



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

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# REPORT TO THE JUDICIAL COUNCIL

For business meeting on: October 24, 2013

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Title	Adoption and Permanency Month: Judicial Council Resolution	Agenda Item Type	Action Required
Rules, Forms, Standards, or Statutes Affected	N/A	Effective Date	October 24, 2013
Recommended by	Family and Juvenile Law Advisory Committee Hon. Jerilyn L. Borack, Cochair Hon. Kimberly J. Nystrom-Geist, Cochair	Date of Report	October 11, 2013
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### Executive Summary

The Family and Juvenile Law Advisory Committee recommends adopting a resolution proclaiming November to be Court Adoption and Permanency Month. As it has for the past 13 years in observance of National Adoption Month, the Judicial Council can recognize the ongoing efforts of California's juvenile courts and their justice partners to provide children and families with access to fair, understandable judicial proceedings leading to timely, well-informed, and just permanency outcomes. The proclamation will also give courts the opportunity to hold special events finalizing adoptions from foster care and raising community awareness of the importance of finding safe, stable, and permanent homes for every child or youth in foster care.

### Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council adopt the attached resolution, effective October 24, 2013, proclaiming November 2013 to be Court Adoption and Permanency Month.

## Previous Council Action

The Judicial Council first declared November to be Court Adoption and Permanency Month in California in 1999. Since that successful observance, the council has reaffirmed this declaration, demonstrating its continuing commitment to judicial procedures and collaborative practices that promote timely case resolution and permanency for children and youth in foster care. The council's Family and Juvenile Law Advisory Committee, other advisory groups, and staff from the Administrative Office of the Courts (AOC) have worked to implement council and legislative directives relating to adoption and permanency, as well as to support the juvenile courts and their local justice partners each November to highlight both ongoing and special adoption and permanency efforts.

## Rationale for Recommendation

Equal access to justice is a fundamental requirement of a society governed by the rule of law. The Judicial Council has, accordingly, made access to justice for all Californians a high priority. In the paradigmatic civil or criminal case—where a court is called on to resolve a dispute about the facts and circumstances attending a discrete past event—access to justice entails at least ensuring that each party has the opportunity to present its version of that event to an impartial tribunal in a manner that enables the tribunal to make a timely, well-informed, and reasoned decision under the governing law.

Access to justice in a foster care case, whether in dependency or delinquency court, requires all these elements and more. Each year in California, nearly half a million<sup>1</sup> reports are made of child abuse and neglect, and more than 22,000<sup>2</sup> children enter foster care for the first time. Currently, almost 58,000<sup>3</sup> children in the state are living apart from their families in child welfare–supervised, out-of-home care. Thirty-eight percent of these children will not leave the foster care system within two years; 9,400 will remain in “temporary” foster care for more than five years.<sup>4</sup> Of the almost 26,000 children who were able to leave foster care in the 12 months preceding March 2013, 56.5 percent were reunified with their families; 21.5 percent were adopted and 8.5 percent were emancipated.<sup>5</sup> Permanent placement of a child in a committed relationship intended to last a lifetime is the goal of the juvenile court process. Children and families deserve access to a timely, understandable, and fair process that actively engages them, as well as the placement agency, in the work needed to achieve this goal. It is critical that California's courts continue to learn and implement new strategies to ensure that each child is able to exit the foster care system

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<sup>1</sup> Barbara Needell et al., *Child Welfare Services Reports for California*, retrieved Sept. 4, 2013, from UC 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> *Ibid.* 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> *Ibid.* 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> *Ibid.*

<sup>5</sup> *Ibid.* 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 14 percent were placed in guardianships or other types of placement.

as quickly as possible into a safe, loving, permanent home or, failing that, can maintain one or more lifelong connections to caring adults.

### **Legal and Policy Framework**

The filing of a petition to remove a child from his or her home sets in motion a chain of events that is not complete until the child is returned to or placed in a safe, permanent home. During this process, federal and state law impose a complex web of rights and duties on parent, child, placement agency, and court aimed at returning the child safely home or, if that is not possible within the statutory time frame, at placing the child safely and permanently in another family's home through adoption or guardianship.

