

A Brief History of the California Blue Ribbon Commission on Children in Foster Care

A BRIEFING PREPARED FOR
COMMISSION MEMBERS, 2012



ADMINISTRATIVE OFFICE
OF THE COURTS

CENTER FOR FAMILIES, CHILDREN
& THE COURTS



Principles and Values

Principles

- ✓ All children are equal and deserve safe and permanent homes;
- ✓ Efforts to improve the foster care system must focus on improving safety, permanency, well-being and fairness outcomes for children, and services should be integrated and comprehensive;
- ✓ Collaboration is essential for achieving the best possible outcomes for children and families;
- ✓ Courts play an important statutory role in overseeing children, families and services in the dependency system;
- ✓ Children and families should have a say in decisions that affect their lives; and
- ✓ Government agencies need adequate and flexible funding to provide the best outcomes for children in the foster care system.

VALUES

- ✓ Collaboration;
- ✓ Shared responsibility;
- ✓ Accountability;
- ✓ Leadership;
- ✓ Children and families;
- ✓ Child safety;
- ✓ Inclusion;
- ✓ Permanency; and
- ✓ Youth voice

Annotated Timeline & Binder Contents

California Blue Ribbon Commission on Children in Foster Care

Pre-BRC

- Pew Commission on Children in Foster Care established in 2003.
- Charged with developing nationally focused recommendations to improve outcomes for children in foster care, particularly to expedite the movement of children from foster care into safe, permanent, nurturing families, and prevent unnecessary placements in foster care.
- Chaired and vice-chaired by former U.S. Representatives Bill Frensel and William H. Gray III.
- William C. Vickrey, California's Administrative Director of the Courts, was one of 18 members representing a broad cross-section of organizations involved in foster care issues.
- In 2004, the Pew Commission issued its final report and recommendations, *Fostering the Future: Safety, Permanence and Well-Being for Children in Foster Care*, which focused on federal child welfare funding mechanisms and improving court oversight of child welfare cases.
 - Pew Commission report—Tab A
- The recommendations also called for the courts and public agencies to collaborate more effectively by establishing multidisciplinary, broad-based state commissions on children in foster care.
- September 19, 2005—National Leadership Summit on the Protection of Children, Minnesota

Formation of BRC

- In response to the Pew Commission's call for the establishment of state commissions on children in foster care, the Chief Justice of California established the California Blue Ribbon Commission on Children in Foster Care (BRC) in 2006. [See
 - Resolution and Charge establishing the BRC—Tab B

2006

- March 23-24, 2006—First meeting of the BRC in San Francisco.
 - Justice Moreno's Opening Address—Tab C
 - Background Information on Blue Ribbon Commission—Tab D
- Subcommittees established
 - Subcommittee descriptions—Tab E
 - Strengthening Court Oversight (*Hon. Richard D. Huffman, Chair*)
 - Stable and Appropriate Funding and Resources (*Hon. Susan Huguenor, Chair*)
 - Strategies and Accountability for Reducing Number of Children in Foster Care (*Hon. Michael Nash, Chair*)

- Effective Case Management and Data Exchange Systems (*Hon. Dean Stout, Chair*)
- June 15-16, 2006—Meeting of the BRC in San Francisco.
- September 28-29, 2006—Meeting of the BRC in San Francisco
 - Adoption of Data Resolution by commission—Tab F
- December 12-13, 2006—Meeting of the BRC in Monterey

2007

- March 22-23, 2007—Meeting of the BRC in Sacramento
 - Public Hearing—“*The Role of the Courts in Foster Care: First-Hand Experiences of Youth, Families, Caregivers, and Court Officials*—Panel with Justice Moreno, Hon. Karen Bass, Hon. Bill Maze—Tab G
- June 20-22, 2007—Meeting of the BRC in Riverside
- September 21, 2007—Meeting of the BRC in San Francisco
- October 4, 2007—BRC Hearing in San Francisco: CASA in California
- October 12-13, 2007—BRC Meeting in Rancho Mirage
- December 11-12, 2007—BRC Meeting in San Diego

2008

- May 12, 2008—Public Hearing on Draft Recommendations, Los Angeles
 - Agenda—Tab H
- May 14, 2008—Public Hearing on Draft Recommendations, San Francisco
 - Agenda—Tab I
- June 10-11, 2008—Meeting of the BRC in San Francisco
- August 15, 2008—Presentation of Recommendations to Judicial Council
- October 21, 2008—Meeting of the BRC in San Francisco
- December 10, 2008—First statewide summit to initiate the work of the local foster care commissions, San Francisco
 - Summit Agenda—Tab J
 - Agenda for Forum hosted by Assemblyman Jim Beall and the BRC—Tab K

2009

- May 12, 2009—Foster Care Month Capitol Event/Public Release of BRC Final Report
- June 30, 2009—Meeting of the BRC in San Francisco

2010

- May 11, 2010—Meeting of the BRC in San Francisco
- June 2, 2010—Statewide Family/Juvenile Summit
 - Agenda—Tab L

- August 27, 2010—Report to the Judicial Council on Implementation Progress
- September 30, 2010—Governor Schwarzenegger signs AB 12

2011

- February 28, 2011—Justice Moreno’s retirement from the California Supreme Court
- April 27, 2011—Justice Huffman’s appointment as Chair of the BRC to replace Justice Moreno
- September 27, 2011—Justice Huffman site visit to Imperial County local foster care commission
- October 6, 2011—Justice Huffman site visit to Orange County local foster care commission
- October 24, 2011—Justice Huffman site visit to San Joaquin County local foster care commission
- October 24-25, 2011—Data Exchange Symposium: Advancing Information Sharing Across California to Improve Outcomes for Children Served by the Child Welfare System & the Courts (Sacramento, CA—with Stewards of Change)
 - Agenda—Tab M
- BRC Telephonic Meeting
 - New Reunification/Permanency Recommendations—Tab N
- November 9, 2011—Justice Huffman site visit to Santa Barbara County local foster care commission
- November 22, 2011—Justice Huffman site visit to Sacramento County local foster care commission to discuss its work preparing for the implementation of AB 12/212

2012

- February 10, 2012—Justice Huffman site visit to San Luis Obispo local foster care commission
- March 1, 2012—Chief Justice Tani Cantil-Sakauye Extends Commission for 2 Years and Appoints New Commissioners
- Over 40 active local foster care commissions in California—Tab O
- March 21, 2012—Justice Huffman site visit to Solano County local foster care commission to cut ribbon on new children’s waiting room and present certificate of appreciation

BRC Meeting Agendas—Tab P

BRC Press Releases—Tab Q

BRC Judicial Council Reports—Tab R

Press Coverage—Tab S (Partial—See <http://www.courts.ca.gov/4181.htm> for a more complete collection of news/press reports.)

Op Eds—Tab T (Partial—See <http://www.courts.ca.gov/4181.htm> for a more complete collection of op eds and other news.)

Implementation Tracker—Tab U

BRC State/Local Briefings—*Foster Care Reform Update* (See <http://www.courts.ca.gov/brc.htm>)

Current Roster—Tab V

- Blue Ribbon Commission Members

Tab A

FOSTERING THE FUTURE:

**Safety, Permanence and
Well-Being for Children
in Foster Care**

THE PEW COMMISSION ON CHILDREN IN FOSTER CARE

THE PEW COMMISSION ON CHILDREN IN FOSTER CARE

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DIERDRE SAMUEL

Office Manager

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We are proud to introduce this report from the Pew Commission on Children in Foster Care. It represents a year of intensive work and reflects the collective wisdom of Commission members who have devoted their lives to improving outcomes for vulnerable children.

Its recommendations focus on reforming federal child welfare financing and strengthening court oversight of children in foster care. These two issues are at the root of many of the problems that frustrate child welfare administrators, case workers, and judges as they seek to move children quickly from foster care to safe, permanent homes – or to avoid the need to put them in foster care in the first place.

Efforts to help children who have suffered abuse or neglect have traditionally enjoyed bipartisan support. The Commission believes its proposals continue this tradition. The two of us have found much common ground in our determination to see the nation do a better job of caring for children in foster care. We will be reaching out to leaders from all parties and all branches and levels of government to urge their careful consideration and swift action.

These recommendations stem from the expertise, experience, and extraordinary commitment of the members of this Commission. They listened respectfully to each other, as well as to all advisors, debated forcefully, and ultimately reached strong consensus in support of a set of proposals to help children everywhere. Individually, each of them is a luminary, but together they have worked even greater wonders. The whole has been greater than the sum of its parts.

On behalf of the entire Commission, we also thank The Pew Charitable Trusts, our many trusted consultants, and all the individuals and organizations that regularly advised us. Most of all, we thank our superb staff. It is small in number, but its dedication was total, and its work heroic. Like the Commission itself, the staff has earned our pride and our gratitude.

Bill Frenzel
Chair

William H. Gray, III
Vice Chair

)

INTRODUCTION: A CALL FOR CHANGE

So, this is how it is in foster care, you always have to move from foster home to foster home and you don't have any say in this and you're always having to adapt to new people and new kids and new schools. Sometimes you just feel like you are going crazy inside. And another thing, in foster care you grow up not knowing that you can really be somebody. When I was in foster care, it didn't seem like I had any choices or any future. All kids deserve families. They need a family, to have someone, this is father, this is mother—they need a family so they can believe in themselves and grow up to be somebody. This is a big deal that people don't realize. I wish everyone could understand.

- Former Foster Youth

All children need safe, permanent families that love, nurture, protect, and guide them. This was the starting point for the work of the Pew Commission on Children in Foster Care and a steady compass throughout our deliberations.

Foster care protects children who are not safe in their own homes. For some children, it is literally life-saving. But for too many children, what should be a short-term refuge becomes a long-term saga, involving multiple moves from one foster home to another. None of us would want this for our own children.

Children in foster care cannot count on things that all children should be able to take for granted—that they have constant, loving parents; that their home will always be their home; that their brothers and sisters will always be near; and that their neighborhoods and schools are familiar places. Some children in foster care don't understand why they were removed from their birth parents and blame themselves. Most don't know whether or when they will rejoin their parents or become part of a new, permanent family.

Childhood should not be this way. Yet on any given day in the United States, half a million children and youth are in foster care, removed from their homes because of abuse or neglect. Almost half of these children spend at least two years in care, waiting for the safe, permanent family that should be their birthright. Almost 20 percent wait five or more years.¹ In fiscal year (FY) 2001, nearly 39,000 infants under the age of one entered foster care,² where they may lack the stability that promotes attachment and early brain development. That same year, about 19,000 older youth “aged out” of foster care without a permanent family to support them in the transition to adulthood.³

On average, children have three different foster care placements.⁴ Frequent moves in and out of the homes of strangers can be profoundly unsettling for children, particularly when they do not know how long they will stay and where they will go next. One young man told us that, as a child growing up in foster care, he checked every day to see if his belongings had been packed in anticipation of another move.

This kind of turbulence and uncertainty in childhood can have lasting consequences. Children who spend many years in multiple foster homes are substantially more likely than other

¹Based on the latest federal statistics on foster care supplied by the states for the Adoption and Foster Care Analysis and Reporting System (AFCARS). See U.S. Department of Health and Human Services. *The AFCARS Report: Preliminary FY 2001 Estimates as of March 2003*. Washington, DC: DHHS, 2003. Available online at <http://www.acf.hhs.gov/programs/cb/publications/afcars/report8.htm>.

²U.S. Department of Health and Human Services, 2003.

³Ibid.

ABOUT THE PEW COMMISSION

The nonpartisan Pew Commission on Children and Foster Care was launched in May 2003. Supported by a grant from The Pew Charitable Trusts to the Georgetown University Public Policy Institute, the Commission's charge was to develop recommendations to improve outcomes for children in the foster care system—particularly to expedite the movement of children from foster care into safe, permanent, nurturing families, and prevent unnecessary placements in foster care.

