

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: Family and Juvenile Law Advisory Committee
Hon. Jerilyn L. Borack and Hon. Susan D. Huguenor, Cochairs
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DATE: October 16, 2008

SUBJECT: Juvenile Law: Juvenile Dependency Court Performance Measures (adopt Cal. Rules of Court, rule 5.505; approve *Implementation Guide to Juvenile Dependency Court Performance Measures*) (Action Required)

Issue Statement

The Child Welfare Leadership and Performance Accountability Act of 2006 (Welf. & Inst. Code, §§ 16540–16545)¹ requires the Judicial Council to adopt, through rules of court, juvenile dependency court performance measures. Currently, no such standardized measures exist for California’s juvenile dependency courts.

The *Implementation Guide to Juvenile Dependency Court Performance Measures*, a companion to proposed rule 5.505, contains detailed technical information on the performance measures. The guide is intended to give courts and Court Case Management System (CCMS)² developers the technical information necessary to implement proposed rule 5.505.

¹ The Child Welfare Leadership and Performance Accountability Act of 2006 (Welf. & Inst. Code, §§ 16540–16545) is at attachment B.

² CCMS is a statewide technology initiative to develop a uniform computer application for managing all case types in the courts. Thus far, lead courts around the state are deploying modules of the system for criminal, traffic, civil, small claims, and probate cases. The module for managing family and juvenile law cases (CCMS-V4) is currently in development. Progress on this module is moving forward in parallel with the development of specifications for juvenile dependency court performance measures so that the necessary functionality to produce performance measures can be designed into the system module. It is anticipated that CCMS will be fully implemented in all 58 counties by the end of 2012.

Recommendation

1. The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2009:
 - a. Adopt rule 5.505 of the California Rules of Court to establish juvenile dependency court performance measures in the areas of hearing timeliness, court procedures and due process, child safety, child permanency, and child and family well-being, and to establish related procedures; and
 - b. Approve the *Implementation Guide to Juvenile Dependency Court Performance Measures* to provide courts and developers of California's Court Case Management System with the necessary technical information to implement the juvenile dependency court performance measures specified in proposed rule 5.505.
2. The Family and Juvenile Law Advisory Committee further recommends that the Judicial Council:
 - a. Direct the Family and Juvenile Law Advisory Committee and the Administrative Office of the Courts to review the implementation of rule 5.505 in the trial courts during calendar year 2012, or as soon thereafter as CCMS-V4 is operational in 10 or more courts. Such review will include consultation with the Trial Court Presiding Judges and Court Executives Advisory Committees and obtaining information from courts about any resource limitations that affect their ability to comply with the data gathering, data entry, or other requirements of rule 5.505; and
 - b. Direct the Family and Juvenile Law Advisory Committee and the Administrative Office of the Courts to report to the Judicial Council no later than December 2012 on the courts' experience with and recommendations for modifications, if any, in rule 5.505.

The text of proposed rule 5.505 is attached at pages 17–23. The text of the proposed *Implementation Guide to Juvenile Dependency Court Performance Measures* is at attachment A.

Rationale for Recommendation

Proposed rule 5.505 fulfills the mandate of Welfare and Institutions Code section 16545. That statute specifically requires the Judicial Council to adopt performance measures for the juvenile dependency courts through rules of court.

The committee's recommendation that the proposed *Implementation Guide to Juvenile Dependency Court Performance Measures* be approved as a companion to the proposed rule is based on the need for readily available, detailed technical information on

implementing the performance measures. The proposed guide is intended for use by court information services staff and software developers as they do the technical work of implementing the performance measures.

Because the Trial Court Presiding Judges Advisory Committee (TCPJAC)/Court Executives Advisory Committee (CEAC) Joint Rules Working Group raised concerns about resource limitations, the committee also recommends that the Judicial Council direct the Family and Juvenile Law Advisory Committee and the AOC to review local court resource issues associated with the implementation of rule 5.505 and to report back to the Judicial Council no later than December 2012.

Alternative Actions Considered

During the winter 2008 comment cycle the committee considered and circulated for public comment a much shorter rule that delineated only broad categories of measures (safety, permanency, well-being, due process, and hearing timeliness).³ That version of the rule left development of the detailed performance measures and the procedures for producing them to the AOC and specified that the AOC would publish the measures in a Judicial Council–approved implementation guide.

In response to comments on that proposal, the committee decided to re-circulate a new version of the rule in the spring 2008 cycle. The spring 2008 version of the proposed rule includes detailed measures and defers definitions and descriptions of the methods for producing performance measures to the implementation guide. As noted in the advisory committee comment to the rule, the committee anticipates that the Judicial Council will update this guide as appropriate and circulate for comment non-technical proposed updates.

Comments From Interested Parties: Spring 2008

The invitation to comment on the spring 2008 version of the proposed rule was circulated from April 21, 2008, through June 20, 2008. Simultaneously, a memorandum inviting comment on the proposed implementation guide was also circulated. Both proposals were sent to the standard mailing list for family and juvenile law proposals as well as the regular rules and forms mailing list. This distribution list includes judges, court administrators, attorneys, social workers, probation officers, mediators, and other family and juvenile law professionals. In addition, the proposals were sent to all individuals and organizations that submitted comments on the prior version of the rule proposal during the winter 2008 cycle. The secretary of California Health and Human Services and the California Child Welfare Council were also consulted, as required by the authorizing legislation.

³ For reference, the winter 2008 version of the rule text and the accompanying comment chart are at attachment C.

The committee received a total of 16 comments focused exclusively on the rule. Of that total, 9 commentators agreed with the proposal, 7 agreed with the proposal if modified, and none disagreed with the proposal. The committee also received a total of six comments focused on the implementation guide. One of the six comments addressed both the rule and the guide. Five of the commentators agreed with the proposed implementation guide if modified and suggested substantive and technical changes. The sixth commentator expressed no position.

The major issues commentators raised were in the areas of workload impact, CCMS implementation, and requests for inclusion of additional performance measures.

The comments are attached at pages 24-51.

Comments From Interested Parties: Winter 2008

Comments from the winter 2008 version of the rule were addressed in the spring 2008 version of the rule. For reference, winter 2008 comments are at attachment C.

Implementation Requirements and Costs

Adopting proposed rule 5.505 and approving the companion implementation guide will result in some costs for local courts and for the AOC. However, those costs are anticipated to be minimal, because most of the data collection and reporting functions will be built into CCMS.

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Issue Statement

The Child Welfare Leadership and Performance Accountability Act of 2006 (Welf. & Inst. Code, §§ 16540–16545)¹ requires the Judicial Council to adopt, through rules of court, juvenile dependency court performance measures. Currently, no such standardized measures exist for California’s juvenile dependency courts.

The *Implementation Guide to Juvenile Dependency Court Performance Measures*, a companion to proposed rule 5.505, contains detailed technical information on the performance measures. The guide is intended to give courts and Court Case Management System (CCMS)² developers the technical information necessary to implement proposed rule 5.505.

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² CCMS is a statewide technology initiative to develop a uniform computer application for managing all case types in the courts. Thus far, lead courts around the state are deploying modules of the system for criminal, traffic, civil, small claims, and probate cases. The module for managing family and juvenile law cases (CCMS-V4) is currently in development. Progress on this module is moving forward in parallel with the development of specifications for juvenile dependency court performance measures so that the necessary functionality to produce performance measures can be designed into the system module. It is anticipated that CCMS will be fully implemented in all 58 counties by the end of 2012.

Rationale for Recommendation

Adoption of proposed rule 5.505 would fulfill the mandate of Welfare and Institutions Code section 16545. That statute specifically requires the Judicial Council to adopt performance measures for the juvenile dependency courts through rules of court.

Adoption of rule 5.505 would give courts uniform measures to assess compliance with mandated hearing time frames, to ensure children's placement in safe and permanent homes, to promote child and family well-being, and to provide fair and timely treatment for all court participants. If adopted, the rule would better enable courts to track their progress in child welfare cases, focus their improvement efforts, and make well-informed decisions about the use of court resources. Adoption of this rule would also be likely to result in enhanced public trust and confidence because it would increase courts' accountability as they serve the families and children who come before them.

Adoption of proposed rule 5.505 and the implementation guide at this time would allow the functionality associated with the performance measures to be built into the CCMS-V4 family and juvenile law module. Incorporation of the data requirements of this new rule into the development of CCMS would provide courts with access to automated statewide juvenile dependency court performance measures while minimizing the workload impact of adopting these measures. In the long term, if the rule were adopted, it is expected that some or all of the courts' costs related to implementing the proposed measures would be offset by the cost savings and improved court performance resulting from automation and CCMS performance-measure reporting functions.

To address the fact that Welfare and Institutions Code section 16545 requires the Judicial Council to adopt performance measures before CCMS is fully implemented, the proposed rule is written in terms of pre- and a post-CCMS implementation requirements. Given the uncertainties associated with the CCMS implementation process and with using CCMS to create data reports on the juvenile dependency court performance measures, proposed rule 5.505 also contains language clarifying the meaning of the term "CCMS implementation" in the context of this proposed rule. The clarifying language is discussed in more detail below under the heading "CCMS Implementation."

Because the Trial Court Presiding Judges Advisory Committee (TCPJAC)/Court Executives Advisory Committee (CEAC) Joint Rules Working Group raised concerns about resource limitations, the committee also recommends that the Judicial Council direct the Family and Juvenile Law Advisory Committee and the AOC to review local court resource issues associated with the implementation of rule 5.505 and to report back to the Judicial Council no later than December 2012. This will ensure that any resource limitations that local courts encounter in complying with this rule are brought before the Judicial Council.

Selection of performance measures

Proposed rule 5.505 (b) divides the list of performance measures into the four statutorily mandated categories—child safety, child permanency, hearing timeliness, and child and family well-being—and one additional, complementary category, court procedures and due process. Welfare and Institutions Code section 16545 provides no details about which measures need to be included in each category. The sources for the measures in the rule, and the rationale for using those sources, are described here.

The proposed performance measures in this rule are drawn from the work of the Blue Ribbon Commission on Children in Foster Care (BRC).³ AOC staff have reviewed the measures to ensure that the data required to produce them will be available through CCMS or through data exchanges between CCMS and the state child welfare data system.

Two committees of the BRC met jointly and based their recommended performance measures on review and discussion of all existing work on dependency performance measures, including the court-specific measures proposed by a national consortium of the American Bar Association, the National Council of Juvenile and Family Court Judges, and the National Center for State Courts as well as the federal and state mandated measures used by the California Department of Social Services (CDSS) in the Child and Family Services Review process and for the California Child Welfare Outcomes and Accountability System.

Welfare and Institutions Code section 16545 specifically states that juvenile dependency court performance measures should “complement and promote” those state and federal measures already in use by CDSS. The BRC proposed to promote the safety and permanency measures mandated for state child welfare agencies by using the same measures. To complement the CDSS measures, the BRC proposed that it would follow the recommendations of the national consortium by recommending measures on hearing timeliness and court procedures and due process.

By collecting data on both court-specific measures and measures that overlap with the federally and state mandated measures used by CDSS, courts would be able to learn more about areas in need of improvement in their own systems, as well as about the courts’ role in areas of shared responsibility, such as achieving permanency for children. The availability of aggregated statewide court performance measures data that are

³ In 2006, Chief Justice Ronald M. George appointed the Blue Ribbon Commission on Children in Foster Care to provide recommendations to the California courts and their partners on improving child welfare and fairness outcomes. Chaired by Associate Justice Carlos R. Moreno of the Supreme Court, the commission was charged with developing recommendations and an implementation plan covering three main areas: improved court performance and accountability, improved collaboration among agencies that work with families, and need for adequate and flexible funding.

complementary to, yet distinct from, child welfare data would be of use both to the Judicial Council and the California Child Welfare Council⁴ in any future reform efforts or resource allocation decisions regarding the juvenile courts.

Use of the measures to achieve improved outcomes, informed use of resources, and improved public trust and confidence

It would be advantageous for the council to adopt dependency performance measures for several reasons. First, the performance measures would assist courts in meeting state and federally mandated hearing timelines. Compliance with this rule would allow courts to monitor their own progress in meeting these time frames and to modify their procedures when sources of delay are identified. Second, the performance measures would provide courts with the information they need to better protect and enhance the lives of the abused and neglected children before the courts. For example, these measures would provide courts with data on the safety of children in foster care and in other court-ordered placements and on the permanency outcomes for children, such as how many children return home, are adopted, enter legal guardianships, or achieve other permanency outcomes, and the length of time it takes to reach these goals.

Third, the performance measures would help courts focus limited resources where they are most needed. The performance measure data, by concretely demonstrating strengths and needs of court systems, would give the courts evidence upon which to base their requests for additional resources, when necessary. Finally, the performance measures would promote public trust and confidence in California's dependency courts by ensuring that each court is accountable for securing due process for each litigant, by improving collaboration between each court and the local child welfare agency, and by demonstrating responsible use of public funds.

Implementation Guide to Juvenile Dependency Court Performance Measures

Approval of the implementation guide at the same time that the rule is adopted would provide a source of readily available, detailed technical information on implementing the performance measures. The proposed guide contains descriptions of the component data elements needed to calculate performance measures. The guide is intended for use by court information services staff and software developers as they do the technical work of implementing the performance measures.

In addition, the guide would provide a means of making technical changes as needed to implement the performance measures without requiring changes to the rule.

Implementation of the performance measures is likely to require multiple rounds of

⁴ Created by the same legislation that mandates the adoption of juvenile dependency court performance measures, (Welf. & Inst. Code, §§ 16540–16545), the Child Welfare Council serves as an advisory body responsible for improving the collaboration and processes of the multiple agencies and courts that serve children and youth in California's child welfare and foster-care systems.

research, testing, and revision to produce stable, consistent, valid, reliable, and uniform statewide measures. As the measures develop through this process, and as the technical specifications for CCMS develop, it may be necessary to update the components of the measures or the methodology for producing them. As noted in the advisory committee comment to the rule, the committee anticipates that the Judicial Council would update this guide as appropriate and circulate for comment non-technical proposed updates. The *Implementation Guide to Juvenile Dependency Court Performance Measures* can be found at attachment A.⁵

Alternative Actions Considered

During the winter 2008 comment cycle the committee considered and circulated for public comment a much shorter rule that delineated only broad categories of measures (safety, permanency, well-being, due process, and hearing timeliness).⁶ That version of the rule left development of the detailed performance measures and the procedures for producing them to the AOC and also specified that the AOC would publish the measures in a Judicial Council–approved implementation guide. In response to comments on that proposal, the committee decided to re-circulate a new version of the rule in the spring 2008 cycle. The spring 2008 version of the proposed rule includes detailed measures and defers definitions and descriptions of the methods for producing performance measures to the implementation guide. A more detailed discussion of these comments and the resulting rule changes is included below in “Comments From Interested Parties: Winter 2008.”

Another alternative considered and rejected was delaying the adoption of performance measures until courts have completed the transition to CCMS-V4. This option is not feasible because of the legislative deadline. Although the authors of the Child Welfare Leadership and Performance Accountability Act were aware of the development of CCMS-V4 (it is alluded to in Welfare and Institutions Code section 16540(h) and 16545), the legislation nevertheless directed the Judicial Council to adopt performance measures by April 1, 2008. While the current proposal is out of compliance given the anticipated effective date of January 1, 2009, the authors of the legislation were informed about the progress of the proposed rule and did not object to the anticipated effective date of January 1, 2009. Choosing to delay adoption of the rule until 2012, the projected date of full CCMS deployment, would not be in compliance with the legislation.

The committee also considered drafting a rule that, rather than adopting statewide measures, would direct each local court to adopt their own measures to address local needs. This option, however, would not fulfill the statutory requirement for the Judicial Council to adopt measures “through rules of court.” In addition, such a plan would have a

⁵ The guide is being submitted for Judicial Council approval as a companion to rule 5.505. Rather than incorporating the guide into this report, it is included as an attachment because it requires its own pagination.

⁶ For reference, the winter 2008 version of the rule text and the accompanying comment chart are at attachment C.

tremendous workload impact on the courts; would result in nonuniform data and definitions from the 58 courts, thus precluding aggregation or analysis of data on a statewide basis; and would fail to meet the mandate to “complement and promote” federal and state child welfare measures.

The proposed rule, if adopted would enact a specific list of performance measures, and might raise the potential concern that undue weight was being given to certain legal requirements and best practices. This limited list of performance measures could leave the impression that compliance with statutes and recommended practices not tracked by the performance measures is less important. Rather than making the list of performance measures more inclusive, the proposed rule is limited to measures that are consistent with required federal and state child welfare measures, measures that were recommended by the BRC and measures anticipated to be automated in CCMS.

An alternative method to selecting the measures would have been to simplify the process by adopting only those federally and state mandated measures currently in use by child welfare agencies. But by not providing any court-specific measures, this approach would have violated the letter and spirit of Welfare and Institutions Code section 16545, which requires both that the measures assist courts in “measur[ing] their performance and track[ing] their own progress,” and that the measures should “complement and promote,” not simply repeat, child welfare measures.

After considering all alternatives, the committee developed the list of measures in rule 5.505. The committee believes that the list is comprehensive, usable, and consistent with state and federal mandates and goals. It is anticipated that the proposed rule and implementation guide would be updated as needed to include new or different measures as state and federal law changes.

Comments From Interested Parties: Spring 2008

The invitation to comment on the spring 2008 version of the proposed rule was circulated from April 21, 2008, through June 20, 2008. Simultaneously, a memorandum inviting comment on the proposed implementation guide was also circulated. Both proposals were sent to the standard mailing list for family and juvenile law proposals as well as the regular rules and forms mailing list. This distribution list includes judges, court administrators, attorneys, social workers, probation officers, mediators, and other family and juvenile law professionals. In addition, the proposals were sent to all individuals and organizations that submitted comments on the prior version of the rule proposal during the winter 2008 cycle. Finally, the proposals were provided to the secretary of California Health and Human Services and the California Child Welfare Council, both of whom were consulted as required by the authorizing legislation.

The majority of comments on the proposed rule and guide came from the courts, and included comments from judges, court executives, and managers. Other commentators

included child advocacy organizations, county counsel, children’s counsel, public defenders, and a county bar association. The committee received a total of 16 comments focused exclusively on the rule. Of that total, 9 commentators agreed with the proposal, 7 agreed with the proposal if modified, and none disagreed with the proposal.

The committee also received a total of six comments focused on the implementation guide. One of the six comments addressed both the rule and the guide. Five of the commentators agreed with the proposed implementation guide if modified and suggested substantive and technical changes. The sixth commentator expressed no position. Following is a summary of the major substantive comments on both the rule and the guide and the committee’s responses. A chart including the text or a summary of each comment and the committee’s response is attached beginning on page 22.⁷ The Trial Court Presiding Judges Advisory Committee/Court Executives Advisory Committee Joint Rules Working Group submitted comments both during the comment period and also in a post-circulation review of the proposed rule. Their post-circulation comments do not appear in the comment chart, but are summarized below under the headings of “Workload impact” and “CCMS Implementation.”

Workload impact

Five commentators on the rule and two commentators on the guide expressed concerns about the potential workload impact of the rule on trial court staff and the difficulties of collecting and reporting data on the measures. Suggestions included delaying implementation of the measures, modifying the rule language to require courts only to collect and report on data that are electronically available to them in the CCMS system, prioritizing the most important measures, and decreasing the total number of measures.

In response to the workload concerns raised during the public comment period the proposal was modified in several ways. The committee amended rule 5.505(c)(3) to indicate that courts are required to collect and submit performance measure data in the post-CCMS time period only “as the necessary data elements become electronically available.”⁸ These concerns were also addressed by several additional rule provisions: section 5.505(c)(1) which requires that the CCMS family and juvenile law module be capable of collecting performance measure data so that most functions associated with the rule can be automated; section 5.505(c)(2) which provides that, in the time period prior to statewide CCMS implementation, courts are required to submit to the AOC only the subset of data that they are capable of collecting and submitting with existing case

⁷ A combined comment chart for the rule and the guide is on pages 24–51. The chart is organized into three sections: the first, on pages 24–45, contains comments on the proposed rule, the second, on pages 46–49, contains comments on the guide, and the third, on pages 50–51 contains a comment that addressed both the guide and the proposed rule.

⁸ All data elements are not expected to be electronically available immediately upon deployment of the CCMS-V4 module. For example, the safety and permanency measures are data exchange–dependent, meaning that they will not be available until CCMS has been successfully linked to the child welfare data system.

management systems and resources; and subdivisions (d) and (e) of the rule which require the AOC to assist local courts in all phases of performance measure production, reporting, and analysis.

The TCPJAC/CEAC Joint Rules Working Group raised concerns about the financial and workload impacts associated with this rule. Although the Working Group recognized the importance of gathering data for performance measures, the mandatory nature of the rule caused concern, because the workload impact for data entry and other steps to comply with the rule cannot be fully assessed until CCMS-V4 is functioning.

In response, the committee considered various alternatives, but ultimately decided to add a recommendation to this report that the Judicial Council direct the committee and the AOC to review the implementation of rule 5.505 in the trial courts during calendar year 2012, or as soon thereafter as CCMS-V4 is operational in at least 10 courts, and report back to the Judicial Council by December 2012. This review would provide local courts with an opportunity to share any resource limitations that affect their ability to comply with this rule with the Judicial Council.

The TCPJAC/CEAC Joint Rules Working Group also suggested adding a section to the rule directing local courts to inform the AOC about their resource limitations. The committee did not make this change to the rule because the AOC Finance Division already has a Judicial Council-approved deficiency funding mechanism in place that allows local courts to report resource limitations and request additional funds.

CCMS Implementation

During their post-circulation review, the TCPJAC/CEAC Joint Rules Working Group expressed concern about how long the implementation process for the CCMS-V4 family and juvenile law module for juvenile dependency cases might take, and whether local courts would have sufficient resources to comply with the rule's requirements as they transitioned to the use of the CCMS-V4.

The Judicial Council Rules and Projects Committee (RUPRO) raised an additional issue in need of clarification, namely about the intended meaning of the phrase "implementation of the CCMS-V4 family and juvenile law module" in the context of a local court. RUPRO requested the Family and Juvenile Law Advisory Committee consider adding clarifying language and for staff to seek TCPJAC/CEAC Joint Rules Working Group input on the proposed clarification.

After considering various options, the committee's definition of CCMS-V4 implementation in section (c)(3) now reads: "For the purposes of this subdivision, 'implementation of the CCMS family and juvenile law module' in a local court means that the CCMS Family and Juvenile Law module has been deployed in that court, is

functioning, and has the ability to capture the required data elements and that local court staff has been trained to use the system.”

Additional measures recommended

Four commentators on the rule provided suggestions for additional performance measures, including measures in the areas of dual-jurisdiction children, postemancipation outcomes, parentage, guardianships, physical and mental health, and education. After considering these suggestions, as well as the complex nature of the rule, the committee has opted to include the suggested measures in an appendix of the implementation guide. Each of the suggested measures will later be evaluated for relevance to court processes as well as for the extent to which data on each measure will be available in CCMS. Those measures that appear appropriate for inclusion in a future version of the rule will be circulated for public comment and added to both the rule and the implementation guide if they are adopted by the council.

Inclusion of delinquency cases

The committee requested comment on the issue of applying the performance measures to cases regarding children in probation-supervised foster care. Three commentators on the rule, including one court, felt this would be beneficial. Because Welfare and Institutions Code section 16545 does not require that performance measures be enacted for children in probation-supervised foster care or other children in the delinquency system and the committee received no comments on this issue from probation departments, judicial officers hearing these cases, or attorneys directly involved in these cases, the committee does not believe that extending the rule to include probation-supervised youth would be appropriate at this time. However, because assessing court performance for these youth is important, the committee, along with CCMS developers, will move forward in developing electronic methods for capturing the data on these populations. After the dependency measures are implemented, the committee will consider whether to propose amendments to rule 5.505 to ensure that performance measures are adopted, and the data collected, regarding children in probation-supervised foster care and other delinquent children.

Failed adoption measures

The committee requested comment on the inclusion of two permanency measures regarding failed adoptions. Although a few commentators suggested that the measures be retained, the committee has decided to remove them at this time. This decision is based on the anticipated unavailability of the data necessary to generate the measures in the CCMS system.

Child welfare safety and permanency measures

One commentator who focused exclusively on the guide pointed out that the California child welfare measures, used in the state’s Child Welfare Outcomes and Accountability System, have been modified to align with the most recent federal safety and permanency

measures. The commentator suggested updating the implementation guide to reflect these changes. In response, the committee has confirmed with CDSS that the safety and permanency outcome measures used by the state have been revised to more closely align with the federally mandated measures. The committee has made the corresponding changes in the implementation guide to reflect the revised state measures.

Comments From Interested Parties: Winter 2008

When the previous version of the proposed rule was circulated for public comment in the winter 2008 cycle, 44 comments were received. In response to these comments, the committee withdrew the rule from the winter 2008 cycle, made major revisions to the rule, and prepared the revised proposal for the spring 2008 cycle. Because the rule was withdrawn, the public comments received were not provided to the council or otherwise made publicly available. Following is a brief summary of those comments and the resulting revisions to the rule and implementation guide. Attached to this report at attachment C is a copy of the original winter 2008 version of the rule text and the corresponding comment chart summarizing the winter comments as well as the committee's response to each comment at that time.

Many commentators in the winter 2008 cycle requested more detail and specificity in the performance measures. In response, the committee revised the rule to include significantly more detail on the measures themselves, their purpose, and the implementation process. Other commentators requested that the implementation guide be circulated for public comment. In response to all these concerns, the committee decided to recirculate the rule for public comment, to simultaneously circulate the implementation guide, and to request Judicial Council approval of the implementation guide.

Other commentators raised concerns about the workload associated with implementation of the measures, particularly during the pre-CCMS time period. The new version of the rule clarifies the role of the AOC in assisting local courts in the implementation of performance measures and acknowledges current limitations in the capacity of the trial courts to collect and report data.

The California Judges Association, five Los Angeles County Superior Court judges, and one Contra Costa County Superior Court judge raised the concern that implementation of the previously circulated rule might have resulted in tracking the performance of or attempts to measure or evaluate individual judicial officers. In response, the rule was revised to ensure that data reports would not disclose identifying information about children, parents, judicial officers, or other individuals in the dependency system.

Implementation Requirements and Costs

Adopting juvenile dependency court performance measures and approving the implementation guide would result in some costs for local courts and for the AOC. Those costs are anticipated to be minimal, because most of the data collection and reporting

functions would be built into CCMS. Local courts, before the transition to CCMS, would be expected to collect and submit data on the measures only to the extent that their existing data systems allow and based on the availability of resources. In this time period, courts would not be expected to engage in expensive efforts to comply with the rule, such as building new reporting capability into their existing case management systems or hiring additional staff for data entry or report development.

