A:

Children and families need access to a range of services to prevent removal whenever possible. All reasonable efforts should be made to maintain children at home in safe and stable families. The courts should make an informed finding as to whether these efforts actually have been made.

Commentator	Comments—Recommendation 1A	Commission Response
Cassandra Brew Aunt Alameda County	The courts should ensure that all agencies such as social services provide true and accurate statements of families and that false reports are not submitted to the courts for review. The form of a signed affidavit should be considered. Our personal experience was that the court and social services violated our rights and submitted false reports of which the interview never happened, nor did I make statements presented before the courts.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Hon. Katherine Lucero Supervising Judge of Dependency Court Superior Court of Santa Clara County	<p>Pre-removal services to families should include an extensive array of on demand drug and alcohol treatment. In Santa Clara County the “House on the Hill” women and children treatment program has an 80% success rate. Pre-removal involvement of the Father and paternal side of the family is a huge gap. A due diligence search for both should be required prior to Jurisdiction.</p> <p>The Judicial Council should work with legislators to expand the 48 hour window for the Detention hearing to 72 hours, in order to make sure that each family has a Family Team Meeting prior to the detention of the child. This will give the social worker more time for social work and less pressure to handle the legal petitions and court filings.</p> <p>All stakeholders should capture information on race and gender at each decision making point to track this valuable statistic.</p>	<p>This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.</p> <p>The recommendations already encourage expansion of family group conferencing and other nonadversarial court-and child welfare-based resolution techniques. The commission believes that expansion of availability of services must precede advocating for statutory change in time for initial hearing.</p> <p>This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.</p>
Martha Kendall Winnacker Attorney Alameda County	The courts should make an informed finding ON THE RECORD as to whether these efforts actually have been made and SPECIFYING WHY THE LISTED EFFORTS ARE OR ARE NOT SUFFICIENT TO MAINTAIN THE CHILDREN AT HOME.	The courts are currently required to put findings on the record.
Ana Espana Supervising Attorney Office of Children’s Counsel	Children should receive timely and appropriate services consistent with their rights under law and in the case where the law is silent, consistent with best practice. Foster youth come into the foster care system with significant health and education needs. As a system, we	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.

Recommendation 1A:

Children and families need access to a range of services to prevent removal whenever possible. All reasonable efforts should be made to maintain children at home in safe and stable families. The courts should make an informed finding as to whether these efforts actually have been made.

<p>San Diego County</p>	<p>ought to provide our youth with care consistent with statutory mandates and best practice, and build into the system ways to distribute and collect data to help courts and agencies ensure appropriate care is provided. And finally, more outreach is needed to providers who are bilingual and trained in and knowledgeable about cultural norms and sensitivities, especially for our African, Asian, and Middle Eastern populations.</p>	
<p>Kelly Y. Reiter Attorney, CWLS Family & Children’s Law Center</p>	<p>Courts must hold to specific timelines set and not allow continuances unless good cause proven on the record. Judicial Council should work with Homeland Security to allow greater flexibility in fingerprinting of undocumented family members for placement with families.</p>	<p>Recommendation 2C addresses this issue. The commission believes that this suggestion is not politically feasible at this time.</p>
<p>Jennifer, MSW Dept. Of Health & Human Services Sacramento County</p>	<p>30+ page reports are already being submitted to Court and Counsel, if the time was taken to read the reports, I think the info is within. Research as to why there is a disproportionate number of African American and Native American children is needed.</p>	<p>Recommendation 2C addresses the need for reasonable caseloads that would permit adequate time for judges and commissioners to review reports. The commission modified this recommendation to suggest that the courts and partnering agencies work together to reduce the disproportionate number of African-American and American Indian children in foster care in response to other comments. Additional research is needed, too.</p>
<p>Andrew Cain Senior Attorney Legal Advocates for Children and Youth Santa Clara County</p>	<p>The Commission’s emphasis on supporting efforts to preserve the family unit prior to removal is well placed. It is imperative that child welfare systems do everything possible to avoid the psychological impact on children associated with even a temporary disruption. First, when implementing new protocols for engaging family and extended-family support, child welfare agencies should consult with community organizations already making such efforts. Some of the techniques used by these organizations, often referred to as “family-finding” efforts, are easily adaptable for use by county social workers. Second, review of collaborative court models should include the sharing of information between different counties on</p>	<p>This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan. Recommendation 3 addresses increased collaboration among the courts and their agency and organizational partners.</p>

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	programs that have worked for their populations.	
Monique Hawkins Program Director — Court Services Kern County Department of Human Services	Many studies have been conducted to address the issues of disproportionality — rather than initiating another study, it seems more feasible if courts and partnering agencies take the findings from current research and strive to improve their respective systems of operation specifically, focusing on best practices.	The commission modified its recommendations in response to this suggestion. See recommendation 1A.
Helynna Brooke Executive Director San Francisco Mental Health Board	Change to "Extraordinary efforts." I believe taking this extra step will pay off significantly both in benefits for the child and for future community costs.	“Reasonable efforts” follows the language of federal law and is described sufficiently within recommendation 1A.
Haislip Winston Hayes II Minor’s Counsel Imperial County Public Defender	Given the prevalence of drug abuse statewide, mandatory establishment of drug dependency courts	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Leslie Scott Guidance Counselor San Diego Unified School District	In the case of African Americans, and possibly Native Americans, there are often conflicts between foster parents and the social workers/child care workers. There is a great amount of disrespect that adversely affects foster children of these ethnicities. Social workers who don’t have the same respect for these two races violate the foster family especially African American foster families, who genuinely care for their foster children. Some of the practices are unethical and against policy yet the violations are not acknowledged by the powers that be. How can an African American child achieve permanency when the relationship is predicated on the relationship or lack of relationship with the social worker? It would best serve us all if there were a system to monitor the unethical practices of social worker/ child caseworkers as is the foster parent.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan. But see recommendation 2 addressing court reforms, which advocates for significantly more meaningful opportunities for all participants to participate and be heard.
Carol	I agree on all points, particularly with the African-American and	No response required.

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FKCE/ILP Program Director San Joaquin Delta College	Native American children issue, and greater flexibility of funding.	
Mr. Charles Ferrari NFPCAR Tehama County	I do like your recommendation to allow more flexibility. Many times parent involvement does not follow political, i.e. county, state boundaries. Also "sufficient information" is key to this plan even working. Too many times children are removed when there are only false allegations. It is inherent that the agencies removing a child have enough positive information of child abuse, according to the law. And be held accountable, if a child was removed without sufficient information.	No response required.
Marilyn Harrison National Administrator Foster Parents Legal Solutions Yarnell, Arizona	I would agree with these proposed recommendations, but any recommendation is only as good as its enforcement becomes. If any law or recommendation is implemented and then not carried through or enforced it becomes useless to the families it is intended to protect. California children currently in the foster care system represent 28%. That is the highest in the nation. Therefore one must ask the question, are parents in CA. more abusive or is CPS more aggressive in their quest for this newest commodity, this billion dollar industry called America's children?	No response required.
Pamela NFPCAR Director for NVNFPCAR Sparks, Nevada	<p>All of this is already in effect. What is different, here? Foster Care available until a person is 21 would be good. Expedition of services seems that more money is needed, again. DSS operates outside the Constitution of the US with no due process of law. Case plans are nothing but an admission of guilt of child abuse. Parents are persecuted and lied to about cooperation with DSS in order to get their kids back.</p> <p>Case plans themselves are designed to make it impossible for parents to comply with an order that their children remain in the system, making the action of removal a correct one and the goal of catching a child abuser met & achieved.</p>	<p>No response required.</p> <p>This suggestion, to address case plans, is more applicable to the implementation process and will be considered during the development of an implementation plan.</p>
Mary Parker, Foster	Children should avoid negative sources, people, places, things and	No response required.

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Parent FHSN Riverside County	habits, they need to believe in themselves, consider from every angle, not to give up and don't give in, enjoy life, family and friends are hidden treasures, enjoy them.	
Shelley Wagner Parent Cafra Sonoma County	Timely actually now takes all rights of parents to gain custody of children back. This alleged sense of permanency does not exist. My middle son in 3 years has had more the 16 placements. No stability was ever provided. Nor has he developed any need skills in learning to develop lasting relationships. He will be one of the many failures of the system. You need practical info on why this won't work and what would possibly solve this awful failure.	No response required.
Kathryn L. Duran, Director UCRCoA El Dorado County	Again, this is an excellent recommendation. It will only be carried out if the social worker does her/his job. If they don't, there is no accountability whatsoever and the children are the ones who suffer.	No response required.
Karissa Elizabeth Ann Lowell National Director National Chapter of The National Family Rights Party and Chapter Illinois	All families need to be kept together unless prima facie evidence can be proven by actual evidence like x-rays, continuous emergency room visits, medical proven given by not one but by three doctors that the child has been physically abused and neglected by his or her true and natural parents. At no time should a child be removed from his or her parents because it interferes with the bonding process between parents and their child.	No response required.
Christi Howarth Parent/Teacher Placer County	This sounds good and I see the goal posted in offices stating the goal is to prevent removal, however, I still see abuse over and over again in the name of state revenue for adopting children. Take the money factor OUT of the equation!	No response required.
Dorothy Knightly Grandmother and Family Rights Activist Nashua, New Hampshire	If biological families received the services needed, foster care would be unwarranted. Foster caregivers are given the services that the parent should have been given to keep the child in the home, but was never offered.	Recommendation 1A includes many recommendations to provide services to keep families together.
Laura Smith, Member VOTES in Cass County Minnesota	Take away the current incentives for dragging out cases.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Meichelle Arntz, ED Angels Foster Care of	In regards to bullet 5 on the use of adult drug and mental health courts. Though there is collaboration in our county with these	No response required.

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Santa Barbara County	agencies, which is important, the adult or parent service providers do have a bias leaning toward their client. The views on relapse and its impact on keeping within time frames to allow the child a permanent home is often at odds.	
Bert Bresticker Administrative Law Judge Department of Social Services Los Angeles office	This is of critical concern —not only because it might obviate the need for an unnecessary removal, but because it conforms with federal ASFA rules and prevents the foster child from being forever banned to receive Youakim funding. Actually, the Court has updated its Commissioners in this concern - however, the lack of requisite findings mandated under federal law still is left out on occasional hearings — usually where stakeholders are continuing the JADE hearing for a day.	No response required.
Diane V. McKenzie CASA Voices for Children San Diego County	I don't think money needs to be spent on "examining" why there is a disproportionate number of African-American and Native American. The answer is simple "poverty" and the "lack of relatives and resources."	The commission modified its recommendations in response to this suggestion. See Recommendation 1A.
Tracie Palmer, Mother Shasta County	Again, these are all stated goals ALREADY - just make social workers accountable and less "immune" from lawsuits/prosecution.	Governmental immunity is outside the scope of the commission's charge.
Nancy Goodban Owner Nancy Goodban Consulting San Mateo County	You say, "The courts and local partners encourage use of adult drug and mental health courts, as well as other collaborative courts such as dependency drug courts, when appropriate to prevent removal." Because the vast majority of child welfare (and domestic violence) cases have underlying substance abuse problems, please put a stronger focus on the importance of coordination and resources for substance abuse treatment. Also, the timeframe for recovery is more than 6 months, and doesn't match federal requirements. Can you recommend advocating for pilot programs or waivers to support recovering parents involved in reunification services.	Recommendation 1A advocates for appropriate substance abuse services. Changing federal policy to extend reunification is not realistic. Recent trend is to shorten, not lengthen, stays in foster care.
Sergio Silva, Interpreter Monterey County	When agency care is no better than the parent care, the child is immediately returned to the parent. Kinship agencies will receive funding to work with parents for an appropriate amount of time before children are removed from parents.	Recommendation 1A focuses on providing services to families to prevent removal.
Val Stilwell MSCS Agency Coordinator	Topic specific behavioral training for increased parenting /advocacy skills should be provided for biological and foster parents, court	This suggestion is more applicable to the implementation process and will be considered during the development of an

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FosterParentCollege.com Eugene, Oregon	advocates and lawyers. Online training should be pursued to fill this void.	implementation plan.
Myrna Fernandez NANA San Mateo County	“The problem you have here is obvious. Judges, and anyone else involved in a C.P.S. case, know very well that drugs is the first thing that a C.P.S. worker will suggest to inform a parent that she or he is mentally ill. I have seen too many parents where there is no case, C.P.S. will start a case by suggesting to take a psychological evaluation (a 730) and then turn the test around by informing the parent that she or he is bipolar. C.P.S. needs a completely overhaul. They cannot tell the difference between a parent who is mentally ill verses a parent who is not mentally ill at all. Therefore, a parent who is not mentally ill should not be coerced into taking any medication, nor should their child or children. This is illegal. When it comes to investigation of any C.P.S. cases, C.P.S. social worker(s) have no knowledge of real abuse that exists in this country. IT IS A DAMN SHAME THAT EVERYONE MAKES MONEY OFF OUR CHILDREN. IT IS A DAMN SHAME!”	No response required.
David Sanders Executive Vice President of Systems Improvement Casey Family Programs	Key strategies in LA are “Point of Engagement,” “Alternative Response,” Team Decision Making, and the teaming of social workers, all of which have contributed to reduced reliance on out-of-home care, shortened time to permanency, and improved safety. These strategies led to addressing disproportionality. It is important to do more than examine the reasons for disproportionality. Believes (based on LA stats) that it is possible to change outcomes, “and it is important to strengthen the recommendations to make sure there is a focus on actually changing the outcomes rather than continuing to examine the issue.” He encourages setting an ambitious goal and laying out the strategy to include family engagement, access to services, and targeting of resources to communities.	Recommendation 1A was modified to suggest that courts and partnering agencies should work to reduce the disproportionate number of African-American and American Indian children in foster care. The suggested strategies will be reviewed in developing the implementation plan.
Evangelina Reina Supervising Children’s Social Worker Los Angeles Department of Social	Described Point of Engagement program, which prevents removal two ways: referring family to local services to avoid opening a case; ability to work with families without court intervention through voluntary family maintenance services or voluntary family reunification contracts. “It is our ethical responsibility to invest in a	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.

Recommendation 1A:

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Services	proven practice like Point of Engagement by allocating appropriate financial spending to ensure the family continues to be the most sacred institution of our society.”	
Lori Spinella Deputy Public Defender Orange County Public Defenders Office	Advocated for Dependency Drug Courts like those in Orange County—9 months of treatment with 3 months of aftercare. Believes the program leads to expedited reunification.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Regina (Parent) Orange County	Orange County’s Dependency Drug Court (DDC) worked for her and she has reunified with two of her three children, has a job, has an apartment, and is working on reunifying with her third daughter. Advocated for the DDC: “It works.”	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Kenneth Krekorian Executive Director Los Angeles Dependency Lawyers	Parents need adequate referrals to adequate services. There are not enough drug courts, counseling options, or other services available. If attorneys had smaller caseloads they would be better able to assist their clients with finding adequate services.	Recommendation 2D advocates for adequate, stable funding to implement attorney caseload standards.
Marjorie Shelby (Public Comment at Hearing)	The recommendations do not focus enough on preventing multiple placements.	Recommendation 1B advocates for placement stability. Specifics on that issue will be considered during the development of an implementation plan.
Patricia Fitzsimmons Director Child Advocacy Clinic University of San Francisco School of Law	Encouraged the provision of integrated services for kids and families. “It is just really important. That is what makes the difference, for these kids to make it and families to be able to come together, services are really critical.” Also noted that one of the biggest problems is multiple placements.	Recommendation 1A recommends appropriate services for children and families and 1B advocates for placement stability. These issues will be considered during the development of an implementation plan.
Phil Crandall Director Health & Human Services Agency Humboldt County	Does not believe that group homes are good for children. His county has moved away from them—ten years ago they had 70 or 80 in group homes, now they have 3. Having fewer children enter the system because of early intervention, like public health nursing.	The commission modified its recommendations in response to this suggestion. See recommendation 1B, advocating for placement in “familylike, rather than institutional, settings.”
National Center for Youth Law Oakland	Urges the Commission to modify the third bullet to “ At the earliest possible point in their involvement with the family , [c]hild welfare agencies engage family members ...” Notes that it is critical to the well-being of the child and the family to engage family members in	The commission modified its recommendations in response to this suggestion. See recommendation 1A.

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	the process early.	
Hon. Patrick E. Tondreau and Hon. Katherine Lucero Superior Court of Santa Clara County	As long as bias toward removal is in place disproportionality will continue. Families need access to health care, housing, mental health, transportation, and quality education to change this. Collaborative interventions such as Problem Solving Courts can help. Barriers to relative placement such as strict foster care licensing standard must be eliminated.	The commission addressed all of these issues in its final recommendations. See recommendations 1 and 2. Specifics will be addressed during the implementation process.
Superior Court of Riverside County	One of the biggest problems is the need to reform the federal Interstate Compact on the Placement of Children (ICPC). When dependent child has relatives out of state, the ICPC requires acceptance by the receiving state. Currently there is enormous delay in that process, sometimes it takes more than a year to approve or deny relative placements.	This suggestion presents a highly complex issue and goes beyond the scope of the commission’s charge. Major reform of the ICPC has been under consideration at the federal level for several years and a formal proposal has been developed and is in the late stages of public comment.
County Welfare Directors Association of California	Suggests that the Judicial Council also advocate for additional funding or flexibility so that services that children and families need can be purchased directly, including services to prevent foster care placement as well as services to help families reunify.	The commission modified its recommendations in response to this suggestion. See recommendation 1A, last bullet.
Jessica LePak UC Berkeley, MSW Candidate Management and Planning Intern	Encourage probation to clearly identify dual status youth as they enter the juvenile detention/probation system and share this information with other parties, such as Foster Youth Services.	Recommendation 3 addresses collaboration among courts and other partners. Specifics of that collaboration will be worked out during the implementation process.
John Davis, Tulare County Health & Human Services Agency	Need to address the unequal and fragmented distribution of services, particularly in poorest rural counties. Need to equalize funding so poor counties can begin providing more diverse and intense services to children.	The commission agrees that the foster care system is underfunded, but the distribution formula to county welfare agencies is outside the scope of the commission’s charge.
Hon. Charlotte Wittig, Commissioner Tulare County Superior Court	Need to ensure adequate funding is available to impoverished and outlying areas such as Tulare County, so there is not a disparity in treatment. Particular need for transportation services in rural counties.	The commission agrees that the foster care system is underfunded, but the distribution formula to county welfare agencies is outside the scope of the commission’s charge.

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Carlo Andreani, Attorney City and County of San Francisco	Need to put resources into transportation since it is often a reason that parties cannot get to hearings, particularly in rural counties.	The commission modified its recommendations in response to this suggestion. See recommendation 2B.
Department of Children's Services San Bernardino County	Probation is a Title IV-E provider and should develop more family-centered services.	Recommendation 1A concerning services to families applies to all children in foster care, including children placed through probation.
Department of Children's Services San Bernardino County	The courts and child welfare should examine and in collaboration with universities address why a disproportionate number of African-American and Native American children are in the child welfare system.	The commission modified recommendation to suggest that the courts and partnering agencies work together to reduce the disproportionate number of African-American and American Indian children in foster care in response to other comments. Additional research is needed, too.
Department L-32 Attorneys Superior Court of Orange County	Support additional funding for Dependency Drug Courts and other specialized courts, such as domestic violence dependency courts, mental health dependency courts, and teen girls' courts.	See recommendation 2E concerning these types of courts.
Alameda County Foster Youth Alliance	Encourages the commission to direct its attention toward the need for special court consideration for youth with serious mental health needs, and to examine the interaction between the juvenile dependency and juvenile delinquency court systems.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Megalina Bloom Mother Santa Clara County	Children should stay with their parents unless there is severe abuse. Case plans need to be realistic and take into consideration transportation, work schedules, etc.	Recommendation 1A addresses this issue. This suggestion, to address case plans, is more applicable to the implementation process and will be considered during the development of an implementation plan.

Recommendation 1B:

If foster care placement is necessary, children, families, and caregivers should have access to appropriate services and timely court reviews that lead to permanency as quickly as possible. Service delivery and court review should ensure that all reasonable efforts are made to return children home, to make sure families and workers comply with case plans, and to achieve timely and stable transitions home or, if necessary, to place with relatives or in another permanent, stable family.

Commentator	Comments—Recommendation 1B	Commission Response
Cassandra Brew, Aunt Alameda County	All efforts should be made by the court to ensure children and families should have access to appropriate services and timely court reviews by actual Judges that lead to permanency as quickly as possible.	The commission addresses appropriate services and timely court reviews by judges in recommendations 1 and 2.
Mrs. Marie Reale CASA of El Dorado County	Youth in all California counties between the ages of 16-19 should have the opportunity to participate in the Transitional Housing Placement Program (THPP) which offers apartment style placement while still in foster care.	The commission modified its recommendations in response to this suggestion. See recommendation 1B.
Martha Kendall Winnacker Attorney Alameda County	If foster-care placement is necessary, children and families should have access to appropriate services, including liberal visitation on age-appropriate schedules as recommended by child development experts, and timely court reviews that lead to permanency as quickly as possible.	The commission addresses these issues in recommendations 1B and 2. Specifics will be developed during the implementation process.
Hon. Tom Surh Commissioner Alameda County Superior Court	All court participants should maximize continuity of services and minimize the turnover in persons who have contact with the family.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Ana Espana Supervising Attorney Office of Children’s Counsel San Diego County	<p>The AOC booklet entitled, "Every Child, Every Hearing" should continue to be disseminated and training on these issues should continue to be provided. The court and counsel should receive information regarding the reason(s) that a family member or non-relative extended family member was denied/rejected as a placement option. More outreach is needed to recruit, train, and license foster-families for our African, Asian, and Middle Eastern populations so that placement efforts can address language, cultural, and religious needs of children.</p> <p>Post-foster care services should be available to young adults who are former foster youth, up to age 25.</p>	<p>This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.</p> <p>Recommendation 1A recommends that the federal government extend foster care services to age 21.</p>
Jennifer, MSW DHHS	Need increased staffing to lower caseloads so work is possible to complete.	The commission advocates for the resources necessary to implement caseload standards in recommendation 2D.

Recommendation 1B:

If foster care placement is necessary, children, families, and caregivers should have access to appropriate services and timely court reviews that lead to permanency as quickly as possible. Service delivery and court review should ensure that all reasonable efforts are made to return children home, to make sure families and workers comply with case plans, and to achieve timely and stable transitions home or, if necessary, to place with relatives or in another permanent, stable family.