The Commission is chaired by Bill Frenzel, former Republican Congressman and currently Guest Scholar at the Brookings Institution. The Vice Chair is William Gray, III, former Democratic Congressman and currently President and CEO of the United Negro College Fund. Mr. Frenzel and Mr. Gray are well known for their expertise in the federal budgeting process and for their ability to forge consensus across party lines. The Commission includes some of the nation's leading child welfare experts, administrators of child welfare agencies, judges, social workers, a state legislator, a child psychologist, foster and adoptive parents, a former foster youth, and others. These are people who know the system well—both its assets and its limitations.

The Commission met intensively, exploring a broad range of key issues in child welfare. It listened to judges who oversee dependency cases, managers who administer child welfare systems, and caseworkers with daily, frontline responsibility for children. It also listened to other professionals, scholars, and advocates; to foster, adoptive, and birth parents; and to young people themselves. It closely examined critical problems and promising approaches.

The Commission focused its work on two targeted areas:

- Improving existing federal financing mechanisms to facilitate faster movement of children from foster care into safe, permanent families and to reduce the need to place children in foster care in the first place.
- Improving court oversight of child welfare cases to facilitate better and more timely decisions related to children's safety, permanence, and well-being.

Informed by the breadth of stakeholder input and its own expertise, the Commission first agreed on five principles that articulate what children in the child welfare system need. With these principles always in mind, the Commission then undertook an extensive review of policy options, ultimately reaching consensus on a set of policy recommendations that are presented in this report. These thoughtfully considered recommendations from a diverse group of experts are intended to give Congress, federal agencies, states, courts, and communities a framework for strengthening the ability of child welfare agencies and courts to secure safe, permanent families for children in foster care and at risk of entering care.

children to face emotional, behavioral, and academic challenges. As adults, they are more likely to experience homelessness, unemployment, and other problems.⁵ While some of these problems likely have their roots in the underlying abuse or neglect that led a child into foster care in the first place, long and uncertain periods in foster care also contribute to these poor outcomes.⁶

When children languish in foster care, caseloads rise to untenable levels, and even the most dedicated case workers cannot provide the attention and support that children need. Case workers burn out and leave the profession in very high numbers. The *annual* turnover rate in the child welfare workforce is 20 percent for public agencies and 40 percent for private agencies.⁷ As the cadre of experienced case workers shrinks, the quality of care that children receive diminishes as well.

The shortage of licensed family foster homes further exacerbates the situation. Case workers scramble to find appropriate placements, often to little avail. Adolescents, in particular, can end up in group homes or institutions that offer few of the advantages of a family, while posing much higher costs to states and the federal government. A shortage of treatment options for parents, particularly substance abuse treatment and mental health services, also contributes to children staying longer in foster care.

The problem of children languishing in foster care is hardly new. But most of the time, it is a quiet crisis, below the radar of most citizens – until a child in foster care dies, or is abused, or is lost and cannot be accounted for. Even then, discussions of how to respond can quickly bog down in the intricacies of the system and the complexities of the families involved. Where, for example, would reform begin? With workforce improvements and lower caseloads? More and better substance abuse treatment? Less crowded court dockets? Or all of the above, all at the same time?

This seemingly endless list of urgent problems confronted the Pew Commission on Children in Foster Care when we began our work in May 2003. Indeed, we might have directed our efforts to any of these problems. Instead, we focused on reform of two key issues that underlie many of the problems in child welfare today: a federal financing structure that encourages an over-reliance on placement of children in foster care, and a court system that lacks sufficient tools, information, and accountability necessary to move children swiftly out of foster care and into permanent homes. Reform in these two areas is a critical first step to solving many other problems that plague the child welfare system.

We began our work by developing a set of guiding principles that articulate what we want for children in the child welfare system. We then considered various policy options in light of these principles. The principles were an important touchstone throughout our year of deliberations, focusing us consistently on the children at the heart of the child welfare system.

Our work built on a solid base of federal statutes that emphasize safety for children and support for families. These laws also establish the shared responsibility of the federal government, the states, and the courts to protect abused and neglected children and secure safe, permanent homes for them. The nation's first significant child welfare legislation, the Adoption Assistance

⁵Courtney, M.E. and Piliavin, I. *Foster Youths Transitions to Adulthood: Outcomes 12 to 18 Months After Leaving Out-of-Home Care*. Madison, WI: School of Social Work, University of Wisconsin-Madison, 1998.

⁶Barbell, K. and Freundlich, M. *Foster Care Today*. Casey Family Programs: Washington, DC, 2001.

⁷The Annie E. Casey Foundation. *The Unsolved Challenge of System Reform: The Conditions of the Frontline Human Services Workforce*. Baltimore, MD: The Annie E. Casey Foundation, 2003.

Guiding Principles for the Work of the Pew Commission

Preamble: All children must have safe, permanent families in which their physical, emotional and social needs are met. When children are abused or neglected, these fundamental needs are not met. The recommendations of the Pew Commission on Children in Foster Care focus on improving the circumstances for children who are served by the child welfare system, whether in foster care or in their own homes.

The Commission's work was guided by the following principles:

1. Children must be physically and emotionally safe and must be protected wherever they live. When children are removed from their homes, public authorities have an obligation to ensure that they are safer in out-of-home care than they would have been at home.
2. Children must have their needs met in a timely manner at every stage of their development and every stage of public decision making about their futures.
3. Children must have continuity and consistency in care-giving and relationships, including healthy ties to siblings and extended family.
4. Children must have equal protection and care, including attention to meeting children's needs in the context of their community and culture.
5. Children and their families must have an informed voice in decisions that are made about their lives.

and Child Welfare Act of 1980⁸ set forth the twin goals of preserving families and securing permanence for children, and it gave new responsibilities to the courts for overseeing child welfare cases. Subsequent legislation in 1993⁹ and 1994¹⁰ provided new funding for prevention of child abuse and neglect, family preservation, and court improvements. The Adoption and Safe Families Act (ASFA) of 1997¹¹ established the goals of safety, permanence, and well-being for children in foster care, with a very deliberate emphasis on permanence. This bipartisan legislation also focused attention on measuring states' performance toward national goals and further increased the role of the courts in overseeing child welfare cases.

These landmark pieces of legislation reflected lawmakers' concern over growing numbers of children in foster care and the long periods of time that so many children stayed in care. These laws and others have made important and lasting improvements in the ability of child welfare agencies and the courts to meet the needs of children who have been abused and neglected.

But more remains to be done. The number of children in foster care appears to be stabilizing, but at a very high level. There were 534,000 children in foster care in 2002, almost double the number in care in the early 1980s.¹² Moreover, children continue to stay in foster care for longer periods than may be necessary, and to move frequently from placement to placement. While in care, many children still do not receive appropriate services, whether they are infants suffering the effects of trauma or older adolescents about to leave foster care to live on their own. Interwoven with all of these challenges is the over-representation of minority children in foster care—especially African-American children, who enter foster care at the fastest rate and leave at the slowest.

The Pew Commission's recommendations identify "next steps" on the road to reducing the number of children in foster care, shortening the amount of time children have to spend there, and responding better to the needs of *all* children in care. The steps we recommend are in the direction of reforming federal financing of child welfare service and court oversight of child welfare cases, for reasons we discuss below.

⁸Public Law 96-272.

⁹Omnibus Budget Reconciliation Act, Public Law 103-66, 1993.

¹⁰Social Security Amendments, Public Law 103-432, 1994.

¹¹Public Law 105-89.

¹²U.S. House of Representatives, Committee on Ways and Means. *2000 Green Book*. Washington, D.C.: U.S. Government Printing Office, 2000.

THE ROLE OF FEDERAL FINANCING

Simply put, current federal funding mechanisms for child welfare encourage an over-reliance on foster care at the expense of other services to keep families safely together and to move children swiftly and safely from foster care to permanent families, whether their birth families or a new adoptive family or legal guardian.

This conundrum stems from the structure of the two major federal sources of child welfare funding, Titles IV-E and IV-B of the Social Security Act.¹³

Title IV-E is the largest source of federal funding for child welfare, accounting for 48 percent of federal child welfare spending in state fiscal year (SFY) 2000.¹⁴ Title IV-E is a permanently authorized and open-ended entitlement program that guarantees federal reimbursement to states for a portion of the cost of maintaining an eligible child in foster care. Specifically, states may claim a federal reimbursement on behalf of every income-eligible child they place in a licensed foster home or institution.¹⁵ In FY 2004, federal IV-E foster care expenditures are estimated to be \$4.8 billion.¹⁶

Title IV-B provides flexible funds that can be used by states for a broad array of child welfare services. There are no federal income eligibility or other requirements. Title IV-B funds may be used for family preservation services, community-based family support services, time-limited family reunification services, and adoption promotion and support services. These funds, however, represent a relatively small pot of money, accounting for just five percent of all federal spending on child welfare in SFY 2000.¹⁷ Furthermore, unlike IV-E, IV-B funding is not an open-ended entitlement, but rather a mixture of capped entitlement dollars and discretionary funding—meaning that the overall funding level is subject to the annual appropriations process. Title IV-B accounted for only \$693 million in federal child welfare spending in FY 2004, compared to the \$4.8 billion for Title IV-E foster care.

Such a disparity in these two funding sources hampers states' ability to invest in strategies that limit the time children need to spend in foster care. The result is a discouraging and frustrating cycle: Foster care rolls are swelled by children who might have been able to stay at home safely or leave placement sooner had states been able to use more federal dollars for prevention, treatment and post-permanency services. As the number of children in care increases, so, too, do social workers' caseloads, limiting their ability to visit children, assess safety, and respond appropriately to the needs of the children and their families. This in turn contributes to longer stays in foster care and limits the time available to workers for oversight of the children in their care. Such a sequence of Catch-22s is clearly not in the best interest of children, their families, or the professionals charged with their oversight.

THE ROLE OF THE COURTS

For years, the courts have been the unseen partners in child welfare – yet they are vested with enormous responsibility. Along with child welfare agencies, the courts have an obligation to ensure that children are protected from harm. Courts make the formal determination on whether abuse or neglect has occurred and whether a child should be removed from the home.

¹³In recent years, states have also used three non-dedicated federal funding streams to support child welfare services—the Social Services Block Grant (representing 17 percent of all federal child welfare spending in SFY 2000), the Temporary Assistance for Needy Families block grant (15 percent), and Medicaid (10 percent). Bess, R., Andrews, C., Jantz, A., et al. *The Cost of Protecting Vulnerable Children III: What Factors Affect States' Fiscal Decisions?* Occasional paper No. 61. Washington, DC: The Urban Institute, 2002.

¹⁴Bess, R., et al, 2002.

¹⁵Income eligibility is based on the 1996 eligibility standards of the Aid to Families with Dependent Children program, which was replaced by the Temporary Assistance for Needy Families block grant.

¹⁶Title IV-E also provides a federal reimbursement to states for expenses related to supporting adoptions from foster care (\$1.6 billion [estimated] in FY 2004) and a capped entitlement for the Chafee Foster Care Independence Program for youth aging out of foster care (the FY 2004 appropriation was \$185 million, which includes \$45 million in funding for education and training vouchers). The FY 2004 estimated expenditures and appropriation figures presented here are from the Congressional Budget Office. [See <http://www.cbo.gov/factsheets/2004b/FosterCare.pdf>]

¹⁷Bess, R., et al, 2002.

Courts review cases to decide if parents and the child welfare agencies are meeting their legal obligations to a child. Courts are charged with ensuring that children are moved from foster care and placed in a safe and permanent home within statutory timeframes. And courts determine if and when a parent's rights should be terminated and whether a child should be adopted or placed with a permanent guardian.

The Adoption and Safe Families Act placed new obligations and greater pressure on the courts by requiring them to expedite termination of parental rights and finalize adoption or guardianship arrangements when it is found that children cannot be returned to their birth parents. The law is a positive one for children who might otherwise languish in foster care, and many courts have embraced this charge. But longstanding structural issues in the judicial system limit the ability of the courts to play the important role in protecting children that ASFA assigns to them.