It is anticipated that, upon implementation of CCMS-V4 in each court, all or most of the data elements needed for generating reports on the measures would be entered into the system as part of the regular course of business by the clerk's office or courtroom clerks. Calculating the measures and generating reports would be simple CCMS functions and entail little or no costs. However, until CCMS is implemented, the total costs for local courts are not known. Local courts would not be required to collect and submit data on measures for which the data are unavailable in CCMS. In addition, it is expected that some or all of the courts' costs related to implementing the measures would be offset by the cost savings resulting from more efficient use of local resources. If local courts encounter problems in complying with this rule due to resource limitations, the recommendations in this report would direct the committee and the AOC to consult with courts about these limitations and report their findings to the Judicial Council no later than December 2012.

The AOC would incur some costs for initiating and implementing the technical assistance program for the courts and for the ongoing testing and improvement of the measures and implementation guide. AOC staff will also continue to be involved in CCMS-V4 development to ensure that the data elements needed to produce the performance measures would be collectable and that the system would be capable of generating the necessary reports. Federal Court Improvement Program funding has already been secured and dedicated for these activities.

CCMS-V4 is expected to be functioning in all counties by 2012. Most data elements for the "hearing timeliness" and "court procedures and due process" measures are expected to be available at that time. "Child safety" and "child permanency" measures would be gathered through data exchanges with the child welfare agency. Thus, these measures depend on development of the new Child Welfare Services Web system (CWS/Web), scheduled to be completed after CCMS in 2012. The "child and family well-being" measures would come from various sources and would be implemented as the data become available.

Recommendation

1. The Family and Juvenile Law Advisory Committee recommends that the Judicial Council, effective January 1, 2009:
 - a. Adopt rule 5.505 of the California Rules of Court to establish juvenile dependency court performance measures in the areas of hearing timeliness, court procedures and due process, child safety, child permanency, and child and family well-being, and to establish related procedures; and
 - b. Approve the *Implementation Guide to Juvenile Dependency Court Performance Measures* to provide courts and developers of California's Court Case Management System with the necessary technical information to implement the juvenile dependency court performance measures specified in proposed rule 5.505.
2. The Family and Juvenile Law Advisory Committee further recommends that the Judicial Council:
 - a. Direct the Family and Juvenile Law Advisory Committee and the Administrative Office of the Courts to review the implementation of rule 5.505 in the trial courts during calendar year 2012, or as soon thereafter as CCMS-V4 is operational in 10 or more courts. Such review will include consultation with the Trial Court Presiding Judges and Court Executives Advisory Committees and obtaining information from courts about any resource limitations that affect their ability to comply with the data gathering, data entry, or other requirements of rule 5.505; and
 - b. Direct the Family and Juvenile Law Advisory Committee and the Administrative Office of the Courts to report to the Judicial Council no later than December 2012 on the courts' experience with and recommendations for modifications, if any, in rule 5.505.

The text of proposed rule 5.505 is attached at pages 17–23. The text of the proposed *Implementation Guide to Juvenile Dependency Court Performance Measures* is at attachment A.

Attachments

Rule 5.505 of the California Rules of Court is adopted, effective January 1, 2009, to read:

1 **Rule 5.505. Juvenile dependency court performance measures**

2
3 **(a) Purpose**

4
5 The juvenile dependency court performance measures and related procedures
6 set forth in this rule are intended to:

- 7
8 (1) Protect abused and neglected children by assisting courts in promoting
9 children’s placement in safe and permanent homes, enhancing their
10 well-being and that of their families, and ensuring that all participants
11 receive timely and fair treatment;
12
13 (2) Assist trial courts in meeting the mandated timelines for dependency
14 hearings, securing due process for all litigants, and, in collaboration
15 with the child welfare agency, improving safety, permanency, and well-
16 being outcomes for children and families under the jurisdiction of the
17 juvenile dependency court; and
18
19 (3) Assist courts in making well-informed resource allocation decisions.

20
21 **(b) Performance measures**

22
23 Detailed definitions of the performance measures and descriptions of the
24 methods for producing the performance measures in accordance with (c)(2)
25 and (3) are contained in the Judicial Council–approved *Implementation*
26 *Guide to Juvenile Dependency Court Performance Measures.*

27
28 The juvenile dependency court performance measures are:

- 29
30 (1) Hearing timeliness:
31
32 (A) Percentage of children for whom the initial hearing is completed
33 within the statutory time frame following the filing of the initial
34 petition;
35
36 (B) Percentage of children for whom the jurisdictional hearing is
37 completed within the statutory time frame following the initial
38 hearing;
39
40 (C) Percentage of children for whom the disposition hearing is
41 completed within the statutory time frame following the finding
42 of jurisdiction;

- 1 (D) Percentage of children for whom a 3-month or other interim
2 review hearing is held;
3
- 4 (E) Percentage of children for whom the 6-month review hearing is
5 completed within 6 months of the date the child entered foster
6 care;
7
- 8 (F) Percentage of children for whom the 12-month permanency
9 hearing is completed within 12 months of the date the child
10 entered foster care;
11
- 12 (G) Percentage of children for whom the 18-month review hearing is
13 completed within 18 months of the date of original protective
14 custody;
15
- 16 (H) Percentage of children for whom the first section 366.26 hearing
17 is completed within 120 days of the termination of reunification
18 services;
19
- 20 (I) Percentage of children whose postpermanency hearing is
21 completed within 6 months of the section 366.26 hearing or the
22 last postpermanency hearing;
23
- 24 (J) Percentage of children in long-term foster care whose subsequent
25 section 366.26 hearing is completed within 12 months of the
26 previous section 366.26 hearing;
27
- 28 (K) Percentage of children whose adoption is finalized within 180
29 days after termination of parental rights;
30
- 31 (L) Median time from disposition or section 366.26 hearing to order
32 establishing guardianship;
33
- 34 (M) Percentage of children for whom the first and subsequent
35 postpermanency review hearings are completed within the
36 statutory time frame;
37
- 38 (N) Percentage of hearings delayed by reasons for delay and hearing
39 type;
40
- 41 (O) Median time from filing of original petition to implementation of
42 a permanent plan by permanent plan type; and

1 (P) Median time from filing of original petition to termination of
2 jurisdiction by reason for termination of jurisdiction.

3
4 (2) Court procedures and due process:

5
6 (A) Percentage of cases in which all hearings are heard by one judicial
7 officer;

8
9 (B) Percentage of cases in which all parties and other statutorily
10 entitled individuals are served with a copy of the original petition;

11
12 (C) Percentage of hearings in which notice is given to all statutorily
13 entitled parties and individuals within the statutory time frame;

14
15 (D) Percentage of hearings in which child or parents are present if
16 statutorily entitled to be present;

17
18 (E) Percentage of hearings in which a judicial inquiry is made when a
19 child 10 years of age or older is not present at hearing;

20
21 (F) Percentage of hearings in which other statutorily entitled
22 individuals who are involved in the case (e.g., CASA volunteers,
23 caregivers, de facto parents, others) are present;

24
25 (G) Percentage of cases in which legal counsel for parents, children,
26 and the child welfare agency are present at every hearing;

27
28 (H) Point at which children and parents are assigned legal counsel;

29
30 (I) Percentage of cases in which legal counsel for children or parents
31 changes;

32
33 (J) Percentage of cases in which no reunification services are ordered
34 and reasons;

35
36 (K) Percentage of cases for which youth have input into their case
37 plans; and

38
39 (L) Cases in compliance with the requirements of the Indian Child
40 Welfare Act (ICWA).

1 (3) Child safety in the child welfare system:

2
3 (A) Percentage of children who are not victims of another
4 substantiated maltreatment allegation within 6 and 12 months
5 after the maltreatment incident that led to the filing of the initial
6 petition; and

7
8 (B) For all children served in foster care during the year, percentage
9 of children who were not victims of substantiated maltreatment by
10 a foster parent or facility staff member.

11
12 (4) Child permanency:

13
14 (A) Percentage of children reunified in less than 12 months;

15
16 (B) Percentage of children who were reunified but reentered foster
17 care within 12 months;

18
19 (C) Percentage of children who were discharged from foster care to a
20 finalized adoption within 24 months;

21
22 (D) Percentage of children in foster care who were freed for adoption;

23
24 (E) Percentage of children in long-term foster care who were
25 discharged to a permanent home before their 18th birthdays;

26
27 (F) Of children discharged to emancipation or aging out of foster
28 care, percentage who were in foster care 3 years or longer;

29
30 (G) Percentage of children with multiple foster-care placements;

31
32 (5) Child and family well-being:

33
34 (A) Percentage of children 14 years of age or older with current
35 transitional independent living plans;

36
37 (B) Percentage of children for whom a section 391 termination of
38 jurisdiction hearing was held;

39
40 (C) Percentage of section 391 termination of jurisdiction hearings that
41 did not result in termination of jurisdiction and reasons
42 jurisdiction did not terminate;
43

- 1 (D) Percentage of youth present at section 391 termination of
2 jurisdiction hearing with judicial confirmation of receipt of all
3 services and documents mandated by section 391(b)(1–5);
4
5 (E) Percentage of children placed with all siblings who are also under
6 court jurisdiction, as appropriate;
7
8 (F) Percentage of children placed with at least one but not all siblings
9 who are also under court jurisdiction, as appropriate;
10
11 (G) For children who have siblings under court jurisdiction but are not
12 placed with all of them, percentage of cases in which sibling
13 visitation is not ordered and reasons;
14
15 (H) Percentage of cases in which visitation is not ordered for parents
16 and reasons;
17
18 (I) Number of visitation orders for adults other than parents and
19 siblings, (e.g., grandparents, other relatives, extended family
20 members, others) as appropriate;
21
22 (J) Number of cases in which the court has requested relative-finding
23 efforts from the child welfare agency;
24
25 (K) Percentage of children placed with relatives;
26
27 (L) For children 10 years of age or older and in foster care for at least
28 6 months, percentage for whom the court has inquired whether the
29 social worker has identified persons important to the child; and
30
31 (M) For children 10 years of age or older in foster care for at least 6
32 months, percentage for whom the court has made orders to enable
33 the child to maintain relationships with persons important to that
34 child.
35

36 (c) **Data collection**

- 37
38 (1) California’s Court Case Management System (CCMS) family and
39 juvenile law module must be capable of collecting the data described in
40 the *Implementation Guide to Juvenile Dependency Court Performance*
41 *Measures* in order to calculate the performance measures and to
42 produce performance measure reports.
43

- 1 (2) Before implementation of the CCMS family and juvenile law module,
2 each local court must collect and submit to the AOC the subset of
3 juvenile dependency data described in (b) and further delineated in the
4 *Implementation Guide to Juvenile Dependency Court Performance*
5 *Measures* that it is reasonably capable of collecting and submitting with
6 its existing court case management system and resources.
7
- 8 (3) On implementation of the CCMS family and juvenile law module in a
9 local court, and as the necessary data elements become electronically
10 available, the local court must collect and submit to the AOC the
11 juvenile dependency data described in (b) and further delineated in the
12 *Implementation Guide to Juvenile Dependency Court Performance*
13 *Measures*. For the purposes of this subdivision, “implementation of the
14 CCMS family and juvenile law module” in a local court means that the
15 CCMS Family and Juvenile Law module has been deployed in that
16 court, is functioning, and has the ability to capture the required data
17 elements and that local court staff has been trained to use the system.
18

19 **(d) Use of data and development of measures before CCMS implementation**
20

21 Before CCMS implementation, the AOC must:
22

- 23 (1) Establish a program to assist the local courts in collecting, preparing,
24 analyzing, and reporting the data required by this rule;
25
- 26 (2) Establish a procedure to assist the local courts in submitting the
27 required data to the AOC;
28
- 29 (3) Use the data submitted under (c)(2) to test and refine the detailed
30 definitions of the performance measures and descriptions of the
31 methods for producing the performance measures described in the
32 *Implementation Guide to Juvenile Dependency Court Performance*
33 *Measures*;
34
- 35 (4) Consult with local courts about the accuracy of the data submitted
36 under (c)(2). After such consultation, use data to generate aggregate
37 data reports on performance measures, consistent with section 16543,
38 while not disclosing identifying information about children, parents,
39 judicial officers, and other individuals in the dependency system; and
40
- 41 (5) Assist the courts in using the data to achieve improved outcomes for
42 children and families in the dependency system, make systemic
43 improvements, and improve resource allocation decisions.

1
2 **(e) Use of data after CCMS implementation**

3
4 On implementation of CCMS, the AOC must:

- 5
6 (1) Use the data submitted under (c)(3) to conduct ongoing testing,
7 refining, and updating of the information in the *Implementation Guide*
8 *to Juvenile Dependency Court Performance Measures;*
9
10 (2) Use the data submitted under (c)(3) to generate aggregate data reports
11 on performance measures, consistent with section 16543, while not
12 disclosing identifying information about children, parents, judicial
13 officers, and other individuals in the dependency system;
14
15 (3) Upon the request of any local court, extract data from the system and
16 prepare county-level reports to meet data reporting requirements; and
17
18 (4) Assist the courts in using the data to achieve improved outcomes for
19 children and families in the dependency system, make systemic
20 improvements, and improve resource allocation decisions.

21
22 **Advisory Committee Comment**

23
24 The juvenile dependency court performance measures and related procedures set forth in this rule
25 fulfill the requirements of the Child Welfare Leadership and Accountability Act of 2006 (Welf. &
26 Inst. Code, §§ 16540–16545).

27
28 Consistent with section 16545, the Child Welfare Council and the secretary of the California
29 Health and Human Services Agency were consulted in adopting these performance measures. The
30 appropriate court technology groups have also been consulted.

31
32 The *Implementation Guide to Juvenile Dependency Court Performance Measures* is a companion
33 publication to this rule, approved by the Judicial Council.

34
35 It is anticipated that the Judicial Council will update the *Implementation Guide to Juvenile*
36 *Dependency Court Performance Measures*, as appropriate, to stay current with Court Case
37 Management System (CCMS) requirements, local court needs, and the most recent versions of
38 the relevant state and federal child welfare measures. Proposed updates other than those that are
39 purely technical will be circulated for public comment prior to publication.

SPR08-41 and SPR08-05

Juvenile Law: Juvenile Dependency Court Performance Measures and Implementation Guide to Juvenile Dependency Court Performance Measures (adopt Cal. Rules of Court, rule 5.505; approve *Implementation Guide to Juvenile Dependency Court Performance Measures*)

All comments are verbatim unless indicated by an asterisk (*).

SPR08-41 Juvenile Law: Juvenile Dependency Court Performance Measures				
	Commentator	Position	Comment	Committee Response
1.	Donna Burt Division Manager Superior Court of Riverside County	A	No specific comment.	No response required.
2.	California CASA Association Robin Allen Executive Director	A	<p>There have been a number of studies which indicate that children who have a CASA volunteer achieve better outcomes than children without such a special advocate. In order to continue to prove the economic efficacy of the CASA program and its value to the foster youth of the state and to the courts, Cal CASA fully endorses the establishment and implementation of a comprehensive set of court performance measures.</p> <p>Cal CASA strongly urges that the Judicial Council forms be revised to provide for an indicator of whether or not a CASA volunteer is assigned to the child or youth and that this indicator be built into the Court Case Management System.</p> <p>Maintenance of such records of a CASA volunteer’s involvement will assist in demonstrating the invaluable advantage a youth with such a volunteer has versus a child or youth without such a volunteer. Data on CASA volunteers will not only assist the courts in</p>	<p>No response required.</p> <p>The Judicial Council forms for findings and orders after hearing, for each hearing type (forms JV-410 through JV-446), already contain check boxes for the court to indicate if a CASA volunteer was present, if the court appoints a CASA volunteer, and if the court read, considered, and admitted into evidence the CASA report.</p> <p>The CCMS-V4 system, currently under development, will include data fields to indicate whether a CASA volunteer was present at each hearing or other case event and to indicate the beginning and ending dates of the CASA volunteer’s involvement in the case.</p>

SPR08-41 and SPR08-05

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SPR08-41 Juvenile Law: Juvenile Dependency Court Performance Measures				
	Commentator	Position	Comment	Committee Response
			recognizing that children with a CASA volunteer have a greater likelihood of positive outcomes, it will also assist the CASA program in securing funding so that CASA can be even more effective in assisting children and youth to achieve timely reunification with their family or placement in another permanent home.	
3.	County Welfare Directors Association (CWDA) Diana Boyer Senior Policy Analyst	AM	<p>*The commentator indicates agreement with the following measures: 5.505(b)(3), Child Safety, and 5.505(b)(4), Child Permanency.</p> <p>It is important to ensure that these data measures reflect measures used in the California Child Welfare Services Outcomes and Accountability System and that they are not limited only to the federal Child and Family Services Reviews measures.</p> <p>5.505(b)(5)(D): We agree with the proposed measures and recommend a modification: (D) Percent of youth present at emancipation hearing with judicial confirmation of receipt of all services and documents mandated by section 391(b), including youth outcomes at emancipation in the areas of housing, education, high school graduation, access to health care, means of support, and permanent connection to a caring adult.</p>	<p>No response required.</p> <p>It is the intent of the committee to use both the state-mandated child safety and permanency measures and the safety and permanency measures used in the federal Child and Family Service Reviews.</p> <p>The committee received a number of excellent suggestions for additional measures to be included in the rule. Because of the complex nature of this rule, the committee has opted not to add new measures without first circulating them for comment. Instead of adding new measures at this time, we are listing each suggested new measure in an appendix to the <i>Implementation Guide</i> and will evaluate them for relevance to court processes as well as for the extent that data on that measure will be</p>

SPR08-41 and SPR08-05

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SPR08-41 Juvenile Law: Juvenile Dependency Court Performance Measures				
	Commentator	Position	Comment	Committee Response
			<p>CDSS will soon issue a new Exit Outcomes Report for Youth Aging Out of Foster Care with these additional data elements. We believe it is critical for the courts to have this outcome data on a child-specific level and that the information should be provided by the social worker to the courts as part of the JV-365 “Termination of Jurisdiction” form. We therefore recommend revising the JV-365 to incorporate the elements of the Exit Outcomes Report form (see attached), which not only provided the courts with this critical information, but will also assist the social worker in working with foster youth in these critical life domains. CWDA is available to work with the AOC to incorporate such changes to the JV-365.</p>	<p>available in CCMS. Any suggested measures that appear to be appropriate additions to the rule will then be circulated for public comment and added, as appropriate to the rule and the <i>Implementation Guide to Juvenile Dependency Performance Measures</i> in future years.</p> <p>The recommendation to incorporate information on exit outcomes into the <i>Termination of Dependency Jurisdiction form (JV-365)</i> will be considered for inclusion in the 2009 rules and forms revision cycle.</p>
4.	Haislip W. Hayes II Deputy Public Defender III Imperial County Public Defender	A	No specific comment.	No response required.
5.	Cheryl Kanatzar Deputy Executive Officer Superior Court of Ventura County	A	No specific comment.	No response required.

SPR08-41 and SPR08-05

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SPR08-41 Juvenile Law: Juvenile Dependency Court Performance Measures				
	Commentator	Position	Comment	Committee Response
6.	Hon. Michael Nash Juvenile Court Presiding Judge Superior Court of Los Angeles County	A	No specific comment.	No response required.
7.	Office of Children’s Counsel Ann España Supervising Attorney	A	<p>*Sections (b)(I)(P), (b)(4)(F), and (b)(5)(B), (C) and (D): The word “emancipation” is a legal term. On occasion, we legally “emancipate” children prior to their 18th birthday. It is one way children can leave the foster care system, though legal emancipation is rare and generally not recommended. Transitioning out of foster care at age 18, however, is a different event. If what is intended is to track children who “age out of foster care,” I suggest you use a different word than “emancipation,” or, define the word for the purposes of this measure in the guidance you provide.</p> <p>Propose two new measures: Percentage of cases where court conducted a parentage inquiry, and percentage of cases where mother and/or presumed father are minors.</p> <p>Suggest new measure: Percentage of children for whom guardianship orders are issued.</p> <p>5K – Important to also measure the number of children placed with NREFM’s. If the word “relative” is mixed with NREFM’s, I suggest capturing the data separately.</p>	<p>The committee appreciates your attention to this distinction. The rule and implementation guide will be amended to replace the term “emancipation” with “emancipation or aging out of foster care”, and to replace the term “section 391 emancipation hearing” with “section 391 termination of jurisdiction hearing.” The intent of using the term “emancipation or aging out” is to make the terminology general enough to cover both groups of youth in the dependency system: those transitioning out of foster care on or after reaching the age of majority and those who are “legally emancipated”.</p> <p>The committee received a number of excellent suggestions for additional measures to be included in the rule. Because of the complex nature of this rule, the committee has opted not to add new measures without first circulating them for comment. Instead of adding new measures at this time, we are listing each suggested new measure in an appendix to the <i>Implementation Guide</i> and will evaluate them for relevance to court processes as well as for the extent that data on that measure will be available in CCMS. Any suggested measures</p>

SPR08-41 and SPR08-05

Juvenile Law: Juvenile Dependency Court Performance Measures and Implementation Guide to Juvenile Dependency Court Performance Measures (adopt Cal. Rules of Court, rule 5.505; approve *Implementation Guide to Juvenile Dependency Court Performance Measures*)

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SPR08-41 Juvenile Law: Juvenile Dependency Court Performance Measures				
	Commentator	Position	Comment	Committee Response
			<p>I would like the AOC to explore the following potential well-being measures, in addition to those described in the implementation guide. These well-being measures would require linkages to other departments and programs, such as DDS, CDE, Health Services, etc.:</p> <p>Physical Health:</p> <ul style="list-style-type: none"> -Does the court report include a copy of the child’s current health and education summary (WIC 16010(b))? -Number of children who receive preventive health exams in accordance with ACI Notice No. 1-82-05 -Number of children who received dental exams in accordance with CHDP Provider Information Notice 04-13 -Number of children with documented physical disabilities, by type of disability -Number of children who are active to the Regional Center -Number of children with health care insurance by type of insurance <p>Mental Health:</p> <ul style="list-style-type: none"> -Number of children who have received a psychological evaluation -Number of children with documented Axis I 	<p>that appear to be appropriate additions to the rule will then be circulated for public comment and added, as appropriate to the rule and the <i>Implementation Guide to Juvenile Dependency Performance Measures</i> in future years.</p>

SPR08-41 and SPR08-05

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SPR08-41 Juvenile Law: Juvenile Dependency Court Performance Measures				
	Commentator	Position	Comment	Committee Response
			diagnosis -Number of children receiving mental health services by type -Number of children who are active to AB 2726 services -Number of children admitted to psychiatric hospitals on a 72 hour hold -Number of children who voluntarily applied for inpatient or outpatient mental health services in a secure setting -Number of children in community treatment facilities -Number of children who have a conservator Education: -Where court has been unable to appoint an educational representative, the number of cases sent to district for appointment of surrogate -Number of districts with responsibility to appoint a surrogate who have filed with the court a JV-536 -Number of children, 0-3 who have been referred to Early Intervention Programs -Number of children 0-3 who have been enrolled in Early Intervention Programs -Number of children, 3-5 who have been referred to the district for special education services -Number of children who have an IEP -Number of children attending a comprehensive	

SPR08-41 and SPR08-05

Juvenile Law: Juvenile Dependency Court Performance Measures and Implementation Guide to Juvenile Dependency Court Performance Measures (adopt Cal. Rules of Court, rule 5.505; approve *Implementation Guide to Juvenile Dependency Court Performance Measures*)

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SPR08-41 Juvenile Law: Juvenile Dependency Court Performance Measures				
	Commentator	Position	Comment	Committee Response
			public school campus -Number of children attending a court/community school -Number of children attending a private school -Number of children attending a non-public school -Number of children who have passed the California High School Exit Exam -Number of children who have completed high school, by type -Number of children accepted into a higher education program Immigration: -Number of children eligible for the special immigrant visa Look at <i>Every Child, Every Hearing</i> for more details on these measures and statutory guidance for each.	
8.	Orange County Bar Association Cathrine Castaldi	A	No specific comment.	No response required.
9.	James M. Owens Assistant County Counsel Los Angeles County	AM	* The commentator recommends that a performance measure concerning paternity findings be added to proposed rule 5.505 and to the performance measure description that precedes the rule. Rule 5.505(b)(2): Recommend adding a category	The committee received a number of excellent suggestions for additional measures to be included in the rule. Because of the complex nature of this rule, the committee has opted not to add new measures without first circulating them for comment. Instead of adding new

SPR08-41 and SPR08-05

Juvenile Law: Juvenile Dependency Court Performance Measures and Implementation Guide to Juvenile Dependency Court Performance Measures (adopt Cal. Rules of Court, rule 5.505; approve *Implementation Guide to Juvenile Dependency Court Performance Measures*)

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SPR08-41 Juvenile Law: Juvenile Dependency Court Performance Measures				
	Commentator	Position	Comment	Committee Response
			<p>(M) to read as follows: “(M) Percentage of cases where a paternity inquiry is conducted at the initial hearing.”</p> <p>Recommend: that the heading of the performance measures be amended to read: (B) court procedures and due process, including consistency of judicial officers and attorneys, timely notice, presence of parties at hearings, “paternity findings”, and Indian Child Welfare Act Compliance.</p> <p>Rule 5.505 (a)(3): amend to read “Inform court about resource allocation decisions.”</p> <p>a) It appears that it would be a substantial workload issue for the courts to compile statistics for the numerous proposed performance measures.</p>	<p>measures at this time, we are listing each suggested new measure in an appendix to the <i>Implementation Guide</i> and will evaluate them for relevance to court processes as well as for the extent that data on that measure will be available in CCMS. Any suggested measures that appear to be appropriate additions to the rule will then be circulated for public comment and added, as appropriate to the rule and the <i>Implementation Guide to Juvenile Dependency Performance Measures</i> in future years.</p> <p>Because the suggested paternity measures will not be included in the rule at this time, no heading changes are necessary.</p> <p>Rule 5.505 (a)(3), has been amended to indicate that one of the purposes of the measures and procedures in the rule is to “Assist courts in making well-informed resource allocation decisions.”</p> <p>Compiling statistics should not increase the workload for court staff, because CCMS will include automated report templates available for</p>

SPR08-41 and SPR08-05

Juvenile Law: Juvenile Dependency Court Performance Measures and Implementation Guide to Juvenile Dependency Court Performance Measures (adopt Cal. Rules of Court, rule 5.505; approve *Implementation Guide to Juvenile Dependency Court Performance Measures*)

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SPR08-41 Juvenile Law: Juvenile Dependency Court Performance Measures				
	Commentator	Position	Comment	Committee Response
			b) Having the rule cover children in probation-supervised foster care would provide valuable information that could lead to systematic changes.	<p>use by local court staff. Other than the entry of the required data elements as part of regular court processing in CCMS, work associated with the performance measures is not anticipated to be overly burdensome. In the event that local courts encounter problems in complying with this rule because of resource limitations, the AOC will work with courts to document these limitations and will report their findings to the Judicial Council no later than December 2012.</p> <p>AB 2216 does not require that performance measures be enacted for children in probation-supervised foster care or other children in the delinquency system. However, assessing court performance for these youth is equally important, and the committee, along with CCMS developers, will move forward in developing methods for electronically capturing the data on these populations. After the dependency measures are implemented, the committee will consider whether to propose amendments to rule 5.505, or take other steps, to ensure that performance measures are enacted and the data collected for children in probation-supervised foster care and other delinquent children.</p>

SPR08-41 and SPR08-05

Juvenile Law: Juvenile Dependency Court Performance Measures and Implementation Guide to Juvenile Dependency Court Performance Measures (adopt Cal. Rules of Court, rule 5.505; approve *Implementation Guide to Juvenile Dependency Court Performance Measures*)

All comments are verbatim unless indicated by an asterisk (*).

