



## Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on October 28, 2011

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Title	Adoption and Permanency Month: Judicial Council Resolution	Agenda Item Type	Action Required
Rules, Forms, Standards, or Statutes Affected	None	Effective Date	October 28, 2011
Recommended by	Family and Juvenile Law Advisory Committee Hon. Kimberly J. Nystrom-Geist, Cochair Hon. Dean Stout, Cochair	Date of Report	October 5, 2011
		Contact	Christopher N. Wu, 415-865-7721 <a href="mailto:christopher.wu@jud.ca.gov">christopher.wu@jud.ca.gov</a>

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### **Executive Summary**

The Family and Juvenile Law Advisory Committee recommends adopting the attached resolution proclaiming November to be Court Adoption and Permanency Month. The council can once again actively recognize National Adoption Month in California's courts by issuing this proclamation to encourage courts and local communities to take special measures to address the issues of adoption and permanency, including family reunification, in their counties. Annual recognition of November as Court Adoption and Permanency Month reinforces the Judicial Council's commitment to finding permanent homes for children.

### **Recommendation**

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council adopt the attached resolution, effective October 28, 2011, proclaiming November 2011 to be Court Adoption and Permanency Month.

## Previous Council Action

In 1999, the Judicial Council declared November to be Court Adoption and Permanency Month. Every year since that first successful observance, the council has reaffirmed its declaration. The Family and Juvenile Law Advisory Committee works closely with other state and county agencies to highlight adoption and permanency efforts in California annually.

## Rationale for Recommendation

Each year in California, nearly half a million<sup>1</sup> reports are made of child abuse and neglect, and approximately 22,000<sup>2</sup> children enter foster care. Currently, about 60,000<sup>3</sup> children in the state are living apart from their families in child welfare–supervised, out-of-home care. Nearly 40 percent<sup>4</sup> of these children will not leave the foster care system within two years. Of the more than 31,000 children who did leave foster care in 2010, only 55 percent were reunited with their families, 20 percent were adopted, and 15 percent were emancipated.<sup>5</sup> It is critical that California’s courts continue to learn and implement new strategies to ensure that each child has one or more lifelong connections to a caring adult and that the courts continue to promote the placement of every child in a safe, loving, permanent home.

The state has been working on innovative programs to improve the lives of foster care children. One initiative—a collaboration of the California Department of Social Services (CDSS), the Administrative Office of the Courts (AOC), and other state organizations—provides training to help family members or significant others maintain a permanent and responsible role in a youth’s life. Experience shows that without permanent connections, youth leaving foster care face even more overwhelming odds against a successful adulthood.<sup>6</sup>

To better serve children in foster care and their families, Chief Justice Ronald M. George appointed the California Blue Ribbon Commission on Children in Foster Care in March 2006 to develop recommendations to improve outcomes related to safety, permanency, well-being, and

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<sup>1</sup> Barbara Needell et al., *Child Welfare Services Reports for California* (2011), retrieved September 16, 2011, from the University of California, Berkeley, Center for Social Services Research website at [http://cssr.berkeley.edu/ucb\\_childwelfare](http://cssr.berkeley.edu/ucb_childwelfare). Specific reports on referrals are at [http://cssr.berkeley.edu/ucb\\_childwelfare/allegations.aspx](http://cssr.berkeley.edu/ucb_childwelfare/allegations.aspx).

<sup>2</sup> B. Needell et al., *supra*. Specific reports on first entries to care are at [http://cssr.berkeley.edu/ucb\\_childwelfare/entries.aspx](http://cssr.berkeley.edu/ucb_childwelfare/entries.aspx).

<sup>3</sup> B. Needell et al., *supra*. Specific point-in-time reports on children in child welfare–supervised foster care are at [http://cssr.berkeley.edu/ucb\\_childwelfare/PIT.aspx](http://cssr.berkeley.edu/ucb_childwelfare/PIT.aspx).

<sup>4</sup> B. Needell et al., *supra*. Specific reports on the amount of time in care are at [http://cssr.berkeley.edu/ucb\\_childwelfare/PIT.aspx](http://cssr.berkeley.edu/ucb_childwelfare/PIT.aspx).

<sup>5</sup> B. Needell et al., *supra*. Specific reports on exits from foster care are at [http://cssr.berkeley.edu/ucb\\_childwelfare/exits.aspx](http://cssr.berkeley.edu/ucb_childwelfare/exits.aspx). The remaining 11 percent were placed in guardianships or other types of placement.