From the outset of the case, even before determining whether the allegations in the petition are true, the judicial inquiry focuses on placement and permanency. The court must assess the present risk to the child and order the child returned home at the detention hearing unless there are no reasonable means—including social services or referral to public assistance—of protecting the child without removal. If it does sustain the allegations in the petition, the court must again, at disposition, determine whether the present risk to the child requires removal from the home and placement in foster care. And if it orders the child placed in foster care, the court must then determine and order whatever future actions the parents, the agency, and the child must take to address the problems that brought the child under juvenile court jurisdiction and enable the child to return home safely and permanently.

The court's involvement in the case is not over at this point, however, as it would be after a verdict and disposition in a civil or criminal case. Rather, the court's role is only beginning, for the law regards placement in foster care as a temporary service, not a remedy. Because permanency remains the ultimate goal of a foster care case, the statutory scheme charges the juvenile court with overseeing the parties' compliance with its dispositional orders, including the court-ordered case plan. Furthermore, from the time a petition is filed until it is dismissed or dependency is terminated, the juvenile court also has exclusive jurisdiction over all matters relating to the parentage, custody, visitation, and guardianship of the child, as well as the authority to issue orders restraining or protecting a party to the case.

The court's dispositional orders and approval of the child's case plan establish an ongoing relationship among the child, the parents, and the agency. This relationship, overseen by the court, lasts for months or, more typically, years. Between the dispositional hearing and the termination of jurisdiction, the court must, no less frequently than every six months, review the progress of each party in complying with its statutory and court-ordered duties and ensure the protection of each party's legal rights. Disputed issues of fact and law requiring trial can arise at or between any of these hearings. Only when the child finds a safe, permanent home—reunited with his or her parents, adopted by a caring family, or placed with a legal guardian—is the case resolved. Only then may the court terminate its jurisdiction over the child.

Access to justice in this context means more than a timely and fair trial and disposition. Because of the strict legal time limits on reunification and the disruption to a child’s life from foster placement, however, timeliness remains critical throughout the process. But timeliness cannot come at the expense of thorough consideration of all relevant issues, leading to accurate findings and lawful orders. Access also requires the parties to maintain active engagement with the court, each other, and the case plan until all the issues giving rise to it are resolved and a permanent resolution can be reached. This engagement, in turn, requires that each party understand the process, the range of possible outcomes, and its own rights and responsibilities with respect to achieving the appropriate permanent outcome.

### **Judicial Council Efforts to Promote Permanency**

The Judicial Council, its advisory groups, and its staff in the AOC have continually supported statewide efforts to promote timely, fair, understandable, and engaging court procedures and collaborative practices to increase timely and stable exits to permanency from foster care. Recognizing that the juvenile and family court processes raise complex legal and policy issues that impact both public and private rights and relationships, the AOC created the Center for Families, Children & the Courts (CFCC) in 2000 to support the Judicial Council and its advisory groups—primarily the Family and Juvenile Law Advisory Committee<sup>6</sup>—with a coordinated, multidisciplinary approach to court administration, practice, and procedure. CFCC brings together under one umbrella a group of subject-matter expert attorneys, researchers, and policy analysts to develop integrated, legally sound, evidence-based methods for policymakers to consider when addressing those issues. CFCC works to implement those methods enacted by the Legislature or adopted by the Judicial Council through four related efforts: legal work, research, project management, and education and training. The foster care and permanency process, which implicates the fundamental right of parents to raise the children, the fundamental right of a child to grow up in a safe, nurturing family, and the fundamental interest of society in protecting its children from harm, while seeking to adjudicate disputes under law in the context of a process designed to change parties’ attitudes and behavior, offers an opportunity to illustrate CFCC’s multidisciplinary approach in action.

*Timeliness and Fairness.* Timeliness and fairness require effective representation of all parties, adequate time for presentation of issues and evidence, and time for the court to weigh the evidence and apply the law. To achieve a reduction in the time needed for a child to reach permanency, the courts, parents, children, and service providers need to carry out their duties as expeditiously as possible. Federal and state law require the juvenile court to oversee the reunification and permanency process for children in foster care and to enforce the legal timelines that frame the process. Timeliness, however, cannot be bought at the expense of justice. With the number of juvenile dependency filings rising statewide, and the number of

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<sup>6</sup> Other advisory groups supported by CFCC staff include the Access and Fairness Advisory Committee, the Collaborative Justice Courts Advisory Committee, the Blue Ribbon Commission on Children in Foster Care, the Elkins Family Law Implementation Task Force, the Self-Represented Litigants Task Force, and the Domestic Violence Practice and Procedure Task Force.

dispositions falling sharply at the same time,<sup>7</sup> the workload for judicial officers, attorneys, and case workers is increasing beyond manageable levels. The challenge to conduct thorough proceedings leading to timely and just resolutions is growing correspondingly.

