

Title	Juvenile Law: Juvenile Dependency Court Performance Measures (adopt Cal. Rules of Court, rule 5.505)
Summary	<p>The proposed rule would adopt, effective July 1, 2008, five broad juvenile dependency court performance measures: child safety, child permanency, child and family well-being, hearing timeliness and due process. The proposed rule would require the publication of a Judicial Council-approved implementation guide containing definitions of the performance measures and detailed descriptions of the data elements and the methods for producing the performance measures. Prior to approving the implementation guide, the appropriate court technology groups will be consulted.</p> <p>Upon the implementation of the California Court Case Management System (CCMS) family and juvenile law module, the proposed rule would also require local courts to provide juvenile dependency data to the Administrative Office of the Courts in accordance with the published implementation guide. Prior to CCMS implementation, the courts' compliance with the proposed rule would be contingent on the capacity of their existing case management systems.</p>
Source	Family and Juvenile Law Advisory Committee Hon. Jerilyn L. Borack and Hon. Susan D. Huguenor, Cochairs
Staff	Mara Bernstein, 415-865-7728, mara.bernstein@jud.ca.gov Sonya Tafoya, 415-865-8973, sonya.tafoya@jud.ca.gov
Discussion	<p><i>Problem and impact of this issue</i></p> <p>California's superior courts have limited capacity to provide quantitative data on the extent to which their juvenile dependency courts meet statutory guidelines for timeliness of hearings and other measures of due process such as timely appointment of counsel, advance notice of hearings for all parties, and presence of parties at all hearings. Currently, uniform court data that can be aggregated and reported on a statewide basis are limited to the number of filings and dispositions and do not permit the level of analysis necessary to evaluate how well the California court system as a whole is fulfilling its role in promoting safety, permanency, and well-being outcomes for children and families. Improved capacity to produce and evaluate these data would give courts a powerful tool to measure compliance with statutes, track children's progress, and identify sources of delay and other areas of reform needed in juvenile dependency court cases.</p>

### *Background*

Enacted into law as part of the Child Welfare Leadership and Performance Accountability Act of 2006 (Assem. Bill 2216 [Bass]; Stats. 2006, ch. 384), Welfare and Institutions Code section 16545 requires the Judicial Council to adopt performance measures that enable the courts to establish benchmarks and track their progress “in improving safety, permanency, timeliness and well-being of children and to inform decisions about the allocation of court resources.”

Enactment of the law followed the May 2004 release of recommendations by the Pew Commission on Children in Foster Care. Among the Pew Commission’s court-related recommendations were that “[e]very dependency court should adopt court performance measures” and that “[s]tate judicial leadership should use these data to ensure accountability by every court for improved outcomes for children and to inform decisions about allocating resources across the court system.” The Judicial Council endorsed these recommendations in June 2004.

The Pew Commission’s recommendations were also endorsed by the American Bar Association, the National Center for State Courts, and the National Council of Juvenile and Family Court Judges. These organizations jointly issued a comprehensive set of dependency court performance measures that can be refined to fit each state’s specific legislative framework. Their measures encompass those specified in Welfare and Institutions Code section 16545 and complement them with the addition of due process measures.

Two committees of the California Blue Ribbon Commission on Children in Foster Care (BRC) used these national measures as a basis for drafting performance measures and performance measure specifications adapted to California laws and procedures. In their work they consulted with a range of county court professionals as well as a broad group of child welfare and partner agency professionals. The performance measures described in the BRC document are the measures in the proposed rule, and the detailed specifications for the measures included in the BRC document will serve as the foundation for the *Implementation Guide to Juvenile Dependency Court Performance Measures* to be approved by the Judicial Council.

The BRC began drafting the measures and specifications before the enactment of Welfare and Institutions Code section 16545 to ensure that their work would coincide with and could inform the development of the California Courts Case Management System (CCMS) family and juvenile

law module.<sup>1</sup> The BRC draft measures and specifications are currently being used to outline the functionality that will be needed in the CCMS to collect the necessary data and produce reports on these performance measures.

Welfare and Institutions Code section 16545 requires that the Judicial Council, in developing the juvenile dependency court performance measures must consult with the California Child Welfare Council and the Secretary of the California Health and Human Services Agency. The Council and the Secretary will be consulted during the comment period for the proposed rule. Additionally, during the comment period, the implementation guide will be reviewed, refined and consulted on with the appropriate court technology groups.

Standardized performance measures on safety and permanency are currently in place for child welfare cases in California, and reporting by child welfare agencies on these measures is mandated by the federal Adoption and Foster Care Analysis and Reporting System (AFCARS), the National Child Abuse and Neglect Data System (NCANDS), and the California Department of Social Services Outcomes and Accountability System (Welf. & Inst. Code, § 16544). Courts are not expected to collect additional safety and permanency data; rather, these data as well as most data on well-being will be provided by the California Department of Social Services' Child Welfare Services/Case Management System. The data needed to produce the remaining measures likewise should not place an additional data collection burden on the courts because they would be included in the administrative data required in case management systems.

*Proposed rule*

Proposed rule 5.505 is intended to ensure that California can report statewide data on juvenile dependency through measures that are consistent with national best practices. It will also ensure that local courts have standardized measures of juvenile dependency court performance to assess how court procedures and case processing can be improved.

