



Background of Judicial Officers in Juvenile Dependency

The key to an effective juvenile dependency court is judicial officers who are experienced in juvenile dependency proceedings, have access to appropriate initial and continuing education, and have manageable caseloads. The *2004 CFCC Survey of Judicial Officers*, a survey of all judicial officers with regular assignments to hear juvenile dependency cases, asked about the respondent's professional background, tenure in the field, length of assignment, and judicial education.¹ This Research Update describes the findings from these survey items. The findings suggest that California has improved significantly in recent years on all counts. Most judicial officers begin their assignments with prior professional experience in juvenile dependency; their length of assignment meets the recommended length of three years, and they receive adequate continuing education. However, caseloads remain far in excess of what has been recommended both by the Administrative Office of the Courts in the past and by the National Council of Juvenile and Family Court Judges in the *Resource Guidelines*.²

More findings from the survey can be found in other research updates and in the *California Juvenile Dependency Court Improvement Program Reassessment*. Data tables from this survey have also been reproduced in the *California Juvenile Statistical Abstract*. These publications are available at www.courtinfo.ca.gov/programs/cfcc.

Judicial Assignments in Juvenile Dependency

- As of fall 2004, California has 121 judicial officers who hear abuse and neglect cases regularly. Of that total, 71 (59 percent) are judges, 32 (26 percent) are commissioners, and 18 (15 percent) are referees.
- Among the 98 judicial officers who responded to the survey, 47 percent have full-time assignments, 34 percent are dedicated more than one-quarter-time to juvenile dependency, and 19 percent were one-quarter-time or less.
- Sixty percent are serving in their first assignment to dependency; the rest have served at least once before.

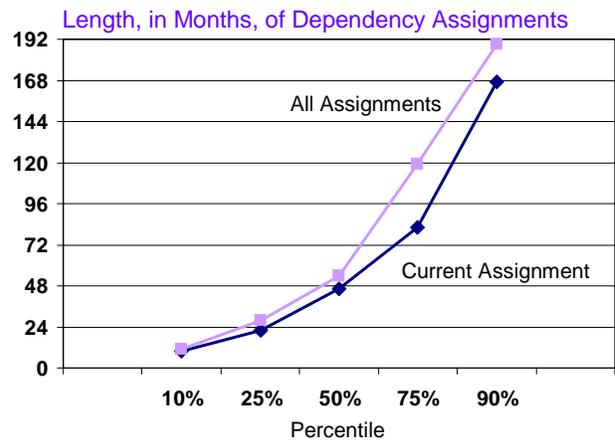
¹ Methodological details about this survey are on page 7.

² See *California Court Improvement Project*, Administrative Office of the Courts (1997); *California Juvenile Dependency Court Improvement Program Reassessment*, Administrative Office of the Courts (2005); and *Resource Guidelines: Improving Court Practices in Child Abuse and Neglect Cases*, National Council of Juvenile and Family Court Judges (1995).

Tenure and Prior Experience

Twenty-five percent of the survey respondents have been in their current judicial assignment for 8 years or more, and one-half have been in their current assignment for at least 3 years and 10 months. Taking into account current and prior assignments, the top 25 percent of the group has had 10 or more years of experience, and the median (top 50 percent) has had 4.5 or more years of experience. Only about 10 percent of judicial officers had been in a dependency assignment for less than one year. Other data from the *Court Improvement Program Reassessment* report

suggest that in most courts, judges, commissioners, and referees are not required to rotate out of their dependency assignments.



Type of Prior Juvenile Court Experience

	Count	Percent
None	29	30
Child's Attorney - Dependency	35	36
Parent's Attorney - Dependency	40	41
County Counsel - Dependency	11	11
Child's Attorney - Delinquency	29	30
Prosecutor - Delinquency	17	17
Other - Dependency	16	16
Other - Delinquency	10	10

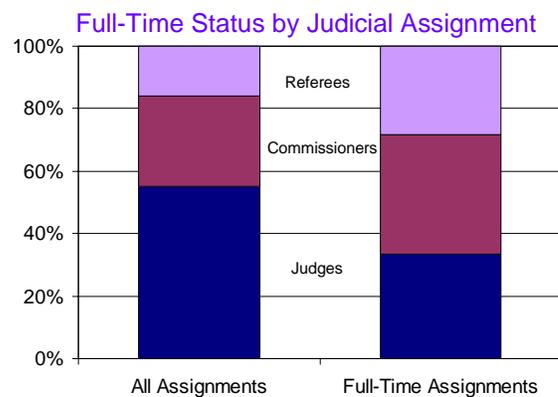
Respondents were asked to check all that applied.