SPR08-41 Juvenile Law: Juvenile Dependency Court Performance Measures				
	Commentator	Position	Comment	Committee Response
			<p>c) The title Court Procedures and Due process is appropriate as it accurately describes the measures contained in the rule.</p> <p>d) Collecting data regarding these issues and the suggested time frames of one, two, and three years from the termination of parental rights and finalization of an adoption will provide relevant information regarding the percentage of children adopted in the first three years after TPR and the percentage of adoptions that fail during the first three years after the adoption is finalized. While the information will be helpful in measuring how successful the permanent plan of adoption is, it will be an additional workload issue for the court.</p>	<p>The heading “Court procedures and due process” will be retained for section (b)(2) of the rule.</p> <p>Although failed adoptions are extremely important to measure, the committee has decided to remove these measures (5.505(b)(4)(H) and (I)) from the permanency measures at this time because these are the only permanency measures for which data is not anticipated to be available in the CCMS system through electronic data exchange with child welfare.</p> <p>These measures, like the suggested new measures, are listed in an appendix to the <i>Implementation Guide</i> and will be evaluated for relevance to court processes as well as for the extent that data on those measures will be available in CCMS. If they appear to be appropriate additions to the rule they will be circulated for public comment and, as appropriate added to the rule and the <i>Implementation Guide to Juvenile Dependency Performance Measures</i> in future years.</p>
10.	Sharol H. Strickland	AM	* There is uncertainty as to whether all of the data	The committee recognizes that deployment of

SPR08-41 and SPR08-05

Juvenile Law: Juvenile Dependency Court Performance Measures and Implementation Guide to Juvenile Dependency Court Performance Measures (adopt Cal. Rules of Court, rule 5.505; approve *Implementation Guide to Juvenile Dependency Court Performance Measures*)

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SPR08-41 Juvenile Law: Juvenile Dependency Court Performance Measures				
	Commentator	Position	Comment	Committee Response
	Executive Officer Superior Court of Butte County		<p>elements will be accessible for exchange concurrent with the CCMS implementation. I suggest rule 5.505(c)(3) be amended as follows: “On implementation of the CCMS family and juvenile law module, including the functional data exchanges described in the <i>Implementation Guide to Juvenile Dependency Court Performance Measures</i>, each court must collect and submit to the AOC all juvenile dependency data described in (b) and in the <i>Implementation Guide to Juvenile Dependency Court Performance Measures</i>.”</p> <p>For performance measures still “in development” I suggest the guide be amended to move these incomplete measures to a separate section titled “in development.” Once these measures are complete, they can be circulated for comment and subsequently adopted.</p>	<p>CCMS and establishment of data exchange functions with court partners are complicated processes that will require some ongoing efforts by court staff, CCMS technical staff, the AOC, and court justice partners. As such, some data elements, such as those that require data exchange, may not initially be available. In light of this, section (c)(3) of the rule has been amended to read, “On implementation of the CCMS family and juvenile law module in each court, and as the necessary data elements become electronically available, each court must collect and submit to the AOC the juvenile dependency data described in (b) and further delineated in the <i>Implementation Guide to Juvenile Dependency Court Performance Measures</i>.”</p> <p>The well-being measures in rule 5.505 comprise the majority of measures that are “in development.” Because the authorizing legislation mandates the adoption of well-being measures at this time, the committee will retain these measures with the understanding that, under revised section (c)(3) of the rule, courts will not be required to report on these measures until the necessary data elements become electronically available.</p>
11.	Superior Court of Fresno County	AM	a) The financial workload impact on local courts	Before CCMS implementation, courts will only

SPR08-41 and SPR08-05

Juvenile Law: Juvenile Dependency Court Performance Measures and Implementation Guide to Juvenile Dependency Court Performance Measures (adopt Cal. Rules of Court, rule 5.505; approve *Implementation Guide to Juvenile Dependency Court Performance Measures*)

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SPR08-41 Juvenile Law: Juvenile Dependency Court Performance Measures				
	Commentator	Position	Comment	Committee Response
	Patty Wallace Rixman Director of Court Operations		if the proposed rule is adopted would be high. Minute orders, data entry and the Court’s case management system must be customized to collect required data and not rely solely on staff data entry. Software/CMS must be designed to capture this information and send reports when timeliness or case aging is a concern based on the criteria set. Agree this information is needed and will assist	have to submit to the AOC the data they are capable of collecting and submitting with their current system and resources; no customization is required. Once CCMS is implemented, data entry beyond that associated with regular court processing in CCMS is not anticipated to be overly burdensome. For the purposes of performance measure reporting, standardized data fields and automated report templates are being developed in CCMS-V4. Most data elements required for these measures will be routinely entered into the system by the courtroom clerks as they prepare the minute orders. Other data fields will be entered into the system through data exchange. It is anticipated that these system features will minimize the workload impact on court staff. In the event that local courts encounter problems in complying with this rule because of resource limitations, the AOC will work with courts to document these limitations and will report their findings to the Judicial Council no later than December 2012. CCMS will include an alarm function that each court can choose to utilize. If utilized, this function will provide alerts when certain timelines are approaching.

SPR08-41 and SPR08-05

Juvenile Law: Juvenile Dependency Court Performance Measures and Implementation Guide to Juvenile Dependency Court Performance Measures (adopt Cal. Rules of Court, rule 5.505; approve *Implementation Guide to Juvenile Dependency Court Performance Measures*)

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SPR08-41 Juvenile Law: Juvenile Dependency Court Performance Measures				
	Commentator	Position	Comment	Committee Response
			<p>the Courts with measuring performance and timeliness.</p> <p>b) These measures should apply to children in the probation-supervised foster care system.</p> <p>c) Court Procedures and Due Process is my recommendation.</p> <p>d) Permanency measures (b)(4)(H) and (I) should be included in this rule.</p>	<p>AB 2216 does not require that performance measures be enacted for children in probation-supervised foster care or other children in the delinquency system. However, assessing court performance for these youth is equally important, and the committee, along with CCMS developers, will move forward in developing methods for electronically capturing the data on these populations. After the dependency measures are implemented, the committee will consider whether to propose amendments to rule 5.505, or take other measures, to ensure that performance measures are enacted and the data collected for children in probation-supervised foster care and other delinquent children.</p> <p>The heading “Court procedures and due process” will be retained for section (b)(2) of the rule.</p> <p>Although failed adoptions are extremely important to measure, the committee has decided to remove these measures (5.505(b)(4)(H) and (I)) from the permanency measures at this time, because these are the only</p>

SPR08-41 and SPR08-05

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SPR08-41 Juvenile Law: Juvenile Dependency Court Performance Measures				
	Commentator	Position	Comment	Committee Response
				<p>permanency measures for which data is not anticipated to be available in the CCMS system through electronic data exchange with child welfare.</p> <p>We are listing these measures along with each suggested new measure in an appendix to the <i>Implementation Guide</i> and will evaluate them for relevance to court processes as well as for the extent that data on that measure will be available in CCMS. Any suggested measures that appear to be appropriate additions to the rule will then be circulated for public comment and added, as appropriate to the rule and the <i>Implementation Guide</i> in future years.</p>
12.	Superior Court of Los Angeles County	A	No specific comment.	No response required.
13.	Superior Court of Sacramento County Robert Turner ASO II	A	No specific comment.	No response required.
14.	Superior Court of San Diego Michael M. Roddy Executive Officer	AM	<p>*Various typographical errors throughout rule text.</p> <p>Rule 5.505 (b)(4)(G) reads: “Percentage of children with multiple foster care placements.” The word multiple should be further clarified.</p>	<p>The committee appreciates the careful reading of the rule and has made all the suggested corrections of typographical errors.</p> <p>The <i>Implementation Guide</i> contains the detailed specifications for each measure. It defines “multiple foster care placements” as two or more placements and also defines various time</p>

SPR08-41 and SPR08-05

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SPR08-41 Juvenile Law: Juvenile Dependency Court Performance Measures				
	Commentator	Position	Comment	Committee Response
			Rule 5.505 (b)(4)(I) reads: “Of children who were adopted, the percentage for whom the adoption failed within 1, 2 or 3 years of termination of parental rights.” Suggest that the committee consider measuring from the finalization of adoption rather than measuring from the termination of parental rights.	<p>periods for which that inquiry must be made.</p> <p>Although failed adoptions are extremely important to measure, the committee has decided to remove these measures (5.505(b)(4)(H) and (I)) from the permanency measures at this time, because these are the only permanency measures for which data is not anticipated to be available in the CCMS system through electronic data exchange with child welfare</p> <p>These measures, like the suggested new measures, will be listed in an appendix to the <i>Implementation Guide</i>, and will be evaluated for relevance to court processes as well as for the extent that data on that measure will be available in CCMS. If they appear to be appropriate additions to the rule, they will then be circulated for public comment, and added to the rule and the <i>Implementation Guide to Juvenile Dependency Performance Measures</i>, in future years, as appropriate.</p>
15.	Superior Court of Yolo County James Perry Executive Officer	AM	We agree that the intent of proposed Rule 5.505 to have performance measures and to ensure accountability is warranted, however, we question whether the numerous proposed measures are worth the cost that will be incurred in time and resources.	Before CCMS implementation, courts will only have to submit to the AOC the data they are capable of collecting and submitting with their current system and resources. Once CCMS is implemented, data entry beyond that associated with regular court processing in CCMS is not

SPR08-41 and SPR08-05

Juvenile Law: Juvenile Dependency Court Performance Measures and Implementation Guide to Juvenile Dependency Court Performance Measures (adopt Cal. Rules of Court, rule 5.505; approve *Implementation Guide to Juvenile Dependency Court Performance Measures*)

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SPR08-41 Juvenile Law: Juvenile Dependency Court Performance Measures				
	Commentator	Position	Comment	Committee Response
			<p>1. Hearing Timeliness:</p> <p>a) Change percentages to real numbers; percentages are difficult to determine.</p> <p>b) Prioritize and/or reduce the number of data elements to make this measure more realistic which will give the Courts a better opportunity to comply.</p>	<p>anticipated to be overly burdensome. Beyond the cost of implementing CCMS the additional cost of implementing performance measures should be minimal. In the event that local courts encounter problems in complying with this rule because of resource limitations, the AOC will work with courts to document these limitations and will report their findings to the Judicial Council no later than December 2012.</p> <p>1a) The CCMS system will contain the data in real numbers. Percentages will be calculated by CCMS and used for reporting, to allow local courts to easily see improvements in their own outcomes as well as to compare their percentages with those of the state as a whole.</p> <p>1b) The list of measures was developed by committees of the Blue Ribbon Commission on Children in Foster Care after careful review of state and federal measures and recommendations. The committee will address the concerns about workload and compliance by amending section (c)(3) of the rule to read, “On implementation of the CCMS family and juvenile law module in each court, and as the necessary data elements become electronically available, each court must collect and submit to</p>

SPR08-41 and SPR08-05

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SPR08-41 Juvenile Law: Juvenile Dependency Court Performance Measures				
	Commentator	Position	Comment	Committee Response
			<p>2. Court Procedures & Due Process:</p> <p>a) Change percentages to real numbers; percentages are difficult to determine.</p> <p>b) Prioritize and/or reduce the number of data elements to make this measure more realistic which will give the Courts a better opportunity to comply.</p> <p>c) The data elements for service and/or notice are not useful, a proof of service flagged as completed only states that the notice/service was prepared by a clerk. What about those that don't reach the intended recipient or come back as "undeliverable". This element does not provide useful information.</p> <p>d) Parents/child/CASA etc. present, again this is</p>	<p>the AOC the juvenile dependency data described in (b) and further delineated in the <i>Implementation Guide to Juvenile Dependency Court Performance Measures.</i>" This change does not reduce the number of performance measures, but it ensures that courts will not be deemed out of compliance if they are not immediately capable of producing every measure contained in the rule.</p> <p>2a) See answer 1a) above.</p> <p>2b) See answer 1b) above.</p> <p>2c) Service and notice are statutorily required processes. Courts already make findings about whether these were correctly accomplished. These measures serve to collect and report this data. There is no way to measure data about failed notices other than through a court finding that notice was not provided or that it was not provided at the appropriate address.</p> <p>2d) The right of parties to be present in court is</p>

SPR08-41 and SPR08-05

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SPR08-41 Juvenile Law: Juvenile Dependency Court Performance Measures				
	Commentator	Position	Comment	Committee Response
			<p>not useful information as to court procedure or due process.</p> <p>e) Counsel appointed: again this is not useful information as to court procedure or due process. Counsel appointed is covered by law as to when and why they are appointed. Also the number is not helpful because it does not take into consideration private counsel.</p> <p>The new requirements are too comprehensive and detailed requiring additional staff resources to capture such information. Even with a sophisticated CMS, data collection requirements</p>	<p>statutorily mandated as well as a fundamental element of due process. For example, Welfare & Institutions Code, section 319 states that: “At the initial petition hearing, the court shall examine the child’s parents, guardians, or other persons having relevant knowledge and hear the relevant evidence as the child, the child’s parents or guardians, the petitioner, or their counsel desires to present.”</p> <p>2e) The measures regarding appointment of counsel do not measure whether counsel was appointed when required by law. Instead, the measures look at presence of counsel at hearings (section (b)(2)(G)) and the point in each hearing when attorneys are assigned (section (b)(2)(H)). These are both important measures of due process, since children and parents are not adequately represented when attorneys miss hearings or when the court routinely appoints counsel after the detention hearing or so close in time to the start of that hearing that the attorney cannot interview their client or adequately prepare their case.</p> <p>The committee has sought to balance the additional workload associated with this rule with the need for a set of comprehensive performance measures. Before CCMS</p>

SPR08-41 and SPR08-05

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SPR08-41 Juvenile Law: Juvenile Dependency Court Performance Measures				
	Commentator	Position	Comment	Committee Response
			<p>demand resources to input the information into the system. Further, the measures should be prioritized and/or reduce the number of data elements. For any performance measures to be useful they need to be manageable and provide valuable information on core elements.</p> <p>The proposal also makes assumptions that Courts can and Counties are able and/or willing to share data. Nothing in the proposal provides any help to the Courts/Counties to be able to do that type of data exchange.</p>	<p>implementation courts, will only have to submit to the AOC the data they are capable of collecting and submitting with their current system and resources. Once CCMS is implemented, data entry beyond that associated with regular court processing in CCMS is not anticipated to be overly burdensome. Beyond the cost of implementing CCMS the additional cost of implementing performance measures should be minimal. In the event that local courts encounter problems in complying with this rule because of resource limitations, the AOC will work with courts to document these limitations and will report their findings to the Judicial Council no later than December 2012.</p> <p>The committee does base its recommendations on the assumption that courts will be able to exchange data, as data exchange with selected justice partners, including the California Department of Social Services, is a functional requirement of the CCMS system. These processes are currently under development. Data exchange functions are more efficiently developed for the CCMS systems as a whole than if each court were to create their own data exchanges. Once built into CCMS, these data exchanges should reduce the workload of the</p>

SPR08-41 and SPR08-05

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SPR08-41 Juvenile Law: Juvenile Dependency Court Performance Measures				
	Commentator	Position	Comment	Committee Response
			This proposal is far too labor intensive and comprehensive given pending budget shortfalls.	<p>courts by reducing the number of data elements that must be entered by court clerks.</p> <p>The committee recognizes the current budget shortfalls but must move forward with this rule as it is legislatively mandated. The latest versions of sections (c)(2) and (c)(3) of the rule permit the courts to collect more limited information if they face resource limitations or if the information is not yet electronically available. Further, the AOC will work with courts that wish to have assistance in producing the performance measures. Should resource limitations prohibit compliance with this rule the AOC work with local courts to document these limitations, and will report their findings to the Judicial Council no later than December 2012.</p>
16.	TCPJAC/CEAC Joint Working Group on Rules Patrick Danna Court Services Analyst, Lead AOC Staff	AM	The Trial Court Presiding Judges Advisory Committee (TCPJAC)/Court Executives Advisory Committee (CEAC) Joint Rules Working Group initially reviewed this proposal in January 2008. In response to the working group's January 2008 comments, the revised proposal includes: 1. A list of detailed performance measures; 2. A review process with public comment period for the accompanying implementation guide; and 3. Now states that before implementation of the	These changes were made before the proposal was circulated for comment in the spring 2008 cycle.

SPR08-41 and SPR08-05

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SPR08-41 Juvenile Law: Juvenile Dependency Court Performance Measures				
	Commentator	Position	Comment	Committee Response
			<p>CCMS family and juvenile law module, courts will only be required to collect and submit data they are capable of collecting through their existing case management systems.</p> <p>The working group notes that performance measure data collection was included in the rules of court only because legislation required it to be there. The working group also advises that the 2006 act didn't specify what kinds of data to collect.</p> <p>The working group recommends that proposal staff look for ways to improve data collection in the future. The working group also notes that the workload impact from inputting the required performance measure data may be significant.</p>	<p>AB 2216 did mandate that the performance measures be enacted through a rule of court. The act specified (in Welf. & Inst. Code, § 16545) that measures must be enacted "so that courts are able to measure their performance and track their own progress in improving safety, permanency, timeliness and well-being of children." The proposed rule includes measures in these four delineated categories, as well as in one additional category, "Court procedures and due process."</p> <p>AOC staff members are working with CCMS developers to ensure that the design of CCMS-V4 includes the collection of data needed for producing these measures and for improved data collection generally.</p> <p>For the purposes of performance measure reporting, standardized data fields and automated report templates are being developed in CCMS-V4. Most data elements required for these measures will be routinely entered into the</p>

SPR08-41 and SPR08-05

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SPR08-41 Juvenile Law: Juvenile Dependency Court Performance Measures				
	Commentator	Position	Comment	Committee Response
				system by the courtroom clerks as they prepare the minute orders. Other data fields will be entered into the system through data exchange. It is anticipated that these system features will minimize the workload impact of the performance measure requirements. In the event that local courts encounter problems in complying with this rule because of resource limitations, the AOC will work with courts to document these limitations and will report their findings to the Judicial Council no later than December 2012.

SPR08-41 and SPR08-05

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SPR08-05 Juvenile Law: Implementation Guide to Juvenile Dependency Court Performance Measures				
	Commentator	Position	Comment	Committee Response
1.	Barbara Needell University of California, Berkeley Center for Social Services Research	AM	The CWS Outcomes system now incorporates the most recent federal safety and permanency measures, along with additional measures. The Guide should be changed to reflect this.	The committee has confirmed with CDSS that the detailed safety and permanency outcome measures used by the state have been revised to more closely align with the federally mandated measures. The committee will make the corresponding changes in the implementation guide to reflect the revised state measures. Because this affects the detailed specifications for generating the measures, but not the measures themselves, it will not require any changes to the wording of the safety and permanency measures in rule 5.505.
2.	Orange County Bar Association Cathrine Castaldi President	No position	<p>This is version 1 of a guide for implementation of juvenile dependency court performance measures. These measures are designed to give the AOC information about the children who are dependents and the functioning of the court.</p> <p>This is a data collection manual for the case management system. Due to the technical nature of the guide and the fact that no substantive changes to law or rules are proposed, OCBA need not comment on the guide. SPR08-41 is the proposed Rule implementing the guide.</p>	No response required.

SPR08-41 and SPR08-05

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SPR08-05 Juvenile Law: Implementation Guide to Juvenile Dependency Court Performance Measures				
	Commentator	Position	Comment	Committee Response
3.	Superior Court of Fresno County Patty Wallace Rixman Director	AM	Agree with this proposal, this guide would be an excellent resource tool to assist the Court’s reporting requirements but must include flexibility for courts and resources.	No response required.
4.	Los Angeles County Superior Court	AM	*The court collects much but not all of the data outlined in the guide. In addition, the court may collect certain data elements but be unable to report them in the percentage format required by the guide. As a result, the court will not be able to comply fully with the guide should it go into effect on January 1, 2009. The proposed rule has explicit provisions for courts that take into account the fact that courts will not be able to provide all the information outlined in the guide.	Before CCMS implementation, courts will only have to submit to the AOC the data they are capable of collecting and submitting with their current system and resources; no customization is required. Once CCMS is implemented, data entry beyond that associated with regular court processing in CCMS is not anticipated to be overly burdensome. For the purposes of performance measure reporting, standardized data fields and automated report templates are being developed in CCMS-V4. Most data elements required for these measures will be routinely entered into the system by the courtroom clerks as they prepare the minute orders. Other data fields will be entered into the system through data exchange. It is anticipated that these system features will minimize the workload impact on court staff. The CCMS system will contain the data in real numbers. Percentages will be calculated by CCMS and used for reporting, to allow local courts to easily see improvements in their own outcomes as well as to compare their percentages

SPR08-41 and SPR08-05

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SPR08-05 Juvenile Law: Implementation Guide to Juvenile Dependency Court Performance Measures				
	Commentator	Position	Comment	Committee Response
				<p>with those of the state as a whole.</p> <p>The committee has addressed concerns about workload and compliance by amending section (c)(3) of the rule to read, “On implementation of the CCMS family and juvenile law module in each court, and as the necessary data elements become electronically available, each court must collect and submit to the AOC the juvenile dependency data described in (b) and further delineated in the <i>Implementation Guide to Juvenile Dependency Court Performance Measures</i>.” This change does not reduce the number of performance measures, but it ensures that courts will not be deemed out of compliance if they are not immediately capable of producing every measure contained in the rule. In the event that local courts encounter problems in complying with this rule because of resource limitations, the AOC will work with courts to document these limitations and will report their findings to the Judicial Council no later than December 2012.</p>
5.	Superior Court of Sacramento County Jake Chatters Deputy Executive Officer	AM	*Delay requirement for local courts to report measures until their CCMS implementation date plus 1 year. The CCMS system is highly complex and has a significant learning curve. Allow courts time to confirm data entry is correct and fully adjust to new computer	The committee will address these issues by amending the rule to read, “On implementation of the CCMS family and juvenile law module in each court, <i>and as the necessary data elements become electronically available</i> , each court must collect and submit to the AOC the juvenile

SPR08-41 and SPR08-05

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SPR08-05 Juvenile Law: Implementation Guide to Juvenile Dependency Court Performance Measures				
	Commentator	Position	Comment	Committee Response
			<p>system.</p> <p>*A majority of the measures in the guide will not require additional data entry by court staff. Other measures will require substantial data entry for court staff. The impact on the court will vary by (1) who provides notice of all hearings and (2) the current level of data entry performed by that court. The committee may wish to consider a prioritized ranking of measures in the event that sufficient resources are not available.</p> <p>Define and require use of any standardized case events (hearings, filing names) and order language prior to the implementation of CCMS and these measures.</p>	<p>dependency data described in (b) and further delineated in the <i>Implementation Guide to Juvenile Dependency Court Performance Measures.</i>” (emphasis added) It is not anticipated that all data elements will be available immediately after the system “goes live.” This change ensures that courts will not be deemed out of compliance if they are not immediately capable of producing every measure contained in the rule.</p> <p>The list of measures was developed by committees of the Blue Ribbon Commission on Children in Foster Care after careful review of state and federal measures and recommendations. The committee will address the concerns about workload and compliance by amending section (c)(3) of the rule, as described above. In the event that local courts encounter problems in complying with this rule because of resource limitations, the AOC will work with courts to document these limitations and will report their findings to the Judicial Council no later than December 2012.</p> <p>The committee agrees that requiring the use of standardized case events prior to the implementation of CCMS would facilitate the transition process. The committee will forward this suggestion to the CCMS development team.</p>

SPR08-41 and SPR08-05

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	Commentator	Position	Comment	Committee Response
1.	Children’s Advocacy Institute Christina Riehl Staff Attorney	AM	<p>* CAI believes it is critically important for the Administrative Office of the Courts to track data regarding those children who are involved in both dependency and delinquency courts. We believe it is critical that data be collected for probation-supervised children. In particular, we believe it is important that the court collect data regarding:</p> <p>(1) The percentage of children who are dependents of the court and for whom a delinquency petition is filed</p> <p>(2) The percentage of children who are dependents of the courts, for whom a delinquency petition is filed, and who remain detained</p> <p>(3) The percentage of children who are dependents of the court, for whom a delinquency petition is filed, and who remain dependents after a hearing pursuant to Welf. & Inst. Code, § 241.2</p> <p>(4) The percentage of children who are dependents of the court, for whom a delinquency petition is filed, and who become wards of the court after a hearing pursuant to WIC 241.2</p> <p>(5) The number of days, on average, a</p>	<p>The committee received a number of excellent suggestions for additional measures to be included in the rule. Because of the complex nature of this rule, the committee has opted not to add new measures without first circulating them for comment. Instead of adding new measures at this time, we are listing each suggested new measure in an appendix to the <i>Implementation Guide</i> and will evaluate them for relevance to court processes as well as for the extent that data on that measure will be available in CCMS. Any suggested measures that appear to be appropriate additions to the rule will then be circulated for public comment and added, as appropriate to the rule and the <i>Implementation Guide to Juvenile Dependency Performance Measures</i> in future years.</p>

SPR08-41 and SPR08-05

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	Commentator	Position	Comment	Committee Response
			<p>dependent child remains detained after the child is found to remain a dependent at a hearing pursuant to WIC 241.2</p> <p>(6) The number of days on average a dependent child remains detained for a specified offense in comparison to the number of days a non-dependent child remains detained for the same offense.</p> <p>CAI believes the currently drafted title “Court Procedures and Due Process” is appropriate.</p> <p>CAI proposes an amendment to the adoption measures to extend the time period over which return to the dependency system is measured. Specifically, CAI believes subdivision (b)(4)(H) should read “of children who were freed for adoption, the percentage for whom the adoption did not take place within 1, 2, 3 years, <i>or longer</i>, of termination of parental rights.” CAI believes subdivision (b)(4)(I) should read, “of children who were adopted, the percentage for whom the adoption failed within 1, 2, 5, 10 or 15 years of termination of parental rights.”</p>	<p>The heading “Court procedures and due process” will be retained for section (b)(2) of the rule.</p> <p>This change will be made in the proposed measure in the appendix to the implementation guide.</p>

Implementation Guide to Juvenile Dependency Court Performance Measures

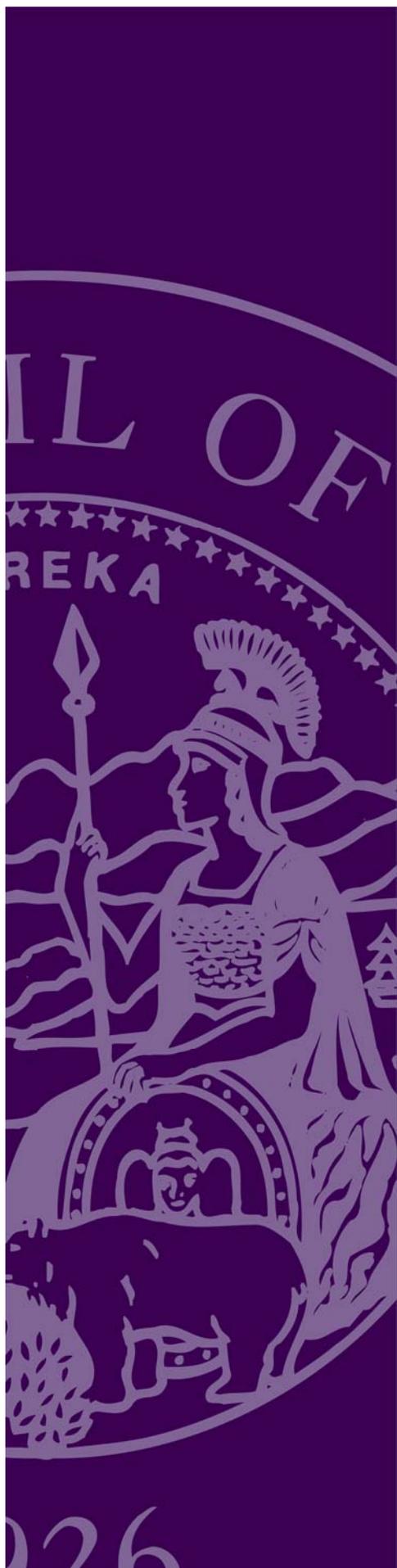
VERSION 1.0

JANUARY 2009



ADMINISTRATIVE OFFICE
OF THE COURTS

CENTER FOR FAMILIES, CHILDREN
& THE COURTS



ATTACHMENT A

Implementation Guide to Juvenile Dependency Court Performance Measures

Version 1.0

January 2009



ADMINISTRATIVE OFFICE
OF THE COURTS

CENTER FOR FAMILIES, CHILDREN
& THE COURTS

ATTACHMENT A

Judicial Council of California
Administrative Office of the Courts
Center for Families, Children & the Courts
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ATTACHMENT A

Contents

Chapter 1. Overview of Performance Measures	1
Authorization	1
Purpose	1
National and California Framework	2
Chapter 2. Summary of Performance Measures	5
Development of Measures	5
California Blue Ribbon Commission on Children in Foster Care	5
Guiding Principles	5
Description of Measures	7
Timeliness	7
Court Procedures and Due Process	8
Safety in the Child Welfare System	8
Permanency	8
Child and Family Well-Being	8
Core Data Elements	9
Levels of Specificity and Analysis	9
Definition of Case	9
Aggregated Reporting and Cohorts	9
Summary Table of Performance Measures and Core Data Elements	11
Chapter 3. Data Collection and Reporting	15
Technical Documentation	15
Responsibility for Data Collection	15
CCMS Development	15
California Department of Social Services	16
Data Collection and Reporting Before CCMS-V4 Implementation	16
Data Collection and Reporting After CCMS-V4 Implementation	17
Aggregation	18
Redundancy With CDSS Reporting	18
Chapter 4. Detailed Matrices of Juvenile Dependency Performance Measures	19
1. Timeliness	20
2. Court Procedures and Due Process	27
3. Safety in the Child Welfare System	32
4. Permanency	33
5. Child and Family Well-Being	36
6. Core Data Elements	38
Appendix	39
Measures Under Review	

Chapter 1 Overview of Performance Measures

This guide provides the information necessary to implement California juvenile dependency court performance measures contained in California Rules of Court, rule 5.505. The guide describes the source, rationale, requisite data elements, and methods for producing each performance measure. Because California's Court Case Management System (CCMS) is currently in development, much of the technical information required for producing the measures and reports outlined here is preliminary and will require updating in subsequent versions of the guide.