Sacramento County		
Andrew Cain Senior Attorney Legal Advocates for Children and Youth Santa Clara County	We frequently work with youth whose adult outcomes in education, employment, housing, economic self-sufficiency, and other areas would have been improved by extended support through the foster care system. Moreover, the recommendation to allow foster youth to request reinstatement of jurisdiction would be vital to promoting ongoing stability. Many foster youth want termination of jurisdiction at the age of majority only to learn later they do not have the support system to thrive, much less survive. Focusing on transitional placements would allow youth to gradually become more independent within a supportive environment.	Recommendation 1B recommends that the federal government extend foster care services to age 21 and that youth that leave the system before age 21 have the right to reinstatement.
Monique Hawkins Program Director — Court Services Kern County Department of Human Services	There is clearly a need for additional and improved transitional services. Legislation needs to enjoin services from Aging & Adult, Mental Health, Regional Center and Housing Authority with services offered through child welfare. Transitioning this population of children from various children’s systems of care to those focused on adult services is plagued with many bureaucratic obstacles.	Recommendation 1B addresses the need for improved transitional services. Specific collaborations and other steps will be considered during the development of an implementation plan.
Helynna Brooke Executive Director San Francisco Mental Health Board	All children removed from the home should receive immediate mental health counseling.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Haislip Winston Hayes II Minor’s Counsel Imperial County Public Defender	Specialization of social workers to handle 14-21 year olds to aid transition to adult life.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Leslie Scott Guidance Counselor San Diego Unified School District	“Children are removed from their homes because there is drug abuse or because of sexual abuse. In some cases the foster care system places them in the same situations they were removed from. And prescribe drugs to keep control of the child once they have been	Rule 5.640 of the California Rules of Court addresses the administration of psychotropic drugs to children in foster care placements.

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	removed. Another area to be monitored. Is this for sake of funding or is it necessary to drug the child to control behavior?"	
Mrs. Mary E. Brew (Grandmother andMother) Alameda County	It is best to leave the age as 18 years old as they are considered as an adult and they have the right to make their own decision.	Recommendation 1Brecommends that the federal government extend foster care services to age 21 due to the difficulty many foster children have making the transition to being an independent adult.
Carol FKCE/ILP Program Director San Joaquin Delta College	Yes! Please extend the age of youth aging out to age 21. They desperately need extended support and assistance.	Recommendation 1B recommends that the federal government extend foster care services to age 21.
Carole Greeley, Attorney CADC Solano County	This is too vague. There should be legislation to strengthen the relative preference. Be more specific about how to ensure that foster children who are aging out are able to access available services.	These suggestions are more applicable to the implementation process and will be considered during the development of an implementation plan.
Mr. Charles Ferrari NFPCAR Tehama County	Timely is the key word. All this sounds good, but if anyone involved doesn't take the time to know the family, all this doesn't matter. Even more money and more employees will not make a difference.	No response required.
Marilyn Harrison National Administrator Foster Parents Legal Solutions Yarnell, AZ	But here again these things are just not being done. They do not look for relative placements, and the services that are demanded by the foster parents are met with negative responses and retaliation by the agencies. Because it all stems from the "root of all evil," money. Everything revolves around money, not our children.	No response required.
Pamela NFPCAR Director for NVNFPCAR Sparks, Nevada	Quite frankly, we need a Termination of Federal Title IV-E, CAPTA and all related legislation up until this point. America was much better off and a strong country before Welfare.	This suggestion goes beyond the scope of the commission's charge.
Mary Parker, Foster Parent FHSN	Children need to open their eyes and see things as they are, stop procrastinating, take control of their destiny, understand themselves in order to better understand others, visualize, zero in on their target,	No response required.

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Riverside County	and go for it.	
Shelley Wagner, Parent Cafta Sonoma County	Children can't adjust to a permanent home when there is not one provided. Also there is a complete failure in the system by allowing abusive guardians who have lost their foster care license to continue to have custody of children. This is not what should be a permanent home which was provided so graciously by this system and county...	No response required.
Kathryn L. Duran Director UCRCoA El Dorado County	There seems to be a common factor in each and every one of these recommendations. Social worker and juvenile court accountability. There is absolutely none. All of the power is given to social workers with no accountability.	No response required.
Karissa Elizabeth Ann Lowell National Director National Chapter of The National Family Rights Party and Chapter Illinois	Parents and older children over age of 10 along with social workers, psychologists, psychiatrist, (if needed), and attorneys for both the parents and all children should work together on the service plan so it is a success and not a recipe to failure.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Susan Marsh Director Focus for Tomorrow Riverside County	Children in foster care are routinely moved from foster home to relative placement or adoptive placement without any transition. Children who have been in a placement for months, are doing well, and feel secure should not be moved with 4 hour or 24 hour notice to a home and family they have never met. Children should be allowed to meet and feel comfortable with new placement. The transition would go a long way to reduce the attachment disorders we see in so many of the children.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Christi Howarth Parent/Teacher Placer County	DO NOT AGREE with the age to 21! Again the other parts of this proposal SOUND great in theory but this is only good as can be enforced by ETHICAL individuals who are not getting bonuses for putting children into the foster care/adoption system.	Recommendation 1B recommends that the federal government extend foster care services to age 21 due to the difficulty many foster children have making the transition to being an independent adult.
Dorothy Knightly Grandmother and Family Rights Activist	One year to reunify is not enough time in some cases. It needs to be extended.	Changing federal policy in this direction is not realistic. Recent trend is to shorten, not lengthen, stays in foster care.

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Nashua, New Hampshire		
Susan Dorsey, Executive Director CASA of El Dorado County	The main area of focus for our organization is extending foster care to 21 or beyond.	No response required—supports recommendation.
Cindy Borg-Minasian Adoption Consultant California Department of Social Services Sacramento County	I was a social worker entrusted with finding permanency for foster youth who would otherwise age out of the foster care system at age 18. Most of those youth were not interested in permanency due to loyalty to bio family members, attachment issues, and desire to emancipate from all adults. A majority of those youth were going to be homeless because they did not have a support system, an education, or job skills. Many also had mental health challenges. It would be very beneficial to this population of youth to have access to three more years of foster care in order to avoid homelessness, criminal activity, and deteriorating mental health and physical due to chronic stress.	No response required—supports recommendation.
Bert Bresticker Administrative Law Judge California Department of Social Services Los Angeles	Of critical importance is the availability of resources to relative caregivers. It is most critical that these relative caregivers are given the tools and resources to care for dependent children immediately upon placement. Not only is the child and relative caregiver better able to cope with the circumstances, but eventual reunification — or new permanent plan care giving — has a better chance for success.	The commission modified its recommendations in response to this suggestion. See recommendations 1B and 4D, advocating for more support for relative caregivers.
Tracie Palmer Mother Shasta County	Not all family members are healthy connections for children — certainly family members should be investigated at least to the extent that foster families are to ensure that children are not the prize in a family fight.	No response required.
Daniel Appleman Santa Clara County	Greater flexibility in placement with non-relative extended family members and friends is advisable. Also, a review of the rules for qualifying placements and foster parents in general is in order. For example: rules that require "baby proofing" a foster home that only accepts older children are ridiculous and discourage placements and foster care recruitment.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.

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<p>Kimberly Byrd Division Manager Yolo County DESS — CWS</p>	<p>While AB 1695 has created many barriers to placing with relatives, these changes are both federally driven and court driven. Considering best interest of the children needs to be held high in order to avoid a blanket ruling for relative visitation. It is necessary to consider placement barriers (i.e., group homes and foster homes) when extending the age.</p>	<p>This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.</p>
<p>Nancy Goodban Owner Nancy Goodban Consulting San Mateo County</p>	<p>You say the Judicial Council should work with state and federal leaders to develop greater flexibility in approving relative placements and to formulate protocols to facilitate swift home assessments and placement with family members when possible. One of the biggest problems for relatives is that they don't meet licensing requirements for number of bedrooms. Please add a recommendation to work with the legislature and Community Care Licensing to allow counties discretion to waive this requirement in the case of relative caregivers who would be best for the child.</p>	<p>This specific suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.</p>
<p>Sergio Silva, Interpreter Monterey County</p>	<p>At age 12, the children will be asked if they would like visitation with their parents. Children will be allowed to correspond with their parents if they wish. Appropriate gifts will be allowed if the child wishes.</p>	<p>This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.</p>
<p>Val Stilwell MSCS Agency Coordinator FosterParentCollege.com Eugene, Oregon</p>	<p>Training records should be matched up with foster homes prior to placement. By utilizing online training, topic specific behavioral training can be delivered to a foster parent on the same day of placement to ensure successful placements and to decrease the number of times a child is moved.</p>	<p>This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.</p>
<p>Vicky Ruano Foster Mom Alameda County</p>	<p>I am a foster parent to a child whose Medi-Cal is through San Francisco County. We reside in Alameda County and are not able to get the mental health service that we are trying so hard to get as he is in desperate need and has been so for a very long time. We have tried with both counties and neither is cooperating. Life for him would be so much easier if the mental health services he needs so badly were actually available. More people might be willing to take in foster kids and even adopt if we could actually get the help for the kids that they need.</p>	<p>The commission modified its recommendations in response to this suggestion. See recommendation 1B concerning children receiving appropriate services.</p>

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Kenny Woo Investigator Citizens Commission on Human Rights Santa Clara County	Community nonprofit groups need to be represented —people, groups that have no vested interest —in order to maintain their own responsibility for this issue and not let it get out of sight, out of mind.	Recommendation 3 addresses private and public agency collaboration which would include community non profit groups.
Albert Braden San Mateo County	My child was removed from an admittedly less than perfect situation at his mother’s house and placed into a much more dangerous situation where he suffered serious mental and emotional harm. CPS should carefully consider the best interest of the child before removal from the home.	Recommendation 1A recommends that children and families are given all appropriate services to prevent removal from the family.
Myrna Fernandez NANA San Mateo County	Unhappy experience having her daughter removed from her custody and given to the child’s father.	No response required.
Sean Guthrie Student California State University, Fullerton	During his foster placements there was little or no attempt to find relatives. “Until this day, I still only have my foster parents as my family. I know of relatives in other states, but because of that prolonged period where I had no idea of who they were, it is hard to develop a bond with them.” There should be more effort expended in finding relatives.	Recommendation 1A addresses the need for better efforts to locate extended family members.
Robert C. Fellmeth Price Professor of Public Interest Law, University of San Diego School of Law Director, Children’s Advocacy Institute	Supports extending the aging out to 21, but would further extend to 25. Urges in addition “a better option,” the transition guardian model where court appoints a transition guardian to help the youth develop a plan and manage the money that would be given to any other child in the system, with the goal to assist the youth to achieve self-sufficiency. The model is intended to replicate what responsible parents do.	Recommendation 1B recommends that the federal government extend foster care services to age 21 instead of 25. This is a good first step. Although the recommendations do not address this specific model, assistance to help transitioning youth will be considered in the development of an implementation plan.
Mark Courtney Executive Director Partners for Our Children	Supports extending age when children stop receiving foster care assistance from 18 to 21, providing it is voluntary so youth could leave the system at 18, but opt back into the system until age 21. Supported this position with a description of the “Midwest Study.”	No response required—supports recommendation.

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Ballmer Endowed Chair for Child Well-Being, School of Social Work, University of Washington	Suggests that permanency options should be reevaluated since most kids want families, not adoptions.	
Zionya Youth Speaker Student	Supports extension of aging out to 21. Foster kids need more support when they go to college. Too many drop out of school because they are not prepared and don't have support. "I am learning as I make mistakes, but if no one is there to show us how to correct those mistakes, how are we going to make it? You know? It is impossible. It is impossible."	No response required—supports recommendation.
Karen J. Mathis Immediate Past President American Bar Association	Supports extending age for foster care services to 21, allowing them to opt back in if they leave the system at 18 but then need help. "There is a growing consensus that allowing youth to remain in foster care voluntarily after age 18 is critical to ensuring positive outcomes." Encourages allowing youth to remain in care without any conditions (such as educational activities).	No response required—supports recommendation.
Patricia Fitzsimmons Director Child Advocacy Clinic University of San Francisco School of Law	Agrees with the recommendation to extend the age of aging-out to 21.	No response required—supports recommendation.
National Center for Youth Law Oakland	<p>Suggests adding after the first bulleted sentence: "As with all placements, the safety and well-being of the child and the relative's ability to meet the child's needs should be the key factor in determining whether placement with a relative is appropriate."</p> <p>Suggests a new bullet: "Family members who care for children placed with them by the courts or child welfare agencies are entitled to and should receive the financial assistance and other supports necessary to enable them to care for the child."</p>	<p>The commission believes the language in the recommendation is clear and concise as stated.</p> <p>The commission addressed this concern in recommendation 1B, first bullet.</p>

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	Suggests adding a new recommendation: “Courts should carefully scrutinize any recommendation that its jurisdiction over older (aging-out) youth in foster care be terminated.”	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Superior Court of Riverside County	Independent living activities should be mandatory for youth who are going to transition out of the system, so the minor can learn to be self-sufficient and live independently.	The commission modified recommendation 1B to enhance support of transitional activities. Specifics will be developed during the implementation process.
County Welfare Directors Association of California	Suggests modifying to reflect that the delinquency system is obligated to provide services needed by the children and families in their system. Supports extending foster care assistance to age 21, but would modify to note that the extension would be voluntary.	Recommendation 1B states that foster children and their families should receive comprehensive services when the child enters the delinquency system. Recommendation 1B supports extending foster care assistance to age 21 on a voluntary basis.
Superior Court of San Bernardino County	Supports the extension of foster care services until age 21, but notes that support networks beyond financial are needed.	The commission modified recommendation 1B to enhance transitional activities. Specifics will be developed during the implementation process.
Children’s Advocacy Institute San Diego County	Proposes several new recommendations on raising foster care rates and services for transitioning youth. Proposals are printed in full in the summary memo.	The commission modified its recommendations in response to this suggestion. See recommendation 4D.
California CASA	Urges inclusion in the final recommendations: youth participation in hearings, youth friendly hearings, support and preparation for hearings, understanding of youth development by judges, attorneys, and CASAs, ensure permanency planning meets needs of youth, and work to identify and remove legal and policy barriers for older foster youth. Urges the commission to immediately address the regulation of group homes and group home providers and recommend that they be subject to more frequent (and unannounced) fiscal and other inspections.	Recommendation 2B addresses youth participation in hearings. Other specific suggestions will be addressed during the implementation process. This suggestion is outside the scope of the commission’s charge.

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Hon. Adam B. Schiff Member of U.S. House of Representatives	Supports proposals to smooth the transition out of foster care.	The commission modified recommendation 1B to enhance transitional activities.
Hon. Barbara Boxer Member of U.S. Senate	Described her Foster Care Continuing Opportunities Act, which would expand federal funding for foster care to support youth who have aged out of the system at 18. Supports commission's recommendation to extend the age for assistance from 18 to 21.	No response required—supports recommendation.

Recommendation 2:

Because the courts are responsible for ensuring that a child’s rights to safety, permanency, and well-being are met in a timely and comprehensive manner and that all parties are treated fairly in the process, the Blue Ribbon Commission recommends that the Judicial Council and the trial and appellate courts make children in foster care and their families a priority when making decisions about the allocation of resources and administrative support.

Commentator	Comments—Recommendation 2	Commission Response
Cassandra Brew Aunt Alameda County	<p>This would only be effective when the courts, all agencies, and social services are impartial, nonprejudiced and have a true intent to keep the biological family structure together. This was not our experience. We were purposely kept out of the court and not allowed to attend hearing related to the children. I did not have a criminal background and was never considered to receive younger family members for permanency and as a result, my nephew was adopted out of our biological family. This was crucial and inhumane. Our family has suffered for years at the treatment from the court system and that state agencies were able to submit the false reports.</p> <p>There needs to be some checks and balances to ensure that all state agencies are in fact truthful with the facts of the case.</p>	<p>No response required.</p> <p>Recommendation 2B recommends that all parties have the opportunity to be heard and meaningfully participate during court hearings.</p>
John Nieman Assistant Director Santa Clara Juvenile Defenders	<p>This should include passing of local rules of court (if it cannot be done at the state level) to insure that only appropriately trained judicial officers may hear dependency cases as well as priority for such basic resources as interpreter services in court. As to appropriate judicial training, a judicial officer should NEVER hear a juvenile dependency case without proper training and basic judicial training is insufficient to preside over dependency cases.</p>	<p>Welfare and Institutions Code section 304.7 requires judges and subordinate judicial officers that hear juvenile cases to be trained in dependency law.</p>
Leslie Scott Guidance Counselor San Diego Unified School District	<p>My foster child, who I planned from the beginning to adopt, was removed from my home as retaliation for my reporting the agency for violating the child’s education and personal rights. What about mandated reporting rights, and retaliation for exercising the mandated reporter rights?</p>	<p>This suggestion goes beyond the scope of the commission’s charge.</p>
Charles Ferrari NFPCAR Tehama County	<p>In addition, the foster parent needs to know about and if possible become involved with the parents. No not that they are just old druggies, but how they plan to become parents again for their children. If a foster parent has had training they need to be recognized as professionals and become involved and not just babysitters.</p>	<p>Recommendation 4D addresses support for foster caregivers.</p>

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<p>Marilyn Harrison National Administrator Foster Parents Legal Solutions Yarnell, Arizona</p>	<p>The courts are kept in the dark a lot of times in conjunction with the child who is in fact "a Ward of the Court." The judge must depend on the social worker who barely knows the child at all...if the court would rely more on the 24/7 caretaker for information on the children in question the truth would be known. As the Adoption and Safe Families Act passed by Congress in 1997 intended for foster parents to be able to speak up on behalf of our children who many times cannot speak for themselves in court proceedings. But foster parents are not being informed of this right, why? Good question.</p>	<p>Recommendation 2C addresses foster parent participation in court and recommendation 4D addresses legal support for foster parents.</p>
<p>Pamela NFPCAR Director for NVNFPCAR Sparks, Nevada</p>	<p>When it comes to removal of children and catching child abusers, DSS uses the convenient pool of foster care homes to persecute foster parents. Foster parents then have no legal interest except through de facto parent, friend of the court, and interested party. Foster parents should be recognized and given status before the court with regard to foster child removal & DSS persecution. It is a known fact that when foster parents request services from the system in the pursuit of the best interests of the child that these foster parents/foster family are then targeted for removal. This is also the case when foster parents wish to adopt the foster children as encouraged by DSS.</p>	<p>Recommendation 2C addresses foster parent participation in court and recommendation 4D addresses legal support for foster parents.</p>
<p>Kathryn L. Duran Director UCRCoA El Dorado County</p>	<p>The local trial courts must be made accountable when they do not follow this recommendation.</p>	<p>No response required.</p>
<p>Karissa Elizabeth Ann Lowell National Director National Chapter of The National Family Rights Party and Chapter Illinois</p>	<p>Neither the court nor the social services knows what is in the best interest of the child because what is in the best interest of the child is what is in the best interest of the family. The child is not a standalone entity that came into this world without the help of two parents, and the Lord Our God. The family must come first in all things, this means that children must not be removed unless prima facie evidence can be proven that the child is in imminent danger of losing his life to a parent or parents.</p>	<p>No response required.</p>
<p>Susan Marsh Director Focus for Tomorrow</p>	<p>Money will not solve the problem with the courts. Serious reform is needed.</p>	<p>No response required.</p>

Recommendation 2:

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Riverside County		
Christi Howarth Parent/Teacher Placer County	The treated fairly needs to be fleshed out...what does that mean exactly? What does it mean to make children a priority? Needs to be specific so it is carried out the same way statewide.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Bert Bresticker Administrative Law Judge Department of Social Services	In this effort, the court could best interface with the California Department of Social Services. Our state hearings division adjudicates adoption assistance program and foster care funding programs.	Recommendation 3 addresses the issue of collaborations among courts and their private and public agency partners
Sergio Silva, Interpreter Monterey County	When such efforts prove no more fruitful than that of the parent, then the child is to be returned to the parent. Court reviews will be allowed by an 11 member panel in each city.	This suggestion goes beyond the scope of the commission’s charge.
Albert Braden San Mateo County	Foster parents and foster care institutions are insufficiently regulated. Foster parents routinely neglect and abuse children in ways that would cause the children to taken away from their real parents. CPS has no financial incentive to investigate cases of foster abuse.	This suggestion goes beyond the scope of the commission’s charge.
Myrna Fernandez NANA San Mateo County	A mother, for instance, is never treated in a manner that is fair. I should know. I was treated very badly by 4 social workers when my daughter was wrongfully removed from my care years ago. If C.P.S. workers treated mothers fairly, then maybe the courts wouldn’t be giving custody to men child abusers? The system is biased against women because of the amount of father’s rights organizations out there at this time. If you want to really have all parties being treated fairly, then stop siding with the parents who have abused their children. It is WRONG!	No response required.
John Davis Tulare County Health & Human Services Agency	Subordinate judicial officers have done a remarkable job—I cannot see what would be gained from eliminating these positions in favor of judges. It might be more useful with regard to interest, continuity, knowledge, and consistency to require that the judges and the subordinate officers in juvenile court be permanently assigned to that area of the law.	The commission recognizes the importance of commissioners and referees and modified its recommendations consistent with Judicial Council policy that judges should hear juvenile cases. See recommendation 2A.
Hon. Judith D.	Add two further recommendations: (1) Provide “fast-track treatment”	The commission added these recommendations. See

Recommendation 2:

Because the courts are responsible for ensuring that a child’s rights to safety, permanency, and well-being are met in a timely and comprehensive manner and that all parties are treated fairly in the process, the Blue Ribbon Commission recommends that the Judicial Council and the trial and appellate courts make children in foster care and their families a priority when making decisions about the allocation of resources and administrative support.