Juvenile dependency cases are among the most complex addressed by the court. Juvenile courts face characteristic challenges in managing dependency and delinquency foster care caseloads: a complex statutory scheme which specifies numerous timelines, actions, findings and orders unique to each hearing; a variety of parties to the case with multiple cases within sibling groups; complex noticing requirements; and, frequently, inexperienced attorneys representing the county child welfare agency, children, and parents. Dependency cases require effective caseload management to avoid delays and lack of compliance with federal and state statutes, wasted judicial officer and clerk time dealing with notice problems, calendar backlogs, and requests for continuances. Children spend unneeded weeks, months, or even years in temporary foster or group homes waiting for permanency; courts and counties spend more dollars per case when cases stay in the system through unnecessary delays; and California's child welfare system loses federal dollars for foster children when cases are not in statutory compliance.

CFCC staff has coordinated several initiatives to address the need for timeliness and fairness. The Judicial Resources and Technical Assistance (JRTA) project, a collaboration with the California Department of Social Services, offers consulting services related to foster care law and caseload management to judicial officers and juvenile court professionals statewide. JRTA attorneys visit courts to conduct courtesy reviews of foster care case files, then use the results to advise courts and other stakeholders on issues regarding the timeliness of hearings and the legal inquiry required at each hearing by title IV-E of the federal Social Security Act and state law implementing the act. Project attorneys also respond to court requests for follow-up visits, legal training, and technical legal assistance.

Caseload management is a focal area of the project's service to the courts. Providing judicial officers with the resources to manage dependency cases effectively not only reduces the time children spend in foster care, it reduces court costs and judicial officers and clerks to devote their time to substantive case work. A 2010 study by researchers in CFCC and the AOC's Office of Court Research (OCR) determined that the average foster care case takes 1.2 years and 11 separate hearings to resolve and reach permanency. Judicial officers reported that the most common reasons for delays included late agency reports (61 percent); absent, improper, or late notice (44 percent); unavailability of attorneys (38 percent); and insufficient time to conduct thorough hearings (19 percent). The JRTA project's resources, consultation with judicial officers, and education of dependency system partners are designed to alleviate precisely these problems.

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<sup>7</sup> See Judicial Council of Cal., Admin. Off. of Cts., *2013 Court Statistics Report: Statewide Caseload Trends, 2002–2003 Through 2011–2012*, fig. 40, at p. 49.

Even without unnecessary delays, the workload of judicial officers in dependency is very high. A legislative report based on a mandated workload study, *Special Assessment of the Need for New Judgeships in Family and Juvenile Law*, notes that current judicial resources meet only 55 percent of the assessed need in dependency.<sup>8</sup> CFCC staff again partnered with OCR and the National Center for State Courts (NCSC) to conduct this needs assessment. To make the most efficient use of available resources and ongoing data-collection efforts, the work of the special assessment was integrated into the 2011 Judicial Workload Study, with the special assessment becoming one section of that study. The AOC collaborated extensively with judicial officers and court administrators experienced in family and juvenile law to design, implement, and review the results of the study. The 2011 assessment revealed that juvenile dependency cases require more time to process (269 adjusted minutes per case) than any other case type except asbestos claims. During the assessment, judicial officers in juvenile court indicated their need for more time to review case files, prepare for and conduct hearings, prepare findings and orders, and engage the parties in the proceedings. The JRTA project seeks to make some of this needed time available to judicial officers by improving the flow of information to the court.