Authorization

Welfare and Institutions Code section 16545 requires the Judicial Council to adopt, through rules of court, performance measures for the juvenile dependency court that enable the courts "to measure their performance and track their own progress in improving safety, permanency, timeliness, and well-being of children and to inform decisions about the allocation of court resources." Rule 5.505 of the California Rules of Court establishes juvenile dependency court performance measures in five areas: child safety, child permanency, child and family well-being, hearing timeliness, and court procedures and due process. It also provides for this Judicial Council approved guide to assist local courts with uniform data collection and reporting.

Purpose

Judicial officers make or approve many of the key decisions about children in the dependency system. However, judicial officers and court managers often lack access to basic information about the children who are dependents of the court and about the functioning of their own dependency court system.

Research conducted by the Administrative Office of the Courts (AOC) in 2005 concluded that only about 40 percent of dependency courts in California have access to reliable data and reports on judicial officer caseloads, fewer than 20 percent have access to data on the courts' compliance with statutory hearing time frames, and few or none have access to data on safety and placement outcomes for children under the jurisdiction of the courts.¹

Collecting the necessary data and reporting the performance measures described in the guide will give local courts a quantitative basis for allocating court resources and making court improvement decisions.²

¹ Administrative Office of the Courts, *California Juvenile Dependency Court Improvement Program Reassessment* (Nov. 2005), table 4, 4-13, www.courtinfo.ca.gov/programs/cfcc/pdf/files/CIPReassessmentRpt.pdf.

² Currently, courts in California, through the Judicial Branch Statistical Information System (JBSIS), report some measures similar to these recommended performance measures. JBSIS reports include measures of caseload and hearing timeliness and are available on the Serranus Web site at the level of the individual court. However, the JBSIS measures are not aligned with the current national recommendations for dependency court performance measures, nor are they as comprehensive. Moreover, they contain data inconsistencies because they are produced by a variety of different county-based court case management

The National and California Framework

The lack of reliable statistics on dependency court is a nationwide problem. Organizations at the national and state levels have recommended that dependency courts adopt standard measures, often called “performance measures,” for the purposes of statistical reporting. These organizations include the Pew Commission on Children in Foster Care, the National Center for State Courts (NCSC), the American Bar Association (ABA), and the National Council of Juvenile and Family Court Judges (NCJFCJ). In 2004, a consortium of the NCSC, ABA, and NCJFCJ published a comprehensive set of dependency court performance measures in *Building a Better Court: Measuring and Improving Court Performance and Judicial Workload in Child Abuse and Neglect Cases*.³

On June 23, 2004, the Judicial Council of California adopted a resolution commending the Pew Commission on Children Foster Care for its recommendations, which included a recommendation that courts adopt juvenile dependency court performance measures. The resolution included a pledge that the judicial branch would work with state and local entities to realize the commissions goals.

To fulfill that pledge, Chief Justice Ronald M. George convened the California Blue Ribbon Commission on Children in Foster Care.⁴ As part of their work, the commission drafted a resolution on the collection and reporting of performance measures in dependency court. The 2006 resolution reads, in part:

Now, therefore, be it resolved . . .
That the California Blue Ribbon Commission on Children in Foster Care strongly endorses the need for better and more complete data gathering in dependency cases and recommends that the Judicial Council and other government and child welfare leaders work together to ensure. . . [t]hat the California Case Management System incorporate data gathering mechanisms specifically designed to allow analysis of court procedures, any court-based delays, and child and family outcomes in dependency cases consistent with the national

systems. For these and other reasons, JBSIS measures do not meet the mandate of Welf. & Inst. Code, § 16545.

³ American Bar Association, Center on Children and the Law et al., *Building a Better Court: Measuring and Improving Court Performance and Judicial Workload in Child Abuse and Neglect Cases* (2004), www.ncsconline.org/wc/publications/res_ctpers_tcps_packgde4-04pub.pdf.

⁴ Chief Justice Ronald M. George convened the California Blue Ribbon Commission on Children in Foster Care in 2006. The commission was charged with exploring the causes and consequences of court-based delays and making recommendations to improve the ability of courts to quickly move children out foster care into safe, permanent homes; exploring how to strengthen juvenile dependency courts’ accountability for their use of public dollars; and studying flexible approaches to federal funding that would give California the freedom to decide whether foster care is the right choice for a child or whether other options might keep children safe and secure.

ATTACHMENT A

standards established by NCJFCJ, the ABA, and NCSC in *Building a Better Court....*

In October of 2006, the Judicial Council of California received this resolution and directed staff to take steps to implement the recommendations in the resolution.

The performance measures recommended by these organizations and adopted with modification in this guide include measures of hearing timeliness, safety, and permanency and measures of due process, such as whether parties were represented by attorneys, received notice of hearings, and were present at hearings.

ATTACHMENT A

Chapter 2 Summary of Performance Measures

Development of Measures

California Blue Ribbon Commission on Children in Foster Care

In March 2006, the Data and Accountability Committees of the California Blue Ribbon Commission on Children in Foster Care began meeting to discuss performance measures for dependency court. Throughout 2006 and 2007, with the support of AOC staff, California Department of Social Services (CDSS) staff, and researchers at the Center for Social Services Research at the University of California, Berkeley, the commissioners reviewed the nationally recommended performance measures, as well as the state and federally mandated child welfare performance measures, and completed a set of measures tailored specifically to California juvenile dependency courts. Successive drafts were reviewed by the Juvenile Subcommittee of the Judicial Council's Family and Juvenile Law Advisory Committee and by court, child welfare, academic, and association staff.

Guiding Principles

To assist it in its task of producing a single set of measures from the variety of sources it reviewed, the blue ribbon commission developed several guiding principles. These principles, which have been maintained in this guide to assist in the development, revision, and implementation of California's performance measures, are:

1. Measures are consistent with proposed and existing federal and state measures.

The core safety and permanency measures parallel the California Child Welfare Services Outcomes and Accountability measures, which fully encompass all federally mandated measures being used in the current round of Child and Family Services Reviews and also include additional state-mandated measures.⁵ Timeliness and court procedures and due process measures generally parallel the measures outlined in *Building a Better Court* and the forthcoming performance measures toolkit except when California law required modifications to those measures.

⁵ The federally mandated measures are published in the *Federal Register*. The January 23, 2007, edition of the *Federal Register* contains a set of corrections to the *Federal Register Notice* published on June 7, 2006. The June 7, 2006, notice presents information pertaining to the new data indicators for the federal government's Child and Family Services Reviews. The January 23, 2007, notice provides corrections and additional information pertaining to the data indicators. The notice can be accessed at <http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/E7-808.htm> or <http://a257.g.akamaitech.net/7/257/2422/01jan20071800/edocket.access.gpo.gov/2007/pdf/E7-808.pdf>.

2. Measures are quantitative and can be collected through administrative data systems.

The court performance measures recommended here are those that can be readily calculated from data elements collected through the forthcoming CCMS and the California Department of Social Services Child Welfare Services/Case Management System (CWS/CMS). Many qualitative areas of court performance, including the effectiveness of a court service or the quality of children's participation in a hearing, are better measured through other data collection techniques, such as case file review, courtroom observation, and surveys and interviews of parents and children in court. Qualitative measures are not included in the rule or the guide. The AOC conducts research on public trust and confidence in the courts, the participation of children and parents in hearings, and related topics and publishes these results on the California Courts Web site. Collecting and analyzing standardized qualitative measures in each court would require resources that neither the AOC nor local courts have.

3. California courts are committed to the development of well-being performance measures.

By enacting the Adoption and Safe Families Act of 1997, the federal government signaled the importance of child well-being, but it has yet to mandate any well-being outcome measures. Recent legislation in California has gone further, both emphasizing the importance of well-being and directing the courts to adopt well-being among other performance measures. Although the measurement of well-being outcomes is still evolving, this guide proposes an initial set of measures for the courts. The initial measures of well-being in the rule were selected because they are currently being implemented by the California Department of Social Services, Outcomes and Accountability System.⁶ The blue ribbon commission and commentators on the performance measures also proposed a number of measures related to physical health, mental health, and education, which are outlined in the guide and will be the subject of ongoing research at the AOC, with the goal of implementing them as performance measures by the time CCMS is implemented.

4. Performance measures for permanency are included under several headings, and additional measures should be developed.

The measures under the permanency heading are deliberately tied to state and federal measures of permanency. Measures that address a youth's perspective on permanency appear in other categories. Several due process measures address the importance of youth participation at hearings and judicial oversight of transition-to-adulthood services. Under the heading of well-being, several measures emphasize the importance of family-finding efforts throughout the life of the case and the maintenance of sibling and relative relationships and connections to other

⁶ California Department of Social Services, All County Letter 04-05, www.dss.cahwnet.gov/lettersnotices/entres/getinfo/ac104/pdf/04-05.pdf.

individuals important to the youth. Many aspects of children’s experience of permanency and permanent connections are not captured by the proposed measures. Additional permanency measures will be the subject of ongoing research at the AOC, with the goal of implementing them as performance measures by the time CCMS is developed. In its research the AOC will consult with academic researchers, professional organizations, and the federal Court Improvement Program.

5. Measures do not require duplicate data collection efforts.

The data elements needed to calculate the recommended court performance measures for safety and permanency, as well as the demographic data for each case, are already captured by the CWS/CMS. Given that CCMS will have the capability to exchange data with the CWS/CMS, the recommended court performance measures in these domains would not require the courts to duplicate the CWS/CMS data collection efforts.

6. Measures are not static.

These measures are intended to form the basis for developing the family and juvenile law module of CCMS. Implementing detailed dependency court performance measures on a statewide basis will require multiple rounds of research, testing, and revision to produce measures that are stable, consistent, valid, and reliable across the state. Revisions to this guide will be kept to the minimum necessary to ensure data quality.

Description of Measures

The measures proposed by the blue ribbon commission and circulated for public comment as proposed rule 5.505 of the California Rules of Court have been adopted in this guide. Some changes to the original measures proposed have been made to align them with the development of CCMS-V4⁷ and with changes to the state measures for safety and permanency.

See the table below for a summary of all performance measures and Chapter 4 for a detailed description of each measure.

Timeliness

California Welfare and Institutions Code section 300 et seq. and rules 5.502 and 5.667–5.740 of the California Rules of Court specify time periods during which dependency hearings must be held. A performance measure addresses each of the statutorily required hearings. In addition to these measures of hearing timeliness, the guide adopts the *Building a Better Court* recommendation that courts measure time from termination of parental rights to finalized adoption and time from disposition and/or a Welfare and

⁷ CCMS-V4 is the module of California’s court case management system that is focused on the processing of family law, juvenile dependency and juvenile delinquency case categories.

ATTACHMENT A

Institutions Code section 366.26 hearing to establishment of guardianship. Finally, the blue ribbon commission recommended measuring the time from filing the original petition to the final termination of jurisdiction.

In addition, the blue ribbon commission recommended a measure of the number of and reason for hearing delays by hearing type.

Court Procedures and Due Process

These measures address the following topics in *Building a Better Court*: whether one judicial officer oversaw the case, service and notice, presence of parents and children at the hearings, and legal representation. Within these topics the blue ribbon commission also recommended measuring whether judicial inquiry was made when children were not present at hearings and whether statutorily entitled individuals such as Court Appointed Special Advocate (CASA) volunteers, caregivers, de facto parents, and others were present at hearings.

In addition, the blue ribbon commission recommended adding measures of cases where no reunification services were ordered and cases where children had input into their case plans.

Safety in the Child Welfare System

The domains of safety and permanency are where the recommended performance measures and guide diverge the most from *Building a Better Court*. The blue ribbon commission, in its resolution on data collection and its discussion of performance measures, stressed the importance of collaborating with the California Department of Social Services and the federal Child and Family Services Review process to measure the same child welfare system outcomes. Collaboration and joint systems improvement would not be served by having the courts measure and report slightly different outcomes. Finally, the data collection burden on courts is greatly reduced if the courts draw these performance measures from the child welfare outcome data collected through CWS/CMS. These measures will be produced with CWS/CMS data on safety and be accessible to the courts through an electronic link.

The AOC will continue to research court-specific measures of safety and permanency and propose measures that do not duplicate the child welfare outcomes for future inclusion in the guide and rule.

Permanency

The discussion above in “Safety” also applies to the measurement of permanency.

Child and Family Well-Being

The proposed measures of well-being form a distinct subgroup. Neither the federal Administration for Children and Families, through its Child and Family Services Review process, nor the advisory bodies to dependency courts, including the ABA, NCSC, and NCJFCJ, have proposed court-related well-being measures. CDSS, through its Outcomes and Accountability System, has proposed some limited well-being measures that are being collected for the child welfare system, including measures related to placement

ATTACHMENT A

with siblings, services for youth in transition to adulthood, and placement for Indian children. CDSS continues to work on developing well-being measures.

Working with the limited research and proposed well-being measures available, the blue ribbon commission recommended five topics for well-being measures: children's physical health; mental health; education; transition out of foster care; and relatives, relationships, and lifelong connections. Within these topic areas the blue ribbon commission recommended that the current CDSS well-being measures be adopted by the courts. The blue ribbon commission also recommended court-based measures in each topic area.

The guide and rule 5.505 address well-being measures in the areas of transition out of foster care and relatives, including siblings. These areas have defined measures in the child welfare community that the court can parallel. Additional proposed measures in the areas of physical health, mental health, and education are listed in the "Additional Proposed Measures" section below: the AOC will continue to conduct research to design and test these measures for future amendments to rule 5.505.

Core Data Elements

Core data elements are data that, while not included in the performance measures, are recommended to provide workload and demographic context to the performance measures. They include total cases, the participation of children or parents in court programs, and demographic information on children.

Levels of Specificity and Analysis

Definition of Case

All of these measures assume that one child in dependency is the equivalent of one dependency case. This parallels the current AOC standards for case counting in juvenile dependency. The Judicial Branch Statistical Information System manual for dependency cases states:

Each juvenile named in the petition is reported as one initial, subsequent, or supplemental petition filed and is referred to as one case for statistical reporting purposes.⁸

Aggregated Reporting and Cohorts

None of the measures described here is meant to be a measure of performance for an individual case. There are numerous reasons, many related to good practice, why a hearing may be delayed, a child may not be present at a hearing, or a placement may be changed. These measures are designed to give an aggregate picture of hearing delays, participation in hearings, placement changes, and many other topics.

⁸ Administrative Office of the Courts, *Judicial Branch Statistical Information System* version 2.2 (Mar. 2004).

ATTACHMENT A

The most common level of analysis for measures is the cohort of children. For many measures, a cohort would be defined as all children entering dependency during a certain time period (usually six months or one year). An example of a measure using this cohort would be: of all children entering dependency between January 1, 2007, and June 30, 2007, who were removed from the home, for what percentage was the initial hearing completed within one day of the petition filing date.

In many instances a measure can be applied to two different analysis cohorts. For instance, the percentage of hearings delayed by a particular reason (for example, the attorney not present) can be calculated as a percentage of all hearings of a certain type that take place within a specified time period or as a percentage of all children in a cohort that had at least one hearing delayed because the attorney was not present.

The final portion of this chapter contains a table that summarizes the measures described at the beginning of the chapter as well as the list of core data elements that are recommended to provide workload and demographic context to the performance measures.

Summary of California Juvenile Dependency Performance Measures

1. Hearing Timeliness

1A	Percentage of children for whom the initial hearing is completed within the statutory time frame following the filing of the initial petition
1B	Percentage of children for whom the jurisdictional hearing is completed within the statutory time frame following the initial hearing
1C	Percentage of children for whom the disposition hearing is completed within the statutory time frame following the finding of jurisdiction
1D	Percentage of children for whom a 3-month or other interim review hearing is held
1E	Percentage of children for whom the 6-month review hearing is completed within 6 months of the date the child entered foster care
1F	Percentage of children for whom the 12-month permanency hearing is completed within 12 months of the date the child entered foster care
1G	Percentage of children for whom the 18-month review hearing is completed within 18 months of the date of original protective custody
1H	Percentage of children for whom the first section 366.26 hearing is completed within 120 days of the termination of reunification services
1I	Percentage of children whose postpermanency hearing is completed within 6 months of the section 366.26 hearing or last postpermanency hearing
1J	Percentage of children in long-term foster care whose subsequent section 366.26 hearing is completed within 12 months of the previous section 366.26 hearing
1K	Percentage of children whose adoption is finalized within 180 days after termination of parental rights
1L	Median time from disposition or section 366.26 hearing to order establishing guardianship
1M	Percentage of children for whom the first and subsequent postpermanency review hearings are completed within the statutory time frame
1N	Percentage of hearings delayed by reasons for delay and hearing type
1O	Median time from filing of original petition to implementation of a permanent plan by permanent plan type
1P	Median time from filing of original petition to termination of jurisdiction by reason for termination of jurisdiction

2. Court Procedures and Due Process

2A	Percentage of cases in which all hearings are heard by one judicial officer
2B	Percentage of cases in which all parties and other statutorily entitled individuals are served with a copy of the original petition
2C	Percentage of hearings in which notice is given to all statutorily entitled parties and individuals within the statutory time frame
2D	Percentage of hearings in which child or parents are present if statutorily entitled to be present
2E	Percentage of hearings in which a judicial inquiry is made when a child 10 years of age or older is not present at hearing
2F	Percentage of hearings in which other statutorily entitled individuals who are involved in the case (e.g., CASA volunteers, caregivers, de facto parents, others) are present

ATTACHMENT A

2G	Percentage of cases in which legal counsel for parents, children, and the child welfare agency are present at every hearing
2H	Point at which children and parents are assigned legal counsel
2I	Percentage of cases in which legal counsel for children or parents changes
2J	Percentage of cases in which no reunification services are ordered and reasons
2K	Percentage of cases for which youth have input into their case plans
2L	Cases in compliance with the requirements of the Indian Child Welfare Act (ICWA)

3. Safety in the Child Welfare System

3A	Percentage of children who were not victims of another substantiated maltreatment allegation within 6 and 12 months after the maltreatment incident that led to the filing of the initial petition
3B	For all children served in foster care during the year, percentage of children who were not victims of substantiated maltreatment by a foster parent or facility staff member

4. Child Permanency

4A	Percentage of children reunified in less than 12 months
4B	Percentage of children who were reunified but reentered foster care within 12 months
4C	Percentage of children who were discharged from foster care to a finalized adoption within 24 months
4D	Percentage of children in long-term foster care who were freed for adoption
4E	Percentage of children in long-term foster care who were discharged to a permanent home before their 18th birthdays
4F	Of children discharged to emancipation or aging out of foster care, percentage who were in foster care 3 years or longer
4G	Percentage of children with multiple foster-care placements

5. Child and Family Well-Being

5A	Percentage of children 14 years of age or older with current transitional independent living plans
5B	Percentage of children for whom a section 391 termination of jurisdiction hearing was held
5C	Percentage of section 391 termination of jurisdiction hearings that did not result in termination of jurisdiction and reasons jurisdiction did not terminate
5D	Percentage of youth present at section 391 termination of jurisdiction hearing with judicial confirmation of receipt of all services and documents mandated by section 391(b)(1-5)
5E	Percentage of children placed with all siblings who are also under court jurisdiction, as appropriate
5F	Percentage of children placed with at least one but not all siblings who are also under court jurisdiction, as appropriate
5G	For children who have siblings under court jurisdiction but are not placed with all of them, percentage of cases in which sibling visitation is not ordered and reasons
5H	Percentage of cases in which visitation is not ordered for parents and reasons
5I	Number of visitation orders for adults other than parents and siblings, (e.g., grandparents, other relatives, extended family members, others), as appropriate
5J	Cases in which the court has requested relative-finding efforts from the child welfare agency
5K	Percentage of children placed with relatives
5L	For children 10 years of age or older and in foster care for at least 6 months, percentage for whom the court has inquired whether the social worker has identified persons important to the child
5M	For children 10 years of age or older in foster care for at least 6 months, percentage for whom the court has made orders to enable the child to maintain relationships with persons important to that child

Core Data Elements

Court Procedures

1. Number of cases (and children) and related case indicator
2. Frequency of trials/contested hearings
3. Cases involving other court programs (drug court, juvenile dependency mediation, CASA volunteers)
4. Children involved in both dependency and delinquency courts
5. Cases transferred out of county

Demographics

Child Demographics

1. Child's sex
2. Child's age
- 3(a). Does child have siblings in the system?
- 3(b). If yes to 3(a), was at least one of the child's siblings under the age of 3 at the time of removal?
- 3(c). If yes to 3(b), was this child removed at the same time as the sibling under the age of 3?
4. Child's race/ethnicity, Native American heritage, and ICWA status
5. Child with special health-care needs as defined in Welf. & Inst. Code, § 17710
6. Primary language

Caseload Demographic Profile

7. Referrals (numbers and rates by age and ethnicity)
8. Substantiated referrals (numbers and rates by age and ethnicity)
9. Original petitions (nonduplicative) (numbers and rates by age and ethnicity)
10. Children under court jurisdiction (numbers and rates by age and ethnicity)
11. Average or median time under court jurisdiction (by age and ethnicity)

ATTACHMENT A

Chapter 3 Data Collection and Reporting

Technical Documentation

All technical documentation for implementing these performance measures will be contained in this guide. The guide will be revised and reissued on an as-needed basis as CCMS-V4 is developed and deployed throughout California. Subsequent versions of the guide that include substantive changes will be circulated for comment before adoption, but purely technical updates will not require circulation for comment.

Implementing detailed dependency court performance measures on a statewide basis will require multiple rounds of research, testing, and revision to produce measures that are stable, consistent, valid, and reliable across the state. In addition, as the technical specifications for CCMS develop, it will be necessary to develop the methodology for producing performance measures in tandem with CCMS development.

Beginning with the pre-CCMS period, the AOC will refine the implementation guide by conducting research on the performance measures and their underlying data elements. The AOC, in conjunction with the California Department of Social Services, will also continue to research additional measures.

When a substantive change is needed, such as a modification to a definition in the proposed rule or the proposal of an additional performance measure, both the rule and the guide will be modified and circulated for comment. When a purely technical change is needed, only the implementation guide will be modified, and it will not be circulated for public comment.

Responsibility for Data Collection

The data needed to create the performance measures described in this guide must be collected by the courts (for the domains of timelines, court procedures and due process, and well-being, as well as some of the core data elements) and the county child welfare agencies (for the domains of safety and permanency). Attorneys, CASA volunteers, or other court participants are not required to collect data for this system.

CCMS Development

The data needed to create the performance measures that are described in this guide and that must be collected by the courts will be included in CCMS-V4. The current development of CCMS-V4 is incorporating the required data elements. Courts will not be asked to supply data beyond the administrative data incorporated into CCMS.

California Department of Social Services

The data that are needed to create the performance measures described in this guide and that must be collected by county child welfare agencies is already incorporated into the statewide Child Welfare Services/Case Management System. CDSS is developing a new system known as CWS Web. CDSS and county staff have been participating in CCMS development meetings to ensure that CCMS and CWS Web will be able to exchange data and use statewide data warehouses to create the performance measures described in the guide. County child welfare agencies will not be asked to supply data beyond the administrative data incorporated into CWS/CMS or CMS Web.