<p>McConnell Administrative Presiding Justice Court of Appeal Fourth Appellate District</p>	<p>for all juvenile dependency appeals by extending the application of California Rules of Court, rule 8.416 to all dependency appeals in California. (2) Require the appointment of independent counsel for all minors in dependency appeals.</p>	<p>recommendation 2B.</p>
<p>Marcia M. Taylor Director Appellate and Trial Court Judicial Services Division Administrative Office of the Courts (on behalf of five of the six administrative presiding justices in the Courts of Appeal)</p>	<p>Independent Counsel for all minors in dependency appeals "The majority of the members of the APJ Advisory Committee are opposed to the requirement of appointment of independent counsel for all minors in dependency appeals without a specific showing of good cause. In addition, California Rule of Court 5.661 was adopted by the Judicial Council effective July 1, 2007, to establish procedures for appointment of counsel for children in dependency proceedings. This rule of court was drafted by a broad coalition of parties in the judicial and legal communities who are very experienced in the area of dependency representation in the Courts of Appeal. There has been insufficient time for the rule's effectiveness to be evaluated in a meaningful way; training for trial attorneys is currently under way and the statistics for both applications for appointment and orders for appointment are incomplete. Until the rule has been in effect for at least two to three years, the APJ Advisory Committee recommends that no changes be considered to the current procedures.</p> <p>Fast-track treatment for all juvenile dependency appeals "Recent statistics show that each of the six appellate districts is either meeting or coming very close (within 20 days) to the 250 day standard for processing these dependency cases and that the statewide median in fiscal year 2005-2006 was 239 days. The APJ Advisory Committee has directed AOC staff to compile and analyze current statistics, and to evaluate 1) whether there is a need to extend the application of rule 8.416 to the other courts, and 2) whether there are resource issues affected by the impending budget situation that would affect the viability of such a rule. Therefore, the APJ Advisory Committee requests that the BRC postpone taking any action on this recommendation until these tasks are completed."</p>	<p>After much discussion, the commission decided to support the appointment of counsel for children in all appellate cases because the child is a party to the proceeding and any decision of the appellate court can have a long-term significant impact on the child’s life.</p> <p>The commission decided to recommend that the rule be modified to extend the expedited process to all dependency appeals because it is essential to resolve all outstanding issues to achieve finality and permanency for children in an expedited manner.</p>

Recommendation 2:

Because the courts are responsible for ensuring that a child’s rights to safety, permanency, and well-being are met in a timely and comprehensive manner and that all parties are treated fairly in the process, the Blue Ribbon Commission recommends that the Judicial Council and the trial and appellate courts make children in foster care and their families a priority when making decisions about the allocation of resources and administrative support.

Dan Cathcart, Attorney Los Angeles County	Notes that the recommendations do not include mentoring. Urges the inclusion of mentoring because it “is the most important thing that can be done to help these kids who are continually traumatized by the present system.”	Recommendation 1B addresses the issue of mentors.
Department of Children’s Services San Bernardino County	Dependency proceedings should take place in a family-friendly arena, not a courthouse.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Hon. Adam B. Schiff Member of U.S. House of Representatives	The commission’s recommendation to forgive student debt of attorneys who commit to work in juvenile law is similar to legislation he has proposed in Congress. This is an area where the state and federal government can work together.	No response required—supports recommendation.

Recommendation 2A:

The trial and appellate courts must have sufficient resources to meet their obligations to children and families in the child welfare system.

Commentator	Comments—Recommendation 2A	Commission Response
Cassandra Brew Aunt Alameda County	I recommend that only actual judges make decision regarding resources to meet their obligations to children and families in the child welfare system. No commissioner should have that authority.	No response required. Supports recommendation to have judges hear juvenile cases. See recommendation 2A.
Hon. Katherine Lucero Supervising Judge of Dependency Court Superior Court of Santa Clara County	<p>The judicial caseload needs to be analyzed with collaborative justice models in mind. Specialty courts require multiple hearings, unlike other models. The number of hearings should be factored into this measurement. Judicial hours spent building collaboratives, systems change, and model court implementation, as well as community outreach and education should, also be factored into the judicial workload. ...</p> <p>We need more judges to handle these important cases in order to give the hearings the appropriate amount of time. The presiding judge of each court needs to provide strong leadership and give their court the appropriate number of judges to their dependency and delinquency divisions even when to do so may be unpopular. Each judge that is assigned to dependency and delinquency should be kept there for three to five years on staggered terms to preserve leadership from the bench.</p> <p>Making the bench a specialized bench would help to attract the dedicated bench officers that are needed to make long-term commitments and would promote stability with the stakeholders and the families. I am not necessarily advocating for this in California, however, one can see the value of the specialized bench when it comes to providing consistency for the community.</p>	<p>This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.</p> <p>The commission modified recommendation 2A to address allocation of judicial resources and juvenile court assignments in response to many comments.</p> <p>The commission is not recommending a specialized bench at this time.</p>
Marilyn Barr Executive Director CASA of Tulare County	In Tulare County, a commissioner hears the entire dependency calendar. She is the most knowledgeable and committed and has been in this position for 10 years. To be actively interested the presiding juvenile court judge should be choosing juvenile as their career.	The commission acknowledges the importance of commissioners and referees and modified its recommendations consistent with Judicial Council policy that judges should hear juvenile cases. See recommendation 2A
Hon. Sue Alexander Commissioner Superior Court of	Until the completion of conversion from subordinate judicial officers (SJOs) to judges, which is scheduled to take 10 years, priority should be given to keeping experienced and qualified subordinate judicial	The commission acknowledges the importance of commissioners and referees and modified its recommendations consistent with Judicial Council policy that

Recommendation 2A:

The trial and appellate courts must have sufficient resources to meet their obligations to children and families in the child welfare system.

Alameda County	officers in their juvenile dependency assignments until each court's conversion mandates their transfer to another assignment. The commission recommendation should be implemented only when there is a vacancy as a result of a juvenile SJO leaving or there are no non-dependency SJO positions remaining in that court. Removing talented and dedicated SJOs until necessary is a disservice to the court and the public.	judges should hear juvenile cases. See recommendation 2A
Hon. L. Thomas Surh Commissioner Alameda County Superior Court	“In keeping with the recommendation below in 2C that the same judicial officer hear the case from beginning to end, the prohibition on subordinate judicial officers hearing dependency cases should be modified. ... I urge the commission to adopt a more nuanced position with regard to who adjudicates juvenile cases than the current recommendation provides. Recognizing that part of the Commission’s goal is elevating the status of juvenile court, I offer the following substitute language: Judges, rather than subordinate juvenile officers, should hear dependency and delinquency cases. At the same time, trial courts should take measures to ensure as much stability and continuity as possible in judicial assignments to juvenile court. Judges should be assigned to juvenile court for a minimum of three years. Priority should be given to judges who are actively interested in juvenile court as a long term assignment. To ensure continuity, subordinate judicial officers should be used in juvenile assignments when judges are unavailable.”	The commission acknowledges the importance of commissioners and referees and modified its recommendations consistent with Judicial Council policy that judges should hear juvenile cases. See recommendation 2A.
Ana Espana Supervising Attorney Office of Children's Counsel San Diego County	The rules of court require that attorneys who practice dependency law have ongoing training and education. Training must include such topics as child development, domestic violence, child abuse and neglect, and substance abuse. Currently the AOC is helping to train attorneys. Similar training should be provided to all judicial officers assigned to the juvenile court.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
John Nieman Assistant Director Santa Clara Juvenile Defenders	This should include fostering a “permanent” judicial officer who is not “rotated out” after some arbitrary time period. Saying a minimum of 3 years is fine, but may be seen as giving an approving nod to jurisdictions that regularly limit assignments to 3 years; judicial officers' roles in dependency cases are central and there is no substitute for the management and development efforts which a presiding juvenile dependency court judge can offer for long-term	The commission is concerned that if the recommendation were to provide for more than three year rotations, the pool of interested judges would be reduced.

Recommendation 2A:

The trial and appellate courts must have sufficient resources to meet their obligations to children and families in the child welfare system.

	systemic improvement. Minimum time periods are perhaps an improvement in some systems, but I have experienced the 3-year limits and they are very disruptive and perpetuate an attitude in the judicial officers that stifles long-term thinking and improvements; what dependency systems need are permanent, career judicial officers.	
Kelly Y. Reiter Attorney Family & Children's Law Center Marin County	More important than judicial officer v. commissioner is the amount of education in this area of law and the number of years on the bench.	The commission acknowledges the importance of commissioners and referees and modified its recommendations consistent with Judicial Council policy that judges should hear juvenile cases.
Wayne Morrow, Senior Attorney LADL 2 Monterey County	It is critical to put experienced judicial officers in place who truly understand the socio-economic, racial and ethnic forces impacting the perceptions of both the families focused upon and the social services agency personnel making detention, service provision and reunification decisions.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Emma Castro, Attorney Los Angeles Dependency Lawyers Los Angeles County	There are a number of subordinate judicial officers, i.e. referees and commissioners who have substantial and significant experience in juvenile dependency court that should be considered over judges with NO EXPERIENCE IN DEPENDENCY COURT.	The commission acknowledges the importance of commissioners and referees and modified its recommendations consistent with Judicial Council policy that judges should hear juvenile cases. See recommendation 2A.
Hon. Cynthia L. Loo Superior Court Referee Juvenile Court Superior Court of Los Angeles County	Strike the recommendation that ONLY JUDGES and not subordinate judicial officers hear juvenile dependency and delinquency cases.	The commission acknowledges the importance of commissioners and referees and modified its recommendations consistent with Judicial Council policy that judges should hear juvenile cases. See recommendation 2A.
Helynna Brooke Executive Director San Francisco Mental Health Board	Actively increase diversity of judges as well.	The commission modified its recommendations in response to this suggestion. See recommendation 1A
Carole Greeley, Attorney CADC Solano County	There should be legislation to provide that a referee can hear a dependency case only if the parties have been fully informed of the right to hearing by a judge and have expressly waived that right.	The commission believes that an express waiver is not necessary if counsel for the parties are aware that it is a referee hearing the case.

Recommendation 2A:

The trial and appellate courts must have sufficient resources to meet their obligations to children and families in the child welfare system.

Charles Ferrari NFPCAR Tehama County	Is this even possible OR again are we asking for more money and/or judges.	No response required.
Pamela NFPCAR Director for NVNFPCAR Sparks, Nevada	These reforms are nothing about reform, but about gaining funding.	No response required.
Kathryn L. Duran, Director UCRCoA El Dorado County	“The judge that heard my trial did not follow any of these recommendations. In fact, the CPS social workers filed a petition against me for VOLUNTARILY placing children with them. The petition stated that they took one of the children because he was "AT RISK". No information as to why he was at risk. During the trial, Social Worker testified that I had TOLD her to take the child. Clear and Evident Perjury here. The Judge never questioned it. Again, we are looking at Accountability.”	No response required.
Karissa Elizabeth Ann Lowell National Director National Chapter of The National Family Rights Party and Chapter Illinois	“There are not enough caring and compassionate judges to hear and listen to the parents when their child or children are unlawfully removed from their care, custody, and control. What is needed is Arbitration and Administrative Law Judge Hearing for all parties concerned in a child protection hearing. Arbitration is needed to ensure that all members of the family are able to help write their service plan with Social Services and arbitration is needed to ensure that Social Services will not alter their Service plan without consent from the ALJ, arbitrator, parents, attorney for both parents and children. The arbitrator should make sure that only that which the family needs to keep the family together and prevents any possible removal from the family is written into the plan. It should only become necessary to bring psychologists, psychiatrists, or family counselors for input on helping them implement a service plan that keeps the family intact rather than separates the family.”	The commission acknowledges the importance of commissioners and referees and modified its recommendations consistent with Judicial Council policy that judges should hear juvenile cases. See recommendation 2A. The commission also recommended the use of nonadversarial programs in recommendation 2E.
Christi Howarth Parent/Teacher Placer County	How can one evaluate one's commitment and leadership role? Need specific standards for evaluation.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.

Recommendation 2A:

The trial and appellate courts must have sufficient resources to meet their obligations to children and families in the child welfare system.

<p>Dorothy Knightly Grandmother and Family Rights Activist CPS Awareness Nashua, New Hampshire</p>	<p>The same judge should always be on the same case; not a different one for each review.</p> <p>Also, criminal judges should not be allowed.</p>	<p>Recommendation 2C calls for one judicial officer to hear the entire case, when possible.</p>
<p>Hon. Glenn P. Oleon Commissioner Superior Court of Alameda County</p>	<p>Delete the recommendation that only judges, and not commissioners and referees, should hear juvenile dependency and delinquency cases. Subordinate judicial officers frequently bring a much higher level of experience, expertise, energy and enthusiasm to this critically important assignment than do judges, who most often are assigned to juvenile court as unwilling “draftees” and who rarely serve in this assignment longer than the bare minimum required by their presiding judges.</p>	<p>The commission acknowledges the importance of commissioners and referees and modified its recommendations consistent with Judicial Council policy that judges should hear juvenile cases. See recommendation 2A.</p>
<p>Hon. Roy O. Chernus Commissioner Marin County Superior Court</p>	<p>As a commissioner who is assigned to hear both dependency and delinquency cases (and who, as an attorney, both supervised attorneys and personally worked on dependency cases), I believe that properly trained subordinate judicial officers who are interested in the assignment can be very effective. After leaving Legal Aid of Marin upon my appointment as a commissioner, I had to wait for two years before I could hear dependency cases since Legal Aid frequently represents a parent. It would be unfortunate if I could not utilize my experience and training (including my service as the judicial officer assigned to hear the Adult Drug Court calendar) in dependency matters.</p>	<p>The commission acknowledges the importance of commissioners and referees and modified its recommendations consistent with Judicial Council policy that judges should hear juvenile cases. See recommendation 2A.</p>
<p>Bert Bresticker Administrative Law Judge California Department of Social Services Los Angeles</p>	<p>I do not believe that the commissioners assigned to Juvenile Court and their efforts in assisting dependent children should necessarily be dismissed in this manner. I do believe commissioners are given a difficult job with little time to properly adjudicate all cases, and that judges would face the same constraints and challenges. Resources, training, and reduction of case assignments may play a more significant role than the replacement of Commissioners with judges.</p>	<p>The commission acknowledges the importance of commissioners and referees and modified its recommendations consistent with Judicial Council policy that judges should hear juvenile cases. See recommendation 2A.</p>
<p>Daniel Appleman Santa Clara County</p>	<p>A dedicated and committed commissioner is preferable to a reluctant judge. Rather than focusing on ranking, focus on the knowledge and commitment of the judicial officer to dependency cases.</p>	<p>The commission acknowledges the importance of commissioners and referees and modified its recommendations consistent with Judicial Council policy that judges should hear juvenile cases.</p>

Recommendation 2A:

The trial and appellate courts must have sufficient resources to meet their obligations to children and families in the child welfare system.

Sergio Silva, Interpreter Monterey County	An 11 member panel will review a randomly selected judge's performance and other judges as necessary.	This suggestion goes beyond the scope of the commission's charge.
Val Stilwell, MSCS Agency Coordinator FosterParentCollege.com Eugene, Oregon	Judges must be informed of educational and training resources available for foster parents and parents in order to insure a safe return or foster placement.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Kenny Woo, Investigator Citizens Commission on Human Rights Santa Clara County	No more commissioners! Judges should have court investigators or interns from local legal aid or law schools to serve apprenticeships. This gives an independent look into the case for the court.	No response required.
Albert Braden San Mateo County	Children should not be removed from their parents without a jury trial. This requirement would significantly reduce the number of children removed; that would be a good thing. Many children are unnecessarily removed from their parents.	Jury trials would cause further delays for all participants. This suggestion goes beyond the scope of the commission's charge.
Myrna Fernandez NANA San Mateo County	"The courts are too quick to terminated rights of parents, WITHOUT even serving the parent. We all know that when one's rights are being terminated without notice that is ILLEGAL! We also know that C.P.S. sets up parents to kidnap our children from us. AND doesn't go by the book, as is recommended. C.P.S. states that certain laws don't apply to parents when one is accused of child abuse. Until C.P.S. can prove that a parent is guilty, the law here in the United states of America is: "INNOCENT TIL PROVEN GUILTY."	No response required.
Hon. Margaret Henry Judge Superior Court of Los Angeles County	Understands, but has concerns about the recommendation that only judges hear dependency court cases. Does not want to lose this body of highly qualified judicial officers. Concerned that the recommendation is phrased in a way that may insult dedicated commissioners and referees. Hopes there is flexibility in the recommendation to ensure adequate staffing of the juvenile courts. Agrees with 3-year minimum (with proviso that no one should be forced to stay in dependency). Agrees that one judicial officer should hear a case from beginning to end. "There is significant information that can be lost if you do not have the continuity on a case."	The commission acknowledges the importance of commissioners and referees and modified its recommendations consistent with Judicial Council policy that judges should hear juvenile cases. See recommendation 2A.

Recommendation 2A:

The trial and appellate courts must have sufficient resources to meet their obligations to children and families in the child welfare system.

<p>Hon. Carolyn Kirkwood Judge Superior Court of Orange County</p>	<p>Concerned about how to reach out to judges to do juvenile work. Judges in juvenile court should have experience in juvenile law. “We all know that there are groups in every county that advise the Governor on appointments. We need to sensitize those groups to the work that we do and the needs of the court.” Believes that there would be a “longer line of judges waiting to get in” to juvenile court assignments if appointments focused on attorneys who had experience in child welfare.</p>	<p>The commission modified its recommendations in response to this suggestion. See recommendation 2A concerning juvenile law experience and judicial appointments.</p>
<p>Robert C. Fellmeth Price Professor of Public Interest Law, University of San Diego School of Law Director, Children’s Advocacy Institute</p>	<p>Caseloads are too high, even at the suggested standard of 188.</p> <p>And children should automatically have counsel on appeal.</p>	<p>The Judicial Council adopted the caseload standards after conducting a caseload study that was tested during the first three years of the DRAFT pilot program on court-appointed counsel.</p> <p>The commission added a recommendation in response to this suggestion. See recommendation 2B.</p>
<p>Hon. Arnold D. Rosenfield Judge Superior Court of Sonoma County</p>	<p>Encourages a campaign to convince judicial appointment panels to focus on people who have specialized in juvenile law.</p> <p>Recommends a public education campaign to educate the public about what goes on in foster care to encourage community involvement with the issue.</p>	<p>The commission modified its recommendations in response to this suggestion. See recommendation 2A concerning juvenile law experience and judicial appointments.</p> <p>The specifics of a public education campaign will be considered during the implementation process.</p>
<p>Patricia Fitzsimmons Director Child Advocacy Clinic University of San Francisco School of Law</p>	<p>Believes that if you are just representing children the standard of 188 cases is too high—thinks it might work if you have a mixed caseload. Representing minors is much more labor intensive because of home visits, school visits, and keeping in touch with all of the service providers.</p>	<p>The Judicial Council adopted the caseload standards after conducting a caseload study that was tested during the first three years of the DRAFT pilot program on court-appointed counsel.</p>
<p>Hon. Colleen M. Nichols Judge Superior Court of Placer</p>	<p>Judicial officers in juvenile court should have commitment, interest, or experience in juvenile law. All presiding judges need training in the requirements of a juvenile court assignment. New judge orientation should include a big push for juvenile court, to get a</p>	<p>The commission acknowledges the importance of commissioners and referees and modified its recommendations consistent with Judicial Council policy that judges should hear juvenile cases. It added a recommendation</p>

Recommendation 2A:

The trial and appellate courts must have sufficient resources to meet their obligations to children and families in the child welfare system.

County	better commitment from the beginning—to make it look like the fabulous assignment it actually is. She has misgivings about having only judges as opposed to subordinate judicial officers because it can be disruptive to collaboration.	that presiding judges receive training. See recommendation 2A.
Hon. Patrick E. Tondreau and Hon. Katherine Lucero Superior Court of Santa Clara County	Need leadership to deal with lack of judicial commitment to juvenile court. Making the bench a specialized bench would help attract the dedicated bench officers that are needed to make long-term commitments and would promote stability with the stakeholders and the families.	The commission is not recommending a specialized bench at this time.
Riverside County Superior Court	During budgetary restricted time subordinate judicial officers should be given consideration to hear juvenile matters. Additional judgeships are needed. More training needed for judges in juvenile court and priority should be given to those who are actively interested in the assignment.	The commission acknowledges the importance of commissioners and referees and modified its recommendations consistent with Judicial Council policy that judges should hear juvenile cases. See recommendation 2A.
Department of Behavioral Health San Bernardino County	An appropriate level of funding should be provided to meet this obligation.	No response required.
California Court Commissioners Association	Consider changing the wording of this recommendation to: (1) recognize and acknowledge the valuable contributions of subordinate judicial officers to the juvenile court system and (2) indicate that the recommended changes to use judges should be handled through attrition rather than reassignment of well-qualified, experienced subordinate judicial officers who are providing excellent service in juvenile courts thus ensuring the continuity that is a well recognized goal in juvenile cases.	The commission acknowledges the importance of commissioners and referees and modified its recommendations consistent with Judicial Council policy that judges should hear juvenile cases. See recommendation 2A.
Hon. Cynthia L. Loo Referee Juvenile Court Superior Court of Los Angeles County	Very concerned about recommendation that judges, not subordinate judicial officers, hear dependency and delinquency cases. SJOs have significant expertise, education, and experience in juvenile law. Impossible to attract judges to juvenile assignments in LA where judges assigned to juvenile are considered “slugs.” Need to have committed judicial officers in juvenile.	The commission acknowledges the importance of commissioners and referees and modified its recommendations consistent with Judicial Council policy that judges should hear juvenile cases. See recommendation 2A.

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The trial and appellate courts must have sufficient resources to meet their obligations to children and families in the child welfare system.

John Davis Tulare County Health & Human Services Agency	Thinks elimination of subordinate judicial officers would be regressive because they have interest, continuity, knowledge, and consistency. Judges and SJOs should be permanently assigned to juvenile.	The commission acknowledges the importance of commissioners and referees and modified its recommendations consistent with Judicial Council policy that judges should hear juvenile cases. See recommendation 2A.
Hon. Charlotte Wittig, Commissioner Superior Court of Tulare County	“[T]he reality is most judges do not want to sit in juvenile court.” SJOs are passionate about the work they do. Rotation of judges will not ensure the continuity and stability the system needs. “The decisions made in juvenile court are too important to leave to someone who does not want to be there.”	The commission acknowledges the importance of commissioners and referees and modified its recommendations consistent with Judicial Council policy that judges should hear juvenile cases.
Hon. Paul D. Seeman Commissioner Superior Court of Alameda County	Finds this recommendation “misleading and counter-productive.” The recommendation should clarify that the vital role of SJOs in our current system results from the fact that, unlike judges, they may be hired specifically for their experience and expertise in juvenile jurisprudence, and may remain indefinitely in one assignment. “The conversion of juvenile courts to ‘judge’s work’ is an empty promise unless it is accompanied by a similar re-valuing of juvenile court expertise in the judicial appointment process.”	The commission acknowledges the importance of commissioners and referees and modified its recommendations consistent with Judicial Council policy that judges should hear juvenile cases. See recommendation 2A concerning juvenile law experience and judicial appointments.
Richard Gilbert Grand Rapids, MI	You can cut caseloads as follows: (1) Don’t convict innocent people. (2) Do not use the fact that someone is leaving the state as an excuse to take someone’s child. Told personal story of case in the system.	No response required.
Department L-32 Attorneys Superior Court of Orange County	Experience level and commitment to dependency law of a bench officer is more important than whether a particular bench officer is a judge or a commissioner. Continuity of counsel and bench officers on dependency matters lead to better outcomes for children and families.	The commission acknowledges the importance of commissioners and referees and modified its recommendations consistent with Judicial Council policy that judges should hear juvenile cases.
John Nieman Assistant Director Santa Clara Juvenile Defenders	Judicial officers need expertise in juvenile law. Three years is inadequate as a minimum term. Rotation is a disaster for the dependency system.	The commission is concerned that if the recommendation were to provide for more than three year rotations, the pool of interested judges would be reduced.

