



JUDICIAL COUNCIL OF CALIFORNIA

520 Capitol Mall, Suite 600 • Sacramento, California 95814-3368
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

TANI G. CANTIL-SAKAUYE
Chief Justice of California
Chair of the Judicial Council

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

September 17, 2021

Hon. Gavin Newsom
Governor of California
State Capitol, First Floor
Sacramento, California 95814

Subject: Senate Bill 354 (Skinner) – Request for Signature

Dear Governor Newsom:

The Judicial Council respectfully requests your signature on SB 354. The council supports SB 354 because the need to find suitable placements for youth under the care of the courts is increasingly challenging. SB 354 removes unnecessary barriers and enables courts to place more youth within their extended families while ensuring their safety. Increasing the number of dependent youth placed within their own families serves justice, and will improve the efficiency of the courts by reducing the number of changed placements many foster children are subjected to, which will, likewise, result in more positive outcomes for foster children.

For these reasons, the Judicial Council requests your signature on SB 354.

Should you have any questions or require additional information, please contact Andi Liebenbaum at 916-323-3121.

Sincerely,

Cory T. Jaspersen
Director, Governmental Affairs

Hon. Gavin Newsom

September 17, 2021

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cc: Hon. Nancy Skinner, Member of the Senate

Sabrina Forte, Director of Policy & Impact Litigation, Alliance for Children's Rights

Manuel Galindo, Policy Advocate, A New Way of Life Re-entry Project

Susan Abrams, Director of Policy and Training, Children's Law Center

Cathy Senderling-McDonald, Executive Director, County Welfare Directors Association
of California

Rita Himes, Staff Attorney, Legal Services for Prisoners with Children

Vonya Quarles, Executive Director, Starting Over, Inc.

Fidel Chagolla, Underground Scholars Initiative at UC Riverside

Jessica Devencenzi, Deputy Legislative Affairs Secretary, Office of the Governor

Martin Hoshino, Administrative Director, Judicial Council of California



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TANI G. CANTIL-SAKAUYE
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Director, Governmental Affairs

August 25, 2021

Hon. Lorena Gonzalez, Chair
Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, California 95814

Subject: Senate Bill 354 (Skinner), as amended June 23, 2021 – Support
Hearing: Assembly Appropriations Committee—August 26, 2021

Dear Assembly Member Gonzalez:

The Judicial Council is pleased to support SB 354. While noteworthy for the required report the California Child Welfare Council will submit to the Legislature by January 1, 2023, the bill's other provisions directly relating to court operations and child welfare form the basis for our support.

Specifically, the council appreciates that the Department of Social Services or other approving entity (like a tribe) is permitted to grant an exemption for a relative-applicant or nonrelative extended family member-applicant, and any other adult living in the home, who has been convicted of an offense as specified, and with whom the child or children have a family-like relationship, so long as the applicant is of present good character necessary to justify granting the exemption, and placement would not pose a health and safety risk to the child or children.

Additionally, the bill requires the court to use its independent judgment in evaluating whether to order the temporary placement of the child or children in the home of a relative or nonrelative extended family member regardless of the status of any criminal exemption or resource family approval if the court finds that the placement does not pose a risk to the health and safety of the child.

Hon. Lorena Gonzalez

August 25, 2021

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Our support is based on the need to find the best possible placements for youth in the child welfare system. Juvenile courts are limited in their ability to place children under the courts' jurisdiction with loving capable family members and nonrelative extended family members due to restrictions, pursuant to federal law that require state child welfare agencies to provide criminal background checks on potential placements to ensure that children are not doubly victimized, first by being found to be abused or neglected, and second by being placed in a dangerous home. Historically, California law interpreted federal regulations to specifically eliminate from consideration as a resource family those households in which the applicant or someone else living in the applicant's home had been convicted of specified crimes, no matter how far back in time and regardless of the relationship between the child and the family.

However, a recent decision by the Fourth District Court of Appeal held that if an applicant for resource family approval has a parental relationship with the child, it is unconstitutional for the applicant to be automatically disqualified; instead, due process requires that the applicant receive an individualized determination as to their eligibility.

Concerns raised about the need for some backstop in terms of criminal conduct that should result in a strict prohibition against placement are not within Judicial Council purview. The amendments that preclude placement of a child in a home if the applicant or other adult in the home has been convicted of specified felonies do not impact the Judicial Council's position.

The council voted to support SB 354 because of the need to find suitable placements for youth under the care of the courts; doing so has become increasingly difficult in communities of color which also have been significantly impacted by high rates of criminal justice activity and incarceration, thus barring many potential applicants from caring for children in their own families.