Most judicial officers — 70 percent — had experience in juvenile court prior to their assignment, primarily as children's and parent's attorneys in dependency (41 and 36 percent, respectively, and there was a large overlap between the two groups), followed closely by child's attorney in delinquency (30 percent). Relatively few judicial officers had prior experience as county counsel and delinquency prosecutors. The most common type of "other" prior experience was as a protem judicial officer or guardian ad

litem. Among those with prior experience in juvenile court, nearly one-half (47 percent, or 32 out of 68) had experience with both dependency and delinquency matters, 35 percent were experienced in dependency only, and 19 percent were experienced in delinquency only (data not shown).

Judges, Commissioners, and Referees

Fifty-five percent of our survey respondents are judges, 29 percent are commissioners, and 16 percent are referees. Judges are far less likely to have full-time assignments to dependency than are commissioners and referees. Among respondents with full-time assignments, 33 percent are judges, 39 percent are commissioners, and 29 percent are referees. Put another way, 28 percent of judges have full-time assignments, as compared to 63 and 81 percent of commissioners and referees, respectively.

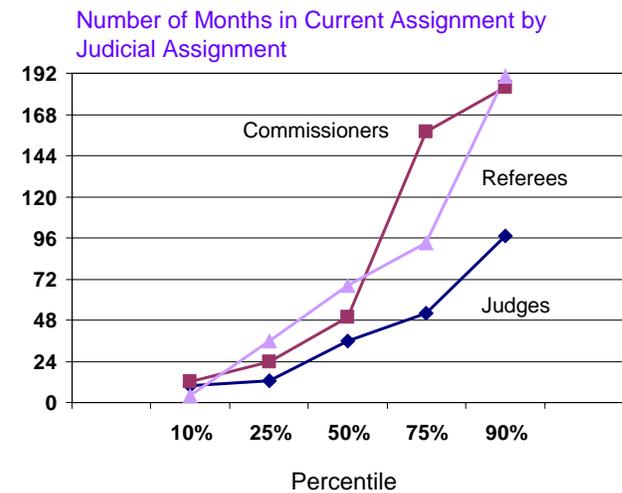
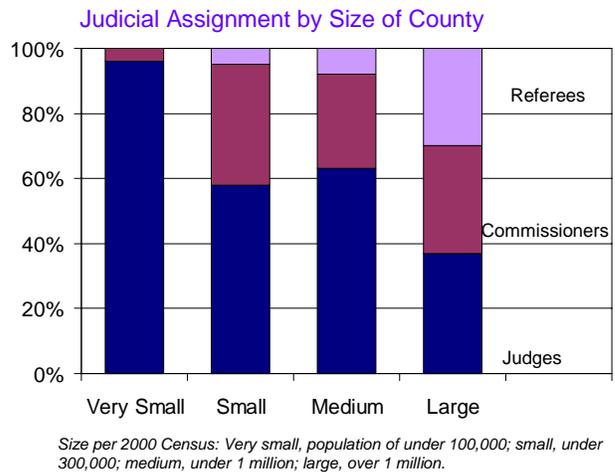


Judges are also much more likely to serve in smaller courts (where less-than-full-time assignments are common) than they are in larger courts. Nearly every dependency case in courts located in the state's 22 smallest counties is heard by judges. By contrast, 37 percent of the judicial officers serving courts

in the 8 counties with more than 1 million residents are judges, and 63 percent are subordinate judicial officers.

The majority of every type of judicial officer had prior experience in juvenile court before their assignment to dependency (70 percent); however commissioners and referees are much more likely to have prior experience than are judges (82 and 88 percent, respectively, versus 59 percent). The reason for this disparity is probably that subordinate judicial officers are often hired because of the precise match between their experience and the court’s needs.

Length of current assignment is quite high for all three categories of judicial officer. Commissioners and referees, however, generally have longer continuous assignments to juvenile dependency than do judges. One half of judges responding to the survey have served in their current assignment 3 years or longer, and 10 percent have served for over 8 years. By contrast, one half of commissioners and referees have been in their assignments at least 4 and 5½ years, respectively. The most experienced commissioners and referees have served in their current assignments for over 15 years. In 1989, the Standards of Judicial Administration were amended to include the recommendation that dependency assignments for judges be three years or longer.³ These data show that, on average, the state has achieved that recommended goal.



