JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
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Report

TO: Members of the Judicial Council

FROM: Blue Ribbon Commission on Children in Foster Care
Hon. Carlos R. Moreno, Chair
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DATE: August 15, 2007

SUBJECT: Blue Ribbon Commission on Children in Foster Care Interim Report
(Information Only)

Issue Statement

This report summarizes the activities of the California Blue Ribbon Commission on Children in Foster Care since its appointment on March 9, 2006. The report chronicles major commission activities and accomplishments during the past 17 months and describes the commission's plan for the future. A final report will be submitted to the council in 2008.

Background

On March 9, 2006, Chief Justice Ronald M. George established the California Blue Ribbon Commission on Children in Foster Care and appointed Associate Supreme Court Justice Carlos R. Moreno as its chair. The commission's charge is to provide 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.

The commission is a high-level, multidisciplinary body providing leadership on the issues that face our foster children and their families and the courts and agencies that serve them. A roster of commission members is attached at pages 7–10.

The establishment of the commission builds on recent Judicial Council efforts to improve the juvenile courts. These efforts include expansion of the Court Improvement Project to increase the number of training programs and to enhance development of data exchanges between the courts and child welfare agencies; expansion of the Judicial Review and

Technical Assistance (JRTA) 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 (DRAFT) 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 system of care, the Pew Commission on Children in Foster Care (Pew Commission) 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 William Frenzel and William Gray 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 multi-disciplinary, 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 between 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.

<u>Process/Approach</u>

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

1. The role of the courts in achieving improved outcomes for children and families;

2. Court collaboration with partner organizations and agencies; and
3. Funding and resource options for child welfare services and the courts.

Quarterly meetings
The commission has held six quarterly meetings. The meetings occurred in San Francisco (March, June, and September 2006), Monterey (December 2006), Sacramento (March 2007), and Riverside (June 2007). The meetings 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; and
- Achieving better results for children and families through collaboration between the courts and all agencies providing services to children and families.

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

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

- 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 a child's time spent 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.

Subcommittees have met separately and, on occasion, together with other subcommittees 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. These court performance measures will be circulated for comment in the winter 2007 rule cycle.

Collaborative efforts and accessibility

A guiding principle of the commission has been to ensure that its work is open and accessible to the public. Commission meetings are open, and the news media are made aware of the commission's meetings and events. In addition, meetings with local officials have been held in each of the communities that the commission has visited. At these meetings county supervisors and representatives from the court, social services, probation, Court Appointed Special Advocates, education, and mental health shared with Justice Moreno both their local concerns and strengths in serving children and families. They also advised Justice Moreno on recommendations they would most like to see the commission make.

The commission has sought to learn firsthand from those directly affected by the juvenile court. As part of two commission meetings (San Francisco and Riverside), site visits were made to a juvenile court and to a state women's prison. The commission also held a public hearing at the Capitol in Sacramento during which commissioners heard from foster youth, families, agencies, and court officials. In addition, the commission will hold focus groups for social workers, parents, and caregivers throughout the state in summer 2007 to learn their views on how the courts can improve child welfare outcomes. Staff will collect feedback from these stakeholder groups about their direct experiences with the court and their views on how the juvenile court can make improvements.

A summary of the key commission activities and events is attached at pages 11–13.

Issues Identified

Throughout the commission's work, the following issues have been identified:

- California is not always providing timely permanent placements to our children.
  - There are nearly 80,000 children in foster care in California.
  - Just over half of the children in foster care have been in care for more than two years.
- The child welfare and juvenile court systems are often overstressed and underfunded.