In granting the courts more options to properly place youth within their families and asking the courts to ensure due process and exercise independent judgment, SB 354 improves access to justice. SB 354 will make a positive difference in the lives of youth and will make the courts more efficient and successful in properly placing youth who are under the courts' care.

For these reasons, the Judicial Council supports SB 354.

Should you have any questions or require additional information, please contact Andi Liebenbaum at 916-323-3121.

Sincerely,

Hon. Lorena Gonzalez

August 25, 2021

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Cory T. Jasperson

Director, Governmental Affairs

CTJ/AL/yc-s

cc: Members, Assembly Appropriations Committee
Hon. Nancy Skinner, Member of the Senate
Sabrina Forte, Director of Policy & Impact Litigation, Alliance for Children's Rights
Manuel Galindo, Policy Advocate, A New Way of Life Re-entry Project
Susan Abrams, Director of Policy and Training, Children's Law Center
Cathy Senderling-McDonald, Executive Director, County Welfare Directors Association
of California
Rita Himes, Staff Attorney, Legal Services for Prisoners with Children
Vonya Quarles, Executive Director, Starting Over, Inc.
Fidel Chagolla, Underground Scholars Initiative at UC Riverside
Kimberly Horiuchi, Principal Consultant, Assembly Appropriations Committee
Joe Shinstock, Consultant, Assembly Republican Office of Policy
Jessica Devencenzi, Deputy Legislative Affairs Secretary, Office of the Governor
Martin Hoshino, Administrative Director, Judicial Council of California



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CORY T. JASPERSON
Director, Governmental Affairs

June 8, 2021

Hon. Lisa Calderon, Chair
Assembly Human Services Committee
State Capitol, Room 2032
Sacramento, California 95814

Subject: Senate Bill 354 (Skinner), as amended May 20, 2021 – Support
Hearing: Assembly Human Services Committee – June 16, 2021

Dear Assembly Member Calderon:

The Judicial Council is pleased to support SB 354. While the bill is noteworthy for the required report that the California Child Welfare Council will submit to the Legislature by January 1, 2023, the bill's other provisions that directly relate to court operations and child welfare form the basis for our support. Specifically, the council appreciates that, pursuant to SB 354, the Department of Social Services or other approving entity (like a tribe) is permitted to grant an exemption for a relative-applicant or nonrelative extended family member-applicant, and any other adult living in the home, who has been convicted of an offense as specified, and with whom the child or children have a family-like relationship, so long as the applicant is of present good character necessary to justify granting the exemption, and placement would not pose a health and safety risk to the child or children.

Additionally, the bill requires the court to use its independent judgment in evaluating whether to order the temporary placement of the child or children in the home of a relative or nonrelative extended family member regardless of the status of any criminal exemption or resource family approval if the court finds that the placement does not pose a risk to the health and safety of the child.

Hon. Lisa Calderon

June 8, 2021

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Our support is based on the need to find the best possible placements for youth in the child welfare system. Juvenile courts are limited in their ability to place children under the courts' jurisdiction with loving capable family members and nonrelative extended family members due to restrictions, pursuant to federal law that require state child welfare agencies to provide criminal background checks on potential placements to ensure that children are not doubly victimized, first by being found to be abused or neglected, and second by being placed in a dangerous home. Historically, California law interpreted federal regulations to specifically eliminate from consideration as a resource family those households in which the applicant or someone else living in the applicant's home had been convicted of specified crimes, no matter how far back in time and regardless of the relationship between the child and the family.

However, a recent decision by the Fourth District Court of Appeal held that if an applicant for resource family approval has a parental relationship with the child, it is unconstitutional for the applicant to be automatically disqualified; instead, due process requires that the applicant receive an individualized determination as to their eligibility.

Concerns raised about the need for some backstop in terms of criminal conduct that should result in a strict prohibition against placement are not within Judicial Council purview. The amendments that preclude placement of a child in a home if the applicant or other adult in the home has been convicted of specified felonies do not impact the Judicial Council's position. Rather, the council voted to support SB 354 because of the need to find suitable placements for youth under the care of the courts; doing so has become increasingly difficult in communities of color which also have been significantly impacted by high rates of criminal justice activity and incarceration, thus barring many potential applicants from caring for children in their own families. SB 354, in granting the courts more options to properly place youth within their families and asking the courts to ensure due process and exercise independent judgment, improves access to justice. SB 354 will make a positive difference in the lives of youth and will make the courts more efficient and successful in properly placing youth who are under the courts' care.