For example:

- Many courts do not track and analyze their overall caseloads, making it difficult for them to spot emerging trends in the cases that come before them, eliminate the major causes of delays in court proceedings, and identify groups of children who may be entering or reentering foster care at very high rates, or staying in care the longest. This can contribute to large caseloads and limit judges' ability to give each child the time he or she deserves.
- Institutional barriers discourage courts and child welfare agencies from working together to improve outcomes for children in foster care.
- Many judges come to this work without sufficient training in child development or knowledge of effective dependency court practices – information that could help them make appropriate and timely decisions that move children out of foster care to safe, permanent homes.
- Children and parents often lack a strong and effective voice in court decisions that affect their lives.

Court reforms directed at these structural issues could lessen children's time in foster care and help children get the services and assistance they need while in foster care. For example, case tracking might highlight rapid growth in the number of infants entering foster care in a particular court. (Indeed, nationwide, infants are the fastest growing portion of the foster care population.¹⁸) This information could and should prompt a judge to inquire of caseworkers whether services are readily available to meet the urgent developmental needs of very young children. Case tracking might also identify problems in the legal representation of children and parents as a cause of frequent continuances that prolong children's time in foster care. This is important information for state courts, which are responsible for ensuring that parties in court proceedings are adequately represented by legal counsel. Aggregate data on the progress of children through the foster care system – and specifically on compliance with the timelines specified in the Adoption and Safe Families Act – can be a very useful starting point for collaboration between the courts and the child welfare agency.

When decision makers and the public are unaware of the role of the courts in child welfare, and when they lack information on court performance as it affects children, there may be little public will to provide dependency courts with adequate financial resources. The results are crowded courts, overworked and often under-trained judges and attorneys, and decisions made without

¹⁸Wulczyn, F. and Hislop, K. B. *Babies and Foster Care: The Numbers Call for Action. Zero to Three, 2003.* (22) 5.

sufficient information or insight. In the end, children and families pay the price when courts lack the tools and resources to do their job well.

CHANGING THE FUTURE

The Pew Commission met intensively for a year. We were acutely aware of the context in which we worked -- a mounting federal deficit and severe fiscal constraints at the state level; deeply held philosophical and political views that threaten to divide people of good will on both sides of the aisle; and the fear in all quarters of unanticipated events -- an upsurge in drug use, for example -- that could send large numbers of children into foster care.

But we were also aware that in many instances, the system works—when caseworkers quickly secure help for children and families; when children’s ties to extended family, schools, and communities are maintained while they are in foster care; when children and their families participate in their own case plans and decisions; when courts and agencies act well and efficiently together; when children are returned home or moved to another permanent home without unnecessary delays. With countless examples in mind, we sought recommendations that would turn “best practices” into “common practices” across the country.

Finally, we were aware of the strong and abiding bipartisan desire to take better care of children who have suffered abuse and neglect. This bipartisanship was evident in the passage of ASFA in 1997 and in many of the state and local reforms that have improved outcomes for thousands of children in foster care. It was also apparent in the many expressions of encouragement and good will the Commission received in the course of our work.

Our recommendations offer an achievable plan for improving outcomes for children in foster care and those at risk of entering care. Case workers, agency administrators, and judges want to do the best for the children in their care. It is well within our nation’s reach to help them do their best.

The recommendations will require some new funding. But just as important, they will require redirection of current funding and stronger accountability for how public dollars are used to protect and support children who have suffered abuse and neglect.

Children deserve more from our child welfare system than they are getting now. For this to happen, those on the front lines of care -- caseworkers, foster parents, judges -- need the support necessary to do their jobs more effectively. And the public needs to know that, with this support, every part of the chain of care -- from the federal government to the states to the courts—can reasonably be held to high standards of accountability for the well-being of children.

We offer these recommendations to decision makers at the federal, state, and local levels and in the courts. They are designed to work together. No one recommendation satisfies all of our principles or holds as much promise for children as the recommendations as a whole. We hope that policy makers will give them thoughtful consideration and take deliberate action. Half a million children have waited long enough.

A former foster child who talked at length with members of the Commission stated the urgency most eloquently: “I just think everybody deserves a family when they’re young.”

RECOMMENDATIONS OF THE PEW COMMISSION ON CHILDREN IN FOSTER CARE

All children must have safe, permanent families in which their physical, emotional, and social needs are met. Together, the Pew Commission's recommendations focus on what states and courts need to help children get safe and permanent homes. Our recommendations would give states a flexible and reliable source of federal funding as well as new options and incentives to seek safe permanence for children in foster care. They would help dependency courts secure the management tools, information, and training necessary to fulfill their responsibilities to children, and they would help children and parents have a strong and informed voice in court proceedings. Finally, they call for greater accountability by both child welfare agencies and courts

FINANCING CHILD WELFARE

1. *Because every child needs a safe, permanent family, the Commission recommends:*
 - *Providing federal adoption assistance to all children adopted from foster care;*
 - *Providing federal guardianship assistance to all children who leave foster care to live with a permanent, legal guardian.*¹⁹

2. *Because every child needs to be protected from abuse and neglect, the Commission recommends that the federal government join states in paying for foster care for every child who needs this protection:*²⁰
 - *Regardless of family income;*²¹
 - *Including children who are members of Indian tribes; and*
 - *Including children who live in the U.S. territories.*

3. *Because every child needs a permanent family, the Commission recommends allowing states to "reinvest" federal dollars that would have been expended on foster care into other child welfare services if they safely reduce the use of foster care. States could use these funds for any service to keep children out of foster care or to leave foster care safely.*

4. *Children need skillful help to safely return home to their families, join a new family, or avoid entering foster care in the first place. For caseworkers to provide this help, states need flexible, sufficient, and reliable funding from the federal government. The Commission recommends an indexed Safe Children, Strong Families Grant that combines federal funding for Title IV-B, Title IV-E Administration, and Title IV-E Training into a flexible source of funding. The Commission further recommends that additional funding be provided in the first year, and that the grant be indexed in future years.*
 - *Each state's grant amount would be based on its historical spending for Title IV-B and Title IV-E Administration and Training;*
 - *In addition, the total base funding level would be enhanced by \$200 million in the first year of implementation;*
 - *In subsequent years, each state's allocation would grow by 2 percent plus the inflation rate, as measured by the Consumer Price Index; and*

¹⁹Federal eligibility for adoption or guardianship assistance would not be based on the income of the child's birth family.

²⁰Currently, the federal government pays a portion of the costs of foster care for children whose family income is below the 1996 Aid to Families with Dependent Children (AFDC) income standards. States, in contrast, pay the cost of foster care for every child who needs this protection.

²¹Family income refers to the income of the family from which the child is removed.

- *States would be required to match the federal grant funds, just as they currently are required to match federal IV-B and IV-E dollars.*

5. To guarantee that public funds are used effectively to meet the needs of children who have been abused or neglected and to increase public accountability, the Commission recommends improvements to the federal Child and Family Services Reviews (CFSRs).

- *The CFSRs should include more and better measures of child well-being, use longitudinal data to yield more accurate assessments of performance over time, and HHS should direct that a portion of any penalties resulting from the review process be reinvested into a state's Program Improvement Plan;*
- *The federal government should continue to help states build their accountability systems by maintaining the federal match for State Automated Child Welfare Information Systems; and*
- *Congress should direct the National Academy of Sciences, through its Board on Children, Youth, and Families, to convene a foster care expert panel to recommend the best outcomes and measures to use in data collection.*

6. To promote innovation and constant exploration of the best ways to help children who have been abused and neglected, the Commission recommends that the federal government:

- *Expand and improve its successful child welfare waiver program;*
- *Continue to reserve funds for research, evaluation, and sharing of best practices; and*
- *Provide bonuses to states that make workforce improvements and increase all forms of safe permanence for children in foster care.*

STRENGTHENING COURTS

1. Courts are responsible for ensuring that children's rights to safety, permanence and well-being are met in a timely and complete manner. To fulfill this responsibility, they must be able to track children's progress, identify groups of children in need of attention, and identify sources of delay in court proceedings.

- *Every dependency court should adopt the court performance measures developed by the nation's leading legal associations²² and use this information to improve their oversight of children in foster care;*
- *State 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; and*
- *Congress should appropriate \$10 million in start-up funds and such sums as necessary in later years, to build capacity to track and analyze caseloads.*

2. To protect children and promote their well-being, courts and public agencies should be required to demonstrate effective collaboration on behalf of children.

- *The Department of Health and Human Services (HHS) should require that state IV-E plans, Program Improvement Plans, and Court Improvement Program plans demonstrate effective collaboration;²³*
- *HHS should require states to establish broad-based state commissions on children in foster care, ideally led by the state's child welfare agency director and the Chief Justice;*

²²See Appendix B for a more detailed description of the court performance measures. The American Bar Association's Center on Children and the Law, National Center for State Courts, and National Council of Juvenile and Family Court Judges. *Building a Better Court: Measuring and Improving Court Performance and Judicial Workload in Child Abuse and Neglect Cases*. Los Altos, CA: The David and Lucile Packard Foundation, 2004.

²³Tribal courts and service agencies should be included in the development and implementation of all plans.

- *Congress should appropriate \$10 million to train court personnel, a portion of which should be designated for joint training of court personnel, child welfare agency staff, and others involved in protecting and caring for children; and*
- *Courts and agencies on the local and state levels should collaborate and jointly plan for the collection and sharing of all relevant aggregate data and information which can lead to better decisions and outcomes for children.*

3. To safeguard children's best interests in dependency court proceedings, children and their parents must have a direct voice in court, effective representation, and the timely input of those who care about them.

- *Courts should be organized to enable children and parents to participate in a meaningful way in their own court proceedings;*
- *Congress should appropriate \$5 million to expand the Court Appointed Special Advocates program;*
- *States should adopt standards of practice, preparation, education, and compensation for attorneys in dependency practice;*
- *To attract and retain attorneys who practice in dependency court, Congress should support efforts such as loan forgiveness and other demonstration programs; and*
- *Law schools, bar associations, and law firms should help build the pool of qualified attorneys available to children and parents in dependency courts.*

4. Chief Justices and state court leadership must take the lead, acting as the foremost champions for children in their court systems and making sure the recommendations here are enacted in their states.

- *Chief Justices should embed oversight responsibility and assistance for dependency courts within their Administrative Office of the Courts;*
- *State court leadership and state court administrators should organize courts so that dependency cases are heard in dedicated courts or departments, rather than in departments with jurisdiction over multiple issues;*
- *State judicial leadership should actively promote: (1) resource, workload and training standards for dependency courts, judges, and attorneys;²⁴ (2) standards of practice for dependency judges; and (3) codes of judicial conduct that support the practices of problem-solving courts; and*
- *State court procedures should enable and encourage judges who have demonstrated competence in the dependency courts to build careers on the dependency bench.*

²⁴Court performance measures, discussed earlier in the chapter and presented in Appendix B, will assist courts in the initial development and subsequent tracking of compliance with these measures.

FINANCING CHILD WELFARE

“The system has all been about tweaking. That’s how we got to where we are. And tweaking is always fixing something that’s broken and is always about 20 years behind what we know from the experts is the way it should be.”

-Program Administrator

The Pew Commission decided from the beginning that it was not interested in “tweaking” the system. Not all of our recommendations are large-scale proposals, but implemented together, they will result in substantial improvements in how the system works and how it is financed.

Paying for foster care is a shared responsibility of the states²⁵ and the federal government. Paying for the support and services that enable children to remain at home safely or leave foster care for a permanent, nurturing family is also a shared state-federal responsibility. Both are important, yet the vast majority of these funds can only be accessed by states after a child has already been placed in care. As a result, current federal funding mechanisms encourage an over-reliance on foster care at the expense of services that move children to permanent families and help keep families safely together.