In addition to judicial workload, high attorney workload and inadequate training can produce delays. At the Judicial Council's direction, CFCC staff has engaged in a long-term project to improve the quality of legal representation in juvenile court while controlling its costs. The Dependency Representation Administration, Funding, and Training (DRAFT) program arose from the results of a 2002 caseload study demonstrating that court-appointed dependency attorneys carried caseloads far greater than would allow them to provide competent representation. Furthermore, attorneys were compensated at wildly different rates and provided different levels of service depending on the county in which they practiced. In the 20 volunteer courts participating in the DRAFT program, centralized administration by CFCC program staff and funding through competitive solicitation using a model based on workload and funding need have increased the efficiency of providing representation. Frequent legal trainings by program attorneys in response to needs identified by local courts and legislative mandates have helped court-appointed attorneys respond more quickly and effectively to their clients and the court. Reductions in overall time to permanency have followed.<sup>9</sup>

Another source of delay comes from appeals and writs filed after disposition, the termination of services, or the termination of parental rights. To mitigate these delays, the Family and Juvenile Law Advisory Committee and CFCC staff collaborated with the Appellate Advisory Committee and Legal Services Office (LSO) staff to craft rules expediting the review process. The rules also encourage the courts of appeal to determine juvenile writs and appeals on the merits within fixed time frames. In each year since these rules took effect, the Office of Appellate Court Services has

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<sup>8</sup> Judicial Council of Cal., Admin. Off. of Courts, *Special Assessment of the Need for New Judgeships in Family and Juvenile Law* (Dec. 2011), at p. 11.

<sup>9</sup> For example, the median statewide time to adoption has decreased 8 percent over the past decade. See Barbara Needell et al., *supra* note 1. In counties that participate in the DRAFT program, the median time has decreased 10 percent. Specific reports on median time to adoption are at [http://cssr.berkeley.edu/ucb\\_childwelfare/C2M2.aspx](http://cssr.berkeley.edu/ucb_childwelfare/C2M2.aspx).

recorded a median time of less than six months from the filing of a notice or writ to the appellate court's decision.

To determine the effect of efforts to promote access to justice and achieve permanency in foster care cases, the Judicial Council adopted a 2009 recommendation from the Blue Ribbon Commission on Children in Foster Care to develop juvenile court performance measures.<sup>10</sup> CFCC staff to the Blue Ribbon Commission took the lead, gathering a supervising court services analyst, an attorney, and a researcher, all of whom had subject matter expertise in juvenile courts. These staff members worked together to coordinate the project, but each also took the lead on a particular aspect and collaborated with staff from other AOC offices. The researcher collaborated with staff from OCR to design the measures and the tools for collecting them. The attorney worked with LSO staff to draft the rules of court implementing the performance measures. Under the leadership of the supervising analyst, the team collaborated with staff to the Trial Court Presiding Judges and Court Executives Advisory Committees in the Court Operations Special Services Office (COSSO) to identify areas of both strength and need in the courts.

Even if the juvenile court can reduce delays, receive sufficient information to adjudicate the facts accurately, and reach a fair and legally appropriate decision, the range of dispositional options available to the court is largely outside its control. That range depends instead on the systemic, collaborative efforts of all three branches of government at the federal, state, and local levels. Local agencies provide services and facilitate the process of reunification for children removed from their families because of a judicial finding of abuse or neglect. State and local agencies recruit, train, license, and support foster and adoptive families. The Legislature has increased availability of permanent placements with relatives by opting into federal adoption and guardianship funding, requiring efforts to identify, locate, and engage relatives and extended family members as options for permanent placement or lifelong connection, and expanding the range of permanency options.

In response to the federal Fostering Connections to Success and Increasing Adoptions Act of 2008<sup>11</sup> and the recommendations of the Blue Ribbon Commission and the California Child Welfare Council, the Judicial Council sponsored or cosponsored several recent bills with far-reaching effects on permanency for foster children and youth. Of particular note is Assembly Bill 12 (Beall; Stats. 2010, ch. 559), signed into law by Governor Arnold Schwarzenegger on

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<sup>10</sup> See Judicial Council of Cal., California Blue Ribbon Com. on Children in Foster Care, *Fostering a New Future for California's Children: Ensuring Every Child a Safe, Secure, and Permanent Home* (May 2009). The commission's 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. The Chief Justice has extended the work of the commission to ensure implementation of its sweeping recommendations. Local foster care commissions, modeled on the state commission and supported by CFCC staff when requested, continue to implement commission recommendations at the county level.

<sup>11</sup> Pub. L. No. 110-351 (Oct.7, 2008) 122 Stat. 3949, codified at 42 U.S.C. §§ 622, 627, 671–679c.