  - Fewer than 150 judicial officers preside over California's entire dependency court system.
  - Attorneys who represent parents and children in juvenile dependency court have caseloads ranging from a low of 131 to a high of 616. The average caseload statewide is 272. These high caseloads in many cases undermine attorneys' efforts to provide the best representation for their clients.
  - Social worker's caseloads are also too high to deal with the number of children and families in the child welfare system.
- Services are not provided to all children.
  - Currently, the vast majority of federal funding for services is available to assist vulnerable children in need only if the children are removed from and remain out of their homes. If efforts are made to maintain family ties and keep children with their parents in the home, those children may not be able to have access to physical, mental health, or education services that could keep them out of foster care.
- The court system does not always have access to critical information needed to make informed and comprehensive decisions.
  - Information and data exchange barriers inhibit the courts' receipt of key information regarding children and families from other agencies.
- The court system is not always a part of critical collaboration; even when collaborative efforts are initiated, persons holding critical leadership roles often rotate and invaluable systemic collaboration on local and statewide levels, is not institutionalized.
- Available funding streams are not maximized for the benefit of children and families.

Next Steps

The commission plans to meet in September, October, and December of this year. In September, the commission will gather information about the demographics of the children and families whom the courts serve, focusing on socioeconomic factors, race, and ethnicity. In October, the commission will begin discussing its recommendations. In December, the commission will continue discussing its recommendations and prepare tentative recommendations to be circulated for public comment.

Commission recommendations are expected to address the following issues; improving court performance and accountability; improving collaboration between the courts, child welfare agencies, education, and other agencies that provide services to children and families; developing automated systems that can exchange information to ensure that courts have the information they need to make informed decisions; and obtaining adequate and flexible funding for the courts and the entire child welfare system.

The commission will submit its tentative recommendations to the Judicial Council in spring 2008. The commission will also convene a statewide meeting to discuss these

recommendations and provide input to the commission, inviting courts to send local teams consisting of judicial officers, court staff, attorneys who represent parties in juvenile court, and representatives of child welfare and other agencies that provide services to children and families. Prior to submitting its final report to the council in summer 2008, the commission will also widely circulate the tentative recommendations for comment to interested federal, state, and local stakeholders.

Attachments

CALIFORNIA BLUE RIBBON COMMISSION ON CHILDREN IN FOSTER CARE

As of June 26, 2007

Hon. Carlos R. Moreno, Chair
Associate Justice of the
Supreme Court of California

Hon. Michael D. Antonovich
Supervisor
County of Los Angeles
Board of Supervisors
Fifth Supervisorial District

Ms. Mary L. Ault
Deputy Director
California Department of Social Services
Children and Family Services Division

Hon. Karen Bass
Member of the California State Assembly
47th Assembly District

Hon. Richard C. Blake
Chief Judge of the
Hoopa Valley Tribal Court

Mr. Lawrence B. Bolton
Deputy Director/Chief Counsel
California Department of Social Services

Mr. Curtis L. Child
Principal Consultant
Assembly Human Services Committee

Ms. Miryam J. Choca
Director
California Strategies
Casey Family Programs

Mr. Joseph W. Cotchett
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Mr. Michael S. Cunningham
Deputy Director
Program Services Division
Department of Alcohol and Drug Programs

Hon. Kathryn Doi Todd
Associate Justice of the Court of Appeal,
Second Appellate District, Division Two

Dr. Jill Duerr Berrick
Professor, School of Social Welfare, and
Codirector, Center for Child and Youth Policy
University of California at Berkeley

Hon. Leonard P. Edwards (Ret.)
Judge-in-Residence
Center for Families, Children & the Courts
Administrative Office of the Courts

Mr. Raul A. Escatel
Tax Counsel
California Franchise Tax Board

Ms. Deborah Escobedo
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CALIFORNIA BLUE RIBBON COMMISSION ON CHILDREN IN FOSTER CARE

As of June 26, 2007

Hon. Terry B. Friedman
Judge of the Superior Court of California,
County of Los Angeles

Mr. Robert E. Friend
Director
California Permanency for Youth Project

Hon. Richard D. Huffman
Associate Justice of the Court of Appeal,
Fourth Appellate District, Division One

Hon. Susan D. Huguenor
Presiding Judge of the Juvenile Court,
Superior Court of California,
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John Burton Foundation for
Children Without Homes

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Executive Director
L.A. Youth

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Mr. Ken Patterson
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Stanislaus County Community Services
Agency

Mr. Derek Peake
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CALIFORNIA BLUE RIBBON COMMISSION ON CHILDREN IN FOSTER CARE