TITLES IV-E AND IV-B

Titles IV-E and IV-B of the Social Security Act make up the two major dedicated sources of federal funding for child welfare.²⁶ Title IV-E is the larger, accounting for 48 percent of federal child welfare spending in state fiscal year (SFY) 2000.²⁷ It is a permanently authorized, open-ended entitlement program that reimburses states for a portion of the cost of maintaining a child in foster care. States may claim this federal reimbursement for every income-eligible child who is placed in a licensed foster home or institution. In fiscal year (FY) 2004, federal IV-E foster care expenditures are estimated to be \$4.8 billion.²⁸

The other major dedicated source of federal child welfare funding is Title IV-B of the Social Security Act. Title IV-B includes two state grant programs, which vary in their degree of flexibility. States may use Subpart 1 funds for any child welfare purpose. Subpart 2 funds may be used for four broadly defined categories of services for children and families. Generally, Title IV-B funds are used for preventive services, to help stabilize families and prevent foster care, or to help families when children return home.²⁹ There are no income or other eligibility requirements associated with either subpart. While Title IV-B is a flexible source of funding, it is also a relatively small amount of money, accounting for just 5 percent of all federal child welfare spending in SFY 2000.³⁰ Unlike IV-E funds, IV-B funding is a mixture of capped entitlement dollars and discretionary funding—meaning that the overall funding level is subject to the annual appropriations process.³¹ The FY 2004 appropriations for the two major subparts of Title IV-B totaled \$693 million.

²⁵Because federal child welfare dollars are directed to states, and for simplicity of reading, we refer throughout only to states, even though in 13 states, counties administer child welfare and foster care services.

²⁶Other dedicated sources of federal child welfare funding not discussed in this report include the Child Abuse Prevention and Treatment Act (funded at \$90 million in FY 2004) and the Chafee Foster Care Independence Program and related Education and Training Vouchers for youth aging out of foster care (total funding for which was \$185 million in FY 2004).

²⁷Bess, R., Andrews, C., Jantz, A., et al.

²⁸Title IV-E also provides federal reimbursement to states for expenses related to supporting adoptions from foster care (estimated to total \$1.6 billion in FY 2004) and a capped entitlement for the Chafee Foster Care Independence Program and related Education and Training Vouchers for youth aging out of foster care (total funding for which was \$185 million in FY 2004). The FY 2004 figures presented in this report are from the Congressional Budget Office. [See <http://www.cbo.gov/factsheets/2004b/FosterCare.pdf>.]

²⁹U.S. General Accounting Office. *Child Welfare: Enhanced Federal Oversight of Title IV-B Could Provide States Additional Information to Improve Services*. GAO-03-956. Washington, DC: GAO, September 2003. [See especially page 14, Table 2 “Fiscal Year Expenditures for Subparts 1 and 2 Service Categories.”]

³⁰Other federal funding sources include the Social Services Block Grant (representing 17 percent of all federal child welfare spending in SFY 2000), the Temporary Assistance for Needy Families block grant (15 percent), Medicaid (10 percent), and other programs (4 percent). Bess et al.

³¹Subpart 1 (the Child Welfare Services Program) is discretionary funding; its FY 2004 appropriation was \$289 million. Subpart 2 (Promoting Safe and Stable Families) is a capped state entitlement, meaning that states are entitled to a specified share of annual funding. Subpart 2 has a mandatory funding floor (currently \$305 million) and a discretionary component. The FY 2004 appropriation for Subpart 2 was \$404 million.

Because funding for safe alternatives to foster care is so limited, states use placement in foster care more than they might otherwise. Foster care is often seen as the only available way to respond to children at risk, both in terms of the numbers of children placed in care and the length of time they stay there.

Neither state nor federal officials are happy with this status quo. For years, legislators of both political parties have struggled to craft a new financing structure that would lessen the use of long-term foster care and promote safe, permanent families for children. But reaching consensus on a new approach has been difficult. Nevertheless, we believe that dissatisfaction with the failure of the current financing structure to produce better outcomes for children is sufficiently strong that leaders on both sides of the aisle are ready and willing to consider new financing proposals.

RECOMMENDATIONS FOR CHANGE

The Pew Commission's financing recommendations seek to build a federal financing structure that protects children who are not safe in their own homes; keeps states and courts focused on achieving a safe, permanent family for every child who needs one; and promotes the well-being of children while they are under the supervision of the child welfare agency and after they leave the agency's care. We address the structure of federal child welfare financing, giving states increased flexibility in how they can use federal dollars and greater options and incentives to seek safe permanence for children in foster care. We also recommend new investments to build key parts of the child welfare system, including the child welfare workforce and the continuum of services from prevention, to treatment, to supports for children once they leave foster care. In our view, this represents putting the right money in the right places. Finally, we tie greater flexibility and new investments with stronger accountability measures, so that the public can assess how well its institutions are protecting vulnerable children.

The key components of the Commission's financing recommendations are:

- Preserving federal foster care maintenance and adoption assistance as an entitlement and expanding it to all children, regardless of their birth families' income and including Indian children and children in the U.S. territories;
- Providing federal guardianship assistance to all children who leave foster care to live with a permanent legal guardian when a court has explicitly determined that neither reunification nor adoption are feasible permanence options;
- Helping states build a range of services from prevention, to treatment, to post-permanence by (1) creating a flexible, indexed Safe Children, Strong Families Grant from what is currently included in Title IV-B and the administration and training components of Title IV-E; and (2) allowing states to "reinvest" federal and state foster care dollars into other child welfare services if they safely reduce their use of foster care;
- Encouraging innovation by expanding and simplifying the waiver process and providing incentives to states that (1) make and maintain improvements in their child welfare workforce and (2) increase all forms of safe permanence; and
- Strengthening the current Child and Family Services Review process to increase states' accountability for improving outcomes for children.

We view our recommendations as a package. No one of them alone fulfills all of the Commission's child-focused principles. In combination, they reinforce one another and

offer a bold yet achievable plan for improving outcomes for children who have been abused and neglected.

1. Because every child needs a safe, permanent family, the Commission recommends:

- *Providing federal adoption assistance to all children adopted from foster care;*
- *Providing federal guardianship assistance to all children who leave foster care to live with a permanent, legal guardian.*³²

Adoption. Foster care provides a safe home for children on a temporary basis. But safety is only the starting point. For children to thrive, they also need a stable, permanent family that loves and nurtures them. When children in foster care cannot safely return to their parents, public policies should support efforts to actively seek new families that will provide safety, love, and permanence. Adoption is the primary means of doing this. Since the passage of the Adoption and Safe Families Act³³ in 1997, more than 230,000 children in foster care have been adopted.³⁴ Public subsidies help strengthen these new families by partially supporting the needs of the children. These existing subsidies have enabled many foster parents to adopt their foster children by ensuring that they do not lose the maintenance payments they received as foster parents when they become adoptive parents. But these subsidies only apply to income-eligible children and families.

Because *all* children in foster care need a safe, permanent family, the Commission recommends continuing federal adoption assistance as an entitlement under Title IV-E. Furthermore, because we believe that *every* child who experiences abuse and neglect—not just every poor child—deserves state and federal support in the effort to secure a permanent family, we recommend elimination of any income eligibility standard for adoption assistance.³⁵ Many children adopted from foster care have significant health and other needs that exceed what many adoptive families could provide on their own. The current system of providing federal adoption assistance based on the income of the child's birth parents does not recognize or address these needs. To maintain cost neutrality, the federal reimbursement rates for adoption assistance would be adjusted in the same way as federal reimbursement for foster care. Adjustments to foster care reimbursement rates are discussed below as part of the second recommendation. The adjustments refer to changes in rates of federal reimbursement to states for their adoption assistance and foster care programs, *not* changes in the actual assistance payments that adoptive and foster parents currently receive.

Guardianship. For some children in foster care, neither reunification with their birth parents nor adoption is a viable option. In these cases, legal guardianship can be a route out of foster care and into a safe, permanent family. When guardians are also relatives, guardianship can promote healthy ties to a child's extended family, home community, and culture. There are many situations in which guardianship might be the best permanence option for a child, for example:

- A child is living with a relative who is able to make a permanent commitment but does not want to disrupt existing family relationships. As one grandmother put it,

³²Federal eligibility for adoption or guardianship assistance would not be based on the income or assets of the child's birth family.

³³Public Law 105-89.

³⁴McDonald, J., Salyers, N., and Testa, M. *Nation's Child Welfare System Doubles Number of Adoptions from Foster Care*. Chicago, IL: Fostering Results, 2003.

³⁵The current IV-E income and other eligibility requirements are discussed in more detail as part of the second recommendation.

“I was ready to make a permanent commitment to my grandson but I was still going to be his grandmother, I was never going to be his mommy.”

- A family where termination of parental rights goes against a strongly held cultural norm, as in Native American cultures.
- An adolescent who, after a clear understanding of the options, does not wish to be adopted but desires a permanent connection with his relatives or a foster family.
- A situation where a parent’s physical, emotional or cognitive disability prevents him or her from being an active, permanent caregiver but where termination of parental rights is undesired and unwarranted.

Guardianship is a judicially created, permanent relationship between a child and a caretaker. Guardianship conveys the following parental rights to the child’s caretaker: custody; responsibility for the protection, education, and care and control of the child; and decision-making responsibilities as the child’s caretaker.³⁶ In most cases, legal guardians are relatives who have stepped in to care for children. Once guardianship is established, children are no longer in the custody of the state. For this reason, guardianship reduces government costs associated with agency oversight of foster care cases.

As is the case with adoption assistance, guardianship assistance can help strengthen families by partially supporting the needs of the children. More than 30 states currently provide subsidies to legal guardians. However, with the exception of states that currently have federal waivers in this area, states do not receive any federal IV-E reimbursement for their assisted guardianship programs.

To further the likelihood that more children will leave foster care for a permanent family, the Commission recommends that the federal government and the states share the cost of guardianship assistance for those states that choose to provide such assistance. For the federal government, guardianship assistance would become a IV-E reimbursable expense, and the federal match would be the same percentage as the match for foster care and adoption assistance. The estimated cost to the federal government of this recommendation would be approximately \$70 million in the first year of implementation.³⁷

Because our recommendation on guardianship assistance is intended to provide an additional route to permanence *specifically for children in foster care*, it should apply only under the following circumstances:

- When a child has been removed from his or her home and the state child welfare agency has responsibility for placement and care of the child;

GUARDIANSHIP ASSISTANCE

While the federal government shares in the cost of providing assistance payments to adoptive parents, it generally does not provide reimbursement for assistance payments to legal guardians. However, under the Title IV-E waiver program, several states have obtained waivers to test assisted guardianship programs as part of an overall effort to increase permanence for children involved in the child welfare system. One of these states, Illinois, has completed an extensive evaluation of its guardianship program. Illinois’ waiver program has been heralded as a successful example of how innovation, careful planning, and the removal of financing restrictions can result in improved outcomes for children. The evaluation found that over five years, assisted guardianship provided permanence for more than 6,800 children who had been in foster care, and that discussing all permanency options helped to increase the number of adoptions. In fact, during that same period, while assisted guardianship placements increased six-fold, adoptions from foster care doubled. As a result, the overall permanence rates for children in the demonstration group were 6.6 percentage points higher than those for children in the control group. The evaluation also found that children perceived guardianship as providing as much security as adoption. Children in both adoptive and guardianship placements reported feeling similar levels of safety, attachment, and well-being.¹

¹Children and Family Research Center. *Illinois Subsidized Guardianship Waiver Demonstration: Final Evaluation Report*. Urbana, IL: School of Social Work, University of Illinois at Urbana-Champaign, 2003.

³⁶See Section 475(7) of Title IV-E of the Social Security Act [42 U.S.C. 675].

³⁷This estimate was produced for the Commission by the Urban Institute. See Appendix A for the first-year and five-year costs of each of the following recommendations and for more discussion of how the cost estimates were developed.

- When a child has been under the care of the state agency for a given period of time, to be determined by the state;
- When a court has explicitly determined that neither reunification nor adoption are feasible permanence options for a particular child; and
- When a strong attachment exists between a child and a potential guardian who is committed to caring permanently for the child.

States' current guardianship programs vary considerably in terms of subsidy levels, licensing, and other requirements. We recommend that federal requirements related to guardianship assistance be consistent with federal requirements related to foster care and adoption. Thus, federal eligibility would require that assisted guardianship placements be licensed or approved according to state standards and state guardianship laws. Federal eligibility would also require that states undertake criminal record checks before guardianship is approved and that guardianship assistance payments not exceed either foster care maintenance or adoption assistance payments.

Recognizing that state decisions about subsidy levels for both guardians and adoptive parents are based on many factors, the Commission urges states to be mindful of the impact these decisions can have on promoting or discouraging permanence. For example, setting adoption or guardianship assistance at lower levels than foster care payments may hinder efforts to ensure permanence for children. This may be especially true when seeking permanence and stability for children with special needs.