September 30, 2010.<sup>12</sup> AB 12 represented California's adoption of the major components of the federal Fostering Connections to Success Act. Among its provisions, AB 12 provides youth reaching age 18 the opportunity to continue receiving foster care benefits and juvenile court supervision until they turn 21. This transition period gives youth more time to develop permanent connections to caring adults and to prepare to live independently. CFCC legal staff supported the Family and Juvenile Law Advisory Committee in the multiyear process of developing a comprehensive scheme of rules of court and forms to implement AB 12 and its successors.<sup>13</sup>

In 2009, the Legislature enacted Assembly Bill 1325 (Cook; Stats. 2009, ch.287), which established Tribal Customary Adoption (TCA), a new permanency option for Indian children who are dependents of the juvenile court. A dependent Indian child unable to reunify with his or her parents may now, at the option of Indian child's tribe, be eligible for adoption by and through the laws, traditions, and customs of the tribe without a judicial termination of the parental rights of the child's biological parents. This new, tribally supported, culturally appropriate permanency option is intended to improve permanency outcomes for Indian children.

Following enactment of AB 1325, the Judicial Council's Family and Juvenile Law Advisory Committee directed the attorneys on the staff of CFCC's Tribal/State Programs unit to develop a comprehensive set of rules and forms to implement TCA.<sup>14</sup> The Judicial Council adopted these rules and forms, effective July 1, 2010.

The program staff has created and maintains a TCA web page that collects resources and information at [www.courts.ca.gov/12569.htm](http://www.courts.ca.gov/12569.htm). Legal and analytical staff members have also conducted a number of trainings for attorneys, social workers, and tribal workers on TCA throughout the state. Staff continues to address TCA in all its general Indian Child Welfare Act trainings and provides technical assistance to courts, individuals, and agencies that have questions about the TCA process.

*Understanding.* Each party to a foster care case needs to understand the reasons he or she is in court, the possible consequences of the proceeding, and the options available to achieve timely and stable permanency. Yet too few children and parents enter the juvenile court process with any understanding of their legal rights, the court's expectations of them, or potential consequences of failing to meet those expectations. The Judicial Council, its advisory groups,

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<sup>12</sup> The Judicial Council also sponsored three rounds of clean-up legislation to implement AB 12: Assembly Bill 212 (Beall; Stats. 2011, ch. 459), Assembly Bill 1712 (Beall; Stats. 2012, ch. 846), and Assembly Bill 787 (Stone; Stats. 2013, ch. 487).

<sup>13</sup> See, e.g., Judicial Council of Cal., Advisory Com. Rep., *Juvenile Law: Family Findings* (Oct. 13, 2010); Judicial Council of Cal., Advisory Com. Rep., *Juvenile Dependency Law: Findings and Orders After Hearing and Termination of Juvenile Court Jurisdiction* (Oct. 12, 2010); Judicial Council of Cal., Advisory Com. Rep., *Juvenile Law: Extending Juvenile Court Jurisdiction to Nonminor Foster Youth* (Oct. 21, 2011).

<sup>14</sup> See Judicial Council of Cal., Advisory Com. Rep., *Juvenile Law: Tribal Customary Adoption* (Feb. 25, 2010), at [www.courts.ca.gov/documents/20100423itema6.pdf](http://www.courts.ca.gov/documents/20100423itema6.pdf)

and staff have sought to promote understanding in several ways. For example, AOC operations division staff in CFCC and the Center for Judiciary Education and Research (CJER) worked together to produce *Juvenile Dependency Court Orientation*. Produced with federal court improvement funds, this brief video introduces the court process to parents who have had children removed from their care. The video seeks to promote understanding by explaining to parents their legal rights and duties at each stage of the dependency process.

To promote better public understanding of the adoption process, the family and juvenile legal staff in CFCC developed a unified set of plain-language adoption forms for Judicial Council adoption in 2003. These forms have been successful in helping prospective adoptive families navigate the complex process. CFCC staff to the Self-Represented Litigants Task Force also created an extensive set of adoption pages, including fillable, saveable versions of all the forms, on the California Self-Help website. Over the past year, more than 59,000 discrete users visited the main adoption page, spending an average of five minutes there; 18,000 copies of the *Adoption Request* (form ADOPT-200) and 16,000 copies of *How to Adopt a Child in California* (form ADOPT-050) were downloaded. In addition to providing access to and understanding of the adoption process for tens of thousands of Californians, the forms and web service have saved significant trial-court resources.