As of June 26, 2007

Mr. Jonathan Pearson
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Mr. Gary C. Seiser
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San Diego County
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Mr. Alan Slater
Chief Executive Officer
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Mr. Joseph L. Spaeth
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Hon. Darrell S. Steinberg
Member of the California State Senate
Sixth Senate District

Hon. Dean T. Stout
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Superior Court of California, County of Inyo

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Former President pro Tempore of the California State Senate
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SUMMARY OF KEY ACTIVITIES AND EVENTS
Blue Ribbon Commission on Children in Foster Care

June 2006	**Youth Summit at Occidental College—**Commissioners participated in a two-day meeting of current and former foster youth, child welfare professionals, advocates, judges, legislators, and other decisionmakers in court. The summit focused on the critical need for youth participation in the development of permanency plans, and ways to empower and enhance the voice of youth in the child welfare and legal process.
August 2006	**California Youth Connection (CYC) Policy Conference—**Commissioners joined CYC at its annual policy conference, where they were presented with numerous public policy recommendations from this statewide advocacy association of foster youth and former foster youth.
September 2006	**Site Visit to the San Francisco Unified Family Court**—A site visit to San Francisco's unified family court served as the cornerstone of the commission's quarterly meeting. Commissioners toured the courtrooms and participated in a wide-ranging discussion with Judge Donna Hitchens.
December 2006	**"Fireside Chat" at the Beyond the Bench conference—** Commissioners joined attendees of the annual Beyond the Bench conference in Monterey for both conference proceedings and a special "fireside chat" with representatives of the state's three branches of government. At a special dinner session representatives from the state's executive, legislative, and judicial branches answered attendees' questions on various foster-care issues and shared their views on what is needed to continue California's current progress in improving foster-care outcomes.
January 2007	**Foster Youth Education Summit in Sacramento—** Commissioners attended a special summit on the education needs of foster youth, where they joined legislators in hearing preliminary recommendations from the more than 300 individuals in attendance.

March 2007	**Second National Judicial Summit on Child Welfare in the Courts—**Several commissioners joined AOC staff in attending a second national summit in New York City to focus on improving dependency courts and encouraging collaboration between state courts and child welfare agencies. Most states sent teams, consisting of high-level judicial representatives, court staff, and child welfare agency personnel, to the summit.
	Public hearing on the role of the courts in child welfare and legislative office visits by commissioners and staff— At its March quarterly meeting, the commission joined with legislators in a special public hearing on the role of the courts in child welfare. Testimony was taken from foster youth, parents, caregivers, agencies, and court officials—all of whom recommended ways in which courts can improve outcomes for children and families in the child welfare system. Commissioners also met with their local legislators to provide information on the commission and its charge.
May 2007	**Study trip to Utah and Colorado courts to examine performance measures and data linkages between the courts and child welfare—**Several commissioners joined AOC staff in a site visit to two states that have pioneered the use of data systems to monitor the progress courts are making on behalf of foster children. Commissioners have since shared key findings at respective subcommittee meetings that focused on this critical aspect of court performance.
June 2007	**Site visit to the California Institution for Women—**As part of the commission's June quarterly meeting, commissioners visited this women's prison to discuss issues relevant to foster children whose mothers are incarcerated and who visit the visitation center. The commissioners also toured the site of a future prison nursery for expectant mothers and newborns.

As chair of the commission, Justice Moreno has presented keynote addresses at these and other meetings and conferences:

- December 2006— Beyond the Bench Conference, Monterey

- February 2007—Legal Services for Children awards luncheon, San Francisco
- April 2007—County Counsels Association meeting, Child Welfare Study Section, Oakland
- May 2007—California Mental Health Advocates for Children and Youth annual conference, Monterey

OPERATIONAL FRAMEWORK

California Blue Ribbon Commission on Children in Foster Care

Summary of Commission Charge

The charge of the California Blue Ribbon Commission on Children in Foster Care is to provide 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.