2. Because every child needs to be protected from abuse and neglect, the Commission recommends that the federal government join states in paying for foster care for every child who needs this protection:

- ***Regardless of family income;³⁸***
- ***Including children who are members of Indian tribes; and***
- ***Including children who live in the U.S. territories.***

Protecting All Children Regardless of Income (“De-Linking”). Children must be physically and emotionally safe and protected wherever they live. Foster care was designed to protect children who cannot live safely in their own homes. The underlying financing structure obligates the federal government to share in a portion of the cost of foster care for every child whose family income is below the 1996 Aid to Families with Dependent Children (AFDC) income standards.³⁹ In contrast, states are obligated to provide protection to every abused or neglected child, regardless of family income.

To redress this imbalance and ensure that every child who is abused or neglected has the protection of *both* the federal and state governments, the Pew Commission calls for the elimination of income requirements⁴⁰ for federal foster care eligibility.

This recommendation reflects a deeply held principle within the Commission that every child who experiences abuse or neglect—not just every poor child—deserves the protection of both the federal and state governments. It would also allow states to redirect the administrative

³⁸Family income refers to the income of the family from which the child is removed.

³⁹Title IV-E income eligibility is based on each state's AFDC eligibility standards that were in place when that program was replaced by the Temporary Assistance for Needy Families block grant in 1996. The AFDC eligibility requirements include income, asset, and deprivation tests. Because the 1996 standards have never been adjusted for inflation, the number of children who meet IV-E eligibility requirements will continue to decline over time.

⁴⁰The proposed “de-link” from AFDC would also eliminate the AFDC asset and deprivation tests from IV-E eligibility determinations.

resources currently spent on determining income eligibility to services that protect children and support safe, stable families.

We recognize that removing the income eligibility requirement, often called “de-linking,” is a complicated process. Doing so while maintaining current federal reimbursement rates⁴¹ would pose a significant cost to the federal government. Specifically, based on data from fiscal year 2002, the federal costs of de-linking using the current federal reimbursement rates would be approximately \$1.6 billion annually.⁴² Federal reimbursement rates could be reduced to achieve cost-neutrality for the federal government, but this would create fiscal “winners” and “losers” among the states, leaving some in a worse financial position than they are under the current reimbursement system.

We searched for an approach that would be affordable for the federal government and fair to states, while still being faithful to the goal of ensuring all abused and neglected children the protection of both the federal and state governments. The Commission’s attention to controlling federal costs reflects the recognition that the pool of funding available for child welfare is not unlimited. We also believe that the primary focus of *new* federal spending should be on helping states develop the capacity to reduce an over-reliance on foster care use—rather than on foster care itself.

Given these considerations, we recommend an approach that is cost-neutral to both the federal government and the states. One way to do this would be to reduce each state’s current federal reimbursement rate by 35 percent - this reimbursement would apply to all children in foster care. To avoid creating any fiscal “losers,” states’ reimbursement claims would be adjusted to ensure that no state either loses or gains federal funding compared to what it would have received under current law.

Under this approach, states would continue to determine IV-E eligibility for the first three years of implementation in order to calculate what they would have received under the current eligibility rules. At the end of this three-year transitional period, states would negotiate with the U.S. Department of Health and Human Services (HHS) a fixed “claims-adjustment” amount to be applied in perpetuity. This negotiation would take into account the past three years of claiming data, as well as the state’s projected caseload and expenditure trends, helping to ensure that no state would lose federal funding. Appendix A describes this approach in more detail. Should Congress wish to consider approaches that are not cost-neutral, the Commission has identified two that merit consideration. These approaches are also described in Appendix A.

Extending Protection to Children in Indian Tribes and the U.S. Territories. Even with the elimination of income standards, two groups would remain outside of the federal-state partnership to protect children—children in Indian tribes and children who reside in the U.S. territories. Tribal governments, much like states, have the authority to provide child welfare services, yet unlike states, they are excluded from receiving direct IV-E funding to operate their child welfare programs.⁴³ Child welfare funding for U.S. territories is subject to a cap on federal

⁴¹Each state’s federal reimbursement rate is equivalent to its Federal Medical Assistance Percentage (FMAP), which is inversely related to per capita income.

⁴²This includes costs for both foster care and adoption assistance. This and other cost estimates associated with “de-linking” were produced for the Commission by the Urban Institute.

⁴³Not every tribe administers its own child welfare system. Some tribes that do administer their own systems negotiate with a state or states for a portion of the Title IV-E funds that the state(s) receives.

spending for Title IV-E, the Temporary Assistance for Needy Families block grant, and other programs. In both cases, these restrictions limit the capacity of tribes and territories to protect and serve abused and neglected children.

The Commission recommends that Indian tribes have the option to directly access funding for both Title IV-E and the Safe Children, Strong Families Grant (described in the following recommendation), through a negotiated process with HHS. Together, tribal leaders and HHS would develop a mutually acceptable plan and timeline for providing tribes with the technical assistance necessary to build their capacity to administer a child welfare system.⁴⁴ This plan would also address concerns about the relationship of autonomous tribes to the federal government and the states with respect to administration and enforcement of child welfare laws. In the case of U.S. territories, we recommend that they be treated the same as states with regard to Title IV-E and the Safe Children, Strong Families Grant. In the first year of implementation, the estimated cost to the federal government of each of these recommendations could total up to approximately \$15 million, for a combined total of \$30 million.

3. Because every child needs a permanent family, the Commission recommends allowing states to “reinvest” federal dollars that would have been expended on foster care into other child welfare services if they safely reduce the use of foster care. States could use these funds for any service to keep children out of foster care or to leave foster care safely.

The Commission sought multiple strategies to encourage child welfare agencies to focus early and consistently on achieving safety and permanence for children in foster care. Currently, when states reduce their foster care expenditures, they “lose” the federal share of savings associated with that reduction—even though keeping children out of foster care can require substantial investments in early intervention, treatment, and support once a child leaves foster care. These funds would provide an additional impetus to states to reduce over-reliance on foster care by allowing them to transfer the federal savings into a broad range of child welfare services intended to further reduce the need for foster care.

The ability to reinvest these dollars would encourage and provide tangible benefits to states that actively promote and achieve safe permanence for children. The concept behind this recommendation was originally included in the 1980 legislation that created Title IV-E. It was later advanced as “transferability and reinvestment” by the American Public Human Services Association,⁴⁵ and was most recently refined by researchers at the Chapin Hall Center for Children at the University of Chicago, who drew on findings from a research program they initiated in the early 1990s. States can reduce their use of foster care through any number of strategies, including prevention, early intervention, and family preservation to reduce the number of entries into foster care; intensive reunification services and follow-up services so children do not re-enter care after going home; increased adoptions; and increased guardianships.

Operationally, each state would project its annual foster care expenditures over a specified period of time given current practice.⁴⁶ If a state were able to reduce its foster care expenditures, the difference between the projected expenditures and the state’s actual expenditures would represent the foster care savings available to invest in other child welfare services. Given the

⁴⁴See the sixth recommendation for a discussion of set-aside funding for technical assistance.

⁴⁵Baker, M. *Transferability and Reinvestment in Child Welfare Financing*. Washington Memo. Washington, DC: American Public Human Services Association, 2001.

⁴⁶See Appendix A for a more detailed description of this recommendation.

technical challenges associated with projecting expenditures, we recommend that HHS, in consultation with the American Public Human Services Association, convene a panel of experts to determine the national standards by which expenditure baselines would be calculated. This approach maintains the federal entitlement for foster care, while providing states that successfully increase permanence with an additional source of flexible funds for child welfare services.

In addition to offering states a financial incentive to safely reduce use of foster care, this strategy would also maintain the federal government's share of child welfare spending. To ensure that states also maintain their level of spending, we recommend that states be required to match the federal savings at their foster care matching rates. This means that states could access the federal share of savings only when they are willing to reinvest the full share of their own savings. States that choose to divert their share of foster care savings to unrelated programs would forfeit the federal share as well.

Some observers of the child welfare system are concerned that incentives alone will not be sufficient to drive policy changes in some states. If this proves to be the case after the incentives have been in place for a reasonable period of time, Congress may wish to consider a penalty in the form of a lower federal reimbursement rate for the marginal foster care expenditures that exceed projections. Such a penalty would not be based on expenditures for any individual child—for example, based on the individual's length of time in care—but rather on the state's aggregate foster care use. The decision to apply such a penalty would take into consideration whether factors beyond the control of child welfare policy makers—such as a sudden upsurge in drug use—were driving the increase in foster care use.

4. Children need skillful help to safely return home to their families, join a new family, or avoid entering foster care in the first place. For caseworkers to provide this help, states need flexible, sufficient, and reliable funding from the federal government. The Commission recommends an indexed Safe Children, Strong Families Grant that combines federal funding for Title IV-B, Title IV-E Administration, and Title IV-E Training into a flexible source of funding. The Commission further recommends that additional funding be provided in the first year, and that the grant be indexed in future years.

- ***Each state's grant amount would be based on its historical spending for Title IV-B and Title IV-E Administration and Training;***
- ***In addition, the total base funding level would be enhanced by \$200 million in the first year of implementation;***
- ***In subsequent years, each state's allocation would grow by 2 percent plus the inflation rate, as measured by the Consumer Price Index; and***
- ***States would be required to match the federal grant funds, just as they currently are required to match federal IV-B and IV-E dollars.***

Children's needs must be met in a timely manner at every stage of their development. Yet, as noted earlier, the current federal financing structure limits states' ability to respond appropriately to the unique needs of the children in their care, since the vast majority of federal dollars available for children who are abused and neglected are restricted to the costs of foster care.

For many children, foster care is indeed the best immediate option to keep them safe. Once in care, however, children need assistance beyond the protection of a foster home. This assistance

is difficult for caseworkers to provide when they do not have the flexibility to obtain or provide specific types of help. For example, if returning home is a goal, as it is in many cases,⁴⁷ parents need services, treatment, or training to provide a safe and nurturing environment in their home. Children are likely to spend more time than necessary in foster care when their caseworkers do not have the resources to provide or secure the kinds of assistance that might allow them to return home safely or prepare them to join another family.⁴⁸

The proposed Safe Children, Strong Families Grant is intended to: (1) address the need for greater flexibility in how states can use federal dollars to help abused and neglected children; and (2) provide states with a reliable, mandatory source of federal dollars to build a continuum of services so that children's needs can be met quickly and in a developmentally appropriate way.

Building a Continuum of Services. The indexed Safe Children, Strong Families Grant extends the flexibility of Title IV-B to the administration and training components of IV-E. Title IV-E administrative dollars help pay for casework—the day-to-day work to ensure the safety of children in foster care, to move them from foster care to safe and permanent homes and to provide the support necessary to keep children safely with their families. Title IV-E training dollars pay for a significant portion of the cost of training caseworkers in public agencies. Together, IV-E Administration and Training account for nearly half of all federal IV-E foster care and adoption assistance expenditures—about \$3.1 billion in FY 2004.

This new flexibility will mean that states can use a significant share of their federal child welfare funding as they see fit to meet the needs of children—specifically, for any child welfare purpose currently allowed under IV-B, except for foster care maintenance payments. The grant is not intended to pay for services administered by other agencies to which children or their parents are entitled, such as health, mental health, and case management services that are covered by Medicaid. It would also give states broad flexibility to use their funds to train any personnel who are responsible for administering child welfare services. In addition, training funds could be used to provide cross-training for public and private child welfare employees and court personnel, guardians ad litem or other court-appointed advocates. This will help states create a workforce that is adequate and competent to meet the needs of children.

To underscore the imperative for states to develop a full continuum of child welfare services, we further recommend that every state's child welfare services plan demonstrate how officials will address the child welfare needs of children and families across the full continuum of services. States' child welfare services plans must be approved by HHS and are a prerequisite for states to receive federal foster care and child welfare funds.⁴⁹ In particular, as under current law, states should continue to demonstrate that they are investing in family preservation services, community-based family support services, time-limited family reunification services, and adoption promotion and support services. In addition, these state plans should demonstrate how the state is utilizing the funds to address the program improvements described in their Program Improvement Plans, discussed below.