A wide variety of informational materials on adoption and permanency are available to judicial officers, attorneys, and child welfare professionals on the *California Dependency Online Guide* website, maintained by CFCC staff with contributions from CJER and the Information Technology Services Office. These materials provide ideas, resources, and best practices for collaboration among courts and their communities to raise awareness of the necessity for safe and permanent homes for all foster children. Available materials on permanency and adoption include articles; research reports; more than 50 California appellate cases; manuals, including the *Court Adoption and Permanency Resource Guide* (2006) and the *California Judges Benchguides: Benchguide 130, Adoptions*; toolkits on concurrent planning, family engagement, and other permanency topics; and links to online courses, fact sheets, 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 its 3,500 subscribers, who refer to its pages over 500 times per day.

*Engagement.* All parties, including social workers or probation officers, need to be fully engaged in the dependency process from the very beginning. Once a child is detained, the law presumes that all parties have the same goal: to return the child safely home as soon as possible. Parents and children are expected to comply with offered services even before jurisdiction is established. The social worker or probation officer is required by statute to make reasonable efforts to prevent or eliminate the need for the child's removal and, if those efforts are not successful and the child is placed in foster care, to provide or at least offer reasonable services to reunify the family. At the same time, the law also requires the agency to develop a permanent plan for the child for implementation if reunification is not possible within the time permitted. The court must actively review evidence of the family's situation; the department's report,

recommendations, and case plan; and order suitable services. The attorneys for each party must investigate their client's legal interests, educate their clients about the proceedings, advocate on behalf of their clients, and counsel their clients regarding the legal consequences of their choices and the court's findings and orders.

To achieve effective engagement in the process, parties and professionals alike must develop relationships with one another. The more time a judicial officer can spend with a family or an attorney or case worker can spend with a client, the more the parties and professionals will be able to develop clear, shared expectations, which lead, in turn, to the trust and motivation needed to reach a timely resolution. To this end, Standard 5.40 of the California Standards of Judicial Administration encourages the assignment of judges to juvenile court for a minimum term of three years. A single judge should hear all matters for the duration of the case. Section 317(d) of the Welfare and Institutions Code requires a court-appointed attorney to represent parent or child clients for the duration of the case.

One method of affording parties more face-to-face time with judicial officers is the establishment of collaborative courts. Although these courts are resource-intensive in the short term, they have been shown to reduce the incidence of relapse or recidivism, and thus save resources, in the long term. Dependency drug court for parents is a particularly effective tool in foster care cases. Parental substance abuse is one of the top three risk factors leading to child abuse and neglect, and one of the most difficult to resolve. The increased judicial interaction, less adversarial process, and integration of services with the judicial process has been shown to help. The typical drug court holds frequent hearings (every one to two weeks) preceded by a meeting of the court team to discuss each parent's participation in the case plan. Participating courts report increased reunification rates (up to 90 percent in some courts) with fewer instances of reentry. Dependency drug court leads to timely, stable permanency. CFCC staff in the Collaborative Justice Courts unit offers support and technical assistance to juvenile courts wishing to expand or establish dependency drug courts as well as other types of collaborative court.

To highlight the importance of family reunification, CFCC staff developed *Together Again: A Day of Celebration*, an online book honoring the families that have successfully engaged in the reunification process. Since its publication in June 2013, more than 500 copies of the book have been requested by courts or downloaded from the website.

### **Recognizing Innovation and Raising Awareness**

Court Adoption and Permanency Month is one way the California courts can raise awareness, demonstrate commitment, and foster changes in the court system to promote permanency in 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 first proclaimed in 1999, many individual California courts have dedicated specific Adoption Days in November—including Adoption Fridays and Adoption Saturdays—as well as other events to clear their backlogs of adoption cases. These events have been uniformly successful. During the first 13 years of Alameda County’s special Adoption Saturday events, more than 750 children found homes as part of 600 families. The Judicial Council encourages courts to continue or expand this practice as the numbers of children waiting to be adopted requires, and time and resources permit.