The commission will fulfill its charge by focusing its recommendations in three key areas:

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

Commission Outcomes

The commission seeks to achieve the following outcomes as a result of its work:

- 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
- Improved court performance and accountability in achieving child welfare outcomes of safety, permanency, well-being and fairness
- Improved collaboration and communication between courts, child welfare agencies, and others, including the institutionalization of county commissions that support ongoing efforts
- Increased awareness of the role of the courts in the foster-care system and the need for adequate and flexible funding

Commission Principles and Values

The commission believes that:

- 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;
- Government agencies need adequate and flexible funding to provide the best outcomes for children in the foster-care system.

The commission values:

- Collaboration
- Shared responsibility
- Accountability

- Leadership
- Children and families
- Child safety
- Inclusion
- Permanency
- Youth voice

Commission Subcommittees

Four subcommittees support the work of the commission and will develop recommendations for the commission's consideration. The subcommittees and their areas of focus include:

- **Court Oversight**—Review 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.
- **Funding and Resources**—Consider measures to ensure that adequate resources are available to reach the goals for families set by the courts, child welfare agencies, and the commission.
- **Accountability for Better Outcomes**—Consider current and future initiatives to ensure accountability by courts and agencies throughout the foster-care system on both the local and state levels.
- **Case Management and Data Exchange Systems**—Explore case management and data needs in courts and agencies and effective communication and sharing of data between systems.

OVERVIEW

California Blue Ribbon Commission on Children in Foster Care

Nearly 80,000 children live in foster care in California, removed from their parents for reasons of abuse or neglect. For these children, the State of California in effect functions as their "parent" and is legally responsible for their safety, permanency, and well-being. Courts, child welfare agencies, and other government agencies share responsibility for these youth, all of whom deserve a permanent family and a system that treats them fairly.

The Need for Court Reform

In California, every child who enters or leaves foster care must come before a dependency court judge. Courts and the legal process oversee critical and often life-changing decisions in that child's life. Yet judges and lawyers face numerous obstacles in a system that does not always receive adequate support to ensure the best decisions for children and families. For example:

- Courts are understaffed and dockets are overcrowded. As a result, hearings may be rushed and courts may have only a matter of minutes to consider key decisions that affect children and families. Too often delays and continuances occur.

- Every child is assigned legal counsel, but because of high caseloads, children and parents may not be routinely involved in decisions that affect them. Foster youth sometimes do not meet their attorneys until the day of their hearing.

- Communication and information sharing with child welfare and other agencies working with families is challenging. Judges sometimes do not receive adequate information to make informed decisions.

Doing Better By California's Children in Foster Care

In 2006, Chief Justice Ronald M. George appointed a Blue Ribbon Commission on Children in Foster Care to provide recommendations on how courts and their partners can improve child welfare and fairness outcomes. Chaired by Associate Justice Carlos R. Moreno of the Supreme Court, the commission is charged with developing recommendations and an implementation plan covering three main areas. Areas of focus include:

- **Improved Court Performance and Accountability**
  - Manageable caseloads allowing sufficient time for more substantive hearings
  - Greater involvement of youth and families in decisions that affect their lives
  - More training for judges and attorneys
  - Better measures of progress in safety, permanency, well-being, and fairness

- **Improved Collaboration Among Agencies That Work With Families**
  - Streamlined communication and enhanced information sharing between courts, child welfare agencies, and education, public health, mental health, juvenile justice, and other relevant agencies

- **The Need for Adequate and Flexible Funding**
  - Flexible use of funds so that money can be used to support the services that families need when they need them
  - More funds for preventive services to help parents keep children in the home safely

The Blue Ribbon Commission meets quarterly and will present its recommendations to the Judicial Council in spring 2008. To learn more, visit *www.courtinfo.ca.gov/jc/tflists/bluerib.htm*.