Data Collection and Reporting Before CCMS-V4 Implementation

Rule 5.505(c)(2) states:

Before implementation of the CCMS family and juvenile law module, each court must collect and submit to the AOC the subset of juvenile dependency data described in (b) and further delineated in the *Implementation Guide to Juvenile Dependency Court Performance Measures* that it is reasonably capable of collecting and submitting with its existing court case management system and resources.

In the domains of safety and permanency, the AOC will work with CDSS and the Center for Social Services Research at the University of California, Berkeley, to produce reports on the safety and permanency measures that can be provided to the courts.

In the domains of timeliness, court procedures and due process, and well-being, the AOC will develop a program to assist courts in reviewing their existing case management systems to determine whether it is possible to produce any of the performance measures with the court's existing resources. The AOC will consult on the production of the reports.

The AOC will use the consultations with the courts and examination of data to research the stability, consistency, reliability, and validity of the performance measures and recommend revisions as needed.

Before implementation of the CCMS family and juvenile law module, courts will collect and submit to the AOC only the subset of data they are able to produce with their existing system and resources. The AOC will generate aggregate data reports that do not disclose identifying information about children, parents, judicial officers, and other individuals in the dependency system. Courts not able to produce any of the measures from existing case management systems and resources will not be required to send any data to the AOC during the pre-CCMS time period.

Data Collection and Reporting After CCMS-V4 Implementation

Rule 5.505(c)(3) states:

On implementation of the CCMS family and juvenile law module in a local court, and as the necessary data elements become electronically available, the local court must collect and submit to the AOC the juvenile dependency data described in (b) and further delineated in the Implementation Guide to Juvenile Dependency Court Performance Measures. For the purposes of this subdivision, “implementation of the CCMS family and juvenile law module” in a local court means that the CCMS Family and Juvenile Law module has been deployed in that court, is functioning, and has the ability to capture the required data elements and that local court staff has been trained to use the system.

The data required to produce timeliness and court procedures and due process measures, as well as the core data elements that must be collected by the courts, are being incorporated into the development of CCMS.

The data required to produce safety and permanency measures, some of the well-being measures, and the core data elements that must be collected by the county child welfare agencies, are available from the CWS/CMS. Every child who is the subject of a juvenile dependency case in California is also represented by a case in CWS/CMS. By federal and state statute, CWS/CMS collects extensive data on a child’s child welfare case and produces performance measures related to safety and permanency. The measures of safety and permanency described in this guide are identical to the state and federal measures, and courts are not expected to duplicate this data collection. Instead, the data to produce safety and permanency measures will be available to CCMS through a data exchange process and the Statewide Reporting Data Warehouse. The guide gives detailed descriptions of these measures but does not provide the data elements or methodology required to produce them.⁹

After implementation of CCMS the AOC will continue to assist local courts in collecting, preparing, analyzing, and reporting the data required by rule 5.505. The AOC will also generate aggregate data reports on performance measures while not disclosing identifying information about children, parents, judicial officers, and other individuals in the dependency system. The reports will be produced from the Statewide Reporting Data Warehouse in conjunction with linked data from CWS/CMS.

The AOC will work with local courts to identify any resource limitations that affect their ability to comply with the data gathering, data entry or other requirements of rule 5.505, and will report back to the Judicial Council by December 2012.

⁹ California Department of Social Services, *supra* note 7; Administration for Children and Families, U.S. Department of Health and Human Service, Table A, Data Indicators for the Child and Family Services Review, www.acf.hhs.gov/programs/cb/cwmonitoring/data_indicators.htm.

Aggregation

The system outlined in this guide makes a distinction between aggregation of reporting and aggregation of data collection. The reports provided by the AOC from the CCMS data warehouse will protect the identity of individuals, including children, parents, or judicial officers. However, the data flowing into the data warehouse from the local court CCMS must be on the individual child and/or case level, so that it can be linked to the data on safety and permanency events for the same children in the CDSS data archive.

Redundancy With CDSS Reporting

Because child welfare data will be entered in CWS/CMS and exchanged with the court, there will be no duplication of data collection effort. Court reporting of safety and permanency measures will be similar but not identical to the data reported through CWS/CMS and the CDSS Outcomes and Accountability System. Children under the jurisdiction of the dependency court form a subset of the total children in CWS/CMS, which also includes cases on voluntary services. The court performance measures will include timeliness and court procedures and due process measures as well as safety, well-being, and permanency measures, allowing courts to analyze the impact of court processes on the outcomes for the same cohort of children.

Chapter 4

Detailed Matrices of Juvenile Dependency Performance Measures

The matrices in this chapter contain the measures described in earlier chapters of this guide. The matrices vary in their details according to whether the data will be collected through CCMS or through CDSS as well as the extent of their current development.

Detailed Matrices of Juvenile Dependency Performance Measures

1. Timeliness

Hearing Timeliness Measure		Measure Detail	Data Elements	Notes
1A	Percentage of children for whom the initial hearing is completed within the statutory time frame following the filing of the initial petition	<p>For detained children, percentage of children whose initial hearing is calendared and completed within 1 court day of filing of petition</p> <p>For nondetained children, percentage of children with initial hearing calendared and completed within 15 court days of filing of petition</p> <p>For both categories, percentage of hearings calendared and completed within specified time frame</p>	<p>Case type: Detained or not detained</p> <p>Petition filing date</p> <p>Hearing type: Initial hearing</p> <p>Hearing date: Date of first hearing calendared</p> <p>Hearing date: Date of last initial hearing that resulted in completed hearing</p> <p>Hearing completion flag: Completed</p>	<p>Time frame for case cohort must be defined—e.g., all cases with initial petitions filed within a 6-month period</p> <p>All timeliness measures include two possibly different standards: number of court days to the date relevant hearing first calendared and number of court days to the date relevant hearing completed</p>
1B	Percentage of children for whom the jurisdictional hearing is completed within the statutory time frame following the initial hearing	<p>For detained children, percentage of children whose jurisdictional hearing is calendared and completed within 15 court days of initial hearing</p> <p>For nondetained children, percentage of children whose jurisdictional hearing is calendared and completed within 30 calendar days of initial hearing</p> <p>For both categories, percentage of hearings calendared and completed within specified time frame</p>	<p>Case type: Detained or not detained</p> <p>Petition filing date</p> <p>Hearing type: Initial</p> <p>Hearing date: Date of last initial hearing that resulted in completed hearing</p> <p>Hearing type: Jurisdictional</p> <p>Hearing date: Date of first jurisdictional hearing calendared</p> <p>Hearing type: Jurisdictional</p> <p>Hearing date: Date of last jurisdictional hearing that resulted in completed hearing</p> <p>Hearing completion flag: Completed</p>	<p>Remove from case cohort all cases dismissed at initial hearing</p> <p>To align with federal measures, define additional case cohort for all cases detained 8 days or longer (applies to all further timeliness measures)</p>
1C	Percentage of children for whom the disposition hearing is completed within the statutory time frame following the finding of jurisdiction	<p>For detained children, percentage of children whose disposition hearing is calendared and completed within 10 court days of finding of jurisdiction</p> <p>For nondetained children, percentage of children whose disposition hearing is calendared and completed within 30 calendar days of finding of jurisdiction</p> <p>For both categories, percentage of hearings calendared and completed within specified time frame</p>		<p>Remove from case cohort all cases dismissed at jurisdictional hearing</p>

ATTACHMENT A

Hearing Timeliness Measure		Measure Detail	Data Elements	Notes
1D	Percentage of children for whom a 3-month or other interim review hearing is held	Percentage of children whose 3-month review hearing is calendared and completed within 3 months of the time the child entered foster care Percentage of hearings calendared and completed within specified time frame	Child's age Ages of child's siblings ¹⁰ Hearing type: Initial Hearing date: Date of last initial hearing that resulted in completed hearing Date child entered foster care Calculation requires removal date and date of jurisdictional finding ¹¹ Hearing type: 3-month review Hearing date: Date of first 3-month review hearing calendared Hearing type: 3-month review Hearing date: Date of last review hearing that resulted in completed hearing Hearing completion flag: Completed	Remove all cases dismissed during the 3 months following the initial hearing Cohort should identify subgroup of cases in which child or sibling is age 3 or younger and reunification services have been limited to 6 months
1E	Percentage of children for whom the 6-month review hearing is completed within 6 months of the date the child entered foster care	Percentage of children whose 6-month review hearing calendared and completed within 6 months from date child entered foster care Percentage of hearings calendared and completed within specified time frame Percentage of hearings for children who remain in the care of parent that are calendared and completed within specified time frame	Child's age Ages of child's siblings ¹² Date child entered foster care Calculation requires removal date and date of jurisdictional finding ¹³ Hearing type: 6-month review Hearing date: Date of first 6-month review hearing calendared Hearing type: 6-month review Hearing date: Date of last 6-month review hearing that resulted in a completed hearing Hearing completion flag: Completed	Remove all cases dismissed during the 6 months following the initial hearing Cohort should identify subgroup of cases in which child or sibling is age 3 or younger and reunification services have been limited to 6 months

¹⁰ For children under the age of 3 on the date of the initial removal, or for their siblings, reunification services may be limited to 6 months (see Welf. & Inst. Code, §§ 361.5(a)(2) and (a)(3) and 366.21(e)). Therefore, judicial findings and orders and timeliness of subsequent hearings for this group must be tracked separately to evaluate compliance with California law.

¹¹ A child shall be considered to have entered foster care on the earlier of (1) the date of the first judicial finding that the child has been subjected to child abuse or neglect or (2) the date that is 60 days after the date on which the child is removed from the home.

¹² See *supra* at note 10.

¹³ See *supra* at note 11.

ATTACHMENT A

Hearing Timeliness Measure		Measure Detail	Data Elements	Notes
1F	Percentage of children for whom the 12-month permanency hearing is completed within 12 months of the date the child entered foster care	<p>Percentage of children whose 12-month permanency review is calendared and completed within 12 months of date child entered foster care</p> <p>Percentage of hearings calendared and completed within specified time frame</p> <p>Percentage of hearings for children who remain in the care of parent that are calendared and completed within specified time frame</p>	<p>Child's age</p> <p>Ages of child's siblings¹⁴</p> <p>Date child entered foster care¹⁵</p> <p>Hearing type: 12-month review</p> <p>Hearing date: Date of first 12-month review hearing calendared</p> <p>Hearing type: 12-month review</p> <p>Hearing date: Date of last 12-month review hearing that resulted in completed hearing</p> <p>Hearing completion flag: Completed</p>	<p>Remove all cases dismissed during the 12 months following the initial hearing</p> <p>Cohort should identify subgroup of cases in which child or sibling is age 3 or younger and reunification services have been limited to 6 months</p>
1G	Percentage of children for whom the 18-month review hearing is completed within 18 months of the date of initial removal	<p>Percentage of children whose 18-month review is calendared and completed within 18 months of original protective custody (state standard)</p> <p>Percentage of hearings calendared and completed within specified time frame</p>	<p>Date of initial removal</p> <p>Hearing type: 18-month review</p> <p>Hearing date: Date of first 18-month review hearing calendared</p> <p>Hearing type: 18-month review</p> <p>Hearing date: Date of last 18-month review hearing that resulted in completed hearing</p> <p>Hearing completion flag: Completed</p>	<p>Remove all cases dismissed during the 18 months following the original protective custody</p>
1H	Percentage of children for whom the first section 366.26 hearing is completed within 120 days of the termination of reunification services	<p>For children whose reunification services have been denied or terminated, percentage of children whose 366.26 hearing is calendared and completed within 120 days of the date reunification services were denied or terminated</p> <p>Percentage of hearings calendared and completed within specified time frame</p>	<p>Finding after hearing (disposition or 3-, 6-, 12-, 18-month permanency): Reunification services denied or terminated</p> <p>Hearing type: Hearing specified in finding after hearing (above)</p> <p>Hearing date: Date of hearing specified in finding after hearing (above)</p> <p>Hearing type: 366.26</p> <p>Hearing date: Date of first 366.26 hearing calendared</p> <p>Hearing date: Date of last 366.26 hearing that resulted in completed</p>	<p>Cohort includes only children with finding that reunification services were denied or terminated</p>

¹⁴ See *supra* note at 10

¹⁵ See *supra* note at 11.

ATTACHMENT A

Hearing Timeliness Measure		Measure Detail	Data Elements	Notes
			hearing Hearing completion flag: Completed	
1I	Percentage of children whose postpermanency hearing is completed within 6 months of the section 366.26 hearing or last postpermanency hearing	Percentage of children with calendared and completed 366.26 hearing whose post-permanency hearing is calendared and completed within 6 months of 366.26 hearing or last postpermanency hearing Percentage of hearings calendared and completed within specified time frame	Hearing type: 366.26 Hearing date: Date of last 366.26 hearing that resulted in completed hearing Hearing type: Postpermanency review Hearing date: Date of first post-permanency review hearing calendared Hearing type: Postpermanency review Hearing date: Date of last post-permanency review hearing that resulted in completed hearing Hearing completion flag: Completed	
1J	Percentage of children in long-term foster care whose subsequent section 366.26 hearing is completed within 12 months of the previous section 366.26 hearing	For children in long-term care with a previous 366.26 hearing, percentage of children whose subsequent 366.26 hearing is calendared and completed within 12 months of the previous 366.26 hearing, if applicable Percentage of hearings calendared and completed within specified time frame	Hearing type: 366.26 Hearing date: Date of first 366.26 hearing calendared Hearing date: Date of last 366.26 hearing that resulted in completed hearing Hearing completion flag: Completed Hearing type: 366.26 Hearing date: Date of first subsequent 366.26 hearing calendared Hearing date: Date of last subsequent 366.26 hearing that resulted in completed hearing Hearing completion flag: Completed	
1K	Percentage of children whose adoption is finalized within 180 days after termination of parental rights	Percentage of children eligible for adoption whose adoption is finalized within 180 days after termination of parental rights	Hearing type: 366.26 hearing Hearing date: Date of last 366.26 hearing that resulted in completed hearing Event type: Final adoption order Event date: Final adoption order	Cohort includes only children eligible for adoption
1L	Median time from disposition or section 366.26 hearing to order establishing guardianship	Median time from disposition hearing to completion of guardianship Median time from 366.26 hearing to completion of guardianship	Hearing type: Disposition hearing Hearing date: Date of last disposition hearing that resulted in completed hearing	Cohort includes only children with permanent plan of guardianship

ATTACHMENT A

Hearing Timeliness Measure		Measure Detail	Data Elements	Notes
			Event type: Completion of guardianship Event date: Date of completion of guardianship Hearing type: 366.26 hearing Hearing date: Date of last 366.26 hearing that resulted in completed hearing Event type: Completion of guardianship Event date: Completion of guardianship	Includes two measures: one from disposition hearing and one (if relevant) from 366.26 hearing
1M	Percentage of children for whom the first and subsequent post-permanency review hearings are completed within the statutory time frame	Percentage children in which a postpermanency review hearing was held within 6 months of completion of prior hearing	Hearing type: Postpermanency review hearing Hearing date: Date of most recent postpermanency review hearing that resulted in completed hearing Hearing type: Postpermanency review hearing Hearing date: Date of next postpermanency review hearing calendared Hearing date: Date of next postpermanency review hearing completed Hearing completion flag: Completed	Cohort includes all children in planned permanent living arrangements
1N	Percentage of hearings delayed by reasons for delay and hearing type	By hearing type: Percentage of hearings delayed due to unavailability of attorney Percentage of hearings delayed due to absence of social worker Percentage of hearings delayed due to unavailability of witness Percentage of hearings delayed due to late filing of social worker report Percentage of hearings delayed due to other late reports or documents Percentage of hearings delayed due to insufficient information in social worker report Percentage of hearings delayed because incarcerated parent not transported Percentage of hearings delayed due to agreement by parties Percentage of hearings delayed due to late filing	Hearing type: (all) Hearing delay reason: (all)	

ATTACHMENT A

Hearing Timeliness Measure		Measure Detail	Data Elements	Notes
		of pleadings by attorney or party Percentage of hearings delayed due to unavailability of interpreter Percentage of hearings delayed due to insufficient time to hear court case Percentage of hearings delayed due to lack of or late notice Percentage of hearings delayed due to lack of or late ICWA notice Percentage of hearings delayed due to unavailability of parent Percentage of hearings delayed due to stay by appellate court Percentage of hearings delayed due to setting for "contested" hearing Percentage of hearings delayed due to calendaring practice Percentage of hearings delayed due to absence of child Percentage of hearings delayed due to unavailability of bench officer Percentage of hearings delayed due to mediation Percentage of hearings stayed by appellate court Percentage of hearings delayed due to other (specify)		
1O	Median time from filing of original petition to implementation of a permanent plan by permanent plan type	Median time from filing of original petition to implementation of permanent plan	Petition filing date Hearing type: Initial hearing Hearing date: Date of last initial hearing that resulted in completed hearing Event type: Implementation of permanent plan	
1P	Median time from filing of original petition to termination of jurisdiction by reason for termination of jurisdiction	Median time from filing of original petition to termination of jurisdiction because: <ul style="list-style-type: none"> ▪ Petition dismissed ▪ Child reunified with parent(s) ▪ Death of child ▪ Adoption of child ▪ Emancipation of child ▪ Guardianship established 	Petition filing date Hearing type: Initial hearing Hearing date: Date of last initial hearing that resulted in completed hearing Event type: Termination of jurisdiction Event date: Date of termination of jurisdiction	

ATTACHMENT A

Hearing Timeliness Measure	Measure Detail	Data Elements	Notes

- Child status change from 300 to 602
- Transfer to tribal court
- Conditions for bringing child under court jurisdiction no longer present
- Transferred out of state

2. Court Procedures and Due Process

Court Procedures and Due Process Measure		Measure Detail	Data Elements	Notes
2A	Percentage of cases in which all hearings are heard by one judicial officer	Percentage of children (and families) with one judicial officer for all hearings Percentage of children (and families) with one judicial officer for all postdetention hearings Median number of judicial officers per family or case over time	Hearing type (all) Judicial officer	Time frame for case cohort must be defined—e.g., all cases with initial petitions filed within a 6-month period Measure should differentiate between substitute judicial officers and changes in the judicial officer on the case
2B	Percentage of cases in which all parties and other statutorily entitled individuals are served with a copy of the original petition	Percentage of cases in which child's mother is served with a copy of petition before initial hearing Percentage of cases in which child's father(s) are served with a copy of petition before initial hearing Percentage of cases in which alleged or presumed fathers are served with a copy of petition before initial hearing Percentage of cases in which child age 10 or older is served with a copy of petition before initial hearing Percentage of cases in which siblings (if required) are served with a copy of petition prior to initial hearing Percentage of cases in which legal guardian is served with a copy of petition before initial hearing	Hearing type (initial) Party statutorily entitled to receive notice Proof of service flag: Completed	
2C	Percentage of hearings in which notice is given to all statutorily entitled parties and individuals within the statutory time frame	Percentage of cases in which mother received notice before (hearing type) Percentage of cases in which father received notice before (hearing type) Percentage of cases in which alleged or presumed father(s) received notice before (hearing type) Percentage of cases in which child age 10 or older received notice before (hearing type) Percentage of cases in which foster parents received notice before (hearing type) ("All hearings" below refers to all hearings to	Hearing type: ▪ Initial ▪ Jurisdictional ▪ 6-month review ▪ 12-month permanency ▪ 18-month review ▪ 366.26 hearing ▪ Postpermanency review ▪ Emancipation/391 Party requiring notice Proof of service flag: Completed	

ATTACHMENT A

Court Procedures and Due Process Measure		Measure Detail	Data Elements	Notes
		which the individual is entitled to notice.) Percentage of cases in which mother received notice before all hearings Percentage of cases in which father received notice before all hearings Percentage of cases in which alleged or presumed father received notice before all hearings Percentage of cases in which child age 10 or older received notice before all hearings Percentage of cases in which foster parents received notice before all hearings		
2D	Percentage of hearings in which child and parents are present if statutorily entitled to be present	(For each hearing type at which they are entitled to be present) Percentage of hearings where children are present Percentage of hearings where mother is present Percentage of hearings where father is present	Hearing type (all) Parties statutorily entitled to be present Party present: Flag	
2E	Percentage of hearings in which a judicial inquiry is made when a child 10 years of age or older is not present at hearing	(Measure in development)		
2F	Percentage of hearings in which other statutorily entitled individuals who are involved in the case (e.g., CASA volunteers, caregivers, de facto parents, others) are present	(For each hearing type at which they are entitled to be present) Percentage of hearings where CASA volunteer is present Percentage of hearings where caregivers are present Percentage of hearings where de facto parents are present	Hearing type (all) Individuals statutorily entitled to be present Individuals present: Flag	
2G	Percentage of cases in which legal counsel for parents, children, and the child welfare agency are present at every hearing	(For each hearing type) Percentage of hearings where attorney for child is present Percentage of hearings where attorney for mother is present	Hearing type (all) Attorney required to be present Attorney present: Flag	

ATTACHMENT A

Court Procedures and Due Process Measure		Measure Detail	Data Elements	Notes
		Percentage of hearings where attorney for father is present Percentage of hearings where attorney for county is present		
2H	Point at which children and parents are assigned legal counsel	Percentage of children appointed an attorney (or CAPTA GAL) before initial hearing Percentage of cases where attorney appointed for mother before initial hearing Percentage of cases where attorney appointed for father(s) before initial hearing	Event type: Appointment of counsel Event date: Date of appointment of counsel Party	Range of "before" is not yet defined
2I	Percentage of cases in which legal counsel for children or parents changes	Median number of times that attorney representing child changes Percentage of children with no change in attorney for the child Median number of times that attorney representing mother changes Percentage of cases with no change in attorney representing the mother Median number of times that attorney representing father changes Percentage of cases with no change in attorney representing the father	Event type: Appointment of counsel Event date: Date of appointment of counsel Party	
2J	Percentage of cases in which no reunification services are ordered and reasons	Percentage of children moving directly from disposition hearing to 366.26 hearing Percentage of parents who were denied reunification services or who had reunification services terminated Percentage of incarcerated parents who were denied reunification services or who had reunification services terminated due to 361.5(e)	Finding after hearing (disposition): Reunification services denied or terminated Parties Parties: Description: incarcerated	Reasons for not ordering reunification services are enumerated in Welf. & Inst. Code, § 361.5(b)(1)–(15)
2K	Percentage of cases for which youth have input into their case plans	(Measure in development)		

ATTACHMENT A

Court Procedures and Due Process Measure		Measure Detail	Data Elements	Notes
2L	Cases in compliance with the requirements of the Indian Child Welfare Act (ICWA)	(Measure in development) Cases where the court made inquiries regarding ICWA eligibility	(In development)	
		Cases with court receipt of Parental Notification of Indian Status		
		Cases in which ICWA notice has been given		
		Cases in which notice of adoption of Indian child has been given to Secretary of Interior		
		Cases where children have been found to be ICWA eligible		
		Cases where counsel appointed for Indian parent		
		Cases where counsel appointed for Indian custodian		
		Cases where a tribe has intervened		
		Cases in which superior court transfers jurisdiction to a tribal court		
		Cases where child is placed with Indian families or other ICWA-compliant placement		
		Cases with finding that active efforts were made to provide services to prevent breakup of the Indian family		

ATTACHMENT A

Court Procedures and Due Process Measure	Measure Detail	Data Elements	Notes	
		Cases using testimony from an expert witness at disposition		
		Cases using testimony from an expert witness postdisposition		
		Cases using testimony from an expert witness that continued custody with the parent or Indian custodian or Indian guardian was likely to cause serious emotional or physical damage		

3. Safety in the Child Welfare System

Child Safety Measure		State Standard ¹⁶	Federal Standard ¹⁷ (2nd Round CFR)
3A	Percentage of children who were not victims of another substantiated maltreatment allegation within 6 and 12 months after the maltreatment incident that led to the filing of the initial petition	S1.1 No recurrence of maltreatment Of all children who were victims of a substantiated maltreatment allegation during the first 6 months of the year, what percent were not victims of another substantiated allegation within the next 6-month period?	Of all children who were victims of a substantiated or indicated maltreatment allegation during the first 6 months of FY 2004, what percentage were not victims of another substantiated or indicated maltreatment allegation within the 6-months following that maltreatment incident?
3B	For all children served in foster care during the year, percentage of children who were not victims of substantiated maltreatment by a foster parent or facility staff member	S2.1 No maltreatment in foster care Of all children served in foster care during the year, what percent were not victims of a substantiated maltreatment allegation by a foster parent or facility staff member?	Of all children served in foster care in FY 2004, what percentage were not victims of a substantiated or indicated maltreatment by a foster parent or facility staff member during the fiscal year?

¹⁶ State and federal measures for safety and permanency are essentially identical; however, federal measures are tied to specific years measured in the Child and Family Services Review so state language is provided to give a generic version. Development of the state measures can be traced in California Department of Social Services All County Letter 04-05, www.cdss.ca.gov/getinfo/acl04/pdf/04-05.pdf. Also see B. Needell, et al., (2008). Child Welfare Services Reports for California. Retrieved July 15, 2008, from University of California at Berkeley Center for Social Services Research website. http://cssr.berkeley.edu/ucb_childwelfare. Also see CWS Outcomes System Summary for California—04.08.08. Retrieved July 15, 2008 from California Department of Social Services Website www.childsworld.ca.gov/PG1410.htm.

¹⁷ Source: www.acf.hhs.gov/programs/cb/cwmonitoring/data_indicators.htm.

4. Permanency

Permanency Measure		State Standard ¹⁸	Federal Standard ¹⁹
4A	Percentage of children reunified in less than 12 months	<p>C1.1 Reunification within 12 months (exit cohort) Of all children discharged from foster care to reunification during the year who had been in foster care for 8 days or longer, what percent were reunified in less than 12 months from the date of the latest removal from home?</p> <p>C1.2 Median time to reunification (exit cohort) Of all children discharged from foster care to reunification during the year who had been in foster care for 8 days or longer, what was the median length of stay (in months) from the date of latest removal from home until the date of discharge to reunification?</p> <p>C1.3 Reunification within 12 months (entry cohort) Of all children entering foster care for the first time in the 6-month period who remained in foster care for 8 days or longer, what percent were discharged from foster care to reunification in less than 12 months from the data of latest removal from home?</p>	<p><u>C1.1:</u> Of all children discharged from foster care to reunification in FY 2004 who had been in foster care for 8 days or longer, what percentage were reunified in less than 12 months from the date of the latest removal from home? (This includes the “trial home visit adjustment.”)</p> <p><u>C1.2:</u> Of all children who were discharged from foster care to reunification in FY 2004, and who had been in foster care for 8 days or longer, what was the median length of stay in months from the date of the latest removal from home until the date of discharge to reunification? (This includes the “trial home visit adjustment.”)</p> <p><u>C1.3:</u> Of all children who entered foster care for the first time in the 6-month period just before FY 2004, and who remained in foster care for 8 days or longer, what percentage were discharged from foster care to reunification in less than 12 months from the date of latest removal from home? (This includes the “trial home visit adjustment.”)</p>
4B	Percentage of children who were reunified but reentered foster care within 12 months	C1.4 Reentry following reunification (exit cohort) Of all children discharged from foster care to reunification during the year, what percent reentered foster care in less than 12 months from the date of discharge?	<u>C1.4:</u> (permanency of reunification) Of all children who were discharged from foster care to reunification in the 12-month period before FY 2004 (i.e., FY 2003), what percentage reentered foster care in less than 12 months from the date of discharge?
4C	Percentage of children who were discharged from foster care to a finalized adoption within 24 months	C2.1 Adoption within 24 months (exit cohort) Of all children discharged from foster care to a finalized adoption during the year, what percent were discharged in less than 24 months from the date of the latest removal from home?	<u>C2.1:</u> Of all children who were discharged from foster care to a finalized adoption during FY 2004, what percentage were discharged in less than 24 months from the date of the latest removal from home?
4D	Percentage of children in long-term foster care who were freed for adoption	C2.2 Median time to adoption (exit cohort) Of all children discharged from foster care to a finalized adoption during the year, what was the	<u>C2.2:</u> Of all children who were discharged from foster care to a finalized adoption during FY 2004, what was the median length of stay in foster care in

¹⁸ See *supra* note at 16.