Recommendation 2B:

All participants in dependency hearings and subsequent appeals, including children and families, should have an opportunity to be heard and meaningfully participate in court.

Commentator	Comments—Suggested Modifications/Suggestions Recommendation 2B	Commission Response
Cassandra Brew Aunt Alameda County	There needs to be set court rules that cannot be violated allowing families the opportunity to be heard in all court hearings related to their children.	The need for specific rules of court will be considered in the development of an implementation plan.
Hon. Katherine Lucero Supervising Judge of Dependency Court Superior Court of Santa Clara County	Relatives should be identified as soon as possible; however, once the petition has been filed, relative care placement becomes sometimes insurmountable due to strict foster care licensing standards. These barriers must be eliminated for family and non relative extended family members. These licensing issues show up around space, number of beds in the home, background checks and prior CPS involvement. Identifying the relative is not enough. Removing the barriers to placement is what is needed.	The commission modified its recommendations in response to this suggestion. See recommendation 1B.
Joanna Langs Executive Director Alameda County FosterYouth Alliance	All participants should have the opportunity to be heard in court. This is especially important in dependency review hearings in the one to two years preceding dependency dismissal, and in cases in which transfer from the dependency to delinquency systems is at question.	No response required—supports the recommendation.
Ana Espana Supervising Attorney Office of Children’s Counsel San Diego County	Bringing children to court needs to be supported by the courts, advocates, child welfare services, and caretakers. On far too many occasions we have advocated for children to come to court, only to learn later that care providers were told by social workers that attendance was not necessary.	This specific suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Kelly Y. Reiter Attorney Family & Children’s Law Center Marin County	All ICWA, relative placement, and important connections inquiries shall be done prior to jurisdiction to avoid continuances and lengthened period of out of home placement.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Wayne Morrow, Senior Attorney LADL 2 Monterey County	Too often fathers are being targeted for exclusion rather than inclusion: finding fathers and fostering their involvement in their children’s lives is critical.	No response required—supports the recommendation.
Jennifer, MSW	As long as DHHS has enough staff.	No response required.

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DHHS Sacramento County		
Helynna Brooke Executive Director San Francisco Mental Health Board	<p>Include incarcerated fathers and mothers in the decision process even when jailed out of state.</p> <p>Remove legislation that allows for adoption within a short time period for children of incarcerated parents.</p>	<p>Recommendations 2B and 2C address the issue of telephonic appearances and other technology options which would better enable appearances by incarcerated parents.</p> <p>This suggestion goes beyond the scope of the commission's charge.</p>
Haislip Winston Hayes II Minor's Counsel Imperial County Public Defender	State law mandates that children over ten are noticed for all hearings, noncompliance unacceptable, and transportation must be made available.	Recommendations 2B and 2C address children's participation in court hearings.
Carol FKCE/ILP Program Director San Joaquin Delta College	"Foster Parents must be heard. Too often invaluable of the children they've parented for months and sometimes years are not taken into consideration."	No response required—supports the recommendation.
Charles Ferrari NFPCAR Tehama County	Again I see loopholes... "As early as possible" "As soon as possible" How about IMMEDIATELY.	No response required.
Crystal Bates Courtroom Clerk II Superior Court of Shasta County	As a foster parent myself, I think that foster parents/caregivers should also be given greater access to address the Court regarding the child(ren) and their specific issues and progress. As foster parents, we are responsible for the day to day care of these children, and we are generally acutely aware of their health concerns, mental health issues and behavioral issues. Most often, much more so than the birth parents and the social workers as we are the ones taking care of them 24/7, and we are the ones dealing with their tears, anger, confusion, and emotional and health crisis situations. We should play a greater role in the court process.	Recommendations 2B and 4D address foster parents' participation in court and their need for legal support.

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<p>Marilyn Harrison National Administrator Foster Parents Legal Solutions Yarnell, Arizona</p>	<p>Barriers like uninformed foster parents who are told to go back to their corners and keep quiet by their social workers. Our job at FPLS is to educate foster parents, to equip them to not only speak up on behalf of their children but for themselves. To know their rights and be aware of their state statutes codes and their agencies rules and regulations.</p>	<p>Recommendations 2B and 4D address foster parents' participation in court and their need for legal support.</p>
<p>Pamela NFPCAR Director for NVNFPCAR Sparks, Nevada</p>	<p>Foster parents need to be given status with regard to foster children removed from their homes</p>	<p>Recommendations 2B and 4D address foster parents' participation in court and their need for legal support.</p>
<p>Kathryn L. Duran, Director UCRCoA El Dorado County</p>	<p>A matter of accountability yet again. The child I had guardianship of NEVER contacted me, though I had been his sole source of support since he was seven years old. In fact this child's attorney tried to make me out to be a completely irresponsible individual because I allowed the child to stay with his mother at a time he was in crisis, yet fought to allow the child to be permanently with his mother. None of this was questioned by anyone.</p>	<p>No response required.</p>
<p>Karissa Elizabeth Ann Lowell National Director National Chapter of The National Family Rights Party and Chapter Illinois</p>	<p>All participants in dependency hearings, including children and families, should have an opportunity to be heard in court. Absolutely, and all participants should be heard and allow to provide evidence to prove their innocent and that the facts support the parents that they never abused or neglected their child.</p> <p>“All parents that are disabled with a non-invisible disability should be able to provide evidence that just because they have a disability is no reason for their children to be removed from their care, custody, and control. It is highly unlikely that many parents with a non-visible disability will hurt their children, and parents should be able to ask their mental health providers to testify on their behalf they are able to take care of their child. Children are more at risk of being hurt by parents that drink alcohol and take drugs, than parents with disabilities.”</p>	<p>Recommendations 2B and 2C support the rights of all parties to be heard in court.</p>

Recommendation 2B:

All participants in dependency hearings and subsequent appeals, including children and families, should have an opportunity to be heard and meaningfully participate in court.

Susan Marsh Director Focus for Tomorrow Riverside County	All involved parties should be heard in court. The best interest of the child is too often forgotten as we rush through the process.	Recommendations 2B and 2C support the rights of all parties to be heard in court.
Christi Howarth Parent/Teacher Placer County	This includes allowing parent documentation to be added to the record! This includes allowing parents to pick the lawyer they wish and the lawyer they wish for their child!	Parents have the right to choose their own counsel if they can afford it.
Susan Dorsey Executive Director CASA of El Dorado County	Transportation within reason. Not for CASA programs to take on. We believe that part of the parent's responsibility is finding transportation in a visible effort to show they can care for their children.	Recommendation 2B states that all barriers to participation in hearings be removed, including transportation. The decision on who can best provide transportation should be based on individual circumstances.
Kimberly Byrd Division Manager Yolo County DESS — CWS	I agree with this; however encourage being mindful of resource issues related to transportation and that solutions be explored to address this resource issue.	The commission modified its recommendations in response to this suggestion. See recommendation 2B.
Sergio Silva, Interpreter Monterey County	Fathers and mothers will have equal access to services. A two page copy of services available will be given to each parent. Any and all complaints will be given in writing and the parents will be allowed time to rebut arguments.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Kenny Woo Investigator Citizens Commission on Human Rights Santa Clara County	I've had cases where social workers lied about "not finding" relatives. There needs to be continual impartial monitoring with appropriate powers to halt a process before it goes out of control.	This suggestion goes beyond the scope of the commission's charge.
Myrna Fernandez NANA San Mateo County	Whenever a child is removed from a loving home, and the parent's right are terminated, that parent need to be served with papers. This is the United States of America, and there are many laws which are being broken by the government, just because their power is over abused.	No response required.
Regina Deihl Executive Director Legal Advocates for Permanent Parenting	California needs to work on support for both relative caregivers and foster parents. The BRC recommendations "are only as good as their implementation." The recommendations are "wonderful," but "do not set out any way to institutionalize support for the people going about the day to day business of raising the state's children." Urges the	The commission modified its recommendations in response to this suggestion. See recommendation 4D.

Recommendation 2B:

All participants in dependency hearings and subsequent appeals, including children and families, should have an opportunity to be heard and meaningfully participate in court.

	commission to amend the recommendations to institutionalize statewide legal support for relative caregivers and foster families to help them navigate the complex systems, ideally “outside of the Child and Family Services system.”	
Leslie Heimov Executive Director Los Angeles Children’s Law Center	Points to LA as a model the commission can look to “where every child over the age of four has the opportunity to come to court.” Key is “meaningful participation” where the child has an attorney who takes the time to explain what is happening and to answer questions. Attorneys should be trained in child development, special education, mental health, substance, abuse, children’s linguistic stages, and domestic violence. “There is a lot more that you need besides a Bar card to really represent children well in this system. And very little of it is taught in law school.” Also need a sensitive bench and supportive social workers and caregivers to ensure meaningful participation by children and youth.	No response required—supports the recommendation.
Hon. Arnold D. Rosenfield Judge Superior Court of Sonoma County	Wants families who come into the system to have an orientation about what to expect with a follow-up to ensure that they understand the court’s orders. Wants court rules to authorize the court to require appropriate ADR.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Keitha Wallin Human Service Worker and Parent	Stressed the importance of parents having engaged attorney representation, especially to help find resources. Also spoke highly of the CASA program. She was able to reunify with her daughter because of the help from her attorney and CASA volunteer.	No response required—supports the recommendation.
National Center for Youth Law Oakland	Believes this recommendation does not go far enough in recognizing the importance of foster parents’ and relative caregivers’ contribution to the court decision-making process.	The commission modified its recommendations in response to this suggestion. See recommendations 2B and 4D.
Hon. Patrick Tondreau and Hon. Katherine Lucero Superior Court of Santa Clara County	Attendance of children at hearings is positive, but court facilities must be child and family centered. No commingling with adult criminal populations. Separate bathrooms must be available. Court orders should be issued in other languages.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan. This suggestion is more applicable to the implementation process and will be considered during the development of an

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		implementation plan.
Superior Court of Riverside County	Some court hearings should be available during times that do not conflict with school, work, or other requirements of a family’s case plan. Considering the need of the children and family instead of the convenience of the court would help offset the disruption that has already occurred in the children’s lives.	Recommendation 2C addresses this issue.
County Welfare Directors Association of California	Suggests adding that the Judicial Council advocate to state and federal leaders for additional resources to support relative placements. Also suggests adding that the Judicial Council advocate with federal and state leaders for additional funding to meet the need for additional transportation resources to ensure children can attend court hearings.	The commission modified its recommendations in response to this suggestion. See recommendations 1B and 2B.
Eugene R. Moore Alameda County	“Is a kinship foster parent who objects to the absolute power of the social worker and line of command—there is “no effective way for parents or kinship care providers to challenge to challenge gross and damaging inaccuracies in reports to the court, or damaging conduct on the part of the social workers.” Suggests moving in the direction of “sunshine” in the courtroom.	Recommendation 2B addresses caretaker participation in court.
Carlo Andreani Attorney City and County of San Francisco	The system should be redesigned so that non-adversarial programs—mediation, diversion, peer tribunals, deferred entry of judgment—should initially be attempted to solve cases without litigation and adjudication. Court should only be needed if the other attempts fail.	Recommendation 2E addresses nonadversarial programs.
Wendy Kontos Santa Barbara County	Parents should be given the choice of whether to have hearings open to the public and media. Told her personal story of her sister’s struggle with the system.	The court has the authority to open hearings to the public in individual cases.
Megalina Bloom Mother Santa Clara County	Courts should have jury trials in dependency cases, not closed courtrooms.	Jury trials would cause further delays for all participants. This suggestion goes beyond the scope of the commission’s charge.

Recommendation 2C:

Judicial officers should ensure that local court practices facilitate and promote the attendance of children, parents, and caregivers in hearings.

Commentator	Comments—Recommendation 2C	Commission Response
Cassandra Brew Aunt Alameda County	<p>Ensure that the court mandates the consideration for African American and Indian race family root/culture should be taken into consideration when facilitating the attendance of children, parents, caregivers for the hearings.</p> <p>These cases need to be heard by actual judges and not commissioners.</p>	<p>No response required.</p> <p>No response required. Supports existing Judicial Council policy to have judges hear juvenile cases.</p>
Mrs. Marie Reale CASA El Dorado County	<p>As a sworn officer of the court, a CASA is to participate in all court-related conferences, review and copy any relevant documents which is in the possession of any agency and as an instrument of the court relays all pertinent information on behalf of the minor to the court. I would like to advocate in the above statement to include “CASA” when defining “All parties.”</p>	<p>CASAs are not parties, but are officers of the court as the commenter points out.</p>
Katherine Lucero Judge of Dependency Court Superior Court of Santa Clara County	<p>Attendance of children at hearings is positive, however, court facilities must be child and family centered. Having young children wait for hours in an overcrowded waiting room crafted for adults is harmful to that child’s emotional and mental well-being. In some cases actual physical safety is jeopardized. Furthermore, commingling this population with other adult criminal populations is not safe. Separate bathrooms must also be available. More money must be made available for security if kids are to be in court. Court Orders should be issued in other languages.</p>	<p>These suggestions are more applicable to the implementation process and will be considered during the development of an implementation plan.</p>
Martha Kendall Winnacker Attorney Alameda County	<p>Emphasis on timeliness must not preclude full presentation of evidence. One judicial officer to conduct detention and pre-jurisdiction hearings on suppression of hearsay evidence. A different judicial officer to conduct jurisdictional hearing and all subsequent proceedings.</p>	<p>This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.</p>
Mary F. Allred Board Member Riverside County Mental Health	<p>Court and Hearings cannot be scheduled after school hours and work. It is difficult to find enough judges and it would be almost impossible to hire them to work evenings and weekends. You need to remove that provision.</p>	<p>There was wide support for providing alternative hearing times that do not conflict with school and work. See comment of Superior Court of Riverside.</p>

Recommendation 2C:

Judicial officers should ensure that local court practices facilitate and promote the attendance of children, parents, and caregivers in hearings.

Kelly Y. Reiter Attorney Family & Children’s Law Center Marin County	All children age 8 and over shall be at every hearing unless they expressly state to both attorney and social worker they do not want to attend.	Recommendation 2B addresses children’s participation in hearings.
Wayne Morrow Senior Attorney LADL 2 Monterey County	This recommendation is of course what is already required of any judicial system that serves those who find themselves involved with it.	No response required.
Jennifer, MSW DHHS Sacramento County	Absolutely. Kids miss too much school going to hearings and social worker’s sit in court for 4-5 hours for one 15 minute hearing.	No response required—supports recommendation.
Helynna Brooke Executive Director SF Mental Health Board	Ensure that language needs are met and that in no case is a child, either the child participating in the hearing, or another child in the family be used as a translator for the proceedings.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Carole Greeley Attorney CADC Solano County	Need a more specific recommendation re the child’s right to be present. Need to provide that if reports are not provided on time, the parties have a right to a continuance and error is reversible per se.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Marilyn Harrison National Administrator Foster Parents Legal Solutions Yarnell, Arizona	Again in theory this is a great proposal. But in reality it will never take place. Social workers will not work with foster parents. They want them to be totally ignorant of court procedures, they do want them present to counter what is being told the judge...I don’t want to say that all of them lie that would not be a fair statement. Let’s just say that if the judge needs the balance of the pieces of the puzzle in front of him/her to make a decision based on ALL the pieces so he/she has the entire picture of this little life represented in front of him/her they need to ask the only person who knows these facts, THE FOSTER PARENTS.	No response required.
Pamela NFPCAR Director for NVNFPCAR	This makes it more feasible that the Court will hear all sides of the story, not just DSS prosecutorial fabrications.	No response required.

Recommendation 2C:

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Sparks, Nevada		
Kathryn L. Duran, Director UCRCoA El Dorado County	Yet again...this is a wonderful recommendation. Yet there are already policies and procedures in place that would support this. This is what all of these people are supposed to be doing already yet they don't and there is no one who cares about it. Accountability.	No response required.
Karissa Elizabeth Ann Lowell National Director National Chapter of The National Family Rights Party and Chapter Illinois	Local court practices should facilitate the attendance of children, parents, and caregivers in hearings. The only ones that should be allowed to attend hearing are parents, children over the age of ten years old, grandparents, aunts, uncles, family rights advocates, the attorneys for parents, children, and attorneys for other family members if needed. There is no need to bring the foster parents into the hearing as foster care is supposed to be temporary and the foster care parents are suppose to stay unattached and not establish a bond between their foster children and their selves. No psychiatrist, psychologists, child therapists should be allowed into the hearing that testify on behalf of Social Services, but the families of these hearings should be able to bring in who and whatever witnesses, evidence they need to win their children back out of the foster care system.	There has been overwhelming support for facilitating the attendance of foster parents at hearings because they are often the voice with the most information about the child. Recent changes to federal law promote foster parents' participation. This suggestion goes beyond the scope of the commission's charge.
Susan Marsh, Director Focus for Tomorrow Riverside County	These recommendations are especially important to families being fairly treated by the courts.	No response required.
Christi Howarth parent/teacher Placer County	Parents must not be coerced into signing documents they do not understand. All implications of the signature must be clearly outlined. Parents need to take the stand and be able to get their side of the story ON THE RECORD.	No response required.
Dorothy Knightly Grandmother and Family Rights Activist CPS Awareness Nashua, New Hampshire	Children should be allowed as well as the Public. We need open court's which will stop some of the trickery by caseworker's and their Lawyer's. We also need jury trials. A Judge who always sides with CPS is unfair.	This suggestion goes beyond the scope of the commission's charge.

Recommendation 2C:

Judicial officers should ensure that local court practices facilitate and promote the attendance of children, parents, and caregivers in hearings.

Roy Chernus Commissioner Superior Court of Marin County	Of course, the same judicial officer would not hear a case from beginning to end if all subordinate judicial officers were not allowed to do so.	The commission acknowledges the importance of commissioners and referees and modified its recommendations consistent with Judicial Council policy that judges should hear juvenile cases, but addressing the issue of subordinate judicial officers.
Susan Dorsey Executive Director CASA of El Dorado County	Especially the last bullet point.	No response required.
Kimberly Byrd Division Manager Yolo County DESS — CWS	Regarding bullet 1, serious concern as to how this would be feasible.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Nancy Goodban, Owner Nancy Goodban Consulting San Mateo County	You say, “The AOC provide judicial officers and court participants with education and support to create courtroom environments that promote communication with, and participation of, all parties, including children, that takes into account age, development, language, and cultural issues.” Can you stress family friendly courts and waiting rooms?	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Sergio Silva, Interpreter Monterey County	Parents will have at least three 30 minute meeting with their lawyer(s) per year at the lawyer’s office or designated meeting place for private conferences. The lawyer provides a written explanation of the proceedings. Awards of custody data will be published. Parents will be notified of faith-based services for their child.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Kenny Woo Investigator Citizens Commission on Human Rights Santa Clara County	I’ve had cases where Social Workers lied about ‘not finding’ relatives. There needs to be continual impartial monitoring with appropriate powers to halt a process before it goes out of control.	This suggestion goes beyond the scope of the commission’s charge.
Myrna Fernandez NANA San Mateo County	“Any evidence which the C.P.S. people say they have against a parent cannot be used until the parent sees it. C.P.S. DOES this too many times and the parent who is being falsely accused of abusing their child, doesn’t even see anything, because C.P.S. will not show the “so-called” evidence to that parent. The C.P.S. social workers,	No response required.

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	and type of social workers should not slander a parent in any way. If they don't have PROOF or EVIDENCE, then the case should be dismissed!"	
Marjorie Shelby (Public Comment at Hearing)	Insufficient focus on relative caregivers—they are denied benefits and denied sufficient information about the children in their care. Reinvestment savings belong to the children and they are not getting them. Should make use of the foster parent groups in the state and consider them resources. "These caregivers have been through the mill, they know the rules, and they will be glad to teach anyone if only we will ask them." Relative caregivers should get funds for their foster children.	Recommendations 1B and 4D address these issues.
National Center for Youth Law Oakland	Suggests that the commission add a recommendation that "The Judicial Council develop guidelines for the participation of foster parents and relatives in all hearings concerning the child(ren) in their home."	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Department of Behavioral Health San Bernardino County	Include a team approach in the court.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.

Recommendation 2D:

The court’s ability to make fair, timely, and informed decisions requires attorneys, social workers, and Court Appointed Special Advocates (CASAs) who are well qualified and have the time and resources to present accurate and timely information to the courts.

