JUDICIAL COUNCIL
OF CALIFORNIA
455 Golden Gate Avenue
San Francisco, CA
94102-3688
Tel 415-865-4200
TDD 415-865-4272
Fax 415-865-4205
www.courts.ca.gov

**FACT SHEET**

January 2020

# Judicial Resources and Technical Assistance (JRTA) Project

The Judicial Resources and Technical Assistance (JRTA) project assists juvenile court judges and court professionals with the many legal issues that arise in juvenile dependency and juvenile justice cases statewide. JRTA attorneys conduct file reviews, observe court, and provide technical assistance upon request to help ensure Title IV-E findings and orders are made as appropriate. The Project's objective is to help ensure that California can produce successful outcomes at triennial Title IV-E federal reviews. The JRTA Project is funded by the California Department of Social Services.

## Background

When the state intervenes to protect a child from abuse or neglect, it steps into the role of parent. The court, in its unique oversight role, makes decisions that change the lives of children and their families forever. Federal and state laws governing the court's decisions are aimed at ensuring that children are safely maintained at home whenever possible and appropriate; giving children legally permanent and stable living situations; preserving their family relationships and connections; enhancing each family's capacity to provide for their children's needs; and ensuring that children receive all appropriate services.

Title IV-E of the federal Social Security Act. (42 U.S.C. § 670 et. seq provides funding for foster care, including foster care maintenance and administrative costs; adoption, including adoption assistance payments and administrative costs; independent living programs; and education and training vouchers.

In 1994 the U.S. Department of Health and Human Services' Office of the Inspector General established foster care eligibility reviews in accordance with 45 CFR § 1356.71, to monitor child and family services programs' compliance with Title IV-E. At the initial eligibility audit of foster care in

California, federal auditors determined that 39 percent of the cases reviewed were not eligible for title IV-E funding, and California's programs consequently faced a potential loss of $51.7 million. As a result, the Judicial Council and California Department of Social Services created the JRTA project. In June 2003, California first passed the title IV-E foster-care eligibility review. The audit report cited the work of the JRTA project as a strength contributing to the state's compliance. With the continued contributions of the JRTA project, California passed the 2006, 2009, 2012, 2015 and 2018 Title IV-E foster-care eligibility reviews. In both 2012 and 2018 there were no judicial determination errors. The courts diligence in complying with federal guidelines coupled with the JRTA project's ongoing courtesy reviews of the local juvenile court systems and legal assistance, have continued to be important factors in these successful outcomes.

In federal fiscal year 2016, California received over $181 million in federal foster care maintenance and approximately $360 million in federal foster care administrative dollars[1]. To receive these funds, social services departments and probation departments must comply with the title IV-E legal requirements and our state's laws and policies that implement title IV-E programs.

In 2019-20, Title IV-E funding regulations were expanded to allow costs associated with court appointed dependency counsel to be deemed as reimbursable activities. These federal reimbursements will be used to supplement ongoing state funding allocated to court appointed dependency counsel. The objective of this reimbursement program is to assist dependency practitioners statewide improve the quality of legal services provided to children and their families in the dependency system.

## Legal and Court Services

Judicial officers, court staff, attorneys, and department staff are provided assistance to meet the legal requirements of title IV-E and to increase the likelihood of success at future federal reviews.

- **On-site Assistance**
  In consultation with the court, attorneys visit the court sites on a rotating basis to conduct a legal analysis of court files, observe court

[1] Child Welfare Financing SFY 2016: A survey of federal, state, and local expenditures. Kristina Rosinsky and Sarah Catherin Williams, pg.60; www.childtrends.org

proceedings, and prepare written reports and legal memoranda detailing areas where legal findings and orders are made appropriately and as required under title IV-E. The on-site file review is not an audit.

During the on-site visit, attorneys meet with judges, juvenile court professionals, and other stakeholders and discuss preliminary findings on areas of strength and where changes are suggested. Identifying and resolving these issues early, reduces the likelihood of a judicial determination error resulting during a federal review. A written report summarizing the recommendations is sent to the court and justice partners.

- **Ongoing Assistance**

Upon request, attorneys provide judicial officers and court staff with information on developments in the federal and state juvenile law, and general best practices. Attorneys conduct follow-up visits and provide assistance on issues specific to the unique needs of each court. Attorneys can also provide assistance by offering legal advice on a particular issue that persistently arises in court, reviewing and updating court scripts and minute orders, and trainings to assist with the implementation of their legal advice and recommendations noted during the court file review.

Trainings and workshops are developed and tailored to meet the individualized needs of the judicial officers, clerks, attorneys, social workers, and probation officers in each county, focusing on federal and state laws and regulations relating to families with children in placements eligible for title IV-E funds. Workshop offerings include: title IV-E Dependency Law and Process, Reasonable Efforts, and Continuum of Care Reform.

If you have questions about the JRTA project, contact:

Nicole Giacinti, Supervising Attorney, Center for Families, Children & the Courts, Nicole.Giacinti@jud.ca.gov or 415-865-7598

Audrey Fancy, Principal Managing Attorney, Center for Families, Children & the Courts, Audrey.Fancy@jud.ca.gov or 415-865-7706