Judicial Assignments and Judicial Caseload in Juvenile Dependency

While the Administrative Office of the Courts keeps records on the number of judgeships authorized for each superior court and the number of commissioners and referees a court employs, it does not account for the types of cases over which judicial officers are assigned to preside. To provide an estimate of this number, we used data from the 2004 CFCC Survey that tell what percentage time the respondents report working in juvenile dependency. We estimate that statewide there are 81 full-time equivalent positions dedicated to hearing dependency cases.⁴

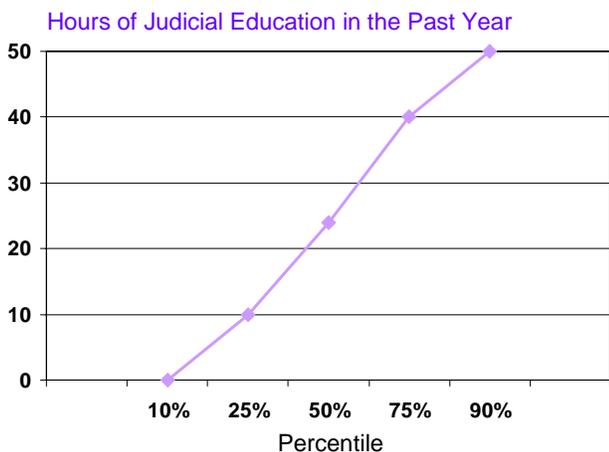
³ Cal. Stds. Jud. Admin. 24(a): The presiding judge of the superior court should assign judges to the juvenile court to serve for a minimum of three years. Priority should be given to judges who have expressed an interest in the assignment.

⁴ Estimated FTEs of respondents is the product of the midpoints of the survey item that asks about their full-time/part-time status (e.g., the category “less than one-half time and more than one-quarter time” is coded as 37.5% time) and the frequency distribution of that survey item. The FTEs of nonrespondents uses the distribution of responses to this item by county size (as defined in the chart “Judicial Assignments by Size of County” on page 3) and applies them to nonrespondents in each county size category. Total estimated FTE is the sum of the two. Ninety-seven survey respondents

The AOC estimates that there were approximately 90,000⁵ juvenile dependency court cases open in fall 2004. Our estimate of 81 full-time equivalent judicial officers at that time suggests a judicial caseload of about 1100 cases per full-time judicial position.⁶

Judicial Education

The education of judicial officers in juvenile dependency is a priority at the AOC. For the last 10 years, the Center for Families, Children & the Courts has organized Beyond the Bench, an annual interdisciplinary educational conference for judicial officers, attorneys, Child Welfare, Probation, and related professionals who serve in organizations that assist youth involved in dependency and



delinquency. Center staff also conducts workshops and provides technical assistance throughout the year, and consults with the AOC Center for Judicial Education and Research (CJER), which provides the annual Juvenile Law Procedure Institute, written materials, and online courses in dependency law.⁷ Local courts also provide educational opportunities to judicial officers; two-thirds of dependency court administrators say that their courts offer judicial education in dependency.⁸

The median number of hours of training in dependency received in the past year was 24. Ten percent of judicial officers received no dependency education last year,⁹ and 25 percent received 40 hours or more.

The educational opportunities most likely to be pursued by judicial officers were the Juvenile Law and Procedure Institute (75 percent), the Beyond the Bench conference (62 percent), and CJER's Continuing Judicial Studies Program (61 percent). Common "other" types of education included local conferences.

who told us about their assignments collectively account for about 67.5 full-time positions, and the 24 judicial officers for whom we have no information, besides title and court name, collectively account for an estimated 13.5 full-time positions. Nonrespondents were more likely to come from smaller counties that predominantly have part-time assignments.

⁵ Estimate is based on California court caseload data in *Status Report 2004: Snapshot of the Child Victims Act Model Courts Project*, National Council of Juvenile and Family Court Judges (May 2005), court caseload statistics reported to the AOC's DRAFT pilot program, and data on the number of children in child welfare foster care in fall 2004 as found in <http://cssr.berkeley.edu/CWSCMSreports/>. Calculations available from author.

⁶ Consistent with this caseload estimate is the finding that two-thirds of survey respondents with full-time assignments reported that their caseloads were "over 800."

⁷ Since 1997, the Judicial Council has been legally required to provide judicial education on dependency court proceedings. See Cal. Welf. & Inst. Code, § 304.7.

⁸ Out of 58 courts, 51 responded to the survey of dependency court administrators; 34 (or 66.7 percent) of whom said that the court provides education to judicial officers, either on their own or through contracts with outside educators.