Commentator	Comments—Recommendation 2D	Commission Response
Cassandra Brew Aunt Alameda County	There needs to be court mandated law that states: if a CASA volunteer has abused a child while in their care - that they would be prosecuted to the full extent of the law. My nephew was abused in the foster care system and nothing was ever done by the courts or social services.	There are existing laws under which the CASA could be prosecuted.
Martha Crowe Vice President Programs Voices for Children San Diego County	Voices for Children (VFC), the San Diego Court Appointed Special Advocate (CASA) program, agrees with the Commission’s sentiment that “when dependency court judges and attorneys are not acquainted with “100 percent” of the child...Children and Families suffer.” For this reason, it is imperative that the expansion of CASA programs play a more prominent role in the Commission’s recommendations. ... We estimate that it costs approximately \$1,980 for a child to have a CASA for a year in San Diego. Given the limited resources available and the proposed state budget cuts, an expansion of CASA programs makes excellent financial sense. We believe that the assignment of more CASAs to more dependent children would go a long way to address the pressing issues identified by the Commission. We urge the Commission to make the expansion of CASA in California a high priority.	Recommendation 2D addresses the expansion of the CASA program.
Martha Kendall Winnacker Attorney Alameda County	I do not believe this recommendation can be implemented without: (1) reducing the number of cases referred to court; (2) placing dependency representation on a par with indigent criminal defense & funding public agencies to provide that representation, with career paths and public employee benefits as part of the employment package. Dependency representation might better be funded through counties than through courts.	These suggestions are more applicable to the implementation process and will be considered during the development of an implementation plan. The commission believes that is not politically feasible to transfer responsibility for court-appointed counsel funding to the counties at this time.
Hon. Sue Alexander Commissioner Superior Court of Alameda County	I agree with having juvenile sections of the bar (one for dependency and one for delinquency) but don’t agree about putting juvenile law and a mandatory area of study for the bar exam. Making it a mandatory law school course (required for graduation) would accomplish the result of exposing attorneys to be to the area with	No response required—generally supports the recommendation. The commission considered dropping the recommendation to have juvenile law be a mandatory area of study for the bar exam, but decided not to do so.

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	<p>hopes of expanding the juvenile bar without the added burden of learning another area for the bar exam itself. The student loan waivers will go a long way in encouraging young lawyers.</p>	
<p>Janet G. Sherwood Attorney Law Offices of Janet G. Sherwood Marin County</p>	<p>There must be a system for assuring attorney competence. Many juvenile courts do not feel that enforcing attorney competence is their job because the state is paying the bill. The AOC apparently believes that it is the local juvenile court's responsibility to enforce attorney competence. Because of this disconnect, nobody takes responsibility for making sure that attorneys who are appointed for parents and children are actually doing their jobs competently. Better compensation and training and reduced case loads will solve some of this problem but there are still too many attorneys who are routinely appointed to represent children and parents who are "potted plants." ... The lodestar in most counties for appointment of counsel in dependency cases is who will do it for the least amount of money. This is not an acceptable standard for determining who should be appointed to represent children and parents in dependency cases.</p>	<p>The commission has modified its recommendations in response to this suggestion. See recommendation 2D, which advocates for stable funding to implement attorney caseload standards and for the adoption and implementation of a methodology to measure attorney effectiveness.</p>
<p>Ana Espana Supervising Attorney Office of Children's Counsel San Diego County</p>	<p>We are not sure that having dependency law on the state bar exam is necessary. Strict enforcement of the certification requirements in this area post-bar (as required by rules of court) is more likely to ensure competent counsel is available for appointment.</p> <p>Also, the National Association of Counsel for Children provides testing for attorneys who wish to become certified child welfare law specialists. Pursuing this certification should be encouraged by law offices. Creation of a state bar section is a good idea although fees should be reduced for attorneys whose practice is at least 80% in this area so as to encourage participation. Along with encouraging the development of local or regional family resource centers to ensure that the nondependency legal needs of children are addressed, the state bar should become actively involved with encouraging attorneys to provide pro bono services to children in foster care. Local family resource centers should include access to computers and the internet to assist children and parents with communication with attorneys as well as access to local services and resources.</p>	<p>The commission considered dropping the recommendation to have juvenile law be a mandatory area of study for the bar exam, but decided not to do so.</p> <p>This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.</p>

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<p>John Nieman Assistant Director Santa Clara Juvenile Defenders</p>	<p>A primary source of turnover of parents attorneys is the disparate funding between parents and children's attorneys on one side and their publicly funded counterparts (County Counsel and sometimes DA's or PD's who represent children.) This difference in funding basically says that the work the under funded parents and children attorneys do is not highly valued. Just as funding for public defenders and district attorneys is done, so must the state simply commit to funding of court-appointed representation in dependency court. The caseload standard for court-appointed adopted by the Judicial Council of 188 with a half-time paralegal is not best practices, but a maximum, designed to squeeze every possible service out of the meager funding which is inadequate to begin with. In short, unless the Judicial Council, the state administration, and the legislature are willing to commit to minimum standards in terms of funding, all of the problems with representation -in terms of retention and quality of service delivered- will continue. You get what you pay for, and you don't get what you don't pay for.</p>	<p>The commission modified its recommendations in response to this suggestion. See recommendation 2D, which advocates for stable funding to implement caseload standards that were recently adopted by the Judicial Council. The Judicial Council adopted the caseload standards after conducting a caseload study that was tested during the first three years of the DRAFT pilot program on court-appointed counsel.</p>
<p>Kelly Y. Reiter Attorney Family & Children's Law Center Marin County</p>	<p>Loan forgiveness should apply retroactively to those already working in the field. There should be regulations on the organizations with contracts for services to ensure the attorneys doing the work are actually receiving the pay for those services.</p>	<p>This suggestion goes beyond the scope of the commission's charge.</p>
<p>Wayne Morrow Senior Attorney LADL 2 Monterey County</p>	<p>The necessity for caseload size reductions has been thoroughly investigated and adequately identified - yet continues to be ignored or worse considered a luxury rather than a prerequisite for effective assistance of counsel. Compensation standards (including meaningful retirement options) need to be consistent across agencies representing the various parties.</p>	<p>The commission modified its recommendations in response to this suggestion. See recommendation 2D, which advocates for stable funding to implement caseload standards.</p>
<p>Jennifer, MSW DHHS Sacramento County</p>	<p>When I have my \$48,000 of Student loans forgiven for giving my career to CWS.</p>	<p>No response required.</p>
<p>Carole Greeley Attorney CADC Solano County</p>	<p>The recently adopted caseload standards are too high.</p>	<p>The Judicial Council adopted the caseload standards after conducting a caseload study that was tested during the first three years of the DRAFT pilot program on court-appointed</p>

Recommendation 2D:

The court's ability to make fair, timely, and informed decisions requires attorneys, social workers, and Court Appointed Special Advocates (CASAs) who are well qualified and have the time and resources to present accurate and timely information to the courts.

	<p>Need to be more specific about how to measure attorney effectiveness and who is responsible for ensuring that attorneys are competent.</p> <p>Not necessary to have this on the bar exam.</p> <p>Should recommend that juvenile courts be open to the public.</p>	<p>counsel.</p> <p>This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.</p> <p>The commission considered dropping the recommendation to have juvenile law be a mandatory area of study for the bar exam, but decided not to do so.</p> <p>The issue of open dependency courts is controversial. The court has the authority to open hearings to the public in individual cases.</p>
<p>James S. Greenan Partner Greenan, Pepper, Sallander & Lally, LLP Contra Costa County</p>	<p>It is my observation that a program is needed to facilitate the education of and participation of experienced lawyers who would be able to willing to have a role in the juvenile dependency process. I am a litigator who has practiced for thirty years and I would be interested in spending some of the remaining years of my career, either as a volunteer or working under court appointment in the juvenile dependency system. However, after I conducting some preliminary research I have found no system that would educate or facilitate lawyers with broad general experience to have a role in the process. I believe that at least some of the current burdens could be removed if there were such a program in place.</p>	<p>There are a number of training programs available to attorneys who practice in the dependency courts. However, training opportunities should be expanded.</p>
<p>Pamela NFPCAR Director for NVNFPCAR Sparks, Nevada</p>	<p>The CASA program is wonderful when good CASAs are working toward the best interests of the children. However, this does not go along with the System's true goal of "catching child abusers" which means the removal of children to make the case against child abusers. So, because good CASAs advocate in the best interests of the child and this goes against DSS functions, good CASAs are drummed out of the System and looked upon as though they are uncooperative. The Court needs to be in charge, not DSS.</p>	<p>No response required.</p>

Recommendation 2D:

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<p>Karissa Elizabeth Ann Lowell National Director National Chapter of The National Family Rights Party and Chapter Illinois</p>	<p>“Fair administration and review of dependency proceedings requires attorneys, social workers, and Court Appointed Special Advocates (CASAs) who are well qualified and have time and resources to present accurate and timely information to the courts. The United Family Rights Association and The United Family Rights Party disagrees with this statement. If the state allows CASA Volunteer to become a part of the process. They need to allow the parents to have a Family Right Advocate present on their behalf to testify that parents and children need to be kept together and that the best interest of the child is in the Best Interest of the family. Family Rights is important and no family needs to have their rights violated at all.”</p>	<p>Parents have a right to an attorney to represent their interests in California.</p>
<p>Susan Marsh Director Focus for Tomorrow Riverside County</p>	<p>These recommendations all sound wonderful yet do not address the real cause of the problem. No one is looking at the situation from the prospective of the child and what is best for the child.</p>	<p>No response required.</p>
<p>Christi Howarth Parent/Teacher Placer County</p>	<p>Court appointed attorneys must not be coerced to side with the court when they disagree with court "findings"</p>	<p>No response required.</p>
<p>Dorothy Knightly Grandmother and Family Rights Activist CPS Awareness Nashua, New Hampshire</p>	<p>GAL's instead of CASA. Court-appointed Lawyer's who specialize in child custody, not real estate or worker's comp Lawyer's.</p>	<p>Court appointed counsel for children act as the child's guardian ad litem under California law.</p>
<p>Susan Dorsey Executive Director CASA of El Dorado County</p>	<p>Especially additional funding for CASA programs, ensuring that all eligible children receive an advocate.</p>	<p>Recommendation 2D addresses additional funding for CASA.</p>
<p>Hong Chew, Attorney Law Office of Hong Chew City and County of San Francisco</p>	<p>I am an attorney member of the juvenile dependency panel in San Francisco representing parents and minors. I have counted only 1 black attorney on the panel of 72 attorneys, 2 Latino attorneys, and 6 Asian attorneys. Respectively, they represent about 1.3%, 2.7%, and 8.3% of the attorney panel in San Francisco, one of the most diverse cities in California. I believe diversity among dependency</p>	<p>The commission modified its recommendations in response to this suggestion. See recommendation 1A concerning increasing the diversity and cultural competence of the workforce.</p>

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	professionals should play a major role in attorney recruitment and training, particularly because our clients are predominantly from minority populations with many serious cultural differences in raising children. Perhaps, MCLE training should include/require elimination of bias for attorneys. The disparity in diversity among professionals and consumers is also apparent and prevalent among child welfare workers, although far less than attorneys.	
Daniel Appleman Santa Clara County	Explore a mechanism to involve/recruit CASA volunteers early in cases when key decisions are being made.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Sergio Silva, Interpreter Monterey County	Parents will be informed of BAR and non-BAR lawyers available. Parents will be allowed to choose a psychiatrist to conduct their psychological evaluation.	No response required.
Val Stilwell, MSCS Agency Coordinator FosterParentCollege.com Eugene, Oregon	(...) courts expand multidisciplinary training opportunities (...) Training should include conferences as well as distance learning and online opportunities. (Please include the word "online". There is confusion with the definition of "distance learning" and "online learning" - both have equal value and are often the same.)	Distance learning encompasses “online learning.”
Stefanie Sacramento County	I applaud the recommendation to expand the CASA program. It is a great program.	No response required.
Kenny Woo Investigator Citizens Commission on Human Rights Santa Clara County	I have help get more CASAs on board and am continuing this. This needs to be reinforced. TDMs before a case hits the court system needs to be implemented and keep it out of the systemic adversarial relationship that occur no matter what policies are put in place. The community leaders need to wake up on this.	No response required.
Albert Braden San Mateo County	The overload of the system does not reflect a lack of resources. It reflects an excessive number of children being taken from their parents. Changing CPS policy to make removal a last resort would mitigate this problem.	Recommendation 1A recommends that children and families are given all appropriate services to prevent removal for the family.
Myrna Fernandez, NANA San Mateo County	A lot of these suggestions won’t be followed, because the C.P.S. workers will make up their own laws.	No response required.

Recommendation 2D:

The court’s ability to make fair, timely, and informed decisions requires attorneys, social workers, and Court Appointed Special Advocates (CASAs) who are well qualified and have the time and resources to present accurate and timely information to the courts.

<p>Hon. Margaret Henry Judge Superior Court of Los Angeles County</p>	<p>Agrees with recommendation on attorney and social worker caseload standards. “[N]o one, no matter how dedicated and caring, can do a complete and thorough job if they have four times as many cases as they should.” Need clear caseload standards for each profession and a source of funding to ensure an adequate number of social workers, attorneys, and judicial officers.</p>	<p>No response required—supports recommendation.</p>
<p>Leslie Heimov Executive Director Los Angeles Children’s Law Center</p>	<p>Attorneys representing children need access to experts, to in-house investigators or social workers, and to support and supervision. “[I]ndependent supervision is very important to ensure that the children are getting the best quality of representation.” Supportive of recommendations; advocates for additional resources for the courts and dependency attorneys, in addition to resources for more social workers and better foster care rates.</p>	<p>No response required—supports recommendation. The commission modified its recommendations to include better foster care rates. See recommendation 4D.</p>
<p>Kenneth Krekorian Executive Director Los Angeles Dependency Lawyers</p>	<p>Strongly advocates for adequate and stable funding for dependency attorneys because “right now, we have almost a revolving door with lawyers.” Also noted the great need for support staff for his attorneys who have caseloads well above what is recommended and have little or no support for their work that is “so service driven.”</p>	<p>The commission modified its recommendations in response to this suggestion. See recommendation 2D, which advocates for stable funding to implement attorney caseload standards.</p>
<p>Robert C. Fellmeth Price Professor of Public Interest Law, University of San Diego School of Law Director, Children’s Advocacy Institute</p>	<p>Advocated for dedicated stable and permanent funding stream to ensure stability in representation. “[U]n predictability is the enemy of any kind of reliable representation.” Encouraged the commission to convince legislators that foster children are literally their children—the state has taken over the parenting role. “I would say—you start with “These are your children.” You start with them and then you allocate.” Advocates funding foster children before any other budget item in the state.</p>	<p>The commission modified its recommendations in response to this suggestion. See recommendation 2D, which advocates for stable funding to implement attorney caseload standards.</p>
<p>Karen J. Mathis Immediate Past President American Bar Association</p>	<p>Encourages the courts to form an alliance with the state bar to bring volunteer lawyers and law students into the system. Wants the state bar to allow retired out-of-state lawyers to join lawyer ‘emeritus’ programs, allowing them to practice under the auspices of legal services programs.</p>	<p>This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.</p>

Recommendation 2D:

The court’s ability to make fair, timely, and informed decisions requires attorneys, social workers, and Court Appointed Special Advocates (CASAs) who are well qualified and have the time and resources to present accurate and timely information to the courts.

Patricia Fitzsimmons Director Child Advocacy Clinic University of San Francisco School of Law	Attorneys should have access to mentor programs. BRC should advocate for the expansion of law school clinic programs in child advocacy and child welfare.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Kathleen Casela Emancipated Foster Youth and Young Adult Advocate of MHA-San Francisco	An emancipated foster youth, she stated that her CASA volunteer was the key to her making it though the system, keeping lines of communication open with her family, finishing high school, and going to college. Thinks every child in the foster system should have a CASA.	Recommendation 2D addresses expansion of the CASA program.
National Center for Youth Law Oakland	Suggests that the first part of this recommendation be amended to state “The court’s ability to make fair, timely, and informed decisions requires attorneys ...”	The commission modified its recommendations in response to this suggestion. See recommendation 2D.
Superior Court of Riverside County	The state must devote more resources to CASA. “The unsung heroes of the Juvenile Dependency system are CASA volunteers.”	Recommendation 2D addresses expansion of the CASA program.
Jessica LePak UC Berkeley, MSW Candidate Management and Planning Intern	Encourage California CASA to adopt a resolution stating that local CASA agencies should consider foster youth, who are involved in the juvenile detention system, to have priority access to CASAs.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Hon. Paul D. Seeman Commissioner Superior Court of Alameda County	This recommendation will have little practical impact unless the BRC also recommends that the Judicial Council and the Legislature address the structural status differential imbedded in the current system of representation. Juvenile work will never enjoy equal status with other practice areas unless and until the career opportunities in job security, compensation, and benefits are equal to other civil service executive branch attorneys.	The commission modified its recommendations in response to this suggestion. See recommendation 2D, which advocates for stable funding to implement attorney caseload standards and for fair and reasonable compensation for attorneys.
Department of Children’s Services San Bernardino County	CASA services should be consistent among and between counties.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.

Recommendation 2D:

The court's ability to make fair, timely, and informed decisions requires attorneys, social workers, and Court Appointed Special Advocates (CASAs) who are well qualified and have the time and resources to present accurate and timely information to the courts.

John Nieman Assistant Director Santa Clara Juvenile Defenders	Adequate pay for attorneys would solve a lot of the problems that Recommendation 2D attempts to address.	The commission has modified its recommendations in response to this suggestion. See recommendation 2D.
Megalina Bloom Mother Santa Clara County	DA's office should not represent children because they are trained to be adversarial and don't serve fairly children's rights and feelings.	The recommendations do not address which agencies should or should not be permitted to represent parties in dependency proceedings.

Recommendation 2E:

All courts should have nonadversarial programs available as early as possible and whenever necessary for children and families to use to resolve legal and social issues when appropriate.

Commentator	Comments—Recommendation 2E	Commission Response
Martha Kendall Winnacker Attorney Alameda County	Such non-adversarial programs as mediation, team decision making, and family group meetings can develop voluntary service plans that protect children without referral to court and thereby allow concentration of judicial resources on appropriate cases.	No response required—supports recommendation.
Ana Espana Supervising Attorney Office of Children’s Counsel San Diego County	Mediation for reasons other than custody order recommendations should only be done with mediators who are trained in dependency practice to ensure they have a full understanding of the unique issues, timelines, and concerns involved with these families. Team decision-making, family group conferencing, etc. are all successful child welfare-based practices. They should, however, result in a summary report to be provided to the court and all counsel including information on who was present, what issues were discussed, and what resolutions or plans of action were decided upon.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Wayne Morrow Senior Attorney LADL 2 Monterey County	Nonadversarial should not mean that represented parties’ counsel is excluded. Just as counsel contributes to successful mediation outcomes; counsel can help clients make informed decisions in conference with DCFS personnel. As currently practiced in Los Angeles County - family group decision making, conferencing, etc. is too often being utilized as a coercive mechanism which depends upon and defends exclusion of represented parties’ counsel (and counsel’s investigative support staff) as the basis for its persuasive power.	This suggestion is an implementation issue that is best resolved locally.
Jennifer, MSW DHHS Sacramento County	Team Decision Making meetings do not belong in the Court. It is a Casey Foundation principal that is not supposed to involve the Court.	Recommendation 2E addresses nonadversarial programs.—it advocates making them available, not having them all in court.
Helynna Brooke Executive Director San Francisco Mental Health Board	Find ways to include incarcerated parents in the family team meetings, at least on the phone.	Recommendations 2B and 2C addresses the issue of telephonic appearances and other technological options that could assist incarcerated parents participate in family team meetings.
Leslie Scott Guidance Counselor San Diego Unified School District	Especially African American and Native American families "have access to specific nonadversarial child welfare practices."	No response required—supports recommendation.

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Carole Greeley Attorney CADC Solano County	Should clarify when an adversarial proceeding is appropriate.	This suggestion goes beyond the scope of the commission's charge.
Pamela NFPCAR Director for NVNFPCAR Sparks, Nevada	DSS needs to be taken down notches, not upped them. DSS needs to adhere to court orders. DSS needs to have proof of child abuse in removal of children. The court would do well in seeing that this is so, instead of extending DSS power and persecution further.	No response required.
Christi Howarth Parent/Teacher Placer County	Still believes that reunification as soon as possible is only going to happen when the money incentive given to states for adoption is OFF the table.	This suggestion goes beyond the scope of the commission's charge.
Meichelle Arntz, ED Angels Foster Care of Santa Barbara County	In my county the % of children removed from their homes has dropped. This has been a great effort by CWS to keep children at home and provide services. That being said I have a concern about offering mediation at any time, as we are already below the standard on time frames for permanency. I can see these dragging things out rather than helping to move things forward.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Bert Bresticker Administrative Law Judge Department of Social Services Los Angeles office	Normally the role of voluntary family maintenance programs and team decision meetings may play such a non-adversarial role, as long as participants are led to believe that the county does not have any hidden agendas. The Court could take a more leadership role in the use of these functions, or use such programs as models for non-adversarial activities to enhance reunification efforts.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Myrna Fernandez NANA San Mateo County	"Reunification is what C.P.S. is strongly against. Why? Because when a parent has their children removed, again, incentives are made off that child. When a child is placed in foster care, \$\$\$\$\$\$\$\$\$\$ is what C.P.S. is more interested in. The "best interest of a child" is not even important to C.P.S. nor any entity affiliated with C.P.S. the whole entire legal system is unfair and corrupt. Restraining orders are placed against parents who have done no wrong, and these parents are blocked from having any type of communication with their children. Do you have a solution for C.P.S. restraining parents from seeing their children?????? I didn't think so!"	No response required.

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Patricia Fitzsimmons Director Child Advocacy Clinic University of San Francisco School of Law	Encourages the use of mediation and other non-adversarial programs. Thinks the recommendation could be strengthened. Thinks the recommendation should be more specific about the range of non-adversarial programs and that the judicial officer should take a leadership role in promoting ADR.	The commission modified its recommendations in response to this suggestion. See recommendation 2E.
County Welfare Directors Association of California	Suggests adding that the Judicial Council advocate for increased federal and state funding and funding flexibility to achieve this goal.	Specific recommendations concerning flexible funding under recommendation 4 are broad enough to include using the money for alternative dispute resolution.
John Davis Tulare County Health & Human Services Agency	Need more non-adversarial programs available and they should precede court involvement.	No response required—supports recommendation.

Recommendation 2F:

The Judicial Council should establish and implement a comprehensive set of court performance measures as required by state law (Welf. and Inst. Code, § 16545).