⁴⁷On the last day of FY 2001, the permanency goal for approximately 44 percent of children in foster care was to reunify with a parent or principle caretaker. Based on the latest federal statistics on foster care supplied by the states for the Adoption and Foster Care Analysis and Reporting System (AFCARS). See U.S. Department of Health and Human Services. *The AFCARS Report: Preliminary FY 2001 Estimates as of March 2003*. Washington, DC: DHHS, 2003. Available online at <http://www.acf.hhs.gov/programs/cb/publications/afcars/report8.htm>.

⁴⁸Large caseloads also compound the difficulties caseworkers face in accessing appropriate services for the children and families they serve. See our sixth recommendation for further discussion and recommendations regarding the child welfare workforce.

⁴⁹Currently, to be eligible for federal child welfare funds under Titles IV-B and IV-E, states are required to submit a "State Plan for Child Welfare Services." Specific descriptions and requirements of state child welfare plans can be found in Section 422 [42 U.S.C. 622] and Section 432 [42 U.S.C. 629b] of Title IV-E of the Social Security Act. HHS requires that these plans be submitted as part of a consolidated five-year Child and Family Services Plan. States must also submit annual progress reports regarding this consolidated plan.

Additional Funding. The Commission recognizes that flexibility alone is not enough to enable states to build a full continuum of services to meet the needs of children who are abused or neglected. Additional federal funding is needed if states are to improve child welfare outcomes. Accordingly, we recommend providing an additional \$200 million in federal funding for the Safe Children, Strong Families Grant above the current IV-B and IV-E Administration and Training funding levels. We further recommend that, after the first year, the proposed grant be indexed to an annual growth factor—specifically, the sum of the Consumer Price Index plus 2 percent—to ensure that funding not only keeps pace with inflation but also grows over time. This index is intended to ensure that states have a steady, reliable source of funds to build the continuum of services needed to ensure safety, permanence and well-being for all children. The estimated cost of the additional indexed funding is approximately \$855 million over five years.

We recognize that proposals to convert portions of an open-ended entitlement to capped funding create unease in some quarters. Thus the Commission sought to avoid possible erosion in the value of the Safe Children, Strong Families Grant by indexing it. As a further protection against cuts in this funding in future years, Congress may wish to consider a “snap-back” provision so that, at any time, should the grant not be fully funded, the IV-E Administration and Training functions would revert to their former open-ended entitlement status.

We recommend that funding allocations to states be based on states’ historical allocations. To maintain states’ share of child welfare funding, we recommend that states be required to match the federal grant funds, just as they are currently required to match federal IV-B and IV-E funds. The state match requirement is discussed in more detail in Appendix A. In addition to the match requirement, states’ plans should demonstrate maintenance of their child welfare spending levels.

5. To guarantee that public funds are used effectively to meet the needs of children who have been abused or neglected and to increase public accountability, the Commission recommends improvements to the federal Child and Family Services Reviews (CFSRs).

- ***The CFSRs should include more and better measures of child well-being, use longitudinal data to yield more accurate assessments of performance over time, and HHS should direct that a portion of any penalties resulting from the review process be reinvested into a state’s Program Improvement Plan;***
- ***The federal government should continue to help states build their accountability systems by maintaining the federal match for State Automated Child Welfare Information Systems; and***
- ***Congress should direct the National Academy of Sciences, through its Board on Children, Youth, and Families, to convene a foster care expert panel to recommend the best outcomes and measures to use in data collection.***

Societies measure what they value. Reliable data that measure progress over time are essential to designing and operating a child welfare system that fulfills its obligations to the children in its care. Without this information, states are unable to identify and respond to those children who enter foster care most frequently, leave at the slowest rate, and get lost or forgotten in the system.⁵⁰ The capacity to collect and utilize longitudinal data is also a prerequisite for calculating the federal foster care “savings” that states could reinvest as discussed above. Most importantly,

⁵⁰Such data can be particularly helpful to states seeking to reduce the disproportionate representation of children of color in their child welfare systems.

reliable data that are publicly available shine a spotlight on the needs of children who have been abused and neglected and on public officials' efforts to meet those needs.

Most states and the federal government use point-in-time data, which measure how many children are in care on a given day, where they are placed, and so on. This gives states a quick "snapshot" of their system. However, because the most difficult cases are in placement for the longest period of time, and thus more likely to be counted on a given day, point-in-time data do not offer an overview of the strengths and weaknesses of the system as a whole and may in some cases provide a distorted view. For example, a state that has found adoptive homes for children who have been in foster care for very long periods of time – a highly desirable outcome – will actually score poorly on the "length of time to achieve adoption" measure as it is currently constructed. Longitudinal data will more accurately reflect states' progress toward improving outcomes for all children in foster care and will more appropriately drive child welfare practices and decision-making in desired directions.

Accountability through the Child and Family Services Reviews. Currently, the federal Child and Family Services Reviews (CFSRs) are the principal tool for assessing how well states and localities are meeting the goals of safety, permanence, and well-being for children in foster care. The CFSRs are extensive state-by-state reviews of progress toward basic outcomes for children who have been abused or neglected. Congress required the CFSRs as part of the Social Security Amendments of 1994.⁵¹ This was a major and laudable step forward in measuring—and publicly reporting on—the effectiveness of public policies to protect children from abuse and neglect, secure or support safe, permanent families for these children, and ensure that children in the state's protective custody have their basic needs met, as well as their educational, physical health, and mental health needs.

The CFSR process is linked directly to creation of state plans of action for addressing weaknesses identified through the review. It thus represents an important milestone in child welfare policy—the creation of an accountability system based on outcomes for children. States are required to submit their Program Improvement Plans to HHS, and face financial consequences for failure to improve after a period of time. Between 2001 and 2004, HHS completed the first round of CFSRs for all 50 states, the District of Columbia, and Puerto Rico. None of the states with final CFSR reports achieved substantial conformity on all of the review measures.⁵² Under the provisions of the Adoption and Safe Families Act, if these states continue to be in non-conformity after two years, they will be assessed a financial penalty.

The Commission recommends that Congress and HHS take three specific steps to make the CFSRs an even more effective tool for improving outcomes for children:

- Substantively, the Commission recommends including more and better measures of actual well-being, such as health status and educational achievement, to supplement the process measures currently included in the CFSRs;
- Methodologically, the Commission recommends the use of longitudinal data, rather than point-in-time data, to produce more complete and accurate assessments of states' progress;⁵³ and
- Procedurally, the Commission recommends that a portion of the financial penalties resulting from the CFSR process be reinvested in a state's child welfare system to address

⁵¹Public Law 103-432.

⁵²U.S. General Accounting Office. *Child and Family Services Reviews: Better Use of Data and Improved Guidance Could Enhance HHS's Oversight of State Performance*. GAO-04-333. Washington, DC: GAO, April 2004.

identified shortcomings. Reinvestments should be made at the direction of HHS as part of its review and approval of the state's Program Improvement Plan.

To ensure that states have the tools and technology necessary to track and analyze outcomes for children in foster care, we recommend that federal IV-E funding to build the capacity of the State Automated Child Welfare Information Systems (SACWIS) remain an open-ended entitlement at the current 50 percent federal matching rate. Researchers at the Chapin Hall Center for Children at the University of Chicago estimate that at least 40 states have the data capacity to begin using longitudinal data within a year.⁵⁴ Until the remaining states have developed the same capacity, there are reasonable substitutes that can be used in the interim to measure progress.

Measuring Well-Being. *How* to measure well-being—particularly for children who may be in state custody for only a limited period of time—is a complex task. *Whether* to measure it is also a controversial issue, especially among some public officials who fear that their agencies will be held accountable for outcomes beyond their control. Recognizing both the importance and the sensitivity of the task, the Pew Commission urges Congress to call on the National Academy of Sciences, through its Board on Children, Youth, and Families, to convene an expert panel to recommend appropriate outcomes and measures, particularly related to child well-being. The Commission also urges HHS to convene an expert advisory group to periodically review the measures and methodology to ensure that they remain timely and appropriate.

6. To promote innovation and constant exploration of the best ways to help children who have been abused and neglected, the Commission recommends that the federal government:

- ***Expand and improve its successful child welfare waiver program;***
- ***Continue to reserve funds for research, evaluation, and sharing of best practices; and***
- ***Provide bonuses to states that (1) make workforce improvements and (2) increase all forms of safe permanence for children in foster care.***

The shortcomings of the child welfare system are well known even to casual observers—from high-profile tragedies to the daily struggles of overloaded caseworkers and judges. In the midst of all of this bad news, it is easy to lose sight of the benefits achieved in states, localities, and courts across the country as a result of innovative policies and rigorously evaluated experimental programs. Positive outcomes include increases in adoptions from foster care in every state; the successful use of guardianship assistance; the potential of wrap-around services such as those being tested in Santa Clara County, California and Milwaukee, Wisconsin; and the effectiveness of performance-based contracting in Illinois, New York City, and Kansas.

Promoting Innovation and Evaluation. Improving outcomes for children in foster care or at risk of entering care requires more than a handful of success stories. It will require experimentation on a broad scale, rigorous evaluation, and aggressive dissemination of proven practices. Federal child welfare waivers have encouraged such innovation in several important areas, and performance bonuses have encouraged innovative and successful efforts by states to increase adoptions from foster care. To encourage more such innovation on behalf of children, the Commission recommends expansion and improvement of the federal child welfare waivers,

⁵⁴For example, a state that has found adoptive homes for children who have been in foster care for very long periods of time—a highly desirable outcome—will actually score poorly on the “length of time to achieve adoption” measure as it is currently constructed. Longitudinal data will more accurately reflect states’ progress toward improving outcomes for all children in foster care and will more appropriately drive child welfare practices and decision-making in desired directions.

⁵⁵According to Fred Walczyn, Research Fellow, Chapin Hall Center for Children at the University of Chicago (personal communication, May 4, 2004).

retention of existing research and evaluation set-asides, and broader use of performance-based bonuses.

The current child welfare waiver program was designed to allow states to use federal funds to test innovative approaches to delivering and financing child welfare services with the goal of advancing best practices. While waivers have enabled states to successfully implement new programs, critics have pointed out some shortcomings in the current waiver program. A common critique is that HHS is limited in the number and types of waivers it may approve.

The indexed Safe Children, Strong Families Grant would give states greater flexibility to use federal child welfare dollars to serve the unique needs of their child welfare population. Beyond this flexibility, however, we recognize the continuing need to test innovative uses of IV-E foster care maintenance funds for populations not currently served with those funds. The Commission recommends improving the current waiver program by eliminating the cap on the number of waivers HHS may approve and permitting HHS to approve waivers that replicate waiver demonstrations that have already been implemented in other states. We further recommend that HHS streamline the waiver application and approval process to underscore the importance the Department places on encouraging the development of best practices. Finally, we recommend that HHS urge states to solicit waiver applications from their counties and cities to encourage and support practice innovation at the local level.

States will want to invest their flexible Safe Children, Strong Families funds wisely. In choosing how to allocate their funds, many states may benefit from the experiences of other states' financing and policy approaches. Ongoing evaluation is essential to the development of a set of "best practices" that states can draw on to improve their child welfare systems. The Commission therefore recommends retaining the Title IV-B evaluation, research, training and technical assistance set-asides to continue to test new approaches and disseminate successful results.

Child Welfare Workforce. Recognizing the fundamental role that caseworkers play in the lives of children and families in the child welfare system, the Commission also recommends creating a financial incentive for states to improve the quality of their child welfare workforce. For states that meet certain workforce targets, the federal government would provide a one percentage point increase in the match rate for the Safe Children, Strong Families Grant. The enhanced match rate would provide an incentive for states to continue to make investments in two critical areas: (1) improving the competence of the overall workforce and (2) lowering caseloads. The additional federal funds associated with the higher federal match rate could only be used for activities within the Safe Children, Strong Families Grant, and could not be used to replace state investments in these activities. We estimate that this recommendation could eventually result in increased federal costs of about \$30 million annually.