FACTS AT A GLANCE

California Dependency Courts

Foster-Care Background

- Nearly 80,000 children in California are in foster care.
- Just over half of the children in foster care have been in care for more than two years.[i]

Dependency Court Hearings

- All children who enter or leave foster care come before a dependency court to determine if they will be removed from their homes and placed in foster care, if they will reunify with their parents, and where and when they will have permanent homes.
- The case of each child in foster care comes before a judge at least four times. Children in foster care for longer than a year experience at least two more appearances for each year they are in care.
- In 2004, the average time spent in a single hearing was approximately 10 to 15 minutes per case, well below recommended guidelines.[ii]
- Courts struggle to meet statutory hearing timelines. In a recent study, fewer than 25 percent of cases completed the jurisdictional hearing within 15 days of the detention hearing.[iii]

Judges, Attorneys, and Caseloads

- Fewer than 150 judicial officers preside over California's entire dependency court system.[iv]
- The average caseload per full-time dependency judicial officer is approximately 1,000.[v]
- Many judicial officers serve a relatively short period in dependency court. The average length of service is 2.8 years.[vi]
- Nearly 75 percent of judicial officers have prior professional experience in juvenile matters, usually as attorneys in juvenile court.[vii]
- Attorney caseloads in California counties range from a low of 131 to a high of 616. The average caseload statewide is 272, almost double the state-recommended 141 clients per attorney. The optimal caseload is 76.[viii]

Court Programs and Facilities

- Several state programs assist children and families through the court process.
  - About 10 percent of the children in foster care have a Court Appointed Special Advocate (CASA) who provides critical information about a specific child to a judge, enhancing the decisionmaking process.[ix]
  - Courts in 22 counties have juvenile dependency mediation programs that help resolve contested issues in a nonadversarial way.[x]
  - There are dependency drug courts in 26 counties to assist substance abusing parents in reunifying and/or maintaining custody of their children at home.[xi]
- Most California dependency courts do not have a designated place where children and families can meet with their attorneys or wait for their hearings.

[i] B. Needell et al., *Child Welfare Services Reports;*from University of California at Berkeley Center for Social Services Research, *2004.*

[ii] Administrative Office of the Courts, Center for Families, Children & the Courts, *California Juvenile Dependency Court Improvement Program Reassessment*, June 2005 (does not include trials).

[iii] Administrative Office of the Courts, Center for Families, Children & the Courts, *California Juvenile Dependency Court Improvement Program Reassessment*, June 2005.

[iv] *Juvenile Court Judicial Officers, 2006 Summary Data,* Administrative Office of the Courts, Center for Families, Children & the Courts**.**

[v] *Private Communication, Administrative Office of the Courts, Center for Families, Children & the Courts, Court Improvement Project, March 2007.*

[vi] Administrative Office of the Courts, Center for Families, Children & the Courts, *California Juvenile Dependency Court Improvement Program Reassessment.*

[vii] Administrative Office of the Courts, Center for Families, Children & the Courts, *California Juvenile Dependency Court Improvement Program Reassessment.*

[viii] *Dependency Counsel Caseload Study and Service Delivery Model Analysis,* June 2004; prepared for the Administrative Office of the Courts; by The American Humane Association Denver, Colorado; the Spangenberg Group, West Newton, Massachusetts.

[ix] *Private Communication,* Administrative Office of the Courts, Center for Families, Children & the Courts, Court Improvement Project, March 2007.

[x] *Private Communication,* Administrative Office of the Courts, Center for Families, Children & the Courts, Court Improvement Project, March 2007.

[xi] *Private Communication,* Administrative Office of the Courts, Center for Families, Children & the Courts, Court Improvement Project, March 2007.

CHRONOLOGY

California Dependency Courts

California has a rich history of judicial support for children and families going back to 1903, when the state's juvenile court was first established. This reverse chronology highlights key court events, laws, and activities involving issues of child welfare. It also relates California milestones to laws and funding from the U.S. Congress.

2006 Chief Justice Ronald M. George creates the California Blue Ribbon Commission on Children in Foster Care, a 42-member, multidisciplinary commission charged with making recommendations to improve court performance and accountability, to increase court collaboration with other agencies that serve foster children, and to address funding and resource options for child welfare services and the courts.

2006 Assembly Bill 2480 requires the Judicial Council to establish performance standards for juvenile courts and to specify when attorneys should be appointed for children on appeal.

2006 Congress establishes two new grants available to each state's Court Improvement Project. The first grant must be used to enhance data collection and analysis. The second grant must provide multidisciplinary training for judges, attorneys, and child welfare staff. These grants are given to the states for projects that improve juvenile courts.