Commentator	Comments—Recommendation 2F	Commission Response
Cassandra Brew Aunt Alameda County	The juvenile and children’s court should be audited and reviewed to ensure that the recommendations are being followed as mandated.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Hon. Katherine Lucero Supervising Judge of Dependency Court Superior Court of Santa Clara County	Court measurements should include the ability to capture the underlying issues that have come before the court, i.e., substance abuse and domestic violence, in order to design programming around the needs of the community and to train and equip the judicial officers accordingly on the most significant issues that it must handle day to day.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Martha Kendall Winnacker Attorney Alameda County	Use extreme care to ensure that court performance measures give greatest weight to measures of child wellbeing and do not emphasize timeliness alone, since it is the easiest to measure.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
John Nieman Assistant Director Santa Clara Juvenile Defenders	This is like complaining about the quality of teachers in public schools. When talent doesn’t enter fields of work because of inadequate pay, the quality of work in that field will suffer. This has nothing necessarily to do with professionals’ intentions. Bean counters want accountability, but holding professionals’ feet to the fire in an environment with inadequate funding is just insulting. Data collection and analysis is basic to system improvement these days, so certainly such efforts in the dependency system would be helpful. But I would question the efficacy of the use of data to measure system improvement vs. ‘outcomes’. One ‘outcome’ improvement would be increased funding for attorneys, period. Increasing funding for court-appointed attorneys will not necessarily produce other measurable ‘outcome’ improvements. Quality of due process is a value in and of itself. That’s the reason for adequate funding to criminal DA and PD offices throughout the state. That same value MUST be recognized for court-appointed representation in dependency court.	The commission addressed this issue in recommendation 2D, which advocates for stable funding for implementing attorney caseload standards.
Wayne MorrowS Senior Attorney	The judicial officers, like the lawyers, need manageable caseloads. Currently, in Los Angeles County excessive caseloads and late DCFS	The commission addressed this issue in recommendation 2D, which advocates for stable funding for implementing

Recommendation 2F:

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LADL 2 Monterey County	reports drive the process. The tale is wagging the dog - so to speak. What is happening is not substantive and procedural due process but rather a race to avoid bad statistics.	attorney caseload standards.
Charles Ferrari NFPCAR Tehama County	Holding everyone accountable is a must for all involved. We must remember who are our customers, the parents and their children.	No response required.
Pamela NFPCAR Director for NVNFPCAR Sparks, Nevada	Children's well-being is not the goal of this system. Children are just so much collateral damage and simply a means for DSS to catch child abusers to line their pockets with money. The court has no role in the child welfare system except to do what DSS says and play the game of a kangaroo court.	No response required.
Kathryn L. Duran, Director UCRCOA El Dorado County	Accountability	No response required.
Christi Howarth Parent/Teacher Placer County	Parents need a way to report due process violations and falsification of documentation to an accountability agency like the GAO in the US government.	This suggestion is outside the scope of the commission's charge.
Sergio Silva, Interpreter Monterey County	Guidelines and measures are available for public viewing at _____.	Performance measure guidelines are available for viewing at www.courtinfo.ca.gov .
Kenny Woo Investigator Citizens Commission on Human Rights Santa Clara County	There needs to be on-the-ground Ombudsman's who are continually inspecting and helping the parents and children.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Myrna Fernandez NANA San Mateo County	The only way you will be able to get the above mentioned people to work with you on this is if you actually are there to see exactly what is they are doing. Otherwise, this suggestion is as good as nothing!	No response required.
Hon. Margaret Henry Judge Superior Court of Los Angeles County	Very interested in implementation of court performance measures, "and the adequacy of that is going to be dependent on the new Court Case Management System. ... I think they should go ahead with whatever data we have now for comparison with the hopes that in a few years we will have a much more adequate and accurate way of measuring."	No response required—supports recommendation.

Recommendation 2F:

The Judicial Council should establish and implement a comprehensive set of court performance measures as required by state law (Welf. and Inst. Code, § 16545).

National Center for Youth Law Oakland	Suggests carrying forward the recommendation for “informed findings” on reasonable efforts from Recommendation 1 as a measure of performance at each stage of court proceedings. Also suggests carrying forward provision for the Judicial Council to advocate for resources necessary to implement caseload standards to this recommendation. Suggests modifying first sub-bullet to “To assist the court in identifying obstacles to ensuring fair, timely, and informed hearings ...”	The commission believes that the language in the recommendation is adequate. Recommendation 4 addresses resources.
Hon. Patrick E. Tondreau and Hon. Katherine Lucero Superior Court of Santa Clara County	Court measures of timeliness are key, but measures should also capture information on race and gender at each decision making point for each judicial officer. Also, measurements should include the ability to capture underlying issues that have come before the court, such as substance abuse and domestic violence, in order to design programming around community needs and to train judicial officers.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Department of Children’s Services San Bernardino County	There should be a moratorium on penalties or sanctions for performance outcomes until such time as funding is provided to meet the services required for outcome compliance.	This suggestion is outside the scope of the commission’s charge.
Children’s Advocacy Institute San Diego County	Proposes a new recommendation for performance measures that track the progress of youth who emancipate.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.

Recommendation 3:

Because the courts share responsibility with child welfare agencies and other partners for the well-being of children in foster care, the courts, child welfare, and other partnering agencies must work together to prioritize the needs of children and families in each system and remove barriers that keep stakeholders from working together effectively.

Commentator	Comments—Recommendation 3	Commission Response
Martha Kendall Winnacker Attorney Alameda County	Use great caution in sharing information between agencies. Much harm can be done by sharing inaccurate information contained in databases.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Ana Espana Supervising Attorney Office of Children's Counsel San Diego County	Who ARE the stakeholders should be described somewhere in this recommendation and should certainly include the regional centers, which, in our experience, are among the hardest to engage.	The commission decided not to list all possible agencies that should participate in the local commissions but instead to list the types of agencies and individuals that the presiding juvenile court judge and the county social services director may want to consider when they convene local commissions.
Jennifer, MSW DHHS Sacramento County	It would also help to include line workers because they really know what is going on and how to better serve the families and children.	The commission decided not to list all possible agencies that should participate in the local commissions but instead to list the types of agencies and individuals that the presiding juvenile court judge and the county social services director may want to consider when they convene local commissions.
Mrs. Mary E. Brew (Grandmother and Mother) Alameda County	This is only effective when each responsible party keeps an impartial attitude, non prejudice, clear mind for betterment of the child and family. This was not our experience as we encountered the court, agencies and child social services purposely left us out of court hearing, did not inform the family of rights, options and submitted false reports of interviews to the courts that never took place.	No response required.
Carol FKCE/ILP Program Director San Joaquin Delta College	Much more collaboration on behalf of children and youth is needed. However, sometimes the barriers are cultural--county HSA attitudes toward collaboration are sometimes illogically adversarial and competitive.	This suggestion is best resolved locally because it does not apply in all counties.
Charles Ferrari NFPCAR Tehama County	Sounds good on paper, but will this work. It has been my experience that each agency is its own domain. And again as long as we have a power struggle as to who thinks who is boss; and who thinks they know best this is not going to work.	This suggestion is best resolved locally because it does not apply in all counties.

Recommendation 3:

Because the courts share responsibility with child welfare agencies and other partners for the well-being of children in foster care, the courts, child welfare, and other partnering agencies must work together to prioritize the needs of children and families in each system and remove barriers that keep stakeholders from working together effectively.

Pamela NFPCAR Director for NVNFPCAR Sparks, Nevada	The only barriers are conflicts of interests between those interested in the well-being of children and DSS's function in catching child abusers. DSS is not interested in the well-being of children, only in catching child abusers.	No response required.
Jessica LePak Social Worker UC Berkeley	Probation should be clearly listed.	The commission decided not to list all possible agencies that should participate in the local commissions but instead to list the types of agencies and individuals that the presiding juvenile court judge and the county social services director may want to consider when they convene local commissions.
Kathryn L. Duran Director UCRCoA El Dorado County	Accountability	No response required.
Karissa Elizabeth Ann Lowell National Director National Chapter of The National Family Rights Party and Chapter Illinois	There is a problem with that not all agencies will work together and much disagreement will come of it. The Courts along with the parents, the social worker, and the attorneys for all parties should work together to bring families back together as soon as possible.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Christi Howarth Parent/Teacher Placer County	Prioritize the needs of the children needs to be fleshed out so all counties in the state know exactly what that means/looks like	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Bert Bresticker Administrative Law Judge Department Social Services Los Angeles	Again, a critical key to this partnership should involve the state California Department of Social Services, as well as county agencies.	This recommendation concerns the formation of county commissions to address local issues. Local jurisdictions are encouraged to consider including the California Department of Social Services if appropriate.
Nancy Goodban, Owner Nancy Goodban Consulting San Mateo County	Child maltreatment and domestic violence co-occur. It seems important to specifically note that there should be coordination with domestic violence programs and protocols.	The commission decided not to list all possible agencies that should participate in the local commissions but instead to list the types of agencies and individuals that the presiding juvenile court judge and the county social services director may want to consider when they convene local commissions.

Recommendation 3:

Because the courts share responsibility with child welfare agencies and other partners for the well-being of children in foster care, the courts, child welfare, and other partnering agencies must work together to prioritize the needs of children and families in each system and remove barriers that keep stakeholders from working together effectively.

Gabriele Burkard Program Officer California Community Foundation Los Angeles County	Make clear that "trusted partners" includes the community-based organizations that carry-out the day to day work on behalf of the children and families, even those not directly contracting with the local county agency, but providing a critical service.	The recommendations refer to private agencies, which is intended to include community-based organizations.
Myrna Fernandez NANA San Mateo County	The courts, first of all, do not care about the "well-being of children in foster care." If they did, we wouldn't have so many children dying in foster care every second of the day. As long as there is incentive and bonuses, etc. for any court, judge, attorney, this will continue and their will be no reform in place.	No response required.

Recommendation 3A:

The Judicial Council, trial courts, and state Department of Social Services should work cooperatively with all departments, agencies, and other stakeholders to ensure optimal sharing of information to promote decisionmaking that supports the well-being of children and families in the child welfare system.

Commentator	Comments—Recommendation 3A	Commission Response
Cassandra Brew Aunt Alameda County	Such information should not be gathered with the intent to harm the biological family or violate current federal law regarding a person’s medical history.	The commission agrees that federal law should not be violated when collecting and disseminating information.
Marillyn Barr Executive Director CASA of Tulare County	CASA volunteer appointments need to be included as part of the tracking.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Martha Kendall Winnacker Attorney Alameda County	Use extreme caution in sharing information contained in CCMS. New language: The Judicial Council and the state Department of Social Services should work cooperatively with all stakeholders to ensure optimal sharing of VERIFIED information WHEN, AND ONLY TO THE EXTENT THAT, sharing information promotes decision making that supports the well-being of children and families in the child welfare system.	The commission declines to modify as suggested. The commission agrees that care should be taken to use accurate information.
Mary F. Allred Board Member Riverside County Mental Health	I believe it is a violation of the law to release mental health information concerning psychotropic medications and disabilities. This would have to be closely monitored. It should not be used in a multidisciplinary meeting, but in limited use with privacy standards enforced.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan. The commission agrees that information sharing should comply with federal and state laws.
Wayne Morrow Senior Attorney LADL 2 Monterey County	Data sharing must include the counsel for the parties. Currently in L.A. County DCFS and their counsel endeavor to exclude parties counsel for access to decision making conferences and discoverable information in the CWS/CMS data bank. Information must be shared by all parties as well as those responsible to provide services.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Jennifer, MSW DHHS Sacramento County	If this would replace JAS and everyone would have access that would be great.	No response required.
Andrew Cain, Senior Attorney Legal Advocates for Children and Youth	The Commission’s recommendations on improving information-sharing are especially important for children’s counsel. Section 317 of the Welfare and Institutions Code provides children’s counsel with access to information from various service providers, including	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.

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The Judicial Council, trial courts, and state Department of Social Services should work cooperatively with all departments, agencies, and other stakeholders to ensure optimal sharing of information to promote decisionmaking that supports the well-being of children and families in the child welfare system.

Santa Clara County	therapists and other health providers. Unfortunately, many service providers are unaware of this provision and create obstacles to counsel's obtaining information, including erroneously demanding the consent of a parent prior to the release of information. The Judicial Council should consider creating a statewide form to be used in all appointments of children's counsel to streamline their efforts to obtain information about their clients. Such an order would allow counsel to better advocate for minors and aid in the coordination of service provision.	
Charles Ferrari NFPCAR Tehama County	This should include ALL who are involved with the children, such as Foster Parents.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Pamela NFPCAR Director for NVNFPCAR Sparks, Nevada	Obviously this "Reform" is about executing more of ACF/Children's Bureau functions and gaining funding for doing it, not Reform.	No response required.
Karissa Elizabeth Ann Lowell National Director National Chapter of The National Family Rights Party and Chapter Illinois	The National Chapter of the United Family Rights Association and National Chapter of The United Family Rights Party agree with this statement.	No response required.
Christi Howarth Parent/Teacher Placer County	One can have access regarding cases in other courts but can NOT be biased to use cases to shut up parents in other courts with valid cases like pending workers comp. cases, etc. That MUST be stated.	The purpose of information sharing is to promote the well-being of families and children in the child welfare system.
Susan Dorsey Executive Director CASA of El Dorado County	We have identified that there needs to be more education for DHS on the role of the CASA and the services they provide. Cooperation with CASA should be strongly encouraged from upper management. With such heavy case loads for Social Workers, advocates can be such a great resource, which is not always recognized.	This suggestion is best resolved locally because it does not apply in all counties.

Recommendation 3A:

The Judicial Council, trial courts, and state Department of Social Services should work cooperatively with all departments, agencies, and other stakeholders to ensure optimal sharing of information to promote decisionmaking that supports the well-being of children and families in the child welfare system.

<p>Bert Bresticker Administrative Law Judge Department of Social Services Los Angeles</p>	<p>Courts may wish to remind counties of the importance of not only using CLETS and CWS/CMS, but to have all adults in the caregiver's home Live Scanned as soon as possible, as part of the Courts PRI orders and due diligence with WIC 309.</p>	<p>This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.</p>
<p>Diane V. McKenzie CASA Voices for Children San Diego County</p>	<p>That school and medical records be centralized so records are not constantly sought after with each new attorney, CASA and maintained on a MONTHLY basis. These records are vital and often incomplete and lost.</p>	<p>This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.</p>
<p>Nancy Goodban, Owner Nancy Goodban Consulting San Mateo County</p>	<p>Also allow Courts access to sections of CWS/CMS as appropriate.</p>	<p>Data exchange is intended to be two-way.</p>
<p>Myrna Fernandez NANA San Mateo County</p>	<p>The use of psychotropic medications in this state and throughout the United States of America has increased by 100%. C.P.S. is drugging children with psychotropic drugs at the tender age of 2 years old. Now, you tell me, who is the one who has a mental health issue here? Definitely NOT the parent here.</p>	<p>This suggestion is outside the scope of the commission's charge.</p>
<p>Hon. Carolyn Kirkwood Judge Superior Court of Orange County</p>	<p>Advocated for Dependency Drug Courts like those in Orange County, which are collaborative operations among Orange County Social Services, the Health Care Agency's Division of Alcohol and Drug Abuse, the attorneys, and the Court with the goal of getting parents into services right away. "Collaborations cannot, will not happen unless there are dedicated bench officers overseeing the process, willing to take responsibility for it."</p>	<p>The commission agrees that judges and commissioners should take a leadership role in collaborative efforts.</p>
<p>Frank Ospino Supervising Attorney Orange County Public Defender's Office</p>	<p>"[T]he courts can no longer afford to be silent partners, or unheard partners in the child welfare system. The court can and should be a moving force in collaboration." Described the Orange County collaboration for family reunification that involved cross training with the Public Defender, County Counsel, and social workers. Much better communication among the parties now.</p>	<p>The commission agrees that judges and commissioners should take a leadership role in collaborative efforts.</p>

Recommendation 3A:

The Judicial Council, trial courts, and state Department of Social Services should work cooperatively with all departments, agencies, and other stakeholders to ensure optimal sharing of information to promote decisionmaking that supports the well-being of children and families in the child welfare system.

Michelle Lustig Foster Youth Services Coordinator San Diego Department of Education	Described FYSIS, the Foster Youth Student Information System, hosted by the San Diego County Office of Education, Foster Youth Services. It houses the health and education records for all school-age foster youth in San Diego County. Noted that collaboration requires strong judicial leadership. Urged the commission to add education to the entities referenced for information and data exchange.	The commission agrees that judges and commissioners should take a leadership role in collaborative efforts. Possible data exchanges with education systems should be strongly considered in implementation.
Phil Crandall Director Health & Human Services Agency Humboldt County	Continuity of leadership is a big problem—leadership often changes whenever there is a new government. Continuity of judicial leadership is important, too. Also we need to find different ways of reaching across funding silos. Humboldt County has good outcomes and can serve as a model for evidence-based practices. Judicial officers need to better understand services available and the complex rules governing the use of those services.	The commission agrees that continuity of leadership is an issue. See recommendation 2A concerning minimum assignments to juvenile court.
Andrew Signey, Assistant Secretary California Health & Human Services Agency Sacramento	Collaboration cannot take place without information sharing. Child Welfare Council is trying to remove the silos that are barriers to funding flexibility so that we can better serve children.	No response required.
Hon. Colleen M. Nichols Judge Superior Court of Placer County	Funding and restrictions are barriers to true collaboration. Placer County got a legislative waiver that allowed for blended funding. That waiver needs to be taken statewide. There are no real barriers to sharing information—they are self-imposed. Any barriers can easily be removed with a Memorandum of Understanding. “Make it work.” Need to have continuity between counties, particularly in dual jurisdiction cases. Also need consistency in reporting requirements of state agencies.	No response required. The commission agrees in principle.
Hon. Patrick Tondreau and Hon. Katherine Lucero Santa Clara County	Dependency Drug Courts work, but require collaboration, time, prioritization, and attention to the family. Federal dollars should be used for drug treatment and mental health services.	The commission agrees. See recommendations 1 and 4 concerning greater flexibility to use federal funding for preventive services.
Department of Behavioral Health San Bernardino County	Improve the release/exchange of information to treating psychiatrists and other treatment staff in different settings in order to improve the quality of care for the children. Advocate for funding to assign a nurse/case manager to all foster children to facilitate all aspects of	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.

Recommendation 3A:

The Judicial Council, trial courts, and state Department of Social Services should work cooperatively with all departments, agencies, and other stakeholders to ensure optimal sharing of information to promote decisionmaking that supports the well-being of children and families in the child welfare system.

	treatment on a consistent basis and who can speak with doctors, teachers, and parents/caregivers and help advocate in other areas of the children's lives.	
Dana Mandolesi, Honoring Emancipated Youth (HEY)	It should not be the role of the court to lead collaborative efforts, but rather a neutral third party.	The commission believes that judges and commissioners should take a leadership role in collaborative efforts.
Carlo Andreani Attorney City and County of San Francisco	The commission may want to consider the creation of pilot programs in representative counties, such as Santa Clara, to leverage surrounding technology companies to create software and programs for the collection of information.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Children's Advocacy Institute San Diego County	Proposes a new recommendation on sharing and disclosing child fatality information. The proposal is printed in full in the summary memo.	Recent changes in the law regarding disclosure of information related to child fatalities should be reviewed in the future and any appropriate adjustments made.
California CASA	Urges the commission to recommend as a component of useful data collection the inclusion on Judicial Council forms of a provision for indicating whether a CASA volunteer was assigned to the child or youth. Also wants CCMS data collection to include whether CASA volunteer was assigned to child or youth.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.

Recommendation 3B:

The presiding judge of the juvenile court and the county social services or human services director should convene multidisciplinary commissions at the local level to identify and resolve local system concerns, address the recommendations of the Blue Ribbon Commission, and build the capacity to provide a continuum of services.

Commentator	Comments—Recommendation 3B	Commission Response
<p>Hon. Katherine Lucero Supervising Judge of Dependency Court Superior Court of Santa Clara County</p>	<p>Child Welfare cases are about drugs, alcohol and family violence. ... The substance abuse recovery model and the statutory timelines are incongruent. And the child over the age of three that loses their mother and father forever rarely does well in our system and commonly penetrates further into other court systems. ... If the Dependency Court is not collaborating with the Department of Drugs and Alcohol to get services to the parent more timely, the parent will not have a fair opportunity at gaining custody of their child. Each County Mental Health and Drug and Alcohol Department must be a key leader in the reform of the Child Welfare/Court system. Our courts are full of people of color and poor people. It seems that since we know that people of color do not abuse or neglect their children or abuse drugs at a higher rate than other populations that the issue lies in the access to drug and alcohol treatment prior to entering the child welfare system. Once the family enters the system, the timelines are triggered and the chances at success are slim unless there is an effort by the agencies to collaborate. Dependency Drug Courts work. ... Federal dollars should be used for drug treatment and mental health services. Each county should be rewarded for the reduction of subsequent positive toxicology births of the parents that they have served to stem the tide of the multiple drug addicted babies being born to the same mother even though she has been known to the system for years.</p>	<p>The commission agrees that federal dollars should be used for prevention and treatment (See recommendations 1 and 4). These comments contain several ideas that should be considered during development of the implementation plan.</p>
<p>Martha Kendall Winnacker, Attorney Alameda County</p>	<p>This outstanding recommendation can be accomplished without compromising individual privacy issues or unduly broadcasting information about individuals.</p>	<p>No response required.</p>
<p>Wayne Morrow Senior Attorney LADL 2 Monterey County</p>	<p>Economic education and real job opportunity is crucial to revitalizing, maintaining and rebuilding viable families. Private and public agencies need to be energized to identify and supply this component to any program intended to assist families to obtain and maintain stability.</p>	<p>This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.</p>

Recommendation 3B:

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Jennifer, MSW DHHS Sacramento County	Once again, include line workers (SW).	The commission decided not to list all possible agencies that should participate in the local commissions but instead to list the types of agencies and individuals that the presiding juvenile court judge and the county social services director may want to consider when they convene local commissions.
Andrew Cain Senior Attorney Legal Advocates for Children and Youth Santa Clara County	Transparency in the process of providing child welfare services is crucial in order to foster community support. Portrayals of a secretive, ineffective child welfare system lead to widespread distrust. The Commission's recommendation to raise community awareness of foster care issues seems to take this concern into account. To implement this recommendation, the Judicial Council should work directly with the State Department of Social Services to create a series of statewide community workshops designed to shed light upon the system and solicit feedback for improvements.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Helynna Brooke Executive Director San Francisco Mental Health Board	In the development of appropriate services, include the phrase "gender appropriate and culturally appropriate". For example, in San Francisco 95% of the girls in the juvenile system have been sexually traumatized which needs special programmatic support. Some of these girls are going to foster care situations in which the same thing is happening.	The commission has modified its recommendations in response to this suggestion. (See recommendation 1A.)
Charles Ferrari NFPCAR Tehama County	Here is a suggestion of other types of people of experience that could possible help by offering suggestions: former foster parents, senior citizens, retired police personnel, retired social workers, probation officers, etc	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Pamela NFPCAR Director for NVNFPCAR Sparks, Nevada	The only barriers that need be overcome include access of records and files by those being persecuted -- including the records of the Central Index. Fulltime staff needs to be put on board to provide requested files (blacked out where necessary for children's privacy) for lawsuits against DSS. The Central Index has been ruled and upheld as Unconstitutional and therefore has no function. It needs to be eliminated. Since the Central Index (SACWIS), is in fact, DSS, it means eliminating DSS.	The commission disagrees.