¹⁹ See *supra* note at 17.

ATTACHMENT A

Permanency Measure		State Standard ¹⁸	Federal Standard ¹⁹
		<p>median length of stay (in months) from the date of latest removal from home until the date of discharge to adoption?</p> <p>C2.3 Adoption within 12 months (17 months in care) Of all children in foster care for 17 continuous months or longer on the first day of the year, what percent were discharged to a finalized adoption by the last day of the year?</p> <p>C2.4 Legally free within 6 months (17 months in care) Of all children in foster care for 17 continuous months or longer and not legally free for adoption on the first day of the year, what percent became legally free within the next 6 months?</p> <p>C2.5 Adoption within 12 months (legally free) Of all children in foster care who became legally free for adoption during the year, what percent were then discharged to a finalized adoption in less than 12 months?</p>	<p>months from the date of latest removal from home to the date of discharge to adoption?</p> <p><i>Measures C2.3, C2.4, and C2.5 measure progress toward adoption and have no corresponding measure from the first round CFSR list.</i></p> <p><u>C2.3:</u> Of all children who were in foster care on the first day of FY 2004, and who were in foster care for 17 continuous months or longer, what percentage were discharged from foster care to a finalized adoption by the last day of FY 2004? The denominator for this measure excludes children who, by the end of FY 2004, were discharged from foster care with a discharge reason of live with relative, reunification, or guardianship.</p> <p><u>C2.4:</u> Of all children who were in foster care on the first day of FY 2004 for 17 continuous months or longer, and who were not legally free for adoption before that day, what percentage became legally free for adoption during the first 6 months of FY 2004? (Legally free means that there was a parental rights termination date reported to AFCARS for both mother and father.) The denominator for this measure excludes children who, by the last day of the first 6 months of FY 2004, were not legally free, but had been discharged from foster care with a discharge reason of live with relative, reunification, or guardianship.</p> <p><u>C2.5:</u> Of all children who became legally free for adoption during FY 2003 (i.e., there was a parental rights termination date reported to AFCARS for both mother and father), what percentage were discharged from foster care to a finalized adoption in less than 12 months of becoming legally free?</p>
4E	Percentage of children in long-term foster care who were discharged to a permanent home before their 18th birthday	C3.1 Exits to permanency (24 months in care) Of all children in foster care for 24 months or longer on the first day of the year, what percent were discharged to a permanent home by the end of the year and prior to turning 18?	<u>C3.1:</u> Of all children who were in foster care for 24 months or longer on the first day of FY 2004, what percentage were discharged to a permanent home before their 18th birthday and by the end of the fiscal year? A child is considered discharged to a permanent home if the discharge reason is
4F	Of children discharged to emancipation		

Permanency Measure		State Standard ¹⁸	Federal Standard ¹⁹
	or aging out of foster care, percentage who were in foster care 3 years or longer	<p>C3.2 Exits to permanency (legally free at exit) Of all children discharged from foster care during the year who were legally free for adoption, what percent were discharged to a permanent home prior to turning 18?</p> <p>C3.3 In care 3 years or longer (emancipated or age 18 in care) Of all children in foster care during the year who were either discharged to emancipation or turned 18 while still in care, what percent had been in foster care for 3 years or longer?</p>	<p>adoption, guardianship, reunification, or live with relative.</p> <p><u>C3.2:</u> Of all children who were discharged from foster care in FY 2004 who were legally free for adoption at the time of discharge (i.e., there was a parental rights termination date reported to AFCARS for both mother and father), what percentage were discharged to a permanent home before their 18th birthday? A child is considered discharged to a permanent home if the discharge reason is adoption, guardianship, reunification, or live with relative.</p> <p><u>C3.3:</u> Of all children who either (1) were discharged from foster care in FY 2004 with a discharge reason of emancipation, or (2) reached their 18th birthday in FY 2004 while in foster care, what percentage were in foster care for 3 years or longer?</p>
4G	Percentage of children with multiple foster-care placements	<p>C4.1,2,3 Placement stability Of all children served in foster care during the year who were in foster care for</p> <p>C4.1 At least 8 days but less than 12 months (C4. C4.2 At least 12 months but less than 24 months (C4.3 At least 24 months what percent had two or fewer placement settings?</p>	<p><u>C4.1:</u> Of all children who were served in foster care during FY 2004, and who were in foster care for at least 8 days but less than 12 months, what percentage had two or fewer placement settings?</p> <p><u>C4.2:</u> Of all children who were served in foster care during FY 2004, and who were in foster care for at least 12 months but less than 24 months, what percentage had two or fewer placement settings?</p> <p><u>C4.3:</u> Of all children who were served in foster care during FY 2004, and who were in foster care for at least 24 months, what percentage had two or fewer placement settings?</p>

5. Child and Family Well-Being

Well-Being Measure		Measure Detail	Data Elements	Notes
5A	Percentage of children 14 years of age or older with current transitional independent living plans	(Measure in development)		
5B	Percentage of children for whom a section 391 termination of jurisdiction hearing was held	(Measure in development)		
5C	Percentage of section 391 termination of jurisdiction hearings that did not result in termination of jurisdiction and reasons jurisdiction did not terminate	(Measure in development)		
5D	Percentage of youth present at section 391 termination of jurisdiction hearing with judicial confirmation of receipt of all services and documents mandated by section 391(b)(1-5)	(Measure in development)		
5E	Percentage of children placed with all siblings who are also under court jurisdiction, when appropriate	(Measure in development)		
5F	Percentage of children placed with at least one but not all siblings who are also under court jurisdiction, when appropriate	(Measure in development)		
5G	For children who have siblings under court jurisdiction but are not placed with all of them, percentage of cases in which sibling visitation is not ordered and reasons	(Measure in development)		
5H	Percentage of cases in which visitation is not ordered for parents and reasons	(Measure in development)		

ATTACHMENT A

Well-Being Measure		Measure Detail	Data Elements	Notes
5I	Number of visitation orders for adults other than parents and siblings, (e.g., grandparents, other relatives, extended family members, others), as appropriate	(Measure in development)		
5J	Number of cases in which the court has requested relative-finding efforts from the child welfare agency	(Measure in development)		
5K	Percentage of children placed with relatives	(Measure in development)		
5L	For children 10 years of age or older and in foster care for at least 6 months, percentage for whom the court has inquired whether the social worker has identified persons important to the child	(Measure in development)		
5M	For children 10 years of age or older in foster care for at least 6 months, percentage for whom the court has made orders to enable the child to maintain relationships with persons important to that child	(Measure in development)		

6. Core Data Elements

Court Procedures Measure		Court Procedures Measure	Data Elements	Notes
1	Number of cases (and children) and related cases indicator	Number of cases per full-time equivalent judicial position <i>(This measure would require an additional non-CCMS source of data on the number of FTE judicial officers)</i>	Judicial officer Case number	Time frame for case cohort must be defined: e.g. all cases with initial petitions filed within a 6 month period
2	Frequency of trials/contested hearings	(Measure in development)		
3	Cases involving other court programs (e.g., dependency mediation, CASA volunteer, dependency drug court and dependency mental health program)	Percentage of cases (and children) participating in juvenile dependency mediation Percentage of cases (and children) with parent enrolled in dependency drug court Percentage of cases (and children) with CASA volunteer appointed Percentage of cases (and children) participating in dependency mental-health program	Case number Court program code: <ul style="list-style-type: none"> ▪ Dependency mediation ▪ CASA volunteer appointed ▪ Dependency drug court ▪ Dependency mental health program 	
4	Children involved in both dependency and delinquency courts	Of all children subject to 241.1 protocol: Percentage classified as delinquency Percentage classified as dependency Percentage classified as dual jurisdiction	Event type: 241.1 Event flag: Delinquency, dependency, dual jurisdiction	
5	Cases transferred out of original county	(Measure in development)		

Appendix Measures Under Review

The following measures were recommended by commentators in response to the invitation to comment circulated from April 21, 2008, through June 20, 2008. These measures will be subject to an initial evaluation by the Judicial Council's Family and Juvenile Law Advisory Committee. Those measures that meet the committee's criteria for inclusion and can be extracted from CCMS will be circulated for further public comment and reconsidered by the Family and Juvenile Law Advisory Committee for future amendments to rule 5.505.

Indian Child Welfare Act (ICWA)

1. Cases in which the court made inquiries regarding ICWA eligibility
2. Cases with court receipt of *Parental Notification of Indian Status* (form ICWA-020)
3. Cases in which ICWA notice has been given
4. Cases in which notice of adoption of Indian child has been given to Secretary of the Interior
5. Cases in which children have been found to be ICWA eligible
6. Cases in which counsel has been appointed for Indian parent
7. Cases in which counsel has been appointed for Indian custodian
8. Cases in which a tribe has intervened
9. Cases in which superior court transfers jurisdiction to a tribal court
10. Cases in which children are placed with Indian families or in other ICWA-compliant placement
11. Cases with findings that active efforts were made to provide services to prevent breakup of the Indian family
12. Cases using testimony from an expert witness at disposition
13. Cases using testimony from an expert witness postdisposition
14. Cases using expert witness testimony that continued custody with the parent or Indian custodian or Indian guardian was likely to cause serious emotional or physical damage

Dual Jurisdiction

15. The percentage of children who are dependents of the court and for whom a delinquency petition is filed
16. The percentage of children who are dependents of the court, for whom a delinquency petition is filed, and who remain detained
17. The percentage of children who are dependents of the court, for whom a delinquency petition is filed, and who remain dependents after a hearing pursuant to Welf. & Inst. Code, § 241.2
18. The percentage of children who are dependents of the court, for whom a delinquency petition is filed, and who become wards of the court after a hearing pursuant to Welf. & Inst. Code, § 241.2
19. The number of days, on average, a dependent child remains detained after the child is found to remain a dependent at a hearing pursuant to Welf. & Inst. Code, § 241.2
20. The number of days, on average, a dependent child remains detained for a specified offense in comparison to the number of days a nondependent child remains detained for the same offense

Parentage

- 21. Percentage of cases in which court conducted a parentage inquiry
- 22. Percentage of cases in which mother and/or presumed father are minors

Guardianship orders

- 23. Percentage of children for whom guardianship orders are issued

Placement with Non-Relative Extended Family Members (NREFMs)

- 24. Number of children placed with NREFMs (If the word “relative” is mixed with NREFMs the data should be captured separately.)

Failed Adoptions

- 25. Of children who were freed for adoption, the percentage for whom the adoption did not take place within 1, 2, or 3 years or longer after termination of parental rights
- 26. Of children who were adopted, the percentage for whom the adoption failed within 1, 2, 3, 5, 10, or 15 years after termination of parental rights

Physical Health

- 27. Number of children with a current Health Passport
- 28. Number of children with *Your Child's Health and Education* (form JV-225) in the court file
- 29. Number of joinder motions filed on physical health issues
- 30. Number of court reports including a copy of the child's current health and education summary pursuant to Welf. & Inst. Code, § 16010(b)
- 31. Number of children who receive preventive health exams in accordance with California Department of Social Services, All County Information Notice No. 1-82-05
- 32. Number of children who receive dental exams in accordance with CHDP Provider Information Notice 04-13
- 33. Number of children with documented physical disabilities, by type of disability
- 34. Number of children who are active participants at the Regional Center
- 35. Number of children with health care insurance, by type of insurance.

Mental Health

- 36. Number of children with an original authorization for psychotropic medications
- 37. Number of children coming before the court who are already on psychotropic medications
- 38. Number of joinder motions filed on mental health issues
- 39. Number of children under conservatorships
- 40. Number of children who have received psychological evaluations
- 41. Number of children with documented Axis I diagnosis
- 42. Number of children receiving mental health services, by type
- 43. Number of children who are active participants in AB 2726 services
- 44. Number of children admitted to psychiatric hospitals on 72-hour holds
- 45. Number of children who voluntarily applied for inpatient or outpatient mental health services in a secure setting
- 46. Number of children in community treatment facilities
- 47. Number of children who have a conservator

Education

- 48. Children with a current Education Passport
- 49. Court orders limiting parent's right to make educational decisions
- 50. Where court has limited parent's rights, number of court appointments of educational representatives
- 51. Joinder motions filed on educational issues
- 52. Where court has been unable to appoint an educational representative, number of cases sent to district for appointment of surrogate
- 53. Number of districts with responsibility to appoint a surrogate that have filed form JV-536 with the court
- 54. Number of children ages 0–3 who have been referred to early intervention programs
- 55. Number of children ages 0–3 who have been enrolled in early intervention programs
- 56. Number of children ages 3 –5 who have been referred to the district for special education services
- 57. Number of children who have an IEP
- 58. Number of children attending a comprehensive public school campus
- 59. Number of children attending a court/community school
- 60. Number of children attending a private school
- 61. Number of children attending a non-public school
- 62. Number of children who have passed the California High School Exit Examination
- 63. Number of children who have completed high school, by type
- 64. Number of children accepted into a higher education program

Immigration

- 65. Number of children eligible for the special immigrant juvenile status

ATTACHMENT B

WELFARE AND INSTITUTIONS CODE

CHAPTER 5.5. CHILD WELFARE LEADERSHIP AND PERFORMANCE ACCOUNTABILITY

Section

- 16540. California Child Welfare Council.
- 16541. Composition of council.
- 16541.5 Council meetings.
- 16542. Committees.
- 16543. Access to aggregate data and information.
- 16543.3 Legislative intent.
- 16544. Web site display of outcome measures and indicators; public submission of comments and recommendations.
- 16545. Performance measures.

16540. The California Child Welfare Council is hereby established, which shall serve as an advisory body responsible for improving the collaboration and processes of the multiple agencies and the courts that serve the children and youth in the child welfare and foster care systems. The council shall monitor and report the extent to which child welfare and foster care programs and the courts are responsive to the needs of children in their joint care. The council shall issue advisory reports whenever it deems appropriate, but in any event, no less frequently than annually, to the Governor, the Legislature, the Judicial Council, and the public. A report of the Child Welfare Council shall, at a minimum, include recommendations for all of the following:

(a) Ensuring that all state child welfare, foster care, and judicial funding and services for children, youth, and families is, to the greatest extent possible, coordinated to eliminate fragmentation and duplication of services provided to children or families who would benefit from integrated multiagency services.

(b) Increasing the quality, appropriateness, and effectiveness of program services and judicial processes delivered to children, youth, and families who would benefit from integrated multiagency services to achieve better outcomes for these children, youth, and families.

(c) Promoting consistent program and judicial excellence across counties to the greatest extent possible while recognizing the demographic, geographic, and financial differences among the counties.

(d) Increasing collaboration and coordination between county agencies, state agencies, federal agencies, and the courts.

(e) Ensuring that all state Title IV-E plans, program improvement plans, and court improvement plans demonstrate effective collaboration between public agencies and the courts.

(f) Assisting the Secretary of California Health and Human Services and the chief justice in formulating policies for the effective administration of the child welfare and foster care programs and judicial processes.

(g) Modifying program practices and court processes, rate structures, and other system changes needed to promote and support relative caregivers, family foster parents, therapeutic placements, and other placements for children who cannot remain in the family home.

(h) Developing data- and information-sharing agreements and protocols for the exchange of aggregate data across program and court

ATTACHMENT B

systems that are providing services to children and families in the child welfare system. These data-sharing agreements shall allow child welfare agencies and the courts to access data concerning the health, mental health, special education, and educational status and progress of children served by county child welfare systems subject to state and federal confidentiality laws and regulations. They shall be developed in tandem with the establishment of judicial case management systems as well as additional or enhanced performance measures described in subdivision (b) of Section 16544.

(i) Developing systematic methods for obtaining policy recommendations from foster youth about the effectiveness and quality of program services and judicial processes, and ensuring that the interests of foster youth are adequately addressed in all policy development.

(j) Implementing legislative enactments in the child welfare and foster care programs and the courts, and reporting to the Legislature on the timeliness and consistency of the implementation.

(k) Monitoring the adequacy of resources necessary for the implementation of existing programs and court processes, and the prioritization of program and judicial responsibilities.

(l) Strengthening and increasing the independence and authority of the foster care ombudsperson.

(m) Coordinating available services for former foster youth and improving outreach efforts to those youth and their families.

16541. The council shall be comprised of the following members:

(a) The Secretary of California Health and Human Services, who shall serve as cochair.

(b) The Chief Justice of the California Supreme Court, or his or her designee, who shall serve as cochair.

(c) The Superintendent of Public Instruction, or his or her designee.

(d) The Chancellor of the California Community Colleges, or his or her designee.

(e) The executive director of the State Board of Education.

(f) The Director of Social Services.

(g) The Director of Health Services.

(h) The Director of Mental Health.

(i) The Director of Alcohol and Drug Programs.

(j) The Director of Developmental Services.

(k) The Director of the Youth Authority.

(l) The Administrative Director of the Courts.

(m) The State Foster Care Ombudsperson.

(n) Four foster youth or former foster youth.

(o) The chairpersons of the Assembly Human Services Committee and the Assembly Judiciary Committee, or two other Members of the Assembly as appointed by the Speaker of the Assembly.

(p) The chairpersons of the Senate Human Services Committee and the Senate Judiciary Committee, or two other members appointed by the President pro Tempore of the Senate.

(q) Leaders and representatives of county child welfare, foster care, health, education, probation, and mental health agencies and departments, child advocacy organizations; labor organizations, recognized professional associations that represent child welfare and foster care social workers, tribal representatives, and other groups

ATTACHMENT B

and stakeholders that provide benefits, services, and advocacy to families and children in the child welfare and foster care systems, as recommended by representatives of these groups and as designated by the cochairs.

16541.5. The council shall meet no less frequently than each quarter of the state fiscal year and at the call of the cochairs, at a time and location convenient to the public as it may deem appropriate. All meetings of the council shall be open to the public. Members shall serve without compensation, with the exception of foster youth members, who shall be entitled to reimbursement for all actual and necessary expenses incurred in the performance of their duties.

16542. The cochairs may appoint committees composed of council members, experts in specialized fields, foster youth, program stakeholders, state and county child welfare and foster care staff, child advocacy organizations, members of the judiciary, foster care public health nurses, or any combination thereof, to advise the council on any functions of the council and the services provided through the child welfare and foster care programs and the courts. Members of these committees shall receive no compensation from the state for their services, with the exception of foster youth members, who shall be entitled to reimbursement for all actual and necessary expenses incurred in the performance of their duties. The committees may assemble information and make recommendations to the council, but shall not exercise any of the powers vested in the council. The council may seek input from groups and individuals as it deems appropriate, including, but not limited to, advisory committees, the judiciary and child welfare and foster care program stakeholders.

16543. Consistent with state and federal law, the council shall have access to aggregate data and information concerning the child welfare and foster care systems held by any state or local department, agency, or court that serves children, youth, and families receiving child welfare and foster care services subject to state and federal confidentiality laws and regulations.

16543.5. It is the intent of the Legislature to inspect other state child welfare and foster care systems over the course of the 2007-08 Legislative Session, for the purpose of examining effective administrative structures of leadership. It is further the intent of the Legislature to conduct legislative hearings through the Assembly Select Committee on Foster Care, and other standing committees, and to review reports and recommendations of other commissions and bodies, including the California Blue Ribbon Commission on Foster Care and the Little Hoover Commission, to determine if a reconfigured administrative structure would provide statewide leadership and coordination between departments and agencies, which are essential to improving outcomes for current and former foster children and youth

ATTACHMENT B

throughout the state.

16544. The secretary shall ensure that all of the federal Child and Family Services Review outcome measures and all of the California Child and Family Service Review System outcome indicators, along with any performance goals and federal outcome standards, are clearly posted on the State Department of Social Service's Internet Web site. Before any of the federal goals or any of the California Child and Family Service Review System outcome indicators are added, deleted, or amended, the secretary shall consult with the Child Welfare Council and ensure that there has been a public process for the submission of comments and recommendations.

16545. By April 1, 2008, the Judicial Council shall adopt, through rules of court, performance measures designed to complement and promote those measures specified in Section 16544 so that courts are able to measure their performance and track their own progress in improving safety, permanency, timeliness, and well-being of children and to inform decisions about the allocation of court resources. In adopting performance measures, the Judicial Council shall consult with the council and the secretary. The performance measures shall be based on data that is available from current or planned data collection processes and to the greatest extent possible, shall ensure uniformity of data reporting.

FOR REFERENCE ONLY—TEXT OF PRIOR VERSION OF RULE
5.505 WITHDRAWN FROM WINTER 2008 CYCLE

1 **Rule 5.505. Juvenile Dependency Court Performance Measures**

2
3 **(a) Purpose**

4
5 Consistent, statewide use of performance measures will greatly enhance the
6 courts' ability to achieve improved outcomes for children as well as systemic
7 improvements. Welfare and Institutions Code section 16545 requires the
8 Judicial Council to adopt such performance measures for the juvenile
9 dependency court. This rule establishes juvenile dependency performance
10 measures and provides for an implementation guide to assist local courts
11 with uniform data collection and reporting. The measures will assist courts in
12 securing due process for all litigants, and in collaboration with the child
13 welfare agency, improving safety, permanency, and well-being outcomes for
14 children and families under the jurisdiction of the juvenile dependency court.
15 Standardized performance measures will allow courts to assess the timeliness
16 of hearings and other indicators of due process and to report on their
17 progress in improving safety, permanency, and well-being. The measures can
18 also be used by courts to inform their resource allocation decisions.

19
20 **(b) Performance measures**

21
22 (1) The juvenile dependency court performance measures are:

23
24 (A) Child safety;

25
26 (B) Child permanency;

27
28 (C) Child and family well-being;

29
30 (D) Hearing timeliness; and

31
32 (E) Due process protection for parties, including tracking timely
33 appointment of counsel for parties, timely notice of hearings, and
34 the opportunity for parties to be present at every hearing.

35
36 (2) These measures complement and promote the federal Child and Family
37 Services Review outcome measures and the California Child and
38 Family Services Review System outcome indicators.

FOR REFERENCE ONLY—COMMENT CHART FOR PRIOR VERSION OF RULE 5.505 WITHDRAWN FROM WINTER 2008 CYCLE

GENERAL POSITIONS AND COMMENTS					
List of All Commentators and Their Overall Positions on the Proposal					
	Commentator	Position	Comment on behalf of group?	Please see comment excerpts and summaries under specific topic headings below	Please see committee responses under numbered topic headings below
1.	Alameda County Public Defender Kathy Siegel	No position	Y	See comments on specific items below.	See response below.
2.	Grace Andres Court Services Program Manager Superior Court of Solano County	AM	N	See comments on specific items below.	See response below.
3.	Debra Barriger	N	N	See comments on specific items below.	See response below.
4.	Bay Area Dependency Chapter of California Appellate Defense Counsel Linda Conrad Member BADC, VP of CADC	AM	Y	See comments on specific items below.	See response below.
5.	California Department of Alcohol and Drug Programs Peggy Bean, Manager	A	Y	No narrative comments.	No response required.
6.	California Department of Social Services West Irvin, Manager	AM	Y	See comments on specific items below.	See response below.
7.	California Judges Association Hon. Ira R. Kaufman, President	AM	Y	CJA believes that the safety and well-being of children and families, and the timeliness and due process of all court proceedings, are of the utmost importance to all Californians and supports efforts to promote these goals. CJA opposes this rule only to the extent that it may result in performance evaluations of individual judicial officers. See additional comments on specific items	No response required. See response below.

FOR REFERENCE ONLY—COMMENT CHART FOR PRIOR VERSION OF RULE 5.505 WITHDRAWN FROM WINTER 2008 CYCLE

GENERAL POSITIONS AND COMMENTS					
List of All Commentators and Their Overall Positions on the Proposal					
	Commentator	Position	Comment on behalf of group?	Please see comment excerpts and summaries under specific topic headings below	Please see committee responses under numbered topic headings below
				below.	
8.	Children’s Advocacy Institute Christina Riehl Staff Attorney	N	Y	See comments on specific items below.	See response below.
9.	Children’s Law Center of Los Angeles Jody Leiberman Green Policy Director	No position	Y	See comments on specific items below.	See response below.
10.	Hon. Kim G. Dunning Assistant Presiding Judge Superior Court of Orange County	No position	N	See comments on specific items below.	See response below.
11.	Lori A. Fields Attorney Private Practice/Dependency Appellate Specialist	AM	N	See comments on specific items below.	See response below.
12.	Fresno Juvenile Dependency Sandra Leon Juv. Court Div. Manager	A	Y	No narrative comments.	No response required
13.	Carole Greeley Attorney	N	N	See comments on specific items below.	See response below.
14.	John V. Hager	N	N	No narrative comments.	No response required
15.	Monique Hawkins Program Director Kern County Dept. of Human Services	A	N	No narrative comments.	No response required
16.	Hon. Lois Haight Superior Court of Contra Costa	No position	N	See comments on specific items below.	See response below.

FOR REFERENCE ONLY—COMMENT CHART FOR PRIOR VERSION OF RULE 5.505 WITHDRAWN FROM WINTER 2008 CYCLE

GENERAL POSITIONS AND COMMENTS					
List of All Commentators and Their Overall Positions on the Proposal					
	Commentator	Position	Comment on behalf of group?	Please see comment excerpts and summaries under specific topic headings below	Please see committee responses under numbered topic headings below
	County				
17.	Haislip W. Hayes Public Defender Imperial County Public Defender Minor’s Counsel	A	N	See comments on specific items below.	See response below.
18.	Carolyn Helwick Attorney, CASA	A	N	See comments on specific items below.	See response below.
19.	Hon. Donna J. Hitchens Supervising Judge San Francisco Unified Family Court	A	N	No narrative comments.	No response required
20.	Hon. Charles Horan Superior Court of Los Angeles County	N	N	See comments on specific items below.	See response below.
21.	Hon. Ann Jones Superior Court of Los Angeles County	N	N	See comments on specific items below.	See response below.
22.	Hon. Carolyn Kirkwood Superior Court of Orange County Lamoreaux Justice Center	A	N	See comments on specific items below.	See response below.
23.	Karen L. Liebscher Director, Criminal Operations Superior Court of San Luis Obispo County	AM	N	See comments on specific items below.	See response below.
24.	Hon. John McClellan Marshall Senior District Judge	AM	N	See comments on specific items below.	See response below.