Across the country, there is significant variation in the level of training, education and experience of child welfare caseworkers and their supervisors. Similarly, average caseload size varies widely. While some research indicates that caseload size should not exceed 15 cases per worker, research also indicates that other factors including case mix and the types of activities required are also related to improved outcomes for children.⁵⁵

⁵⁵Tittle, G. *Caseload Size in Best Practice Literature Review*. Urbana, IL: Children and Family Research Center, School of Social Work, University of Illinois, 2002; U.S. General Accounting

In addition to caseload size, caseworker education is also directly related to performance and outcomes for children. Research has demonstrated that higher education, specifically toward a Master's degree in Social Work, appears to be the best predictor of overall performance in social service work⁵⁶ and that child welfare staff with a Bachelor's or Master's degree in Social Work are more effective in developing successful permanence plans for children in foster care.⁵⁷

Some states and localities have begun to address these issues. For example, in states that have developed caseload size standards, the range for caseworkers supervising children in out-of-home placements is between 17 and 23, while the range for child protection investigators is between nine and 15. Some agencies, for example New York City's Administration on Children's Services, have also begun to require social work degrees and other demonstrations of competence for caseworkers and supervisors. The Commission recommends that HHS convene a collaborative working group of state officials, professional organizations and researchers to (1) review existing standards from a variety of national and state sources and (2) recommend a national set of "best practice" standards for both worker competence and caseload size. States that meet and maintain those standards would receive the higher federal match rate.

Increasing Safe, Permanent Families. The Adoption Incentives program, which was recently reauthorized through FY 2008, provides incentive payments to states that increase the number of children who are adopted from foster care. States receive enhanced incentives for increasing adoptions of older children and children with special needs. This program has sent an important signal to states about the urgency of providing a safe and stable home to children who cannot return to their families of origin. It has also helped states build the infrastructure to recruit, train, and support adoptive families.

We recommend creating a new Permanence Incentive that would be modeled on the Adoption Incentives program but would include two other types of safe and stable permanence: reunification with the child's family of origin and guardianship. Reunification is likely to be in a child's best interests when a parent, often with the help of services provided by the child welfare agency, has made the changes that address and remedy the problems that led to the child being placed in foster care. When a child's needs for safety and well-being can be met in the parents' home, reunification as a permanence outcome should be

IMPROVING THE PUBLIC CHILD WELFARE WORKFORCE THROUGH ACCREDITATION

The Council on Accreditation (COA) provides public child welfare agencies with a process of on-going quality improvement through which agencies demonstrate that they are meeting quality standards. COA accreditation assures that an agency is frequently evaluating and meeting the recognized standards of its field with respect to policies and procedures, service delivery, and organizational management and administration.

COA assesses caseload size and worker competency. Three states—Illinois, Louisiana and Kentucky—have achieved COA accreditation, and eight are in the process of achieving accreditation. Seventy-four county child welfare agencies in twelve states (California, Colorado, Florida, Georgia, Illinois, Kentucky, Maryland, Michigan, New Jersey, North Carolina, Ohio, and Texas) have achieved accreditation through COA.

Source available online: http://www.coanet.org/front_end/index.cfm

ADOPTION INCENTIVES PROGRAM

The Adoption Incentives program, established by the Adoption and Safe Families Act of 1997, provides incentive payments to states that increase the number of adoptions from the public child welfare system. States report that they have used their incentive payments to recruit and train adoptive families and provide post-adoption services.

During the first five years of the Adoption Incentives program, adoptions from foster care increased substantially—from 31,000 in 1997 to approximately 51,000 in 2002. In all, an estimated 238,000 adoptions were completed during this time. All states, the District of Columbia, and Puerto Rico have earned awards for increasing their adoptions in at least one of the five years.

Based on the program's success, in 2003 it was reauthorized and expanded to include an additional incentive to encourage states to increase the number of adoptions of older children.

Office, Child Welfare: HHS Could Play a Greater Role in Helping Child Welfare Agencies Recruit and Retain Staff. GAO-03-357. Washington, DC: GAO, March 2003. This report suggests the merit of establishing reasonable worker-caseload ratios and cites caseload standards recommended by the Child Welfare League of America and the Council on Accreditation for Child and Family Services.

⁵⁶Booz-Allen & Hamilton. *The Maryland Social Service Job Analysis and Personnel Qualifications Study*. Baltimore, MD: Maryland Department of Human Resources, 1987.

⁵⁷Albers, R., and Albers, R. *Children in Foster Care: Possible Factors Affecting Permanency Planning*. Child and Adolescent Social Work Journal (1993) 10 (4) 329-341.

encouraged and supported. Guardianship, as noted earlier, can be an effective way of securing a permanent family for children in foster care when reunification and adoption have been ruled out.

Under this enhanced Permanence Incentive, states would receive incentive payments for increasing the percentage of children who leave foster care through one of three paths to safe permanence: reunification, adoption, or guardianship. Payment levels would be equal for all three types of permanence. Similar to the existing Adoption Incentives program, states would receive enhanced payments for increasing their rates of permanence for older children and children with special needs.

Children's health and safety must always be paramount. Therefore permanence decisions must be driven by safety, stability, and the child's best interests. Moreover, to avoid the unintended consequence of moving children out of foster care too quickly or moving them to unsafe or unstable homes, permanence rates would be based on the number of placements that last at least 12 months. In addition, states would be eligible to receive incentive payments only if their *overall* permanence rate increased, and only if their overall rates of re-entry into foster care did not increase. For example, to be eligible for reunification incentive payments, a state would have to maintain or increase its rates of adoption and guardianship. States that increased their rates of permanence in all three areas would receive three sets of incentive payments—one each for adoption, reunification, and guardianship. The incentive payments could be used for any activities within the Safe Children, Strong Families Grant and could not replace state investments in these activities.

CONCLUSION

Taken as a whole, the Pew Commission's financing proposals meet several important objectives. First and foremost, they focus on improving outcomes for children in foster care and children at risk of entering care, consistent with our guiding principles. They recognize and strengthen the federal-state funding partnership to protect and nurture abused and neglected children by preserving the federal entitlement for foster care maintenance. They provide states with much a reliable source of flexible funds for services to children in the child welfare system, support additional approaches to achieving safe permanence, and offer incentives to improve outcomes for children. Importantly, the Commission calls for a stronger and more accurate accountability system, so that the public can assess whether its investments are resulting in safer children, greater permanence for children who have been removed from their homes, and a child welfare system that promotes well-being.

In developing its recommendations, the Commission was very aware of the fiscal constraints facing the federal government and the states. With that in mind, our proposals use existing dollars more effectively and invest a relatively modest amount of new dollars *in the right places*. Ultimately, our elected officials will decide whether and how to alter federal financing for child welfare. In doing so, we urge them to give careful consideration to the recommendations offered here.

STRENGTHENING COURTS

I think there is probably no work that's of more value...But we put our newest lawyers on these cases. We force judges in some states to rotate through family court...And then we don't do enough training. . . So I think that we have to take all of these issues on if we're really serious about children as a priority.

-The Honorable Kathleen Blatz, Chief Justice, Minnesota Supreme Court

The courts act for all of us to make certain that children are protected. No child enters or leaves foster care without the approval of the court. No reunification, adoption, or guardianship happens without the court's approval. Judges⁵⁸ in these cases make decisions that fundamentally alter the lives of the children and parents before them, for better or worse. Courts are charged with ensuring that the basic rights of children and parents are respected when children are placed in the custody of the state. Courts are further responsible for ensuring that public officials meet their legal responsibilities to these children -- to keep them safe, to secure permanent homes, and to promote their well-being during the time when the state is acting as parent to a child.

The work of the dependency court⁵⁹ is profound and far-reaching. Judges wrestle every day with how best to ensure the safety and care of children, protect the rights of parents, and respect the centrality of family in American society. Their decisions may affirm or dissolve some family ties and create others. They affect both the current circumstances and future prospects of the children who pass through the courts.

Yet the dependency courts are often undervalued entities within the judicial system. The public is largely unaware of the depth of the court's responsibility in cases of abuse and neglect and has little information on its effectiveness in protecting children and promoting their well-being. Within the larger state court system, dependency courts compete for resources with higher-profile criminal and civil courts.

The nature of judicial work in dependency court is different from judicial work in other areas of the justice system. When done well, it entails consultation with executive branch agencies, outreach to the community, and a commitment to legal proceedings that rely more on a problem-solving approach than on the traditional adversarial process. It also entails oversight that extends well beyond placing a child in foster care to include ensuring that children in out-of-home care receive the safety, permanence, and well-being promised them in federal and state law.

Dependency courts should be important and valued in every state. For this to happen, the judicial leadership of every state must make strengthening and supporting the dependency courts a top priority. Resource allocations are made at the top levels by Chief Justices and Supreme Courts.⁶⁰ Codes of judicial conduct are generally promulgated at this level -- codes that may encourage or discourage problem-solving approaches to dependency cases. If the top people in the system model collaboration with executive branch agencies, then there is an expectation that productive ties between local courts and child welfare agencies will be the norm, not the exception. Court leadership can send a powerful message regarding the court system's accountability for children in public custody.

⁵⁸Throughout this chapter, we use the term "judges" for ease of reading, although we recognize that quasi-judicial officers also hear dependency cases.

⁵⁹Throughout this chapter, we use the term "dependency courts" for those courts that have jurisdiction over cases involving children who are abused or neglected. These courts may also be known as juvenile and family courts. In addition, some tribal and general trial courts may have jurisdiction over these cases. Each state has its own terms and definitions related to jurisdiction of these cases, and each state has its own court structure for handling these cases.

⁶⁰We recognize that the terms used to refer to the top decision-making body in state courts vary across the states. For ease of reading, we use the terms "Chief Justice" and "Supreme Court" throughout this chapter.

Across the country, there are shining examples of exceptional judges and dependency courts. These courts are well organized and well run. They protect the children who come before them. They track and analyze their aggregate caseloads to identify and address those children who come into foster care at the fastest rates, leave at the slowest rates, or are lost or overlooked by an overburdened child welfare system. They use their data to identify and address sources of delay in the court system. They apply the “best practices” of problem-solving courts. They work collaboratively with the public and private agencies responsible for the day-to-day care of children.

Similarly, in a handful of states, there are Chief Justices, Supreme Courts, and judicial councils that have given priority status to the dependency courts.⁶¹ These court systems have devised strategies unique to their specific states, but share the common goal of equipping courts to meet their responsibility for ensuring the safety, permanence, and well-being of children in the public’s care.

The decisions made in dependency courts every day have powerful and life-long implications for children and families. No child or parent should face the partial or permanent severance of familial ties without a fully informed voice in the legal process. Some state courts have made significant investments to improve attorney training and compensation so that children and parents have an informed and effective voice in court. Even when less shattering decisions are made, judges need to hear from the people who will be most affected by their decisions – children, parents, siblings and other relatives, foster and adoptive parents. Around the country, some state court systems, bar associations and voluntary organizations such as Court Appointed Special Advocates (CASA) have also helped give children and parents a more effective voice in dependency court proceedings.

RECOMMENDATIONS FOR CHANGE

The Pew Commission applauds the efforts of these courts, judges, attorneys, and volunteers, and wants their experiences to be the norm across the country, rather than noteworthy exceptions. Our court recommendations identify policy levers that can improve the oversight of child welfare cases in literally thousands of courts throughout the nation. These recommendations focus on ensuring that courts have the tools and information needed to fulfill their responsibilities to children and to the public trust. They call for tangible forms of communication and collaboration between the courts and agencies, improved training and resources for judges and attorneys who practice in this area of law, and strengthening the voice of children and families whose cases are heard in dependency courts. We call, in particular, for forceful leadership from Chief Justices and state court leadership to ensure that children’s cases receive high priority. We also call for new resources, specifically targeted investments of federal funds that will leverage significant change in state courts and result in improved outcomes for abused and neglected children.