Recommendation 3B:

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Susan Marsh, Director Focus for Tomorrow Riverside County	This all sounds wonderful but I can see where it can all be used to do less. Can be used as an excellent smoke screen to hide behind, so many steps, so much to do; how can anyone accomplish all this. Recommendations are great but only if they can be monitored and enforced.	No response required.
Christi Howarth Parent/Teacher Placer County	Do not deny parents to put their educational options on the record.	No response required.
Susan Dorsey Executive Director CASA of El Dorado County	Our organization has established an ad hoc committee focused on aging out youth and the challenges faced as they prepare to emancipate. We have adopted a resolution to partner with related community agencies to accomplish the above recommendations. This committee is comprised of members of both staff and board.	No response required.
Diane V. McKenzie CASA Voices for Children San Diego County	Again, I cannot stress that vital records be computerized and centralized. Birth Certificates, SSN Cards, school records, medical records, particularly medication records.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Nancy Goodban, Owner Nancy Goodban Consulting San Mateo County	Add to first bullet “representatives from drug and alcohol, mental health, probation, schools, and domestic violence providers”	The commission decided not to list all possible agencies that should participate in the local commissions but instead to list the types of agencies and individuals that the presiding juvenile court judge and the county social services director may want to consider when they convene local commissions..
Gabriele Burkard Program Officer California Community Foundation Los Angeles County	Point 2, subpoint 2: information sharing between courts, social welfare agencies, schools AND the community based organizations providing support services to the children.	The commission decided not to list all possible agencies that should participate in the local commissions, but instead lists the types of agencies and individuals that the presiding juvenile court judge and the county social services director may want to consider when they convene local commissions.
Myrna Fernandez NANA San Mateo County	You need to enforce the public understanding of children being robbed of their lives in this country. My goodness, if you care anything about our children at all, then stop the incentives coming into these agencies. Everyone is making a buck on our kids, MAN!	No response required.

Recommendation 3B:

The presiding judge of the juvenile court and the county social services or human services director should convene multidisciplinary commissions at the local level to identify and resolve local system concerns, address the recommendations of the Blue Ribbon Commission, and build the capacity to provide a continuum of services.

<p>Hon. Colleen M. Nichols Judge Superior Court of Placer County</p>	<p>Local commissions—ours is a multi-disciplinary policy team—need to be composed of people who can make decisions and commit money. Without that level of leadership, you will not get anywhere. Don't bother having meetings if there isn't someone there who can make a decision. "At the beginning it is frequently "clobberation vs. collaboration" because you have to force people into uncomfortable situations. Need regular, frequent meetings. Need County Executive Office on local commission—didn't see them in recommendation, but they are your money people. And if you have a tribal court, they have to be involved.</p>	<p>This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.</p>
<p>Alan Pardini Senior Advisor The League of California Community Foundations</p>	<p>Very pleased with BRC recommendations and working hard to take on community foundation share of responsibility for foster care issues. The League of Community Foundations and the community foundations stand ready to support the commission's work. Sees their primary work in the areas of recommendations 4B, 4C, and 3B.</p>	<p>No response required.</p>
<p>Department of Behavioral Health San Bernardino County</p>	<p>The multidisciplinary commission should include a child psychiatrist and a mental health professional.</p>	<p>The commission decided not to list all possible agencies that should participate in the local commissions but instead to list the types of agencies and individuals that the presiding juvenile court judge and the county social services director may want to consider when they convene local commissions.</p>
<p>County Welfare Directors Association of California</p>	<p>Believes this recommendation is unnecessary and could unwittingly add another layer of bureaucracy, be duplicative of existing efforts, and dictate a particular model of interaction that does not fit with local conditions.</p>	<p>Recommendation 3B acknowledges that duplication of current collaborative efforts should be avoided. Many of the current collaborations do not include key parties or are not comprehensive in scope. Local jurisdictions will have flexibility to create new commissions or supplement existing ones if necessary to ensure that all of the agencies that provide services to foster children are represented.</p>
<p>John Davis Tulare County Health & Human Services Agency</p>	<p>Local commissions are already occurring, so not certain why this is a recommendation.</p>	<p>Recommendation 3B acknowledges that duplication of current collaborative efforts should be avoided. Many current collaborations do not include key parties or are not comprehensive in scope. Local jurisdictions will have flexibility to create new commissions or supplement existing ones if necessary to ensure that all of the agencies that provide services to foster children are represented.</p>

Recommendation 3B:

The presiding judge of the juvenile court and the county social services or human services director should convene multidisciplinary commissions at the local level to identify and resolve local system concerns, address the recommendations of the Blue Ribbon Commission, and build the capacity to provide a continuum of services.

Hon. Charlotte Wittig Commissioner Superior Court of Tulare County	Local commission recommendation may not be necessary—in Tulare County it would only serve to duplicate what is already happening.	Recommendation 3B acknowledges that duplication of current collaborative efforts should be avoided.
Dana Mandolesi Honoring Emancipated Youth (HEY)	Local commissions already exist and would be duplicative if organized by the courts. “[L]arge-scale systems collaborations and network assessments should be the role of an intermediary, if they exist within a county, or a neutral third party, such as a meeting facilitator, community convener or nonprofit consultant.”	Recommendation 3B acknowledges that duplication of current collaborative efforts should be avoided. The commission believes the courts and human services agency should lead the commissions. Local commissions would be free to use consultants or meeting facilitators.
California CASA	Strongly urges the commission to include language in its final recommendation that specifically states that CalCASA and the local CASA organization be included as participants in the local commission process.	The commission decided not to list all possible agencies that should participate in the local commissions but instead to list the types of agencies and individuals that the presiding juvenile court judge and the county social services director may want to consider when they convene local commissions.

Recommendation 3C:

Courts, child welfare agencies, and other agencies should collaborate with Indian tribes and tribal courts to ensure that the rights of children, families, and tribes are protected and that Indian children and families have access to all appropriate services for which they are eligible.

Commentator	Comments—Recommendation 3C	Commission Response
Cassandra Brew Aunt Alameda County	There should be stiffer laws in place to ensure that children with a Indian heritage should only stay with the biological families, aunts, uncles, cousins and etc.	This suggestion goes beyond the scope of the commission’s charge.
John Nieman Assistant Director Santa Clara Juvenile Defenders	A nice thought, but it is entirely impractical (indeed, I'd almost say impossible) for ('local' and Tribal) courts to 'share' jurisdiction. That being said, just because a tribal court has jurisdiction over a case should not mean that access to resources available to the local County Superior Court and Child Welfare Agency is diminished in any way.	Recommendation 3C was modified to suggest that Indian children and families should have access to the same services as other families regardless of whether their cases are in state or tribal court.
Carole Greeley Attorney CADC Solano County	The AOC should work with California Indian legal Services and other experts in Indian law.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Pamela NFPCAR Director for NVNFPCAR Sparks, Nevada	Tribal Courts are an entity unto them and should be sovereign as such.	No response required
Kathryn L. Duran, Director UCRCoA El Dorado County	Accountability.	No response required.
Karissa Elizabeth Ann Lowell National Director National Chapter of The National Family Rights Party and Chapter Illinois	The Native American Community has their own tribal laws and courts, therefore, the State and Federal Government needs to stay out of their reservations and let the Native Americans resolve their own child abuse and neglect problems according to Tribal laws.	Most California tribes do not have tribal courts. For those that do have tribal courts, it is important that the state court and tribal court communicate to resolve any jurisdiction issues. See recommendation 3C.

Recommendation 3C:

Courts, child welfare agencies, and other agencies should collaborate with Indian tribes and tribal courts to ensure that the rights of children, families, and tribes are protected and that Indian children and families have access to all appropriate services for which they are eligible.

<p>Hon. William A. Thorne, Jr. Associate Presiding Judge Utah Court of Appeal Tribal Court Judge</p>	<p>There is a “tremendous difference in resources” available to Indian children because they are the “only children in the country not covered by Title IV-E.” And, there is a historical lack of trust in the system on the part of tribes. Keys to collaboration with tribes are (1) relationships (“in Indian country, nothing happens without a relationship”); (2) real participation and collaboration (“not just the consultations, but culturally appropriate partnerships”); (3) real involvement of tribes in administration, family and child involvement in cases, and tribal access to services; and (4) trained judges (active efforts and standards of the Indian community need to be trained).</p>	<p>The commission modified its recommendations in response to this suggestion. See recommendation 3C.</p>
<p>Jessica LePak UC Berkeley, MSW Candidate Management and Planning Intern</p>	<p>Ensure that all social workers are thoroughly trained on the Indian Child Welfare Act (ICWA) and that ICWA compliance is monitored.</p>	<p>The commission modified its recommendations to suggest that the AOC and the state Department of Social Services offer multidisciplinary training to social workers and others on ICWA. See recommendation 3C.</p>

Recommendation 4

In order to meet the needs of children and families in the foster care system, the Judicial Council, Congress, the Legislature, the courts, and partnering agencies should give priority to children and their families in the child welfare system in the allocation and administration of resources, including public funding—federal, state, and local—and private funds from foundations that support children’s issues.

Commentator	Comments—Recommendation 4	Commission Response
Mary F. Allred Board Member Riverside County Mental Health	If MHSA (Prop 63) funds are to be used it cannot dominate the use of those funds for TAY and excluding other age groups.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Pamela NFPCAR Director for NVNFPCAR Sparks, Nevada	If foster care is to exist, there is not enough money that can be given to these families for what foster parents do -- and, they should enjoy free attorney representation for when DSS decides their family is next in line for devastation and persecution.	The commission amended its recommendations to suggest an increase in foster care rates and funding for statewide legal and informational support for caregivers. See recommendation 4D.
Kathryn L. Duran, Director UCRCOA El Dorado County	Accountability	No response required.
Susan Marsh Director Focus for Tomorrow Riverside County	More money will not fix the broken system we call Child Protective Services. CPS workers follow no laws or rules. There are no checks and balances. No one oversees this agency. Who will implement these recommendations?	The commission will be developing an implementation plan. Different entities will be responsible for implementing various recommendations.
Christi Howarth Parent/Teacher Placer County	Why can't the court work with agencies to provide funding to the parents to support their own children, rather than give funds to a foster parent?	This suggestion goes beyond the scope of the commission's charge.
Dorothy Knightly Grandmother and Family Rights Activist Nashua, New Hampshire	Priority should be given to the families before foster care placement.	The commission agrees—this is current law.
Meichelle Arntz, ED Angels Foster Care of Santa Barbara County	We must be careful not to throw money into systems that are ineffective. Because it will not improve outcomes unless the funded systems are effective.	No response required.

Recommendation 4

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<p>Bert Bresticker Administrative Law Judge Department of Social Services Los Angeles</p>	<p>Juvenile Court may become more proactive in insuring timely Youakim, AAP, state Foster Care, KinGAP funding programs (or CalWORKs if the more appropriate programs fail) by familiarizing itself with the funding requirements and eligibility criteria for each of these programs, thus insuring that early upon Court involvement, county agencies are processing appropriate funding for dependent children and their caregivers.</p>	<p>This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.</p>
<p>Albert Braden San Mateo County</p>	<p>Again, the problem is not a lack of resources, it is an excess of children in foster care. The number of children placed in foster care should be significantly reduced.</p>	<p>The commission agrees with the goal of reducing number of children in foster care but disagrees that lack of resources is not a problem. See recommendation 1A.</p>
<p>Myrna Fernandez NANA San Mateo County</p>	<p>When there is funding included where it concerns our children, we have a nationwide problem here. It’s not only the foster children who die every day, but when you place a child who should not have been removed from their loving homes in the first place, that child also is further at risk of being abused again. Statistics show already this information. Start taking a deeper look at who is really controlling the government here!</p>	<p>No response required.</p>
<p>Robert C. Fellmeth Price Professor of Public Interest Law, University of San Diego School of Law Director, Children’s Advocacy Institute</p>	<p>Urges that the family foster care rate be increased because those families are potential adoptive parents of the children. Also, more resources should be put into transition. “These kids are falling off the cliff.”</p>	<p>The commission has modified its recommendations in response to this suggestion. See recommendations 1B concerning extending the age of foster care to 21 and 4D suggesting an increase in foster care rates.</p>
<p>County Welfare Directors Association of California</p>	<p>Strongly supports this recommendation, but would modify slightly to ensure that services, and priority for services, are provided for all children and families served by child welfare and include prevention, early intervention, as well as aftercare.</p>	<p>The commission has modified its recommendations in response to this suggestion. See introduction to recommendations 4 and 4D.</p>
<p>Roger Schlafly Santa Cruz County</p>	<p>Fears that recommendations will be read as just lobbying for more tax money.</p>	<p>No response required.</p>
<p>Eugene R. Moore Alameda County</p>	<p>Disagrees with “misdirected funds” that build magnificent buildings for social workers to work in when funds should be directed more efficiently—hiring more social workers, judges, attorneys, mobile</p>	<p>No response required.</p>

Recommendation 4

In order to meet the needs of children and families in the foster care system, the Judicial Council, Congress, the Legislature, the courts, and partnering agencies should give priority to children and their families in the child welfare system in the allocation and administration of resources, including public funding—federal, state, and local—and private funds from foundations that support children’s issues.

John Davis Tulare County Health & Human Services Agency	Need to address “chronic pandemic under-funding” in the poorest rural counties.	The commission agrees that the foster care system is under-funded, but believes that the distribution formula to county welfare agencies is outside the scope of the commission’s charge.
Superior Court of San Bernardino Court	Emphasized that implementation of the recommendations will be impossible without additional resources.	The commission agrees that additional resources will be needed.
Children’s Advocacy Institute San Diego County	Proposes two new recommendations on increasing foster care payments and setting aside MHSA revenue.	The commission has modified its recommendations in response to this suggestion. See recommendation 4D regarding increasing foster care rates. The commission does not believe that setting aside Mental Health Services Act revenue is politically feasible.

Recommendation 4A:

The Judicial Council should urge Congress, the state Legislature, and state and local agencies— including agencies and organizations that provide health, mental health, education, substance abuse, domestic violence, housing, employment, and child care services —to prioritize the delivery and availability of services to children and families in the child welfare system.

Commentator	Comments—Recommendation 4A	Commission Response
Martha Kendall Winnacker Attorney Alameda County	Emphasize that services are to children AND families.	No response required.
Hon. Sue Alexander Commissioner Superior Court of Alameda County	Place a strong focus on prevention and identify the funds saved in placement and treatment when used for prevention.	The commission agrees. See recommendations 1A concerning prevention services and 4B concerning reinvestment of savings.
Andrew Cain, Senior Attorney Legal Advocates for Children and Youth Santa Clara County	Recommendation 4C mentions the need to provide reliable funding for participation in independent living programs. We suggest a thorough review of funding sources for all county Independent Living Programs. Experience suggests that these programs are woefully under-funded and inconsistently delivered to foster youth. In addition, youth living in out-of-county placements frequently have trouble accessing these programs as a result of confusion over funding and eligibility. Streamlined regulations and increased financial resources would alleviate this problem and allow these programs to provide more varied and high-quality curricula, thereby increasing participation and the odds that youth will enjoy successful adult outcomes.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Pamela NFPCAR Director for NVNFPCAR Sparks, Nevada	This simply perpetuates a System that needs eradication = DSS	No response required.
Kathryn L. Duran, Director UCRCoA El Dorado County	Truth and Accountability.	No response required.

Recommendation 4A:

The Judicial Council should urge Congress, the state Legislature, and state and local agencies— including agencies and organizations that provide health, mental health, education, substance abuse, domestic violence, housing, employment, and child care services —to prioritize the delivery and availability of services to children and families in the child welfare system.

<p>Karissa Elizabeth Ann Lowell National Director National Chapter of The National Family Rights Party and Chapter Illinois</p>	<p>The National Chapter of The United Family Rights Party and National Chapter of The United Family Rights Association recommend that California doesn't look for government help with implementing community services. We recommend that the State of California use their own economical resources to establish and maintain these services for families so that they don't become a CPS statistic.</p>	<p>The commission declines to modify. Under existing law, federal, state, and local governments each play an important role in funding the foster care program.</p>
<p>Susan Marsh Director Focus for Tomorrow Riverside County</p>	<p>Money doesn't solve all problems.</p>	<p>No response required.</p>
<p>Diane V. McKenzie CASA Voices for Children San Diego County</p>	<p>The waiting list for mental health needs to shorten to within hours, not days or months, for both children and parents</p>	<p>The commission agrees that there are not enough mental health services for children and families. See recommendation 1A and 4A.</p>
<p>Myrna Fernandez NANA San Mateo County</p>	<p>You do not mention here what it is these children go through when they are placed with abusive surrounding. THEY ARE FURTHER ABUSED! DRUGS are given to these children. \$\$\$\$\$\$\$\$ from both state and federal funding for all social workers involved in one C.P.S. case and the judges, etc. make money galore.</p>	<p>No response required.</p>
<p>Bonnie Armstrong Director of Strategic Consulting Casey Family Programs Los Angeles County</p>	<p>Supports recommendation 4A to ensure priority to youth, children, and families in the foster care system. Noted (1) it is better to use existing programs that are available to other populations, rather than create isolated programs only for foster youth, and (2) to improve employment outcomes for foster youth they need career development and employment preparation. Urges the commission to incorporate career development and employment in Recommendation 4A. Also notes the importance of tending to the mental health needs and post-traumatic stress disorder occurrence in the foster care population by providing appropriate support and treatment.</p>	<p>The commission agrees that career development, employment preparation and mental health care are important services for the foster care population. All are included in recommendation 4A.</p>

Recommendation 4A:

The Judicial Council should urge Congress, the state Legislature, and state and local agencies— including agencies and organizations that provide health, mental health, education, substance abuse, domestic violence, housing, employment, and child care services —to prioritize the delivery and availability of services to children and families in the child welfare system.

County Welfare Directors Association of California	Supports this recommendation and suggests adding that the agencies and courts also report annually on the known outcomes of these services, any barriers to access services, and recommendations to improving services for children and families. Such information would help guide policy makers when discussing services and gaps for those served by child welfare.	The commission acknowledges the value of reporting as suggested but is concerned that there are significant obstacles to implementation. This issue should be explored further when developing an implementation plan.
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Recommendation 4B (Now 4C):

No child or family should be denied services because it is unclear who should pay for them. Funding limitations that prohibit or delay the delivery of services to children and families should be addressed through coordinated and more flexible funding.

Commentator	Comments—Recommendation 4B (Now 4C)	Commission Response
Ana Espana Supervising Attorney Office of Children's Counsel San Diego County	Parents should not be required to pay for services during reunification. Even "sliding scale" payment options often do not account for the many financial responsibilities of these families, including but not limited to, having to provide financial assistance for two or more households because of a parent being required to move out of the family home for a time, or to assist relatives who are caring for children who have been removed.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Pamela NFPCAR Director for NVNFPCAR Sparks, Nevada	Why would we want to give *more money* to a System that already gets paid back from the birth parents and children in care, themselves? What is wrong with this picture? With the \$100's millions every year, a System should be able to operate off the interest, only.	No response required.
Kathryn L. Duran Director UCRCoA El Dorado County	Accountability. Again, the Commission is recommending policies that are already supposed to be in practice. The Judicial Council does not do it now and will not do it in the future unless the agencies that are in control of this entire system begin to be held accountable.	No response required.
Karissa Elizabeth Ann Lowell National Director National Chapter of The National Family Rights Party and Chapter Illinois	There will always be barriers between the states and the federal government. The state should work on keeping families together, work with the state government for funding to keep much need services funded for all families.	The commission agrees that the child welfare system should work on keeping families together when appropriate. See recommendation 1A.
Susan Marsh Director Focus for Tomorrow Riverside County	The children should receive needed services without delay	The commission agrees in principle. See recommendations 1A and 4C.
Bert Bresticker Administrative Law Judge Department of Social	Foster Care funding programs are difficult to understand with arcane eligibility criteria because of the constraints set out under federal law in Title 4E of the Social Security Act. The public policy underpinnings of the Adoption and Safe Families Act are mainly	The commission agrees that relative caregivers should be encouraged and that barriers to supporting them should be removed. See recommendation 1B.

Recommendation 4B (Now 4C):

No child or family should be denied services because it is unclear who should pay for them. Funding limitations that prohibit or delay the delivery of services to these children and families should be addressed through coordinated and more flexible funding.

<p>Services Los Angeles</p>	<p>concerned in promoting long-term care in safe and appropriate homes. However, ASFA has also created many roadblocks to timely funding. It is critical that the Court and stakeholders have a grasp of the criteria needed to insure timely funding, which also promote the intention of ASFA by insuring dependent children and caregivers have appropriate resources. In my experience, it appears that licensed family foster homes have become a rarity, while relative caregivers have become the norm. Most relative caregivers do not know how to secure foster care funding and meet the eligibility criteria, in the same manner as licensed FFH staff may.</p>	
<p>Myrna Fernandez NANA San Mateo County</p>	<p>Stop the damn funding!</p>	<p>No response required.</p>
<p>Alan Pardini Senior Advisor The League of California Community Foundations</p>	<p>Very pleased with BRC recommendations and working hard to take on community foundation share of responsibility for foster care issues. The League of Community Foundations and the community foundations stand ready to support the commission’s work. Sees their primary work in the areas of recommendations 4B, 4C, and 3B.</p>	<p>The commission looks forward to community foundations taking on a greater role in assisting foster children.</p>
<p>Hon. Patrick E. Tondreau and Hon. Katherine Lucero Superior Court of Santa Clara County</p>	<p>An entire paradigm shift must occur to allow use of more than 10% of federal funding for prevention and reunification of families.</p>	<p>The commission agrees. See recommendations 1A and 4B.</p>
<p>Department of Behavioral Health San Bernardino County</p>	<p>In addition, there should be a mechanism for the compensation for the provision of mental health indirect services for court dependents—activities relevant to the quality of care provided to foster children/youth. The state should create a JCBHS (Juvenile Court Behavioral Health Services) in each county to address the psychotropic medication needs of foster care children/youth.</p>	<p>This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.</p>

Recommendation 4C (Now 4E):

The Judicial Council, the executive and legislative branches of federal and state governments, local courts, businesses, foundations, and community service organizations should work together to establish a fund to provide foster youth with the money and resources they need to participate in extracurricular activities and programs to help make positive transitions into adulthood.