2005 The Administrative Office of the Courts' (AOC) Center for Families, Children & the Courts (CFCC) Court Improvement Project releases the *California Juvenile Dependency Court Improvement Program Reassessment*, which provides a comprehensive review of California's dependency courts and makes recommendations for further improvements. The report is a follow-up to the first Court Improvement Project report, which was issued in 1997.

2005 In collaboration with the California Department of Social Services, CFCC initiates the Indian Child Welfare Act (ICWA) Project and the Permanency Project to provide education and technical assistance to local courts, child welfare agencies, attorneys, and others on ICWA compliance and new approaches to permanency for dependent children.

2004 The Judicial Council creates the Dependency Representation, Administration, Funding, and Training (DRAFT) pilot program, which focuses on improving the quality of attorney representation for parents and children in dependency cases by testing caseload standards, providing attorney training, adopting attorney performance standards, and improving attorney compensation.

2004 The Pew Commission on Children in Foster Care, a national, bipartisan panel of experts, issues a report with recommendations for improving the nation's foster-

care system, including expanding federal court improvement grants and strengthening court oversight of juvenile cases.

2001 Assembly Bill 636 requires the California Department of Social Services and the counties to measure and improve outcomes for children in California's child welfare system.

2001 The Judicial Council adopts a rule of court specifying that an attorney should be appointed unless the court finds that a child would not benefit. In those few cases in which an attorney is not appointed, a Court Appointed Special Advocate (CASA) must be appointed as the child's guardian ad litem.

2000 Senate Bill 2160 directs the Judicial Council to adopt a rule of court that specifies when an attorney should be appointed to be a child's guardian ad litem in juvenile dependency cases.

2000 The AOC creates the Center for Families, Children & the Courts through a merger of the AOC's Statewide Office of Family Court Services and its Center for Children & the Courts.

1998 Assembly Bill 2773 directs California to implement the federal Adoption and Safe Families Act (ASFA) and shortens time frames for reunification.

1997 The AOC creates the Center for Children & the Courts. Juvenile court projects, including the Court Improvement Project and the Judicial Review and Technical Assistance (JRTA) project, are part of the Center.

1997 The U.S. Congress adopts the Adoption and Safe Families Act, which emphasizes child safety and provides financial incentives to states to promote permanency planning and adoption.

1997 The AOC releases the *Court Improvement Project Report*, based on California's initial court improvement assessment that took place in 1995–1996. The report includes recommendations to improve California's juvenile court system. An improvement plan is created to implement the recommendations.

1995 The U.S. Department of Health and Human Services (HHS) establishes the Court Improvement Project. Congress created a grant program in 1994 in recognition of the courts' expanded role in achieving stable, permanent homes for children in foster care. Grants are made available directly to courts for court improvement programs.

1995 In collaboration with the California Department of Social Services, the AOC creates the Judicial Review and Technical Assistance project in response to California's failed Title IV-E audit in 1992. The JRTA team provides training and technical assistance to judicial officers, court staff, attorneys, and child welfare

department staff to improve compliance with Title IV-E requirements. California passes the subsequent Title IV-E federal audit, and the report cites the work of the JRTA project as a strength that contributed to the state's compliance.

1994 The 1994 Amendments to the Social Security Act authorizes HHS to establish Child and Family Services Reviews (CFSRs).

1992 California does not pass the Title IV-E federal audit of foster-care cases. Federal auditors determine that 39 percent of the cases reviewed were not eligible for Title IV-E funding, and California faces a potential sanction of $51.7 million.

1987 Senate Bill 243 implements recommendations from the Senate Select Committee on Children and Youth, which included termination of parental rights in juvenile dependency proceedings. The legislation also establishes a specific jurisdictional definition for court intervention. SB 243 was double-joined to a trial court funding bill, which made court-appointed counsel for parents and children a court cost rather than a county cost.

1982 Senate Bill 14 requires the state, through the California Department of Social Services and county welfare departments, to establish a statewide system of child welfare services.

1980 The Federal Adoption Assistance and Child Welfare Act provides a funding stream for out-of-home care and establishes a preference to maintain and reunify families.