The Judicial Council also encourages all courts, even those with no backlog of adoption cases, to hold adoption celebrations or commemorate reunification or other permanent connections for foster children and to institute local system programs as part of the statewide November effort to raise awareness of the importance of adoption and permanency for foster children. Some of the events celebrating permanent connections for foster children this fall include the following:

- In 2013, the Superior Court of Los Angeles County continues the national trend of holding periodic Adoption Days begun there in 1998. The day brings together volunteer judicial officers, attorneys, social workers, court staff, and others to complete adoptions, often for hundreds of children and families in a day. Judge Michael Nash was instrumental in launching the first Adoption Day in Los Angeles. As a member and cochair of the Family and Juvenile Law Advisory Committee, Judge Nash also championed the first Judicial Council resolution recognizing November as Adoption and Permanency Month to promote statewide recognition of the importance of permanency.
- In addition, the Los Angeles juvenile court has once again partnered with the county Department of Children and Family Services and the Children’s Law Center to mark the week of September 16–20, 2013, 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. Events during the week included a presentation at the Los Angeles County Board of Supervisors meeting honoring Family Reunification Week Heroes.
- The Superior Court of Placer County will celebrate its 11th annual Adoption Day on Saturday, November 23. Volunteer judicial officers and court staff will join county agencies to finalize pending adoptions. A celebration, supported entirely by donations, will follow, with food, live music, crafts, and other entertainment for the children.
- The Superior Court of San Diego County, in partnership with San Diego County Adoptions (SDCA), will hold its annual Adoption Day on November 15. In addition to finalizing 20 adoptions, the court will host a party to celebrate all of the adoptions finalized throughout the year.
- The Superior Court of Santa Clara County will hold its Adoption Day on November 22, 2013. Ten volunteer judicial officers are expected to finalize between 30 and 35

adoptions this year. In addition to the adoption hearings, the event will include activities and crafts for the children, and gifts of books, handmade blankets, and toys.

- The Superior Court of Santa Cruz County will hold its third annual Adoption Day on November 22, 2013. Volunteer bench officers and staff will finalize adoptions from foster care all day. The court, the county Family & Children's Services Division's Forever Families Adoptions Program, the Roots & Wings initiative, and Court Appointed Special Advocates (CASA) of Santa Cruz will host a celebration with food, photographs, and flowers as the families wait to enter the courtroom. Quilts are made for each child and are presented by the quilt group that makes them. Families are encouraged to bring extended family members and friends.

Many California courts also support the Heart Gallery of America,<sup>15</sup> which connects children and youth in the local foster care community with potential adoptive families and lifelong connections. The program arranges for professional photographers to take portraits of the children, which are then exhibited periodically in prominent county locations as well as online on an ongoing basis. Several courthouses have hosted Heart Gallery exhibits in past years. 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.

### **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 2013 to be Court Adoption and Permanency Month and instead rely on the 1999–2012 resolutions to promote the timely and just resolution of foster care cases in reunification, adoption, and other permanent outcomes in November. However, the Family and Juvenile Law Advisory Committee believes that a new proclamation each year serves as a reminder of the ongoing critical need to seek safe, stable, and permanent homes for California's children and youth in foster care.

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

Court Adoption and Permanency Month is a voluntary program. Each court may 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

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<sup>15</sup> See [www.heartgalleryofamerica.org/Start\\_a\\_Heart\\_Gallery/FAQs.html](http://www.heartgalleryofamerica.org/Start_a_Heart_Gallery/FAQs.html).

hearings just so they coincide with a special event. Each adoption petition 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 2013 to be Court Adoption and Permanency Month

# JUDICIAL COUNCIL OF CALIFORNIA



## RESOLUTION

*Whereas*, consistent with its commitment to support practices and procedures that promote access to justice and improved case outcomes for California's children and families, the Judicial Council has recognized November as Court Adoption and Permanency Month every year since 1999;

*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 58,000 children in California live apart from their families in child welfare-supervised out-of-home care;

*Whereas* 38 percent of the children in foster care in California have lived apart from their families for two or more years;

*Whereas*, of the 26,000 California children who left foster care in the 12 months preceding March 2013, 56.5 percent were reunited with their families, 21.5 percent were adopted, and 8.5 percent were emancipated;

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

*Whereas* the Judicial Council remains committed to working with the Governor, the Legislature, and local courts and communities to ensure that every abused or neglected child finds a safe, stable, and permanent home with a loving family;

*Now, therefore, be it resolved* that I, Tani G. Cantil-Sakauye, Chief Justice of California, on behalf of the Judicial Council of California, do hereby proclaim November 2013 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 24th day of October, 2013*

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

Attest:

STEVEN JAHR  
Administrative Director of the Courts