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<sup>1</sup> CCMS is a statewide technology initiative that aims to implement the use of a uniform computer application to manage all case types in the courts. The ultimate vision of the initiative is to create an integrated, statewide case management system. Thus far, lead courts around the state are deploying modules of the system for criminal, traffic, civil, small claims, and probate cases, and the module for managing family and juvenile law cases is currently in development. Progress on this module is moving forward in parallel with the development of the detailed specifications for the juvenile dependency court performance measures so that the necessary functionality for performance measures can be designed into the system module. It is anticipated that CCMS will be fully implemented in all 58 superior courts by the end of 2012.

The proposed rule would adopt, effective July 1, 2008, five juvenile dependency court performance measures: child safety, child permanency, child and family well-being, hearing timeliness and due process. The proposed rule would require the publication of a Judicial Council approved implementation guide containing definitions of the performance measures and detailed descriptions of the data elements and the methods for producing the performance measures. After their own review and consultation with appropriate court technology groups, the Family and Juvenile Law Advisory Committee will bring the implementation guide to the Judicial Council for discussion in April 2008.

*Implementation*

The *Implementation Guide to Juvenile Dependency Court Performance Measure* will outline the data elements needed for each performance measure and the formulas for calculating each measure. The Judicial Council will publish this guide effective July 1, 2008. For example, the data elements needed to calculate hearing timeliness measures will consist of a series of dates marking the milestones of a case such as completion dates for the initial, the jurisdictional, and the disposition hearings. The measures of hearing timeliness will be calculated by counting the days between each milestone event and comparing the outcome to statutory timeline requirements.

Welfare and Institutions Code section 16545 states that “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.” Because currently no statewide data collection processes are capable of producing uniform court performance reports that include measures of safety, permanency, timeliness, due process, and well-being, statewide implementation of this rule will follow full implementation of the CCMS family and juvenile law module. Before the implementation of the CCMS family and juvenile law module, the proposed rule requires each court to provide to the AOC the subset of juvenile dependency data described in the *Implementation Guide to Juvenile Dependency Court Performance Measures* that it is capable of producing with existing court case management systems.

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Attachments

Rule 5.505 of the California Rules of Court would be adopted, effective July 1, 2008, to read:

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

2  
3 **(a) Purpose**

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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.  
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20 **(b) Performance measures**

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

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24 (A) Child safety;

25  
26 (B) Child permanency;

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28 (C) Child and family well-being;

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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.  
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1 (3) Detailed definitions of the performance measures and descriptions of  
2 the methods for producing the performance measures will be contained  
3 in the *Implementation Guide to Juvenile Dependency Court*  
4 *Performance Measures* approved by the Judicial Council.  
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6 **(c) Data collection**  
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8 (1) The California Courts Case Management System (CCMS) family and  
9 juvenile law module must be capable of collecting the data described in  
10 the *Implementation Guide to Juvenile Dependency Court Performance*  
11 *Measures* to calculate the performance measures and to produce  
12 performance measure reports.  
13

14 (2) Before the implementation of the CCMS family and juvenile law  
15 module, each court must provide to the Administrative Office of the  
16 Courts the subset of juvenile dependency data described in the  
17 *Implementation Guide to Juvenile Dependency Court Performance*  
18 *Measures* that it is capable of producing with existing court case  
19 management system.  
20

21 (3) After implementation of the family and juvenile law module, each court  
22 must provide juvenile dependency data to the Administrative Office of  
23 the Courts in accordance with the data measures described in the  
24 *Implementation Guide to Juvenile Dependency Court Performance*  
25 *Measures*.  
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27 **Advisory Committee Comment**  
28

29 The Child Welfare Council, the Secretary of the California Department of Health and Human  
30 Services Agency, and appropriate court technology groups will be consulted in adopting  
31 performance measures and the implementation guide.  
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CALIFORNIA CODES  
WELFARE AND INSTITUTIONS CODE  
SECTION 16544-16545

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 subdivision (a) of 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.

## Item W08-06 Response Form

**Title:** Juvenile Law: Juvenile Dependency Court Performance Measures (adopt Cal. Rules of Court, rule 5.505)

- Agree** with proposed changes
- Agree** with proposed changes **if modified**
- Do not agree** with proposed changes

Comments: \_\_\_\_\_

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\_\_\_\_\_

**Name:** \_\_\_\_\_ **Title:** \_\_\_\_\_

**Organization:** \_\_\_\_\_

- Commenting on behalf of an organization**

**Address:** \_\_\_\_\_

**City, State, Zip:** \_\_\_\_\_

Please write or fax or [respond using the Internet](#) to:

**Address:** Ms. Camilla Kieliger,  
Judicial Council, 455 Golden Gate Avenue,  
San Francisco, CA 94102

**Fax:** (415) 865-7664    **Attention:** Camilla Kieliger

**Internet:** <http://www.courtinfo.ca.gov/invitationstocomment/commentform.htm>

<b>DEADLINE FOR COMMENT:</b> 5:00 p.m., Friday, January 25, 2008
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Your comments may be written on this *Response Form* or directly on the proposal or as a letter. If you are not commenting directly on this sheet please remember to attach it to your comments for identification purposes.

*Circulation for comment does not imply endorsement by the Judicial Council or the Rules and Projects Committee.  
All comments will become part of the public record of the council's action.*