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California Blue Ribbon Commission on Children in Foster Care Releases Draft Recommendations for Public Comment

Proposals Designed To Improve Outcomes for Children in Foster Care and Their Families—Public Comment Invited

San Francisco—The California Blue Ribbon Commission on Children in Foster Care has released a set of draft recommendations for public comment, capping a two-year inquiry into the courts' involvement with foster care. California Chief Justice Ronald M. George appointed the commission, chaired by Supreme Court Associate Justice Carlos R. Moreno, in March 2006. The commission was given two years to develop recommendations to help the courts and their child welfare partners improve foster care outcomes.

The commission's draft recommendations focus on four areas: 1) efforts to prevent removal and achieve permanency; 2) court reforms; 3) collaboration between the courts and other partners that work with children and families; and 4) the need for adequate and flexible funding.

The Blue Ribbon Commission is California's first statewide panel to focus on the courts' role in child welfare. The courts play an important statutory role in foster care, overseeing critical decisions on the removal of children from their homes, services they and their families will receive, and where and with whom children will live.

With the work of this commission, the courts add their leadership role to current efforts for child welfare reform led by the executive and legislative branches of government, as well as philanthropy.

More than half of California's nearly 80,000 foster children remain in care for two or more years, 17 percent of them for more than three years. Those who grow up in foster care face an increased risk of dropping out of school, homelessness, unemployment, mental illness, and involvement with the criminal justice system.

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“The need is urgent,” said Justice Moreno, chair of the commission. “Far too many of our state’s children find themselves in a ‘foster care limbo,’ shuffled from place to place, separated from their siblings, friends and schools. This is not the future we want for the most vulnerable among us.”

The commission is a multidisciplinary group of leaders, including court officials, legislators, child welfare experts and foster youth. Over the span of two years, the commission held quarterly meetings, public hearings, summits, and focus groups. Key issues identified include:

- There are fewer than 150 full-time and part-time judicial officers to preside over the state’s entire dependency court system. Full-time dependency court judges carry an average caseload of 1,000, which has a direct impact on the amount of time and attention that can be given to any one case.
- The median time for a hearing is 10–15 minutes, far less than the recommended 30–60 minutes.
- Dependency court attorneys, who represent children and parents in court, have an average caseload of 273, which far exceeds the recommended caseload of 188 (for attorneys who have appropriate support staff).
- Children and parents sometimes do not meet their attorneys until moments before their hearings, limiting their opportunity to speak in court and to understand the decisions made there.

Highlights of the commission’s draft recommendations include:

- **Child abuse prevention and services funding** – The Judicial Council should work with state and federal leaders to allow greater flexibility in the use of funds for prevention and to eliminate barriers to coordinating funds for prevention and services.
- **Prioritizing foster care** – All agencies and the courts should prioritize children in foster care and their families when providing services and when allocating and administering public and private resources.
- **Caseloads** – The Judicial Council should advocate reasonable judicial, attorney, and social worker caseloads.
- **Data and information** – The Judicial Council should support the courts and all partners in the child welfare system in eliminating barriers to the exchange of essential information and data about the children and families they serve. The Judicial Council should implement court performance measures to improve foster care outcomes as mandated by state law.
- **Disproportionality** – The courts and child welfare agencies should examine and address why a disproportionate number of African-American and Native American children are in the child welfare system.
- **Kinship** – Child welfare agencies should engage family members earlier and the Judicial Council should work with state and federal leaders to develop greater flexibility in approving relative placements when necessary.

- **Indian child welfare** – The courts, child welfare and other agencies should collaborate with Indian tribes and tribal courts to ensure that Indian children and families get the services for which they are eligible.
- **Extended support for transitioning youth** – The Judicial Council should urge Congress and the state Legislature to extend the age for children to receive foster care assistance from 18 to 21.
- **A voice in court** – The courts should ensure that all participants in dependency proceedings, including children and parents, have an opportunity to be present at and heard in court. CASA programs should be available in all counties.
- **Local commissions** -- The courts and child welfare agencies should jointly convene multidisciplinary commissions at the county level to identify and resolve local concerns and to help implement commission recommendations and related reforms.

The draft recommendations are available for public comment until May 13. In June, the commission will meet to incorporate feedback and finalize the recommendations to present to the Judicial Council in August. The final report will include an implementation plan.

The full set of draft recommendations can be found on the commission’s website: www.courtinfo.ca.gov/blueribbon. The commission invites the public to comment.

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