Commentator	Comments—Recommendation 4C (Now 4E)	Commission Response
Martha Kendall Winnacker Attorney Alameda County	Critical to reduce movement of foster youth between schools.	The commission agrees. See recommendations 1A and 4F concerning placement and school stability.
Mary F. Allred Board Member Riverside County Mental Health	You must look closely at the expenses involved in this program. There is not enough funding for many programs available to warrant wasting money in the program. If the State of California had a balanced budget and could afford to provide extras we could pay for those frills, but not right now.	Recommendation 4E seeks private funding and community support for “our” children to have the same access to extra-curricular activities as other children.
Ana Espana Supervising Attorney Office of Children’s Counsel San Diego County	It has been our dream that every age-appropriate foster youth be offered the opportunity to participate in extra-curricular activities. Social worker reports should include a statement describing the activities the child is involved in, and if the child is not involved, to explain why not. We should provide training as to the value and necessity of extra-curricular activities. It needs to be made clear (although it is sad that it isn’t obvious) that extra-curriculars not only normalize the lives of children, but help to build character, discipline, and life passion. All of these traits will help increase children’s productivity in life. It should be noted that lack of money is not always the barrier. Many care providers who do not have their kids in activities simply won’t make the time or effort, or don’t recognize that it is important. This needs to change. While there are scholarships, camperships, etc. available to youth, it is often the motivation by caregivers that appears often to be lacking.	Recommendation 4E seeks private funding and community support for “our” children to have the same access to extra-curricular activities as other children.
Kelly Y. Reiter Attorney Family & Children’s Law Center Marin County	Must add monies for tutoring. 99% of all children entering foster care are behind in school.	The commission agrees that the schools should provide all appropriate educational services to foster children and that funding be provided to provide these services. See recommendation 4F.

Recommendation 4C (Now 4E):

The Judicial Council, the executive and legislative branches of federal and state government, local courts, businesses, foundations, and community service organizations should work together to establish a fund to provide foster youth with the money and resources they need to participate in extracurricular activities and programs to help make positive transitions into adulthood.

Wayne Morrow Senior Attorney LADL 2 Monterey County	Many of the parents who find themselves involved in dependency proceedings are either ex-foster kids or folks from impoverished families and communities. These parents need the same types of opportunities to see and do more than what has been their norm. □	This suggestion goes beyond the scope of the commission's charge.
Jennifer, MSW DHHS Sacramento County	Absolutely, our kids miss out!!!	No response required.
Leslie Scott Guidance Counselor San Diego Unified School District	This is one of the most important aspects of health, emotional, and behavior development. Children expand their thinking when they are among individuals that are not a part of the system they are governed by i.e. the foster care system. They have the opportunity to become more civic minded.	No response required.
Pamela NFPCAR Director for NVNFPCAR Sparks, Nevada	Extra anything in the hands of corruption does no good. Let's see, maybe if there is not enough money for this, DSS needs to check their worker's pockets for Gift Cards they steal from the kids.	No response required.
Kathryn L. Duran, Director UCRCoA El Dorado County	Yes this is already in place. Once they make the procedures that will eliminate the barriers, who is going to hold the social worker responsible for informing the foster parents?	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Karissa Elizabeth Ann Lowell National Director National Chapter of The National Family Rights Party and Chapter Illinois	Children in foster care and partnering agencies have access to reliable funding to support their access to extracurricular activities and transitional programs. These activities should include music and dance lessons, sports, school events, and independent living activities; All the above named activities should not be funded by The State, County, and tax payers should not be made to pay for these frivolous activities of children who have been placed into foster care rather than kept within their own homes so their parents could pay for all the extracurricular activities and transitional programs named above.	Recommendation 4E seeks private funding and community support for "our" children to have the same access to extracurricular activities as other children.

Recommendation 4C (Now 4E):

The Judicial Council, the executive and legislative branches of federal and state government, local courts, businesses, foundations, and community service organizations should work together to establish a fund to provide foster youth with the money and resources they need to participate in extracurricular activities and programs to help make positive transitions into adulthood.

Susan Marsh, Director Focus for Tomorrow Riverside County	As this is the main goal of Focus for Tomorrow I A 100%. Children in foster care should not feel less, should not suffer because of parents involvement with the system or the systems failure.	No response required.
Christi Howarth Parent/Teacher Placer County	Again, why can't the courts work with organizations to provide these opportunities to the parent instead of a foster parent?	Recommendation 1A advocates for greater efforts to prevent foster care.
Dorothy Knightly Grandmother and Family Rights Activist Nashua, New Hampshire	Families should have access to prevent foster care placement.	Recommendation 1A advocates for greater efforts to prevent foster care.
Bert Bresticker Administrative Law Judge Department of Social Services Los Angeles	As important as these activities may be for a well rounded dependent child, first, it is critical to get the Court to recognize the need for immediate funding upon placement to insure the necessities are met.	No response required.
Diane V. McKenzie CASA Voices for Children San Diego County	"Normal" teenage activities must be allowed and fostered. Attending school dances, dating on some level and especially access to sports. Because of "transportation" issues every child I had as a Casa could not participate in after school or community sports because there was no one from the group or foster home willing or able to provide the transport.	No response required.
Kenny Woo Investigator Citizens Commission on Human Rights Santa Clara County	Don't really need more money.	The commission believes that the foster care system does not have enough resources to meet legal mandates.

Recommendation 4C (Now 4E):

The Judicial Council, the executive and legislative branches of federal and state government, local courts, businesses, foundations, and community service organizations should work together to establish a fund to provide foster youth with the money and resources they need to participate in extracurricular activities and programs to help make positive transitions into adulthood.

Albert Braden San Mateo County	Reducing the number of children in foster care would not only make existing resources sufficient to provide activities for foster children, it would also allow higher-quality foster parents to be selected and the lower-quality foster parents could find other ways to make a living. Allowing foster parents to make a living by raising other people’s children is a dangerous and possibly unethical practice.	No response required.
County Welfare Directors Association of California	Supports this recommendation, but suggests adding an additional recommendation: Advocate for increasing foster care rates and supports to enable foster parents to care for their foster children.	The commission modified its recommendations in response to this suggestion. See recommendation 4D.

Recommendation 4D (Now 4F):

Educational services for foster youth and former foster youth should be expanded to increase access to education and to improve the quality of those services.

Commentator	Comments—Recommendation 4D (Now 4F)	Commission Response
<p>Ana Espana Supervising Attorney Office of Children’s Counsel San Diego County</p>	<p>The delivery of services also needs to be focused on the 0-3 population of foster youth. It is currently required that these children be referred to early intervention programs for assessment. If found eligible for these services, there must be follow-up to ensure children have been linked to and are receiving the services. Same should be true for children 3-5 who are eligible for preschool special education services. For children not eligible for special services, Head Start and/or other preschool options should be pursued for every foster youth. Also, all counties should actively recruit interested persons who are willing to hold education rights for children in foster care. While each court and agency should first look at relatives, mentors, care providers and others, unfortunately, on far too many occasions there are still children who have no one available to advocate on their behalf in education settings. Child welfare and the courts should work together to develop a list of persons willing to hold education rights. These persons should also be trained on education laws and foster youth issues. Perhaps this effort could be part of a family resource center described above.</p>	<p>This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.</p>
<p>Wayne Morrow Senior Attorney LADL 2 Monterey County</p>	<p>Most dependency parents need the same type of educational and job training support.</p>	<p>Recommendation 1A advocates for appropriate prevention services for parents.</p>
<p>Leslie Scott Guidance Counselor San Diego Unified School District</p>	<p>That it becomes mandated for foster parents to become involved in foster children’s care. And to get training on what actively participating in a foster child’s educational career looks like.</p>	<p>This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.</p>
<p>Charles Ferrari NFPCAR Tehama County</p>	<p>Why do we treat Foster Children as second class children???</p>	<p>No response required.</p>

Recommendation 4D (Now 4F):

Educational services for foster youth should be expanded to increase access to education and to improve the quality of those services.

Pamela NFPCAR Director for NVNFPCAR Sparks, Nevada	DSS simply pursues these children after-the-fact to repay services provided, thus putting undo burden on our young, already-traumatized adults. These service-receivers do not even know they will be pursued later for repayment to the system.	No response required.
Mary Parker Foster Parent FHSN Riverside County	Children should read, study and learn about everything important in their life, keep trying no matter how hard it seems, it will get easier.	No response required.
Kathryn L. Duran Director UCRCoA El Dorado County	I have been a foster parent for 15 years. There is no funding needed, no additional services needed. I received more than enough funding to pay for the care of these children. My children were involved in sports, extra-curricular activities, had stock market accounts. None of that mattered once a social worker was pissed off at me because I DARED to write a letter to her superiors. Was she held accountable for destroying my life and the children I cared for? Not at all...she committed perjury in a Juvenile Court hearing and not a single person cared. Again, accountability. Anyone who is begging for money for these "poor" foster kids needs to look again.	No response required.
Karissa Elizabeth Ann Lowell National Director National Chapter of The National Family Rights Party and Chapter Illinois	The National Chapter of The United Family Rights Party and National Chapter of The United Family Rights Association agrees in part. Foster child should be given the same education that non foster child are given. The state should not have to fund extra curriculum activities, but if the child is learning disabled they should have access to a tutor to ensure that they are able to keep up with their peers.	Recommendation 4E seeks private funding and community support for “our” children to have the same access to extra-curricular activities as other children.
Susan Marsh Director Focus for Tomorrow Riverside County	But do all these things without making the foster child feel like there is something lacking or wrong with them.	No response required.
Christi Howarth Parent/Teacher Placer County	I believe all these wonderful experiences and programs should be given to the natural parent first to assist them prior to gifting all these funds to the foster parent	No response required.
Susan Dorsey Executive Director CASA El Dorado	Including youth 18 to 21 years of age.	See Recommendation 1B.

Recommendation 4D (Now 4F):

Educational services for foster youth should be expanded to increase access to education and to improve the quality of those services.

County		
Diane V. McKenzie CASA Voices for Children San Diego County	Intervention must be early...at the beginning of the school years and early in the school semester. When a child is failing, mid-semester is too late to pull out. Again, transport was a big issue to arrange tutoring or any additional help.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Gabriele Burkard Program Officer California Community Foundation Los Angeles County	That schools be required to make learning disability testing and needed services more readily accessible to children in foster care....and that the entire system collaborate to fund the costs.	Recommendation 4F suggests that all foster children receive the educational services to which they are entitled.
Myrna Fernandez NANA San Mateo County	“WE HAVE A PROBLEM HERE WITH THESE SUGGESTIONS! NOTHING WILL BE SOLVED UNLESS YOU BEING TO LOOK DEEPER AT WHAT IS REALLY HAPPENEING HERE! HELLO?????”	No response required.
Michelle Lustig Foster Youth Services Coordinator San Diego Department of Education	Very grateful for BRC recommendation that Foster Youth Services grants be expanded to include children in kinship placements.	No response required.
Tony Thompson (Youth Speaker) Student California State University, Los Angeles	Applauds the investment in education for foster youth. “Luckily for me, instead of turning to gangs and drugs and violence, I turned to education. . . It is your train ticket to heaven, to paradise, to the netherworld.” But expressed concern about being turned out at age 18—urged more resources for aging out youth and more transition preparation services, including mentoring services.	See recommendations 1B concerning extending foster care until age 21 and providing services for youth aging out of the system and 4F concerning funding for college education.
National Center for Youth Law Oakland	Supports the commission’s emphasis on educational services for foster youth, but believes courts play a similar role in ensuring that children’s health and mental health needs are being met. Suggests the commission add language to Recommendation 4 emphasizing the importance of timely, effective health and mental health services to the well-being of children in foster care.	Recommendation 2 already emphasizes importance of court oversight over health, mental health, and other services.
County Welfare Directors Association of California	Suggests an additional recommendation: Expand the Guardian Scholars Program statewide to ensure all foster youth who attend college have access to free tuition, housing, and support services.	The commission modified its recommendations in response to this suggestion. See recommendation 4F.

Recommendation 4D (Now 4F):

Educational services for foster youth should be expanded to increase access to education and to improve the quality of those services.

Philip H. Robb, MSW, JD Retired Attorney/Social Worker San Bernardino County	Educational services for foster youth should include the automatic issuance of a public library card at the time each child comes under the jurisdiction of the juvenile dependency court.	This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.
Department of Children's Services, San Bernardino County	Children do not want to be identified as "foster youth" at school.	No response required.

Recommendation 4E (Now 4B):

States and counties should be given permission to use federal funding more flexibly. Flexible funding should be used to address the needs of children and families in a timely manner that recognizes the child’s developmental needs and relationship with his or her parents, guardian, and extended family. The commission supports key financial recommendations of the Pew Commission on Children in Foster Care and encourages innovative funding strategies at the federal, state, and local levels of government.

Commentator	Comments—Recommendation 4E (Now 4B)	Commission Response
Cassandra Brew Aunt Alameda County	Ensure that social workers have not violated any rights of the family before providing bonuses. Our case worker was so eager to get a lighter caseload that she violated my rights as the Aunt and our families’ rights by submitting false reports to the court which lead to the immediate removal of my nephew. There needs to be some checks and balances in place where the court will prosecute social workers when children or their families’ rights have been violated under the law.	No response required.
Mary F. Allred Board Member Riverside County Mental Health	We should not be double billing the state and the federal government for services. They already pay more to provide services to youth and cut the monies for adult services. This is horribly unfair. There absolutely should be no elimination of income limits for eligibility. If someone is making a good income they should pay for the services provided.	Funding for foster care services is state and federal under existing law. The commission supports the Pew Commission recommendation that income limits for title IV-E eligibility should be eliminated. See recommendation 4B.
Hon. Sue Alexander Commissioner Superior Court of Alameda County	Bonuses also for implementing promising practices for intervention prior to removal. Clarify that lighter cases loads are not because thresholds for involvement set too high.	These suggestions are more applicable to the implementation process and will be considered during the development of an implementation plan.
Janet G. Sherwood Attorney Law Offices of Janet G. Sherwood Marin County	Incentives should be for timely permanency, including reunification. The lack of timeliness in providing reunification services, in concurrent planning, in searching for relatives, in notifying tribes, and in holding disposition and review hearings in a timely manner adversely impacts children, sometimes for the rest of their lives. Incentives should be for doing it right the first time and doing it timely manner.	This suggestion goes beyond the scope of the commission's charge. Beyond the scope of Pew Commission recommendations review.
Ana Espana Supervising Attorney Office of Children’s Counsel San Diego County	Perhaps this is already available, but we’d suggest reporting requirements for care providers be available that show how foster care dollars have been used. This would promote accountability for the funds as well as decrease the ability for anyone to use these dollars for personal gain rather than the benefit of the children in	Reporting requirements for foster care providers is beyond the scope of the commission’s charge.

Recommendation 4E (Now 4B):

States and counties should be given permission to use federal funding more flexibly. Flexible funding should be used to address the needs of children and families in a timely manner that recognizes the child’s developmental needs and relationship with his or her parents, guardian, and extended family. The commission supports key financial recommendations of the Pew Commission on Children in Foster Care and encourages innovative funding strategies at the federal, state, and local levels of government.

	<p>their care. We are also concerned with the number of adoptions that have backfired and children who are "given back" to the system after a failed adoption. We’ve also had adoptive children come back into the dependency system due to abuse and/or neglect by their adoptive parents. We need to be more careful about who we choose to adopt our youth. It is not enough that they offer food and a roof. They must be homes where there is love and nurturance, and an understanding of what it takes to help a child become a productive citizen.</p>	
<p>Jennifer, MSW DHHS Sacramento County</p>	<p>Hire more Social Workers.</p>	<p>Recommendation 2D supports more resources for social workers.</p>
<p>Charles Ferrari NFPCAR Tehama County</p>	<p>“As a Final Note All Agencies Must be held accountable. Here is a link I would like to offer. Even though, it is derived from views of Foster Parents, it is applicable to all parents. It may seem unbelievable, but 80% of Allegations, supposedly Child Abuse have been false when all the information was gathered. All your recommendations will not work, if the boundaries of agencies can not work, and the power struggle continues... So for your consideration please go to fpreform.org and click on OUR Concerns. And thank you for listening.”</p>	<p>No response required.</p>
<p>Pamela NFPCAR Director for NVNFPCAR Sparks, Nevada</p>	<p>“Subsidies supplied through DSS are constantly up for "re-negotiation" which amounts to pressure on the family to lower (not increase) the subsidy funds they receive. "No money" is not in the best interests of the child. Undue pressure is applied with the threat of removal of children hanging over parents’ heads to cooperate. DSS does what they want, when they want and how they want using the implied threat that (evilly) children will be removed from the family for compliance to DSS wishes.”</p>	<p>No response required.</p>
<p>Kathryn L. Duran Director UCRCoA El Dorado County</p>	<p>The funding needs to be cut for social services. That funding needs to be provided to law enforcement agencies who can be held accountable for false accusations. A very LIMITED funding should be supplied to social services and social workers should be held accountable for the jobs they are required to do.</p>	<p>The commission believes that the foster care system does not have enough resources to meet legal mandates.</p>

Recommendation 4E (Now 4B):

States and counties should be given permission to use federal funding more flexibly. Flexible funding should be used to address the needs of children and families in a timely manner that recognizes the child’s developmental needs and relationship with his or her parents, guardian, and extended family. The commission supports key financial recommendations of the Pew Commission on Children in Foster Care and encourages innovative funding strategies at the federal, state, and local levels of government.

Susan Marsh Director Focus for Tomorrow Riverside County	Make the agency accountable for the money they already get. Giving CPS more federal money when they currently misuse the money they get is not the answer. Accountability and checks and balances are crucial.	No response required.
Christi Howarth Parent/Teacher Placer County	Bonuses when the state demonstrated reunification with the natural birth parent with all the wonderful services outlined above for the designated to the foster parent. MUST PROVE REUNIFICATION IS REALLY A PRIORITY	Recommendation 1A advocates for greater prevention services.
Dorothy Knightly Grandmother and Family Rights Activist Nashua, New Hampshire	No incentive money should be given until the caseworker helps the family. For each family kept together, give incentive money or bonuses. No Federal Adoption Assistance.	No response required.
Bert Bresticker Administrative Law Judge Department of Social Services Los Angeles	Absolutely, as to the elimination of income limits for Youakim funds. In essence, before a child may be deemed federally eligible, it must be established that the child be deemed "linked" to the form AFDC program as it existed in July 1996. This takes the form of requiring the child be "deprived" of a bio parent in the month of removal, and that the bio parents meet specific income limits. This linkage issue has been the subject of many court battles and federal changes in the law (see Rosales and the DRA of 2005). Congressional assistance will be needed to address this problem.	No response required.
Nancy Goodban, Owner Nancy Goodban Consulting San Mateo County	Add bullet: “address barriers to service and program coordination including more flexible use of funds at the local level”	The commission modified its recommendations in response to this suggestion. See recommendations 1A and 4B.
Stefanie Sacramento County	Families caring for kin foster children should receive the same financial support as non-relative foster parents!	The commission modified its recommendations in response to this suggestion. See recommendation 1B.

Recommendation 4E (Now 4B):

States and counties should be given permission to use federal funding more flexibly. Flexible funding should be used to address the needs of children and families in a timely manner that recognizes the child’s developmental needs and relationship with his or her parents, guardian, and extended family. The commission supports key financial recommendations of the Pew Commission on Children in Foster Care and encourages innovative funding strategies at the federal, state, and local levels of government.

<p>Marlene Blake Grandmother Child Protective Services Los Angeles County</p>	<p>“Grandparents that already have a significant relationship to the children should have god given rights first even if the parents disagree my daughter gets my precious g-baby taken from cps and she is on heavy drugs and I have been the baby’s caregiver since birth and they listen to her before me what a system.”</p>	<p>No response required.</p>
<p>Myrna Fernandez NANA San Mateo County</p>	<p>There should no Federal adoption assistance being given when a child is being kidnapped from a loving parent. No fundingPERIOD!</p>	<p>No response required.</p>
<p>David Sanders Executive Vice President of Systems Improvement Casey Family Programs</p>	<p>Notes the Commission’s reference to reinvesting federal dollars and looking at federal funding flexibility. Suggests “that it is equally important to look at reinvesting state and local dollars back into the system to support prevention and early intervention efforts and to increase funding flexibility.”</p>	<p>The commission modified its recommendations in response to this suggestion. See recommendations 1A and 4B.</p>
<p>Bonnie Armstrong Director of Strategic Consulting Casey Family Programs Los Angeles County</p>	<p>Underscored the importance of public-private partnerships with philanthropy. “They really can extend the reach of the public sector’s work. We can fill gaps that public dollars cannot fill. We can make innovation easier. . . [T]he California Child Welfare Fund offers us the opportunity not only to leverage each other’s dollars, but also to use philanthropic dollars to draw down more federal funding.” Urged the Commission to work with the federal government to convince it that these partnerships are a good idea, not a threat. Working with DCFS in LA for a Title IV-E waiver to improve outcomes for children and families.</p>	<p>This suggestion is more applicable to the implementation process and will be considered during the development of an implementation plan.</p>
<p>Lisa Parrish Deputy Director Los Angeles Department of Children & Family Services</p>	<p>Supports Recommendation 4E. Described LA 5-year Title IV-E demonstration project to provide flexibility in the use of IV-E funds to test the effect of innovative strategies to accelerate efforts to improve outcomes for children and families in Los Angeles. Expects reinvestment savings from reducing number of children entering foster care. Encourages the commission to continue pushing the federal and state governments to support and expand flexible financing projects. They are hoping under their waiver to develop incentive models to accelerate permanency.</p>	<p>No response required.</p>

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<p>Hon. Adam B. Schiff Member U.S. House of Representatives</p>	<p>On the federal level supports efforts to streamline the funding system so that states and localities can access them quicker, to the benefit of children. Problems are often compounded in cases where a child changes states or jurisdictions. Should allow states and localities to use funds in a more flexible manner, while ensuring they are going towards their intended purpose of helping foster children and families.</p>	<p>See recommendations 1A and 4B.</p>
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