⁹ All those respondents have been in their current position for a year or more and likely participated in educational offerings in their first year of assignment or prior to that, per Cal. Stds. Jud. Admin. 25.2(c)(1).

Top Educational Opportunities Attended Since Current Assignment Began

	Count	Percent
CJER Juvenile Law and Procedure Institute	73	75
CFCC Beyond the Bench conference	61	62
CJER Continuing Judicial Studies Program	60	61
B.E. Witkin Judicial College	47	48
NCFJCJ conference	23	24
AOC broadcasts on juvenile law issues	22	22
Other juvenile training	46	47
None checked	2	2

Respondents were asked to check all that applied.

Written Resources Considered Most Helpful

	Count	Percent
CJER juvenile benchguides	74	76
California Rules of Court	64	65
<i>California Juvenile Courts Practice and Procedure</i>	55	56
ICWA Benchguide (California Indian Legal Services)	31	32
JRTA charts and materials on Title IV-E	29	30
Other resources	27	28

Respondents were asked to check all that applied.

The AOC and other organizations also provide written reference materials to assist judicial officers. A majority of respondents find the following ones most helpful: CJER juvenile benchguides, California Rules of Court, and *California Juvenile Courts Practice and Procedure*.

Only 25 percent of respondents report that there are no significant barriers to their pursuing all the education opportunities that they would be inclined to pursue. The most common barrier (reported by 49 percent of judicial officers) is that their court has trouble covering their time away from the bench. The second most common barrier is court budget constraints. While overall, small numbers of respondents reported that few local dependency trainings are available and that travel is difficult for them, these were far more likely to be reported as barriers by very small and small courts than by medium and large courts.¹⁰

Barriers to Attending Dependency Education

	Count	Percent
No significant work-related barriers	25	26
Court has trouble covering my time away	48	49
Court budget constraints	37	38
Few dependency trainings available in my area	15	15
Travel is difficult	14	14
Available trainings do not meet my needs	4	4
Other work related barriers	16	16
None checked	2	2

Respondents were asked to check all that applied.

Conclusion

The 2004 CFCC Survey of Judicial Officers shows that judicial officers in dependency are well supported by educational opportunities, that their prior professional experience in the field is significant, and that their length of tenure suggests a commitment on the part of the court to staff judicial positions with people who are dedicated to the field. That the tenure and prior professional experience of judges are less advanced than those of subordinate judicial officers is somewhat attributable to the fact that judges are overrepresented in smaller courts which require them to preside over cases in a number of different courts. The relative underrepresentation of judges in larger courts, where full-time commitments are the norm, means that the majority of dependency cases in California are presided over by subordinate judicial officers. The very high judicial caseloads in dependency continue to be an area of concern to the judicial branch as it seeks to support high-quality and fair court proceedings and judicial determinations in all its courts.

¹⁰ See the table “Judicial Assignments by Size of County” on page 3 for precise definitions of county size categories.

About the CIP Reassessment

The federal Court Improvement Program is administered by the Children's Bureau of the US Department of Health and Human Services. California's Court Improvement Program (CIP) is administered by the Center for Families, Children & the Courts at California's Administrative Office of the Courts. The program has been ongoing since 1995.

California recently completed its second federally-mandated assessment of how its courts handle cases involving child abuse or neglect. That assessment is based on a legal review of the state's compliance with federal statutory mandates, and a court system evaluation, utilizing focus groups, interviews, analyses of hearing records, and five mail surveys. The final report contains recommendations for continued system improvements, which will be implemented by Court Improvement Program staff in the coming years. *California Juvenile Dependency Court Improvement Program Reassessment*, is at: www.courtinfo.ca.gov/programs/cfcc.

About the 2004 CFCC Survey of Judicial Officers — Juvenile Dependency

A mail survey was sent to all 121 judicial officers in fall 2004 who were prescreened as having regular dependency assignments. Some topics were: background, quality of information at hearings, scheduling, attorney representation, court attendance of parties, intracounty collaboration, and educational needs. With an 81 percent return rate, respondents are representative of the population, albeit with overrepresentations of judicial officers from large courts and of subordinate judicial officers. We gratefully acknowledge the participation of the respondents. The survey and a detailed methodological overview of it can be found in the *Reassessment* report.

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CFCC generates and distributes research-based information that has promise for informing the work of family court services in California and nationwide. To learn more about its work and to see more research updates, visit www.courtinfo.ca.gov/programs/cfcc/.

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