<sup>6</sup> Cal. Dept. of Soc. Services, *Improving the Lives of California’s Children and Families: Accountability in Action* (rev. Aug. 2004).

fairness for children and families. This commission is the first of its kind to focus on the role of the courts and their responsibility to foster children. In May 2009, the Blue Ribbon Commission released its final report and action plan, [Fostering a New Future for California's Children: Ensuring Every Child a Safe, Secure, and Permanent Home](#).<sup>7</sup> The recommendations focused on four areas: (1) efforts to prevent removal and achieve permanency, (2) court reforms, (3) collaboration between the courts and their child welfare partners, and (4) resources and funding. Newly formed local foster care commissions have already started working to implement commission recommendations at the county level. In June 2009, Chief Justice George extended the work of the commission to ensure implementation of its sweeping recommendations.

In August 2010, the commission issued a progress report, [Building a Brighter Future for California's Children: Making Progress in Tough Economic Times](#).<sup>8</sup> The report noted progress in several areas of emphasis, including the expansion of educational services for current and former foster youth; the establishment of local foster care commissions in counties around the state; the initiation or continuation of statewide collaborative policy-making efforts; and the provision of training, support, and resources for court-appointed counsel in juvenile dependency cases. One development of particular impact was the passage of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008.<sup>9</sup> This act is directly responsive to 20 of the commission's recommendations, including support for relative caregivers, improved family finding and engagement, more flexibility in the use of federal funds, and support for foster youth until age 21.

In response to the federal act and the commission's recommendations, the Judicial Council sponsored or cosponsored several bills in the 2009–2010 Legislative Session. Of particular note are Assembly Bill 12 and Assembly Bill 938. Effective January 1, 2010, AB 938 requires local child welfare agencies to use due diligence to identify, locate, and notify all adult relatives of a child within 30 days of the child's removal from the home of his or her parent or guardian. This approach will help keep foster children connected to their extended families and communities, place them more frequently with relatives, and enable them to develop lifelong supportive relationships with caring adults. To further these goals, the council adopted rules and forms implementing AB 938's requirements in 2010. Among other provisions, beginning January 1, 2012, AB 12 provides youth turning 18 the opportunity to continue receiving foster care benefits and juvenile court supervision until they reach age 21. This transition period will give them more time to find and develop permanent connections to caring adults and to prepare for self-sufficiency. The council is considering rules and forms implementing these provisions of AB 12.

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<sup>7</sup> Judicial Council of Cal., California Blue Ribbon Commission on Children in Foster Care, *Fostering a New Future for California's Children: Ensuring Every Child a Safe, Secure, and Permanent Home, Final Report and Action Plan* (May 2009), [www.courts.ca.gov/documents/brc-finalreport.pdf](http://www.courts.ca.gov/documents/brc-finalreport.pdf).

<sup>8</sup> Judicial Council of Cal., California Blue Ribbon Commission on Children in Foster Care, *Building a Brighter Future for California's Children: Making Progress in Tough Economic Times, Implementation Progress Report* (August 2010), [www.courts.ca.gov/documents/brc-progress-0810.pdf](http://www.courts.ca.gov/documents/brc-progress-0810.pdf).

<sup>9</sup> Pub.L. No. 110–351 (Oct. 7, 2008) 122 Stat. 3949, codified at 42 U.S.C. §§ 622, 627, 671–679(c).

Court Adoption and Permanency Month is one way California courts can raise awareness, demonstrate commitment, and bring about changes in the court system to stabilize children's lives. The month of November was selected to coincide with National Adoption Month, when government agencies and nonprofit organizations highlight innovative efforts to promote permanency, including adoption, and to raise awareness of the need for safe, permanent homes for children in foster care.

Since Court Adoption and Permanency Month was initiated in 1999, many individual California courts have dedicated specific adoption days in November—including Adoption Saturdays and Adoption Fridays—as well as other events, to clear their backlogs of adoption cases. The Judicial Council encourages courts to do so as circumstances permit.

The Judicial Council also encourages even courts with no backlog of adoption cases to hold adoption celebrations or commemorate other permanent connections for foster children and to institute local system programs as part of the statewide November effort to raise awareness of adoption and permanency.

Many local courts—in conjunction with county social services, local nonprofit agencies, and others—celebrate and highlight Court Adoption and Permanency Month in November and throughout the year. Many counties will honor permanent connections for foster children with events this year, including the following examples:

- The Superior Court of Fresno County and the Fresno County Department of Social Services will be holding Fresno County Adoption Day on November 28, 2011. The department, along with other foster family agencies and adoption home study agencies, are planning the celebration, which includes food, games, and most important, adoption finalizations. Dependency court judges finalize adoptions throughout the event. In 2010, 30 children in 22 families finalized their adoption during the Fresno County Adoption Day celebration.
- The Superior Court of Alameda County, along with the Alameda County Social Services Agency and other partners, will hold the 12th Annual Adoption Day on November 19, 2011. During the first 11 years of Alameda County's special Saturday events, more than 750 children found homes in over 600 families. At last year's Adoption Day, Presiding Judge of the Juvenile Court Trina Thompson praised the judicial officers, attorneys, court staff, social workers, and others who participated in the event. She called them part of the "giraffe society, . . . those who stick out their necks for children every day."
- In 2011, the Superior Court of Los Angeles County continues the national trend that it started in 1998 of holding periodic Adoption Saturdays, which bring together volunteer judicial officers, attorneys, social workers, court staff, and others to complete adoptions, often for hundreds of children and families in a day. In addition, the Los Angeles court and its partners marked the week of September 12–16, 2011, as Family Reunification Week to honor the

many families who successfully navigated the dependency court and child welfare system to emerge healthier, stronger, and intact.