For these reasons, the Judicial Council supports SB 354.

Should you have any questions or require additional information, please contact Andi Liebenbaum at 916-323-3121.

Sincerely,



Cory T. Jaspersen

Director, Governmental Affairs

Hon. Lisa Calderon

June 8, 2021

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cc: Members, Assembly Human Services Committee
Hon. Nancy Skinner, State Senator, Ninth District
Sabrina Forte, Director of Policy & Impact Litigation, Alliance for Children's Rights
Manuel Galindo, Policy Advocate, A New Way of Life Re-entry Project
Susan Abrams, Director of Policy and Training, Children's Law Center
Cathy Senderling-McDonald, Executive Director, County Welfare Directors Association
of California
Rita Himes, Staff Attorney, Legal Services for Prisoners with Children
Vonya Quarles, Executive Director, Starting Over, Inc.
Fidel Chagolla, Underground Scholars Initiative at UC Riverside
Kelsy Castillo, Principal Consultant, Assembly Human Services Committee
Eric Dietz, Consultant, Assembly Republican Office of Policy
Jessica Devencenzi, Deputy Legislative Affairs Secretary, Office of the Governor
Martin Hoshino, Administrative Director, Judicial Council of California



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MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

May 19, 2021

Hon. Nancy Skinner
Member of the Senate
State Capitol, Room 5094
Sacramento, California 95814

Subject: Senate Bill 354 (Skinner), as amended April 29, 2021 – Support
Hearing: Senate Appropriations Committee – May 20, 2021

Dear Senator Skinner:

The Judicial Council is pleased to support SB 354. The bill is noteworthy for the required report that the State Department of Social Services will submit to the Legislature by January 1, 2023, but the bill's other provisions that directly relate to court operations and child welfare form the basis for our support. Specifically, the council appreciates that, pursuant to SB 354, the Department of Social Services or other approving entity (like a tribe) is permitted to grant an exemption for a relative-applicant or nonrelative extended family member-applicant, and any other adult living in the home, who has been convicted of an offense as specified, and with whom the child or children have a family-like relationship, so long as the applicant is of present good character necessary to justify granting the exemption, and placement would not pose a health and safety risk to the child or children.

Additionally, the bill requires the court to use its independent judgment in evaluating whether to order the temporary placement of the child or children in the home of a relative or nonrelative extended family member regardless of the status of any criminal exemption or resource family approval if the court finds that the placement does not pose a risk to the health and safety of the child.

Our support is based on the need to find the best possible placements for youth in the child welfare system. Juvenile courts are limited in their ability to place children under the courts' jurisdiction with loving capable family members and nonrelative extended family members due

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to restrictions, pursuant to federal law, which requires state child welfare agencies to provide criminal background checks on potential placements to ensure that children are not doubly victimized, first by being found to be abused or neglected, and second by being placed in a dangerous home. Historically, California law interpreted federal regulations to specifically eliminate from consideration as a resource family those households in which the applicant or someone else living in the applicant's home had been convicted of specified crimes, no matter how far back in time and regardless of the relationship between the child and the family.

However, a recent decision by the Fourth District Court of Appeal held that if an applicant for resource family approval has a parental relationship with the child, it is unconstitutional for the applicant to be automatically disqualified; instead, due process requires that the applicant receive an individualized determination as to their eligibility.

Concerns raised about the need for some backstop in terms of criminal conduct that should result in a strict prohibition against placement are not within Judicial Council purview. The April 29 amendments that preclude placement of a child in a home if the applicant or other adult in the home has been convicted of specified felonies do not impact the Judicial Council's position. Rather, the council voted to support SB 354 because of the need to find suitable placements for youth under the care of the courts; doing so has become increasingly difficult in communities of color which also have been significantly impacted by high rates of criminal justice activity and incarceration, thus barring many potential applicants from caring for children in their own families. SB 354, in granting the courts more options to properly place youth within their families and asking the courts to ensure due process and exercise independent judgment, improves access to justice. SB 354 will make a genuine and positive difference in the lives of youth and will make the courts more efficient and successful in properly placing youth who are under the courts' care.

For these reasons, the Judicial Council supports SB 354.

Should you have any questions or require additional information, please contact me at 916-323-3121.

Sincerely,



Andi Liebenbaum
Attorney

Hon. Nancy Skinner

May 19, 2021

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AL/yc-s

cc: Sabrina Forte, Director of Policy & Impact Litigation, Alliance for Children's Rights
Manuel Galindo, Policy Advocate, A New Way of Life Re-entry Project
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