1978 The Superior Court of Los Angeles County establishes the first Court Appointed Special Advocate (CASA) program in California. CASA provides volunteers to work with children in the dependency system and report to the court. In 1988, legislation encouraging the development of CASA programs in all counties was enacted. The Judicial Council was directed to provide grant funds to these programs.

1974 Federal Child Abuse Prevention and Treatment Act (CAPTA) mandates states to establish child abuse reporting laws, defines child abuse and neglect, and defines when juvenile courts can take custody of a child.

1961 Congress establishes foster-care payment under the Aid to Families with Dependent Children Program (AFDC) to help states pay for children who live in foster care.

1937 Prior California juvenile court law is rolled into the newly created Welfare and Institutions Code, creating a more fully developed mechanism for declaring a child free from the custody and control of his or her parents.

1930 The California Supreme Court holds that the juvenile court cannot withhold the custody of a child from his or her parents without a specific finding of abuse or neglect as required by the relevant statutes.

1909 Laws establish that a child has a right to a private hearing in dependency and delinquency matters and that a child cannot be taken from a parent or guardian without consent, unless the court makes a finding that the custodian is incapable of providing for the child properly or has failed or neglected to do so.

1903 California establishes its juvenile court. The law applies to children under 16 and defines dependent and delinquent children.

SAN FRANCISCO CHRONICLE

A case for reform

Carlos R. Moreno, Karen Bass
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On any given day, there are nearly 80,000 children in foster care in California, each removed from their homes because of neglect or abuse. Although most will be reunited with their parents, half of all children in foster care stay in placement for more than two years. Far too many languish in a "foster care limbo," moving from placement to placement, separated from siblings, friends and schools.

These are children who, through no fault of their own, are taken from all they know and thrown into a mysterious world of dependency courts, judges, attorneys and social workers.

These are California's children.

While they are in foster care, the state is responsible for their safety and well-being. Many of these children will come before the court at least four times, where a judge will make the most critical decision one can make about another -- where and with whom they are allowed to live.

These children deserve permanent, nurturing families and a positive future. But how effective are the systems we set up to support them? Do the decisions made on their behalf echo the concern and attention we offer our own children? Or, as we believe to be the case, are many of our courts and child welfare agencies so chronically overstressed that foster children sometimes fall between the cracks?

When hearings are delayed, children and families suffer. When hearings are delayed, the courts are not in compliance with the law. But with caseloads averaging 1,000 cases for judges and 270 for attorneys, delays are far too common.

To address these problems, Chief Justice Ronald M. George appointed a Blue Ribbon Commission on Children in Foster Care in 2006 and charged it with helping the courts improve outcomes for foster children and their families. At a public hearing at the Capitol on March 22, foster youth described being intimidated, confused and afraid in court. They received inadequate notice of their own hearings, did not understand legal procedures or language, and had too little time with their attorneys, sometimes meeting them only minutes before the hearing. They lacked transportation to hearings that were too often scheduled during the school day.

Parents described lack of access to their attorneys, difficulty understanding court proceedings and lack of coordination between criminal and juvenile courts when a parent is involved with issues such as substance abuse.

Foster parents and relative caregivers are often the adults who know a foster child best, yet they reported being told that they were not needed in court. Many did not even know they have a right to attend or to speak at the child's hearing.

Court officials, attorneys and judges expressed frustration with overcrowded dockets and the lack of information needed to make informed decisions.

We also heard what it is like when the system works the way it is supposed to work -- when a judge or attorney has time to hear the dreams of a child or the concerns of a parent, when court-ordered services make a difference in a family's life.

We owe our most vulnerable children fair, just and timely court experiences. We owe their parents, and their caregivers, too, hearings in which they can explain their problems and their need for help. Finally, we owe judges and court officials a system that allows them to do the work they are trained to do.

In the end, building a better system for children and families comes down to dedicating our collective efforts to provide effective representation and services, and clear priorities for how we use resources. The stories we hear in public hearings are a window into a system we have created -- one that we now pledge to rebuild. We are determined that the commission's recommendations -- due a year from now -- will be politically viable proposals.