FOR REFERENCE ONLY—COMMENT CHART FOR PRIOR VERSION OF RULE 5.505 WITHDRAWN FROM WINTER 2008 CYCLE

GENERAL POSITIONS AND COMMENTS					
List of All Commentators and Their Overall Positions on the Proposal					
	Commentator	Position	Comment on behalf of group?	Please see comment excerpts and summaries under specific topic headings below	Please see committee responses under numbered topic headings below
	Formerly Sabine Valley Child Protection Court [TX]				
25.	Hon. Cindee Mayfield Presiding Judge Superior Court of Mendocino County	A	N	No narrative comments.	No response required.
26.	Hon. Mary Ann Murphy Judge Superior Court of Los Angeles County	N	N	See comments on specific items below.	See response below.
27.	James M. Owens Assistant County Counsel Office of the County Counsel Dependency Division	AM	N	See comments on specific items below.	See response below.
28.	Margaret A. Pendergast Attorney	AM	N	I think that information is important to see how well the system works for our families. See additional comments on specific items below.	No response required. See response below.
29.	Walter K. Pyle Attorney Walter K. Pyle and Associates	AM	N	See comments on specific items below.	See response below.
30.	Riverside County Children’s Services Division Jennifer Pabustan-Claar Regional Manager –DPSS – Child Protective Services	A	Y	The Riverside County Department of Public Social Services supports the proposed adoption the rule on the basis that it complements ongoing efforts to ensure shared accountability and continuing partnership	No response required.

FOR REFERENCE ONLY—COMMENT CHART FOR PRIOR VERSION OF RULE 5.505 WITHDRAWN FROM WINTER 2008 CYCLE

GENERAL POSITIONS AND COMMENTS					
List of All Commentators and Their Overall Positions on the Proposal					
	Commentator	Position	Comment on behalf of group?	Please see comment excerpts and summaries under specific topic headings below	Please see committee responses under numbered topic headings below
				between Children’s Services and the Court See additional comments on specific items below.	See response below.
31.	Abigail Roseman Attorney at Law	AM	N	See comments on specific items below.	See response below.
32.	Sonoma-Human Services Department Family, Youth & Children’s Division Bob Harper, Section Manager	A	Y	See comments on specific items below.	See response below.
33.	Hon. Maria Stratton Superior Court of Los Angeles County	AM	N	See comments on specific items below.	See response below.
34.	Sharol H. Strickland Court Executive Officer Superior Court of Butte County	A	N	No narrative comments.	No response required
35.	Superior Court of Alameda County Hon. Gail Brewster Bereola Presiding Judge, Juvenile Court Juvenile Justice Center	A	Y	See comments on specific items below.	See response below.
36.	Superior Court of Kern County Jill Platt Interim Supervising Clerk- Juv. Div.	N	Y	See comments on specific items below.	See response below.

FOR REFERENCE ONLY—COMMENT CHART FOR PRIOR VERSION OF RULE 5.505 WITHDRAWN FROM WINTER 2008 CYCLE

GENERAL POSITIONS AND COMMENTS					
List of All Commentators and Their Overall Positions on the Proposal					
	Commentator	Position	Comment on behalf of group?	Please see comment excerpts and summaries under specific topic headings below	Please see committee responses under numbered topic headings below
37.	Superior Court of Los Angeles County	N	Y	See comments on specific items below.	See response below.
38.	Superior Court of Orange County Susan Hurley Executive Admin. Assistant to the Presiding Judge of the Juvenile Court	A	Y	See comments on specific items below.	See response below.
39.	Superior Court of Sacramento County Lorraine Dias Herbon Administrative Services Officer II	No position indicated	Y	No narrative comments.	No response required.
40.	Superior Court of San Diego County Mike Roddy, Executive Officer County Courthouse	AM	Y	The Implementation Guide will be an excellent tool. See additional comments on specific items below.	No response required. See response below.
41.	James Tarhalla Senior Deputy County Counsel Merced County Counsel	No position indicated	N	See comments on specific items below.	See response below.
42.	Tulare County Dependency Court Jay W. Powell Conflict Public Defender	AM	Y	See comments on specific items below.	See response below.
43.	Cynthia J. Wojan Juvenile Court Coordinator Superior Court of Solano County	A	N	See comments on specific items below.	See response below.

FOR REFERENCE ONLY—COMMENT CHART FOR PRIOR VERSION OF RULE 5.505 WITHDRAWN FROM WINTER 2008 CYCLE

GENERAL POSITIONS AND COMMENTS					
List of All Commentators and Their Overall Positions on the Proposal					
	Commentator	Position	Comment on behalf of group?	Please see comment excerpts and summaries under specific topic headings below	Please see committee responses under numbered topic headings below
44.	Trial Court Presiding Judges and Court Executive Officers (TCPJAC/CEAC) Joint Rules Working Group Hon. Terence L. Bruiniers, Co-Chair Presiding Judge Superior Court of Contra Costa County Mary Beth Todd, Co-Chair Court Executive Officer Superior Court of Calaveras County	AM	Y	See comments on specific items below.	See response below.

1. COMMENTS ABOUT THE CONCEPT AND APPLICATION OF PERFORMANCE MEASUREMENT

FOR REFERENCE ONLY—COMMENT CHART FOR PRIOR VERSION OF RULE 5.505 WITHDRAWN FROM WINTER 2008 CYCLE

Commentator	Comment Excerpt or Summary	Committee Response This column contains the committee’s February 2008 responses to each comment. These changes were subsequently incorporated into the spring 2008 version of the rule.
<p>California Judges Association Hon. Ira R. Kaufman, President</p>	<p>1. To the extent that the implementation of the proposed rule may result in the tracking of and attempts to measure or evaluate the performance of individual judicial officers throughout California, CJA opposes the proposal as presently drafted. CJS believes that any effort to measure and/or evaluate the overall performance of individual judges or other judicial officers has numerous inherent dangers.</p> <p>2. Judges are required to decide cases before them...unencumbered by external influences such as political considerations, the financial interests at stake, how the media may characterize the decision, the impact of the decision upon the judge’s “performance evaluation,” or a desire to be re-elected. Publicly accessible data purporting to measure the performance of individual judicial officers would be subject to misuse and distortion by litigants and attorneys unhappy with a judge’s particular ruling or potential opponents when a judge faces re-election.</p> <p>3. CJA opposes the proposal only to the extent that it may result in performance evaluations of individual judicial officers. CJA would support the proposal if amended to preclude the possibility of such individual performance evaluations.</p>	<p>1. The Judicial Council cannot fulfill the statutory requirements of WIC 16545 without collecting data at the individual case level, which includes information about judicial officers. This data is necessary for matching court data with child welfare system data, in order to assess outcomes for children and families and for local courts to engage in court improvement efforts. The intent is not to publish case level or judicial officer level data, instead; the intent is to show whether courts are meeting these requirements across all cases.</p> <p>2. We will re-write the rule to clarify that data reports will contain aggregate data, and will protect the identity of individual children, family members and judicial officers.</p> <p>3. As described above, only aggregate data will be reported.</p>

FOR REFERENCE ONLY—COMMENT CHART FOR PRIOR VERSION OF RULE 5.505 WITHDRAWN FROM WINTER 2008 CYCLE

1. COMMENTS ABOUT THE CONCEPT AND APPLICATION OF PERFORMANCE MEASUREMENT		
Commentator	Comment Excerpt or Summary	Committee Response This column contains the committee’s February 2008 responses to each comment. These changes were subsequently incorporated into the spring 2008 version of the rule.
Hon. Lois Haight Superior Court of Contra Costa	<p>1. Any performance measures must be aggregated and not reported as to any one judge or court. If this is not the rule, then judges will be reluctant to follow the law and look out for the child’s best interest in an attempt to avoid the politicization of their rulings if family well-being is negatively affected.</p> <p>2. Who measures family well-being mom, dad, boyfriend...or some other third party? All have a point of view. The only proper measure is whether the judge followed the law and the Court of Appeal can monitor that.</p>	<p>1. The Judicial Council cannot fulfill the statutory requirements of WIC 16545 without collecting data at the individual case level, which includes information about judicial officers. This data is necessary for matching court data with child welfare system data, in order to assess outcomes for children and families, and for local courts to engage in court improvement efforts. We will re-write the rule to clarify that data reports will contain aggregate data, and will protect the identity of individual children, family members or judicial officers.</p> <p>2. We agree that family well-being should not be a subjective measure, and will set forth a limited set of child and family well-being measures in the rule to clarify the nature of these measures.</p>
Hon. Charles Horan Superior Court of Los Angeles County	<p>Yet another step in the move toward total control of the branch by the Chief Justice and AOC. This time it's not mandatory education, but rather a move toward "report cards" issued to judges. The proposal has been in the strategic plan before, and this is the first step toward its implementation. Apparently, as was the case with the ill-fated mandatory education plan, the intention is to start with a small portion of the branch (this time it happens to be dependency court judges). Then it will be extended to juvenile (it's for the children, after all), family law, new judges, and finally all bench officers. Check out what has happened in other states.</p>	<p>The Judicial Council cannot fulfill the statutory requirements of WIC 16545 without collecting data at the individual case level, which includes information about judicial officers. This data is necessary for matching court data with child welfare system data, in order to assess outcomes for children and families, and for local courts to engage in court improvement efforts. We will re-write the rule to clarify that data reports will contain aggregate data, and will protect the identity of individual children, family members and judicial officers.</p>

FOR REFERENCE ONLY—COMMENT CHART FOR PRIOR VERSION OF RULE 5.505 WITHDRAWN FROM WINTER 2008 CYCLE

1. COMMENTS ABOUT THE CONCEPT AND APPLICATION OF PERFORMANCE MEASUREMENT		
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	The "report cards" are public record, used in political campaigns for judicial elections, etc. I join with CJA in their opposition. Perhaps the council, when they vote unanimously to endorse the rule, will prove me wrong and issue a strong statement that they have absolutely no desire or plan to extend this "report card" idea to others in the branch. I hold my breath in anticipation.	
Hon. Ann Jones Superior Court of Los Angeles County	Of all of the places to interpose standardized performance measures, I can think of no worse venue than our juvenile justice system. In that setting, flexible approaches, innovative thinking and non-standardized measures of success are to be encouraged. Objective norms and other standardized measures will discourage judicial officers from employing such techniques. Please consider this more carefully before going forward.	Juvenile Dependency Performance measures are required by Welfare and Institutions Code section 16545. We agree that flexible decision making is essential in dependency actions. The performance measures are not intended to supplant judicial discretion. Rather, they will serve to measure those elements of decision making that are non-discretionary, such as legal requirements regarding appointment of counsel and hearing timeliness. They will also measure areas where there is some discretion, but broad consensus about preferred practice, such as children being placed with their siblings if possible.
Hon. John McClellan Marshall Senior District Judge Formerly Sabine Valley Child Protection Court	I agree that it is appropriate to have some guidelines in such matters, but they should be guidelines, not mandatory standards. As the federal system recently found out, the concept of mandatory "guidelines" impinges improperly on judicial discretion and takes away the human element in the justice system. Especially in juvenile matters, it is important not to be a "mechanic."	Juvenile Dependency Performance measures are required by Welfare and Institutions Code section 16545. We agree that flexible decision making is essential in dependency actions. The performance measures are not intended to supplant judicial discretion. Rather, they will serve to measure those elements of decision making that are non-discretionary, such as legal requirements regarding appointment of counsel and hearing timeliness. They will also measure areas where there is some discretion, but broad consensus about preferred practice, such as children being placed with their siblings if possible.

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Hon. Mary Ann Murphy Judge Superior Court of Los Angeles County	I agree with the California Judges' Association Comments.	The Judicial Council cannot fulfill the statutory requirements of WIC 16545 without collecting data at the individual case level, which includes information about judicial officers. This data is necessary for matching court data with child welfare system data, in order to assess outcomes for children and families, and for local courts to engage in court improvement efforts. We will re-write the rule to clarify that data reports will contain aggregate data, and will protect the identity of individual children, family members and judicial officers.
James M. Owens Assistant County Counsel Office of the County Counsel Dependency Division	The proposed rule should be mindful of the confidentiality of dependency matters and should state that the AOC shall have access to data subject to state and federal confidentiality laws and regulations.	Data will only be reported in aggregate form, to protect confidentiality. The AOC will adhere to all state and federal confidentiality laws and regulations.
Hon. Maria Stratton Superior Court of Los Angeles County	While not bad in and of themselves, it is important to remember that for the most part, judges are reactive, not proactive. They are presented with certain facts concerning the parties, certain roles adhered to by the institutional players (county counsel, district attorney, public defender, panel counsel), and certain budgetary and policy restraints imposed by their county governments. More often than not, judges are limited to the controversy before them and must act with the constraints imposed on them by the roles, budgets, and policies within which they operate. Performance measures must account for and devise a way to control these variables so that they do not	We acknowledge that judges operate within real-world constraints of various kinds, and that judges must address the controversy before them. Flexible decision making is essential in dependency actions. The performance measures are intended to measure those elements of decision making that are non-discretionary, such as legal requirements regarding appointment of counsel and hearing timeliness. They will also measure areas where there is some discretion, but broad consensus about preferred practice, such as children being placed with their siblings if possible. We will re-write the rule to clarify that data reports will contain aggregate data, and will protect the identity of individual children, family members and judicial officers.

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	unduly positively or negatively influence the ultimate performance evaluation of the judge. Without acknowledging these variables and how they can impact a judge's "statistics," the result you obtain will be skewed.	
Superior Court of Alameda County Hon. Gail Brewster Bereola Presiding Judge, Juvenile Court Juvenile Justice Center	Because the measures are required by statute we agree. However, some of us are troubled by the "performance measures" and think they are inappropriate. There is are drawbacks to have imposed rigid timelines and categories of permanency on the fluid and contextual world of raising children, and to also bring in a sort of industrial model of performance measured by quantitative outcomes, does not appear to be necessarily in the best interests of dependent children. We are, after all, courts of justice, which by definition is not a quantifiable outcome. There seems to be a disconnect between the flexibility and creative jurisprudence necessary in dependency, and the idea of quantitative performance measures.	We agree that flexible decision making is essential in dependency actions. The performance measures are not intended to supplant judicial discretion. Rather, they will serve to measure those elements of decision making that are non-discretionary, such as legal requirements regarding appointment of counsel and hearing timeliness. They will also measure areas where there is some discretion, but broad consensus about preferred practice, such as children being placed with their siblings if possible. Reports will show whether courts are meeting these requirements across all cases.
Superior Court of Los Angeles County	We are concerned that as presently drafted and in the future implemented, the rule may become a vehicle for evaluating the performance of individual judges. Efforts to develop metrics, external to the appellate process, for evaluating an individual judge’s compliance may unnecessarily risk the impartiality of that judge	The Judicial Council cannot fulfill the statutory requirements of WIC 16545 without collecting data at the individual case level, which includes information about judicial officers. This data is necessary for matching court data with child welfare system data, in order to assess outcomes for children and families, and for local courts to engage in court improvement efforts. We will re-write the rule to clarify that data reports will contain aggregate data, and will protect the identity of

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	deciding his or her cases independent of pressures and influences external to the individual case. The Rule must be redrafted to make clear it will not be implemented in a way that can or will result in evaluating the performance of individual judicial officers. Neither should it be used as a springboard for future “report cards” on judges.	individual children, family members and judicial officers.
Superior Court of Orange County Susan Hurley Executive Admin. Assistant to the Presiding Judge of the Juvenile Court	Juvenile Dependency Judges, Commissioners and Referees were polled. All responses to the proposed changes were positive, and in agreement that the information gathered will be beneficial to the system, help remove the element of mystery that often surrounds the dependency courts, and may encourage adherence to the timeliness crucial to due process.	No response required.

2. COMMENTS ABOUT LEGISLATIVE INTENT		
Commentator	Comment Excerpt or Summary:	Committee Response
Bay Area Dependency Chapter of California Appellate Defense Counsel Linda Conrad Member BADC, VP of CADC	We request that the rule be modified by setting forth specific performance measures to comply with the requirements of Welfare and Institutions Code section 16545.	We agree to increase the level of detail in the rule and to place more technical details in the <i>Implementation Guide</i> .

FOR REFERENCE ONLY—COMMENT CHART FOR PRIOR VERSION OF RULE 5.505 WITHDRAWN FROM WINTER 2008 CYCLE

2. COMMENTS ABOUT LEGISLATIVE INTENT		
Commentator	Comment Excerpt or Summary:	Committee Response
<p>Children’s Advocacy Institute Christina Riehl Staff Attorney</p>	<p>1. CAI was a co-sponsor of AB 2216, the bill that requires the Judicial Council to adopt outcome measures. While CIA supports the stated purpose of rule 5.505, we do not agree with the very basic list of “performance measures” delineated in subdivision (b) of the proposed rule.</p> <p>2. Unfortunately, the “performance measures” listed in subdivision (b)(1) are so basic that they provide no clear guidance regarding the data that is to be measured. These are more accurately described as categories regarding the areas that should be studied but are not, themselves, measurable and are thus incorrectly labeled “performance measures”. By adopting only very basic categories in the rule and delineating specific performance measure descriptions through an <i>implementation guide</i>, we believe that the proposed rule does not meet the requirements of WIC 16545.</p> <p>3. CAI proposes that the proposed rule be amended to identify quantitative or qualitative characterization of performance, and to identify how to measure the specific characteristics of a particular performance and monitoring quality or quantity of that performance. Clearly, by requiring that performance measures be implemented through a rule of court, the legislature understood the importance of</p>	<p>1. No response necessary.</p> <p>2. We agree to increase the level of detail in the rule and to place more technical details in the <i>Implementation Guide</i>. Both the revised rule and the <i>Implementation Guide</i> will be circulated for public comment.</p> <p>3. Welfare and Institutions Code section 16545 does not specify the level of detail at which performance measures should be written. In response to public comment we recognize the need for more detailed specification of the performance measures in the rule, which we previously regarded as content more appropriate for the <i>Implementation Guide</i>. We agree to increase the level of detail in the rule and to place more technical details in the <i>Implementation Guide</i>. Both the revised rule and the <i>Implementation Guide</i> will be circulated for public comment.</p>

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	<p>promoting outcome measures and wanted the measures themselves to have the formal dignity of rules that cannot be amended without formal public comment.</p> <p>The CAI has developed the following list of performance measures that should be included in subdivision (b)(1) of proposed Rule 5.505:</p> <p>(A) Child Safety</p> <ul style="list-style-type: none"> i. Percentage of children who do not have a subsequent petition of maltreatment filed in court after the initial petition is filed ii. Percentage of children who are the subject of additional allegations of maltreatment within 12 months after the original petition was closed <p>(B) Child Permanency</p> <ul style="list-style-type: none"> i. Percentage of children who reach legal permanency (by reunification, guardianship, adoption, planned permanent living arrangement or other legal categories that correspond with ASFA) within 6,12,18 &24 months from removal ii. Percentage of children who do not achieve permanency in the foster care system (e.g. court jurisdiction ends because the child reaches the age of majority) iii. Percentage of children who have a permanency plan of “long term foster care” iv. Percentage of children who reenter foster care pursuant to court order after being 	<p>Regarding: (A) Child Safety and (B) Child permanency: By federal and state statute, the California Child Welfare Serves Case Management System (CWS/CMS) collects extensive data on each child welfare case and produces performance measures related to safety and permanency. We agree to exchange data with the CWS/CMS to produce safety and permanency measures on the children under the jurisdiction of the court. The measures specified in the proposed rule cover the same concepts as those suggested. Use of these shared measures provide the court and child welfare an opportunity to work together to understand how court processes and procedures are related to the child welfare outcomes of safety, permanency and well-being. It is anticipated that the rule will be amended, in future years, to include additional performance measures, as appropriate.</p>

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	<p>returned to their families (and the number of months between return and filing of subsequent petition)</p> <p>v. Percentage of children who return to foster care pursuant to court order after being adopted or placed under legal guardianship (and the number of months between return and filing of subsequent petition)</p> <p>vi. Percentage of children who are transferred among one, two, three or more placements while under court jurisdiction. This measure should distinguish placements in and out of a child’s own home from multiple placements in a variety of environments. This measure should also track the number of placements and the time period of each placement</p> <p>vii. Percentage of children who are placed out of county</p> <p>viii. Percentage of children who are not placed with siblings</p> <p>ix. Percentage of children who are placed with relatives or a nonrelated extended family member</p> <p>(C) Child and Family Well-being</p> <p>i. Percentage of children who are court-ordered to receive visits with parents less than one time per week</p> <p>(D) Hearing Timeliness</p> <p>i. Percentage of cases that are adjudicated within 30,60,90 days after the filing of the</p>	<p>(C) Child and Family Well-being: We agree to include performance measures on visitation, as well as other well-being measures.</p> <p>(D) Hearing Timeliness: we agree to measure timeliness by collecting the dates of important milestones and using these dates to calculate</p>

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	<p>dependency petition</p> <p>ii. Percentage of cases that receive a disposition within 10, 30, 60 days after the dependency adjudication</p> <p>iii. Percentage of cases for which the termination of parental rights occurs within 3,4,12,18 months after the dependency disposition</p> <p>iv. Percentage of cases for which an adoption is finalized within 1,3,6,12 months after termination of parental rights</p> <p>v. Percentage of hearings (by hearing type) not completed within time frames set forth in statute or court rules. Where possible, the reason for non-completion should also be captured (e.g., party requesting postponement)</p> <p>(E) Due Process</p> <p>i. Percentage of cases in which both parents receive written service of process within the required time standards or where notice of hearing has been waived by parties</p> <p>ii. Percentage of cases in which there is documentation that notice is given to parties in advance of the next hearing</p> <p>iii. Percentage of cases in which the court reviews case plans within established time guidelines</p> <p>iv. Percentage of children receiving legal counsel, guardians <i>ad litem</i> or CASA volunteers in advance of the detention</p>	<p>timeliness according to federal and state mandates. Milestones include petition filing date, completion of initial hearing, completion of jurisdictional hearing, completion of dispositional hearing, completing of three month review if applicable, completion of 6 month review hearing, 12 month review hearing and 18 month permanency review hearing, termination of reunification services, completion of 366.26 hearing, post-permanency review hearing, termination of parental rights, final adoption order, and completion of guardianship.</p> <p>Collecting data for each of these milestones allows for the calculation of the elapsed time between any two events and the construction of the percentages suggested by either case or child. Further specification of these timeliness measures can be found in the proposed rule and implementation guide. Hearing delays and reasons for these delays will also be captured.</p> <p>(E) Due Process: we agree to include measures of most of the suggested due process topics. Measures associated with the appeals process are not mandated by statute. The Courts of Appeal maintain their own case management system, and the ability to capture and link appeals data with trial court data will be contingent on the eventual level of exchange developed between these two systems. Certain suggested measures will not be included, such as timely court review of case plans, because the relevant data will not be captured in the CCMS system.</p>

FOR REFERENCE ONLY—COMMENT CHART FOR PRIOR VERSION OF RULE 5.505 WITHDRAWN FROM WINTER 2008 CYCLE

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	<p>hearing</p> <p>v. Percentage of cases where counsel for parents are appointed in advance of the detention hearing</p> <p>vi. Percentage of cases where children receive legal counsel on appeal</p> <p>vii. Percentage of cases where parents receive legal counsel on appeal</p> <p>viii. Percentage of cases in which legal counsel for children changes (as well as number of changes in counsel if possible)</p> <p>ix. Percentage of cases in which legal counsel for parents changes (as well as number of changes in counsel if possible)</p> <p>x. Percentage of cases in which legal counsel for parents, children and agencies are present at each hearing</p> <p>xi. Percentage of cases where the parents are present for each hearing</p> <p>What the examples above have in common is that they identify certain operations as being indicative of overall performance and then propose to measures them...we believe the list is most useful in that it illustrates what types of performance measures should be specifically listed in Rule 5.05</p>	
Carole Greeley Attorney	I do not agree with the proposed rule about performance measures for the courts, since it does not carry out the directions of the	We agree to increase the level of detail of the performance measures in the rule and to place more technical details in the <i>Implementation Guide</i> .

FOR REFERENCE ONLY—COMMENT CHART FOR PRIOR VERSION OF RULE 5.505 WITHDRAWN FROM WINTER 2008 CYCLE

2. COMMENTS ABOUT LEGISLATIVE INTENT		
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	<p>legislature. The rule identifies only general performance measures, rather than specific ones. It is clear from the language of Welf. & Inst. Code section 16545 that the legislature was telling the Judicial Council to enact a rule that identifies specific performance, or outcome, measures. The legislature identified the general performance measures in this statute. This provision was an integral part of AB 2216. It was included in the first version of the bill, and it remained unchanged throughout several amendments. There was plenty of time. AB 2216 was signed by the Governor in September 2006. There are recommended performance measures in Appendix B of the Pew report. The Blue Ribbon Commission has been working on identifying such measures, and the DRAFT final report included some of those measures. The proposed rule provides for the AOC to identify specific measures in an implementation Guide to be published at some unspecified future date, but this is not what the legislature intended.</p>	
<p>Hon. Mary Ann Murphy Judge Superior Court of Los Angeles County</p>	<p>Proposed CRC 5.505 does [not] set forth the "detailed definitions" the "performance measures" and "methods for producing the performance measures" might be. Rather, it leaves this to the Judicial Council to approve them (and presumably to amend them) in the "Implementation Guide to Juvenile Dependency Court Performance Measures. See proposed</p>	<p>We agree to set forth specific performance measures in the rule.</p>

FOR REFERENCE ONLY—COMMENT CHART FOR PRIOR VERSION OF RULE 5.505 WITHDRAWN FROM WINTER 2008 CYCLE

2. COMMENTS ABOUT LEGISLATIVE INTENT		
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	CRC 5.505(b)(3).	
Margaret A. Pendergast Attorney	The proposed changes do not seem to have any tools for measuring the performance standards.	We agree to set forth specific performance measures in the rule. The technical specifications for calculating and reporting the measures will be included in the implementation guide.
Abigail Roseman Attorney at Law	1. I believe performance measures are appropriate. However, the proposal does not describe the "five broad performance measures." 2. I would like to review the measures, as well as the proposed methods of determining whether the measures are met.	1. We agree to set forth specific performance measures in the rule. 2. We also agree to circulate for public comment an implementation guide to juvenile dependency court performance measures containing the proposed methods for calculating and reporting performance measures.