Many California courts also support the Heart Gallery program, which raises community awareness through professional photography exhibits of children and youth in foster care who need adoptive families and permanent lifelong relationships. The number of Heart Galleries continues to grow throughout the nation, with California locations in Alameda, Fresno, Kern, Los Angeles, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Shasta, and Solano Counties. During September 2011, a Heart Gallery was on display in the Great Hall of the Ronald M. George State Office Complex, where this council meets.

A wide variety of resources on adoption and permanency are available on the [California Dependency Online Guide](#) website run by the AOC Center for Families, Children & the Courts. These materials provide ideas, resources, and best practices for collaboration among courts and their communities to raise awareness of the necessity of safe and permanent homes for all foster children. Available materials on permanency and adoption include articles; research reports; more than 50 California cases; manuals, including the [Court Adoption and Permanency Resource Guide \(2006\)](#) and the California Judges Benchguides: Benchguide 130, on Adoptions; toolkits on concurrent planning, family engagement, and other permanency topics; and links to online courses, factsheets, and resource libraries. The materials are searchable by type of document or by topic, such as adoptability, adoption assessments, concurrent planning, and permanency. The California Dependency Online Guide is available free of charge to all California judicial officers, attorneys, and child welfare professionals, and it is currently used by more than 2,700 subscribers.

### **Comments, Alternatives Considered, and Policy Implications**

The annual resolution declaring November as Court Adoption and Permanency Month continues to be well received and celebrated by courts, court-connected professionals, and the adoption and permanency community. It does not require circulation for comment as part of an official Invitation to Comment cycle.

The Judicial Council could choose not to proclaim November 2011 to be Court Adoption and Permanency Month and instead rely on the resolutions of 1999 through 2010 to promote adoption and permanency activities in November. However, the Family and Juvenile Law Advisory Committee believes that a new proclamation each year highlights the ongoing critical need to seek permanence for foster children.

### **Implementation Requirements, Costs, and Operational Impacts**

Court Adoption and Permanency Month is a voluntary program. Every court can participate at a level it considers appropriate to its jurisdiction. Suggested commemorative events range from no-cost activities for promoting adoption and permanency to higher-cost, systemwide programs.

Participation by families in any special event or project in any court is also voluntary. The emphasis on the month of November is not intended as a rationale for scheduling adoption hearings just so they coincide with a special event. Each case should be heard as soon as it can be calendared, and the families involved should be offered the opportunity to participate in a court's later-occurring event.

### **Attachments**

1. Judicial Council resolution proclaiming November to be Adoption and Permanency Month, at page 7.

# JUDICIAL COUNCIL OF CALIFORNIA

## Resolution

*Whereas*, consistent with its commitment to improving the lives of children and their families, the Judicial Council since 1999 has annually recognized November as Court Adoption and Permanency Month;

*Whereas* nearly half a million incidents of child abuse and neglect are reported each year in California, and more than 22,000 children enter foster care;

*Whereas* nearly 60,000 children in California live apart from their families in child welfare–supervised, out-of-home care;

*Whereas* nearly 40 percent of the children in foster care in California have been away from their families for two or more years;

*Whereas*, of the 31,000 California children who left foster care in 2010, 51 percent were reunited with their families, 20 percent were adopted, and 15 percent were emancipated;

*Whereas* local courts and communities throughout California have created programs that promote permanency and have resulted in a decrease in the number of children waiting for permanent, safe homes;

*Whereas* the Judicial Council is committed to working with the Governor, the Legislature, and local courts and communities to achieve permanency for children who have been abused or neglected; and

*Whereas*, on recognizing that courts and their partner agencies could promote safety, permanency, and well-being for California’s children and families by locating and notifying the relatives of children placed in out-of-home care, the Judicial Council in 2009 sponsored Assembly Bill 938;

*Now, therefore, be it resolved* that I, Tani Cantil-Sakauye, Chief Justice and Chair of the Judicial Council of California, do hereby proclaim November to be Court Adoption and Permanency Month, during which the courts and their communities are encouraged to join in activities to promote permanency.

*In witness whereof,*

I have hereunto set my hand this 28th day of October, 2011

TANI CANTIL-SAKAUYE  
*Chief Justice of California and  
Chair of the Judicial Council of California*

Attest:  
RONALD G. OVERHOLT  
*Interim Administrative Director of the Courts*