Like the children in our foster care system, we have no time to lose.

Supreme Court Justice Carlos R. Moreno is chair of the California Blue Ribbon Commission on Children in Foster Care and a foster parent. Assembly Majority Leader Karen Bass is a commission member.

http://sfgate.com/cgi-bin/article.cgi?f=/chronicle/archive/2007/04/08/EDGEBOSDPB1.DTL

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Don't Turn Away

Agencies that help foster children should quit doing so in isolation

By CARLOS R. MORENO

The state of California supports nearly 80,000 foster children, each of whom comes before our dependency courts numerous times as his or her case progresses through the system.

It is no surprise that judges hear a lot of stories about trauma and separation, many of them heartbreaking tales of missed opportunities and lack of support from government agencies charged with helping these youths.

What is surprising is how many different agencies are involved with the same families -- and how infrequently they work together.

The system spans multiple problems and multiple agencies. When we fail to coordinate services and support, it is the children and families who suffer -- and the agencies that shoulder the expense of duplicated efforts. Yet fragmented services appear to be the norm. To cite just a few examples:

Severing Support

In California, youths who move from foster care into probation lose their child-welfare support and services. These young people still need help, perhaps more so than before.

Children who are removed from their parents are often separated from siblings, friends and schools in addition to the trauma and neglect that caused their foster-care placement in the first place. A recent California foster youth summit on mental health reported that fewer than half of foster children get the psychological help they so desperately need.

The Indian Child Welfare Act, passed in 1978, requires child-welfare agencies to work with tribes to place children in tribal communities. Yet half the Indian children in foster care are placed with non-Indian caregivers. There is little communication between child-welfare agencies, the courts and our state's tribes.

Judicial Overload

California's juvenile courts oversee all children in foster care, but the court system suffers from overload. Dependency court judges carry an average of 1,000 cases at a time. Attorneys, who work most closely with children and families in court, have an average caseload of 270, nearly twice the recommended caseload.

In some of the larger counties, including Riverside, that caseload rises to 600 or more. Regular rotation means juvenile judges usually serve less than three years, making it difficult to build expertise and provide leadership for a system facing so many challenges.

With such concerns in mind, Chief Justice Ronald M. George appointed a California Blue Ribbon Commission on Children in Foster Care in March 2006. He gave us two years to make recommendations to help the courts improve outcomes for foster children and their families.

Among our goals, this commission is determined to break down the barriers between the various agencies and tribes that must work together if we are to help families and children thrive. We came to Riverside County this month for our sixth quarterly meeting to see some promising programs in action.

The Riverside Tribal Alliance brings together Indian and child-welfare leaders in a partnership that focuses on better communication, early intervention and culturally appropriate services for Indian children and families.

Riverside County Superior Court Judge Elisabeth Sichel explained that the alliance had to bridge a "historical backlog of mistrust" in order to tackle issues such as recruiting more Indian foster homes, educating judges and social-services staff, and sharing data and real-time information on the well-being of Indian children.

Riverside is also pioneering an effort to focus on "dual jurisdiction" children who are under the supervision of both the probation and child-welfare systems. In the past, these agencies avoided one another, sometimes not speaking even when their offices were in the same building.

But now they are at the same table, recognizing that, as Riverside County Superior Court Judge Becky Dugan explained, "dual-status kids belong to all of us." Services should follow the child, especially when a foster child enters probation.

We visited the California Institution for Women and heard from incarcerated mothers whose children are in foster care. The Chino institution, in a public-private partnership with the Center for Children of Incarcerated Parents, is pioneering a series of prison-based and transitional programs to teach child development and help mothers bond with children so they can provide stable families when they leave prison.

Research shows that these programs lower recidivism when accompanied by substance-abuse treatment, an advantage for the children and for society.

Riverside County gave us a hopeful glimpse of what a collaborative system of care might look like. We will keep this vision in mind as we prepare our recommendations for spring 2008.

California Supreme Court Justice Carlos R. Moreno is chairman of the California Blue Ribbon Commission on Children in Foster Care. He is also a foster parent.