3. COMMENTS ABOUT TOPICS OF PERFORMANCE MEASURES; QUALITATIVE DATA		
Commentator	Comment Excerpt or Summary	Committee Response
Hon. Kim G. Dunning Assistant Presiding Judge Superior Court of Orange County	1. The federal government's Child and Family Service Review (CSFR) mandates that state child welfare service agencies measure the effectiveness of their <i>programs</i> by service delivery and result criteria (<i>program outcomes</i> , rather than <i>process</i>). The mandate encompasses children and families who receive services outside the juvenile dependency court's jurisdiction. Accordingly, California courts will contribute data and performance measures for	

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3. COMMENTS ABOUT TOPICS OF PERFORMANCE MEASURES; QUALITATIVE DATA		
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	<p>only a subset of the population served by these state agencies. Based on these assumptions, I offer the following observations:</p> <p>a. Constructing our case management system to track outcomes, will present a number of technical, policy, and value issues. For example, I understand that outcome measures for well-being might include educational and mental health services for dependent children as well as family services to enhance the parents' or guardians' ability to safely provide for children in their care. Do we envision that the case management system will be designed to allow us to collect data on events such as a court-ordered mental health services without regard to the quality or quantity of those services, which might vary greatly by county? Or even vary greatly by each family so served? Do we expect the case management system to allow us to extract qualitative data as well?</p> <p>b. The Discussion portion of the proposal notes that "[s]tandardized performance measures on safety and permanency are currently in place for child welfare cases in California" and reporting on these measures is already mandated. It appears that insofar as data for safety and permanency is concerned, the proposed rule requires the design for the juvenile dependency case management system</p>	<p>1.a. CCMS will be able to collect and report on very little, if any, qualitative data. The system is being designed both to collect relevant data directly and to import data via data exchanges with CDSS and other system partners. Neither source is expected to supply qualitative information, so surveys, focus groups and other qualitative research methods will still be needed.</p> <p>1.b. It is anticipated that the data on safety and permanency will be imported into the court system from the child welfare system via a data exchange. The safety and permanency measures will then be examined in a court context, to determine court related areas for improving safety and permanency outcomes, thus complementing and promoting the state and federal child welfare measures.</p>

FOR REFERENCE ONLY—COMMENT CHART FOR PRIOR VERSION OF RULE 5.505 WITHDRAWN FROM WINTER 2008 CYCLE

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	to duplicate the data collection capabilities that exist for the state agencies. Will the court's data provide anything more than redundant information? If not, does this portion of the rule "complement and promote" the safety and permanency measures?	
Lori A. Fields Attorney Private Practice/Dependency Appellate Specialist	Reporting on compliance with due process requirements is extremely important to these families, primarily because the risk of a wrong result from such an error, as well as the delay which results from the appellate process is detrimental to dependent children's ability to retain their biological relationships if that is warranted or to achieve permanency. It might be worthwhile to track number of appellate reversals per judicial officer and why the case was reversed (i.e. failure to appoint counsel, failure to conduct a contested hearing, failure to comply with statutes, failure to comply with existing published case law). I am seeing increasing numbers of appellate cases with due process issues such as these, which are entirely preventable at the trial court level.	Although appellate measures are an important component of due process, measures associated with the appeals process are not mandated by the statute authorizing these performance measures. The California Courts of Appeal maintain their own case management system, and the ability to capture and link appeals data with trial court data will be contingent on the eventual level of exchange developed between these two systems. There are no plans to track appellate reversals at this time.
Hon. Lois Haight Superior Court of Contra Costa	1. Child and Family well-being is not an objective performance measure for the courts. The courts make services available and can put motivating factors in place to get the parties to benefit from the services. The effectiveness of the services is a performance measure of the	1. We agree that the effectiveness of services is not a court performance measure. Child and family well-being court performance measures will focus on measurement of court functions that are related to child and family well-being, or areas of social work function in which the court plays an important oversight role. Examples include decisions about placement and visitation.

FOR REFERENCE ONLY—COMMENT CHART FOR PRIOR VERSION OF RULE 5.505 WITHDRAWN FROM WINTER 2008 CYCLE

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	<p>service provider, the social worker and the parties.</p> <p>2. The measure of the family and children’s well being is actually a measure of the effectiveness of the laws that govern dependency cases. Accordingly, such a performance measure should be taken of the legislature that created the law, not the courts that must follow it.</p>	<p>2. Assessing the performance of the legislature or the effectiveness of laws goes beyond the scope of the rule.</p>
<p>Hon. Carolyn Kirkwood Superior Court of Orange County Lamoreaux Justice Center</p>	<p>I have had a Dependency Court assignment for 4 years. I very strongly agree with the performance measures in order to track how we are doing as a system and to identify areas of improvement. One thought I had deals with the importance of involving youth in the court proceedings impacting their lives. I believe a key component of the Pew report called for systemic reform to enable children to participate in the court process in a meaningful way. I would like to see some data reported perhaps in the due process measures.</p>	<p>Children’s attendance at court hearings will be included in the due process measures. It is not anticipated that the measures will be able to capture qualitative aspects of children’s participation.</p>
<p>Walter K. Pyle Attorney Walter K. Pyle and Associates</p>	<p>1. The current practice in the juvenile courts seems to be focused on disposing of as many cases as possible, with little concern given to the quality of the process. Some courts limit hearings to as little as 10 minutes, and discourage calling witnesses and instead urge parties to submit based on reports that are often incomplete or inaccurate. A lawyer has a duty to vigorously represent his or her client, but</p>	<p>1. It is not anticipated that the measures will be able to track qualitative measures such as quality of attorney representation. The CCMS system is not being designed in such a way that it can capture this type of qualitative data. Other programs, such as the Dependency Representation, Administration, Facilitation and Training (DRAFT) program at the AOC are currently addressing these attorney quality issues. Furthermore, it is anticipated that the outcomes data that results from the performance measures will assist courts in identifying deficiencies and improving processes and outcomes.</p>

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	<p>many lawyers do not even talk to child clients unless the case goes to trial, and attorneys for parents often do not present a defense.</p> <p>Many lawyers seem to just be going through the motions, probably because most court-appointed administrations are not geared to adequately compensate attorneys for doing a thorough job. Judges have too many cases, and social workers are not adequately trained. Appellate attorneys who handle dependency appeals could provide a wealth of information about what problems exist in the juvenile courts, but there seems to have been little effort to secure their input.</p> <p>The proposed rule says nothing about improving the actual quality of the court process. Probably the most important shortcoming in the system is the low quality of attorney representation. The rule should expressly include a performance measure for “quality of representation by counsel.”</p> <p>2. The rule should also specifically address the need for courts to give more time to each individual case.</p>	<p>2. This is an important issue. The local court self-assessment process addresses the issue of amount of time for each hearing. It is not included as a performance measure, however, because the data will not be available in the case management system (CCMS), currently under development.</p>
<p>Riverside County Children’s Services Division Jennifer Pabustan-Claar</p>	<p>1. It is recommended that: a. Specific indicators from the list of Federal and</p>	<p>1a. These will be identified in both the rule and the Implementation</p>

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3. COMMENTS ABOUT TOPICS OF PERFORMANCE MEASURES; QUALITATIVE DATA		
Commentator	Comment Excerpt or Summary	Committee Response
Regional Manager –DPSS – Child Protective Services	<p>State child welfare outcomes measures be identified.</p> <p>b. Performance measure definitions and requirements:</p> <ul style="list-style-type: none"> i) attempt to balance administrative data with information gathered from county qualitative reviews; ii) consider outcomes related with probation youth; iii) consider guidelines that require a “systems-approach,” emphasizing collaboration with key partners. 	<p>Guide</p> <p>1.b.i. It is intended that information from qualitative reviews will be used in conjunction with the information from the performance measures, but this qualitative information cannot be built into the measures themselves.</p> <p>1.b.ii. We will circulate for public comment the issue of applying these measures to probation youth.</p> <p>1.b.iii. The AOC will emphasize collaboration in its work with local courts to implement improvement plans, but these goals are not part of the measures themselves.</p>
Sonoma-Human Services Department Family, Youth & Children’s Division Bob Harper, Section Manager	Would like more information on how data regarding the first three measures would be captured (child safety, child permanency, and child and family well-being).	The Implementation Guide will provide the detailed information. Courts and CCMS developers require more detailed technical information on the performance measures than a rule of court can provide.
Superior Court of Orange County Susan Hurley Executive Admin. Assistant to the Presiding Judge of the Juvenile Court	1. Juvenile dependency bench officers are also concerned with tracking the later stages of dependency, such as after a 366.26 hearing when there are no statutory guidelines to follow and cases tend to become much more complicated. Will the proposed tracking changes serve to ensure that minors are given due process all the way through until they emancipate?	1. The measures will include timeliness and due process measures that focus on post-366.26 time period, and on children in planned permanent living arrangements or long term foster care. The revised rule will also include well-being measures related to children aging out of the dependency system.

FOR REFERENCE ONLY—COMMENT CHART FOR PRIOR VERSION OF RULE 5.505 WITHDRAWN FROM WINTER 2008 CYCLE

3. COMMENTS ABOUT TOPICS OF PERFORMANCE MEASURES; QUALITATIVE DATA		
Commentator	Comment Excerpt or Summary	Committee Response
	2. Regarding 5.505(b)(1)(C), there is a question whether child and family well-being can be quantitatively measured.	2. Child and family well-being court performance measures will focus on measurement of court functions that are related to child and family well-being, or areas of social work function in which the court plays an important oversight role. We will set forth specific child and family well-being court performance measures in the rule, and will circulate the implementation guide for further comment on these specific child and family well-being measures. Additional quantitative measures of well-being are currently under development.

4. COMMENTS ABOUT WORDING OF RULE		
Commentator	Comment Excerpt or Summary:	Committee Response
Hon. Kim G. Dunning Assistant Presiding Judge Superior Court of Orange County	There is a typographical error in part (c)(2): the last word should be "systems" instead of "system"	Typographical error will be corrected.
James M. Owens Assistant County Counsel Office of the County Counsel Dependency Division	I recommend amending rule 5.505(b)(1)(E) to read “Due process protection for parties, including tracking timely appointment of counsel for parties, timely notice of hearings, <u>timely notice of writ advisement, timely ICWA inquiries, and the opportunity for parties to be present at each hearing that they have a due process right to attend.</u> ” These additions are necessary to prevent further delay of permanence for children, and to clarify that parties have a due process right to attend some but not all hearings.	We will include compliance with ICWA in due process measures. Agree to include the term “if applicable” so that measure regarding hearing attendance is applied only to the appropriate group. Notice of writ advisement will be included in a later version of the measures, if it is determined that CCMS is able to capture and report this and other judicial advisements.
Superior Court of San Diego County	Suggested modifications to CRC 5.505:	Changes will be made, as applicable.

FOR REFERENCE ONLY—COMMENT CHART FOR PRIOR VERSION OF RULE 5.505 WITHDRAWN FROM WINTER 2008 CYCLE

4. COMMENTS ABOUT WORDING OF RULE		
Commentator	Comment Excerpt or Summary:	Committee Response
Mike Roddy, Executive Officer County Courthouse	<p>Subd. (a): “Welfare and Institutions Code section 16545 requires the Judicial Council to adopt such performance measures for the juvenile dependency court.”</p> <p>Subd. (a): “The measures will assist courts in securing due process for all litigants, and, in collaboration with the child welfare agency, improving safety, permanency, and well-being outcomes for children and families....”</p> <p>Subd. (b)(1)(E): “Due process protection for parties, including tracking timely appointment of counsel for parties, timely notice of hearings, and the opportunity for parties to be present at every hearing.”</p> <p>Subd. (c)(2): “Before the implementation of the CCMS family and juvenile law module, each court must provide to the [AOC] the subset of juvenile dependency data described in the <i>Implementation Guide to Juvenile Dependency Court Performance Measures</i> that it is capable of producing with <u>its</u> existing court case management system.”</p> <p>Advisory Committee Comment: “The Child Welfare Council, the Secretary of the California Department of Health and Human Services Agency, and appropriate court technology groups will be consulted....”</p>	
Trial Court Presiding Judges and Court Executive Officers (TCPJAC/CEAC) Joint Rules Working Group	1. The proposed rule should incorporate details about the eventual <i>Guide</i> , including who is responsible for developing it and what is the	1. The rule will be amended to provide details about the development and circulation for comment of the Implementation Guide.

FOR REFERENCE ONLY—COMMENT CHART FOR PRIOR VERSION OF RULE 5.505 WITHDRAWN FROM WINTER 2008 CYCLE

4. COMMENTS ABOUT WORDING OF RULE		
Commentator	Comment Excerpt or Summary:	Committee Response
Hon. Terence L. Bruiniers, Co-Chair Presiding Judge Superior Court of Contra Costa County Mary Beth Todd, Co-Chair Court Executive Officer Superior Court of Calaveras County	process for circulating it for comment. 2. Section (c)(2) about data collection should be amended to read: Before the implementation of the CCMS family and juvenile law module, each court must provide to the AOC the subset of juvenile dependency data described in the <i>Implementation Guide</i> that it is reasonably capable of producing with its existing court case management system, and using existing resources.	2. The language will be changed as recommended.

5. COMMENTS ABOUT CHILDREN FOR WHOM MEASURES APPLY		
Commentator	Comment Excerpt or Summary	Committee Response
California Department of Social Services West Irvin, Manager Placement Services and Support	The CDSS is concerned that the proposed rule applies to dependency courts and not equally to delinquency courts. To measure the courts' ability to support safety, permanency and well-being outcomes for all children and youth receiving child welfare services, CDSS suggests that this distinction not be made.	Agree to circulate for public comment the issue of applying these measures to probation youth for further comment.
Superior Court of Orange County Susan Hurley Executive Admin. Assistant to the Presiding Judge of the Juvenile Court	The court would like to see the addition of tracking youth participation in dependency.	Children’s attendance at court hearings will be included in the due process measures.

**FOR REFERENCE ONLY—COMMENT CHART FOR PRIOR VERSION OF RULE 5.505 WITHDRAWN FROM
WINTER 2008 CYCLE**

6. COMMENTS ABOUT NEED FOR MORE DETAILED INFORMATION TO BE CIRCULATED FOR PUBLIC COMMENT		
Commentator	Comment Excerpt or Summary:	Committee Response
Alameda County Public Defender Kathy Siegel	Not enough information. I find it impossible to comment without seeing the proposed Implementation Guide.	Agree to circulate proposed implementation guide for public comment.
Bay Area Dependency Chapter of California Appellate Defense Counsel Linda Conrad Member BADC, VP of CADC	The proposed rule identifies only general performance measures, rather than specific performance measures, as required by Welfare and Institutions Code section 16545. It also refers to an Implementation Guide to be published and approved by the Judicial Council, thus making it more difficult for the public to comment.	Agree to circulate proposed implementation guide for public comment.
California Judges Association Hon. Ira R. Kaufman, President	CJA has concerns about the methods for producing the performance measures, and requests the opportunity to comment on the proposed implementation guide before it is finalized and released.	Agree to circulate proposed implementation guide for public comment.
Children’s Law Center of Los Angeles Jody Leiberman Green Policy Director	Children’s Law Center of Los Angeles is interested in participating in the drafting of the implementation guide.	Agree to circulate proposed implementation guide for public comment.
Hon. Kim G. Dunning Assistant Presiding Judge Superior Court of Orange County	An effective evaluation of proposed Rule 5.505 is difficult because we do not yet have the <i>Implementation Guide to Juvenile Dependency Court Performance Measures</i> .	Agree to circulate proposed implementation guide for public comment.
Carole Greeley Attorney	This rule would enable the AOC to make an end run around the rules procedure, so there will be no public comment on their decision.	Agree to circulate proposed implementation guide for public comment.
Hon. Mary Ann Murphy Judge Superior Court of Los Angeles County	This allows the Judicial Council to avoid public comment. All definitions, measures and methods should be included in the proposed CRC and be sent out for public comment.	Agree to circulate proposed implementation guide for public comment.

FOR REFERENCE ONLY—COMMENT CHART FOR PRIOR VERSION OF RULE 5.505 WITHDRAWN FROM WINTER 2008 CYCLE

6. COMMENTS ABOUT NEED FOR MORE DETAILED INFORMATION TO BE CIRCULATED FOR PUBLIC COMMENT		
Commentator	Comment Excerpt or Summary:	Committee Response
Riverside County Children’s Services Division Jennifer Pabustan-Claar Regional Manager –DPSS – Child Protective Services	County Child Welfare Agencies be provided the opportunity to participate in the development of the Implementation Guide.	The implementation guide will be circulated broadly.
Trial Court Presiding Judges and Court Executive Officers (TCPJAC/CEAC) Joint Rules Working Group Hon. Terence L. Bruiniers, Co-Chair Presiding Judge Superior Court of Contra Costa County Mary Beth Todd, Co-Chair Court Executive Officer Superior Court of Calaveras County	The overall consensus of the working group was that the ability to provide meaningful comment was limited because the companion <i>Implementation Guide</i> has not yet been completed	Agree to circulate proposed implementation guide for public comment.

7. COMMENTS ABOUT FUNDING, RESOURCES, AND WORKLOAD		
Commentator	Comment Excerpt or Summary:	Committee Response
Alameda County Public Defender Kathy Siegel	If data regarding timeliness of notices and hearings etc is to be provided by the respective counsel representing parties, be advised that this office has no database which we can provide that info. If the info can be delivered from the county tracking system by the court administration we have no objection.	Counsel for parties in juvenile dependency cases are not responsible for data collection and reporting associated with this rule. All data collection and reporting will be done by the courts, or made available to the courts through data exchange with the Child Welfare Services Case Management System (CWS/CMS).
Debra Barriger	1. Although I appreciate the goal of the rule, in the current budget state I would recommend spending the time and money on obtaining more	1. Legislation requires the Judicial Council to adopt juvenile dependency court performance measures. The adoption of these measures in no way prevents the judicial branch from seeking

FOR REFERENCE ONLY—COMMENT CHART FOR PRIOR VERSION OF RULE 5.505 WITHDRAWN FROM WINTER 2008 CYCLE

7. COMMENTS ABOUT FUNDING, RESOURCES, AND WORKLOAD		
Commentator	Comment Excerpt or Summary:	Committee Response
	<p>judicial resources for dependency cases. We do not have enough court time available to meet the children and families needs in an expedient manner. We need more resources to serve the families. I am unclear as to how the proposed rule would serve the families beyond diverting time and funds for administration.</p> <p>2. I have worked in juvenile court for many years representing parents, children, relatives and county government. Please evaluate the cost effectiveness of this proposed rule.</p>	<p>additional judicial resources or other resources to serve children and families.</p> <p>2. The additional cost of incorporating functions for juvenile dependency court performance data reporting into the design of CCMS are marginal.</p>
<p>Carolyn Helwick Attorney, CASA</p>	<p>I am very pleased that the courts will be looking into aspects of dependency cases that may otherwise get overlooked simply as a side effect of the court involvement in young people's lives, including safety and overall well-being. My concern is that due to financial and other constraints, we will be asking over-worked and under-appreciated counsel to keep track of some of these items and less of their time will actually go to making things better in the individual cases. I think the courts should be charged with keeping all of this data, and it ought not fall on over-worked counsel in these systems. This could be a wonderful change in the system, once we actually step back and take a look at how our families are coming out of these cases. However, I would caution that improvement not</p>	<p>Counsel for parties in juvenile dependency cases are not responsible for data collection and reporting associated with this rule. All data collection and reporting will be done by the courts, or made available to the courts by data exchange with the Child Welfare Services Case Management System (CWS/CMS).</p>

FOR REFERENCE ONLY—COMMENT CHART FOR PRIOR VERSION OF RULE 5.505 WITHDRAWN FROM WINTER 2008 CYCLE

7. COMMENTS ABOUT FUNDING, RESOURCES, AND WORKLOAD		
Commentator	Comment Excerpt or Summary:	Committee Response
	come at the expense of the families or their representatives.	
Riverside County Children’s Services Division Jennifer Pabustan-Claar Regional Manager –DPSS – Child Protective Services	Implementation guidelines address standardization of county (data entry) practices related with the measures.	The implementation of CCMS version 4 will standardize data entry practices in the juvenile courts.
Superior Court of Orange County Susan Hurley Executive Admin. Assistant to the Presiding Judge of the Juvenile Court	<p>1. Though there is consensus that the resulting data will be beneficial, there are concerns about the tracking process itself. Who will keep track and how often must the information be submitted? Which court staff will be responsible for data collection and, in particular, how time-consuming will it be for an already busy team?</p> <p>2. The bench would like to see the use of uniform practices in allocating monies to families tracked and measured.</p>	<p>1. These details will be provided in the implementation guide. Prior to CCMS implementation, each court must provide the relevant data to the AOC “that it is reasonably capable of producing with its existing case management system and resources.” After CCMS implementation the data required for the performance measures reports will be a subset of data collected through the CCMS, and is not anticipated to impose additional data collection responsibilities on staff.</p> <p>2. This comment goes beyond the scope of this proposal. The proposal does not address issues of funds allocation.</p>
James Tarhalla Senior Deputy County Counsel Merced County Counsel	These changes won't help families or children unless and until the trial courts, including appointed counsel, are adequately funded. Adequate funding must include courtrooms, judicial officers who know the law and understand the problem, attorneys who are compensated and supervised properly and sufficient courtroom time to give parents the opportunity to participate in the process. Currently, none of these things exist.	This comment goes beyond the scope of this proposal. The proposal does not address issues of funds allocation.

FOR REFERENCE ONLY—COMMENT CHART FOR PRIOR VERSION OF RULE 5.505 WITHDRAWN FROM WINTER 2008 CYCLE

7. COMMENTS ABOUT FUNDING, RESOURCES, AND WORKLOAD		
Commentator	Comment Excerpt or Summary:	Committee Response
Tulare County Dependency Court Jay W. Powell Conflict Public Defender	Our attorneys in the Dependency Court are funded by the state. If the changes are adopted, we must have additional funds to hire the necessary personnel to gather and report all the statistics the proposal will require. Our attorneys do not have the time to do that work.	Counsel for parties in juvenile dependency cases are not responsible for data collection and reporting associated with this rule. All data collection and reporting will be done by the courts, or made available to the courts by data exchange with the Child Welfare Services Case Management System (CWS/CMS).

FOR REFERENCE ONLY—COMMENT CHART FOR PRIOR VERSION OF RULE 5.505 WITHDRAWN FROM WINTER 2008 CYCLE

8. COMMENTS ABOUT PRE-CCMS REPORTING REQUIREMENTS		
Commentator	Comment Excerpt or Summary:	Committee Response
Grace Andres Court Services Program Manager Superior Court of Solano County	<p>1. How can the court provide any of this data before implementation of CCMS if it does not exist now? Providing the data will require personnel resources from the Courts that we do not have.</p> <p>2. What will the data provided before implementation be used for and how accurate would it be if it was manually gathered?</p> <p>3. Would any of the data provided be used for funding purposes? I do not agree with the requirement that the data must be provided before implementation. Most courts would not be able to provide the data and this would create concerns that not providing the data could impact Juvenile Programs and funding in some way.</p>	<p>1. The rule will be modified to require only that before full CCMS implementation, trial courts are required to submit only the data they are reasonably capable of producing with existing resources. The Administrative Office of the Courts will provide technical assistance and additional resources for courts that are unable to meet reporting requirements before full CCMS implementation.</p> <p>2. The capacity to produce these measures and the accuracy of the underlying data vary from court to court. The primary purpose of collecting data before full CCMS implementation is refinement and standardization of the data definitions and methods for producing performance measures.</p> <p>3. It is not anticipated that any pre-CCMS data would be a factor in allocating of court funds.</p>
Karen L. Liebscher Director, Criminal Operations Superior Court of San Luis Obispo County	It is important to ensure consistent standards are in place to collect performance measure data until CCMS is installed in each court.	The AOC will assist courts in establishing consistent data reporting prior to full CCMS implementation.
Superior Court of Kern County Jill Platt Interim Supervising Clerk- Juv. Div.	Proposed California Rule of Court 5.0505 would require Kern County Juvenile Court to provide interim data before the completion of the CCMS data system. Kern County’s current CJIS	The rule will be modified to clarify that prior to full CCMS implementation each court must provide the relevant data to the AOC “that it is reasonably capable of producing with its existing case management system and resources.”

FOR REFERENCE ONLY—COMMENT CHART FOR PRIOR VERSION OF RULE 5.505 WITHDRAWN FROM WINTER 2008 CYCLE

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	<p>(Criminal Justice Information System) data system does not have the capability to track the timeliness and due process measures proposed.</p> <p>The Kern County IT department can look at developing a report that could track dependency events. The system can calculate some timeliness figure (time between two events) but not others (time between 3 events, hearings in more than one month). Hopefully these issues can be worked out through collaboration between the Juvenile Court and Kern County IT.</p> <p>For tracking due process, we will need more information on the requirements. Currently the due process category is not within our present data reporting capability. Due to the complexity of this issue, reporting due process may not be attainable until the new statewide juvenile system is available.</p>	
<p>Superior Court of San Diego County Mike Roddy, Executive Officer County Courthouse</p>	<p>San Diego’s Juvenile Dependency automated case management system (REJIS) is extremely limited in data collection. San Diego will not be able to provide the AOC with the juvenile dependency data from REJIS. Full compliance and reporting capabilities will only be realized with the implementation of the CCMS Juvenile module. The new requirements must also be included in the V4 system to provide the capability for all courts to comply.</p>	<p>Prior to CCMS implementation, each court will only be required to provide the relevant data to the AOC “that it is reasonably capable of producing with its existing case management system and resources.” As you suggested, it is intended that the requirements for the measures will be included in CCMS V4, to make it possible for all courts to comply.</p>

FOR REFERENCE ONLY—COMMENT CHART FOR PRIOR VERSION OF RULE 5.505 WITHDRAWN FROM WINTER 2008 CYCLE

8. COMMENTS ABOUT PRE-CCMS REPORTING REQUIREMENTS		
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Cynthia J. Wojan Juvenile Court Coordinator Superior Court of Solano County	I am concerned that between now and the time the CCMS system is available, the current case management systems used by some of the courts may not have the capability of compiling this data without additional time input by staff. Are any provisions being made for those systems that do not currently collect the data this rule requires?	Prior to CCMS implementation, each court will only be required to provide the relevant data to the AOC “that it is reasonably capable of producing with its existing case management system and resources.”

9. COMMENTS ABOUT CCMS		
Commentator	Comment Excerpt or Summary:	Committee Response
Hon. Kim G. Dunning Assistant Presiding Judge Superior Court of Orange County	As an aside, scenarios are typically used to develop and test the effectiveness of the design for the California Case Management System. Here is a common example of what the juvenile dependency CCMS module will need to address: [complicated fact scenario described...] Designing a case management system capable of extracting the performance measures contemplated in the proposed rule for each of these children and the family as a whole [in the scenario] presents an enormous challenge.	No response necessary.
Haislip W. Hayes Public Defender Imperial County Public Defender	Not sure why full implementation of CCMS will not occur in all 58 superior courts until 2012, given the state of technology today.	No response necessary.

FOR REFERENCE ONLY—COMMENT CHART FOR PRIOR VERSION OF RULE 5.505 WITHDRAWN FROM WINTER 2008 CYCLE

9. COMMENTS ABOUT CCMS		
Commentator	Comment Excerpt or Summary:	Committee Response
Minor's Counsel		