The Commission’s court recommendations call for:

- Adoption of court performance measures by every dependency court to ensure that they can track and analyze their caseloads, increase accountability for improved outcomes for children, and inform decisions about the allocation of court resources;

⁶¹See, for example, the work of the court leadership in the following states: California’s Center for Families, Children and the Courts, information available at www.courtinfo.ca.gov/programs/CFCC; New York’s Permanent Judicial Commission on Justice for Children, information available at www.courts.state.ny.us/ip/justiceforchildren/index.shtml; Minnesota’s Children’s Justice Initiative, information available at www.courts.state.mn.us/childrenjustice; and Michigan’s Child Welfare Services Director, information available at www.courts.michigan.gov/supremecourt/press/ogrady.pdf.

- Incentives and requirements for effective collaboration between courts and child welfare agencies on behalf of children in foster care;
- A strong voice for children and parents in court and effective representation by better trained attorneys and volunteer advocates;
- Leadership from Chief Justices and other state court leaders in organizing their court systems to better serve children, provide training for judges, and promote more effective standards for dependency courts, judges, and attorneys.

These recommendations, when enacted as a package, will create conditions that encourage every judge and every court to adopt proven and promising court practices. They will also increase court accountability for ensuring that every child reaches permanence as quickly as possible. They will lead to court improvements that persist beyond the tenure of individual judicial leaders. Taken together, these recommendations provide judicial leaders with the tools and strategies to fulfill the Commission's child-centered principles for every child who comes into contact with dependency courts.

To this end, we offer the following recommendations to strengthen and support the nation's dependency courts in their critical work on behalf of the children before them.

1. Courts are responsible for ensuring that children's rights to safety, permanence and well-being are met in a timely and complete manner. To fulfill this responsibility, they must be able to track children's progress, identify groups of children in need of attention, and identify sources of delay in court proceedings.

- ***Every dependency court should adopt the court performance measures developed by the nation's leading legal associations⁶² and use this information to improve their oversight of children in foster care.***
- ***State 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.***
- ***Congress should appropriate \$10 million in start-up funds, and such sums as necessary in later years, to build capacity to track and analyze case loads.***

Using Data Well. Effective judges understand the dynamics of their caseloads. These judges can identify the groups of children most likely to languish in foster care and will know why. They can assess how quickly cases move through each stage of the court process and where delays are most likely to occur. They know the percentage of children in their caseload who leave foster care only to reenter because of subsequent abuse or neglect, and they can identify the most common circumstances for repeat victimization.

Armed with this kind of information, some courts across the country have instituted practices that reduce needless delays that

CASE TRACKING AND THE EFFECTIVE USE OF DATA BY COURTS

Judges who use data in their courts have found it useful for a number of purposes, including, as Judge David Grossmann, former presiding judge of the Hamilton County Juvenile Court, puts it, "determin[ing] the dimension of the problem." Judge Grossmann identifies several advantages of collecting data. One advantage is that the data can be used to "hold the court accountable.... The other advantage is that once you have the data, ... getting the necessary funding from both county and state officials is a much easier task.... Suddenly it's pretty hard to argue that...you're not entitled to the necessary resources to resolve those problems."

⁶²The American Bar Association's Center on Children and the Law, National Center for State Courts, and National Council of Juvenile and Family Court Judges. *Building a Better Court: Measuring and Improving Court Performance and Judicial Workload in Child Abuse and Neglect Cases*. Los Altos, CA: The David and Lucile Packard Foundation, 2004. See Appendix B for a more detailed description of the court performance measures.

harm children. In doing so, they have identified and focused on overlooked groups of children, demonstrated the need for additional resources or the redeployment of existing resources, and most importantly, hastened children's movement out of foster care and into safe, permanent homes. Use of data in this way may be an important first step in addressing other systemic issues within the child welfare system. For example, evidence from the courts of over-representation of children of color may lead to collaborative efforts between the courts and child welfare agencies to rectify this situation.

Why haven't more courts moved to implement case tracking and other data management tools? Some judges may lack access to the information and training to do so. Others may fear that doing so will require expensive management information systems, and still others may have concerns about how the information, once collected, will be used by state court leadership, elected officials, and the media.

In response to these concerns, the American Bar Association, the National Center for State Courts, and the National Council of Juvenile and Family Court Judges developed a set of court performance outcome measures by which courts across the country can assess their own performance in accordance with the goals of the Adoption and Safe Families Act.⁶³ A compilation of these measures can be found in Appendix B of this report. These court performance measures can help state courts ensure timely and appropriate permanency decisions for children unable to return home; improve judicial decision-making; and improve the overall fairness of child abuse and neglect proceedings for all involved.

Aggregate data on court performance is also essential information to Chief Justices and state Supreme Courts as they monitor the performance of dependency courts, decide on strategies to support best practices in these courts, allocate resources across the court system, and discuss court appropriations with their legislatures.

Data on the experiences and outcomes of children in the dependency courts can underscore for the public and decision makers the courts' responsibilities in protecting children who have experienced abuse and neglect and in monitoring their care while in the custody of the state. The Commission calls on state court systems to make this aggregate information publicly available. This is the same standard to which public child welfare agencies are held. Indeed, in the case of public child welfare agencies, publication of the results of the Child and Family Services Reviews has led to heightened citizen awareness of the challenges of meeting the needs of children in foster care and greater stakeholder involvement in developing strategies for addressing these needs.

Building Court Capacity. Unlike public child welfare agencies, courts have not had access to dedicated federal assistance to develop the capacity to gather and track information necessary to protecting children in the state's custody. While federal IV-E funds are available for public child welfare agencies to develop statewide automated child welfare information systems, federal dollars are not similarly available to help courts track critical

TRACKING CHILDREN'S PROGRESS ACROSS COURTS AND AGENCIES

Both the court and public agencies in the executive branch must be aware of the status of every child under their supervision. To this end, Utah is currently re-engineering its juvenile justice information system so that all state and local entities involved in children's lives, including the court, the child welfare agency, law enforcement agencies, and schools, can identify and track data about a child involved in the child welfare or juvenile justice systems. The project's mission is to enhance communication and cooperation between those government entities in order to achieve better outcomes for children.

⁶³The American Bar Association's Center on Children and the Law, National Center for State Courts, and National Council of Juvenile and Family Court Judges. *Building a Better Court: Measuring and Improving Court Performance and Judicial Workload in Child Abuse and Neglect Cases*. Los Altos, CA: The David and Lucile Packard Foundation, 2004.

information about children under the supervision of the dependency courts – even though court actions are reported on in the federal Child and Family Services Reviews.

Recognizing that state court resources are limited, we call upon Congress to appropriate at least \$10 million to help state courts build their capacity to monitor the experiences and outcomes of children in the dependency courts. Potential legislative vehicles for such an appropriation include the Strengthening Abuse and Neglect Courts Act (SANCA), which has already authorized funding in this amount for court case tracking, and the Court Improvement Program (CIP), which provides funds directly to state Supreme Courts specifically to improve the operations of the dependency courts. Access to these funds should be contingent upon developing a joint plan between the state child welfare agency and the courts for collaboration and sharing of data and information.⁶⁴ The Commission further recommends that in subsequent years, Congress provide such sums as necessary for implementation of these plans.

2. To protect children and promote their well-being, courts and public agencies should be required to demonstrate effective collaboration on behalf of children.

- ***The Department of Health and Human Services (HHS) should require that state IV-E plans, Program Improvement Plans, and Court Improvement Program plans demonstrate effective collaboration.***⁶⁵
- ***HHS should require states to establish broad-based state commissions on children in foster care, ideally led by the state's child welfare agency director and the Chief Justice.***
- ***Congress should appropriate \$10 million to train court personnel, a portion of which should be designated for joint training of court personnel, child welfare agency staff, and others involved in protecting and caring for children.***
- ***Courts and agencies on the local and state levels should collaborate and jointly plan for the collection and sharing of all relevant aggregate data and information, which can lead to better decisions and outcomes for children.***

Although child welfare agencies and the courts share responsibility for improving outcomes for children in foster care, institutional barriers and long-established practices often discourage them from collaborating. Effective collaboration requires that both entities change the way they think about their respective roles, responsibilities, and priorities and engage in a new way of doing business together. Jurisdictions in which courts and agencies have been able to make this shift have yielded better results for children.

State Plans. The Pew Commission recommends that Congress require meaningful collaboration between child welfare agencies and courts in the development of all state IV-E plans, Program Improvement Plans (PIP), and Court Improvement Program plans. Currently, in order to be eligible for federal child welfare funds under Titles IV-B and IV-E of the Social Security Act, states are required to submit a “State Plan for Child Welfare Services.”⁶⁶ While the law requires states to demonstrate some coordination of services, the courts are not specifically mentioned.⁶⁷ States are also required to undergo a federal review process, the Child and Family Services Review (CFSR), which is designed to measure each state’s performance in

⁶⁴For further discussion about data sharing between courts and agencies, please refer to the section on collaboration below.

⁶⁵Tribal courts and service agencies should be included in the development and implementation of all plans.

⁶⁶Specific descriptions and requirements of state child welfare plans can be found in Sec. 422 [42 U.S.C. 622] and Sec. 432 [42 U.S.C. 629b] of the Social Security Act.

⁶⁷Sec. 422 [42 U.S.C. 622] (b)(2) of the Social Security Act requires that states must “provide for coordination between the services provided for children under the plan and services and assistance provided under Title XX, under the State program funded under part A, under the State plan approved under subpart 2 of this part, under the State plan approved under part E and under other State programs having a relationship to the program under this subpart, with a view to provision of welfare and related services which will best promote the welfare of such children and their families.”

child abuse and neglect cases. Each state must then develop a PIP to demonstrate how they will improve in those areas in which they are not in substantial conformity with the federal requirements. Although some of the CFSR measures report on court activities, there is no requirement for court-agency collaboration in developing and implementing the PIP.

We also recommend that Congress amend Title IV-E and that HHS amend the PIP guidelines by adding a requirement for state agencies to demonstrate substantial, ongoing, and meaningful collaboration with state courts in the development and implementation of both plans. Where applicable, this collaboration should also include leadership from Indian tribes. Agencies and courts can demonstrate meaningful collaboration by meeting regularly to review policies and procedures, sharing data and information, providing joint training, and engaging in other ongoing efforts.

Congress and HHS should place similar requirements for collaboration in statutes and regulations that support the dependency courts. Currently, all 50 states and the District of Columbia receive funding under the CIP.⁶⁸ The CIP requires the highest court in each state to conduct assessments and develop a plan to improve state foster care and adoption laws and judicial processes. Just as the Commission recommends that Congress and HHS amend Title IV-E and the PIP guidelines, it also recommends that Congress direct HHS to amend the CIP guidelines to explicitly require that the plans demonstrate meaningful and ongoing court-agency (and, where applicable, tribal) collaboration.

Multi-Disciplinary Commissions. Collaboration should also recognize that the children and families involved with the child welfare system are often simultaneously engaged with other community agencies and services -- schools, health care, mental health, child care, and others. Children and families are better served when these multiple community partners come together on their behalf. Thus, in addition to an increase in collaboration between public child welfare agencies and courts, we also recommend broader, multi-disciplinary collaboration that engages the entire community in reaching the goal of providing all children with safe, permanent families in which their physical, emotional, and social needs are met.

To this end, the Commission recommends that Congress require the development of multi-disciplinary, broad-based commissions on children in foster care, ideally co-convened by the state's Chief Justice and child welfare agency director.⁶⁹ Similar advisory bodies already operate effectively in other public systems such as the State Advisory Groups established by the Office on Juvenile Justice and Delinquency Prevention (OJJDP), and the State Interagency Coordinating Councils required under Part C of the Individuals with Disabilities Education Act. Both of these entities are established under federal law and implemented at the state level. Both prescribe membership that includes representatives from state agencies, community organizations, and consumers of services. The State Advisory Groups also include representation from the legal and law enforcement communities.

These commissions can monitor and report on the extent to which child welfare programs and courts are responsive to the needs of the children in their joint care. They can also broaden public awareness of and support for meeting the needs of vulnerable children and families

⁶⁸The CIP was established through the Omnibus Budget Reconciliation Act, Public Law 103-66, 107 Stat. 312 Part I Sec. 13711 (1993), [42 U.S.C. 629 et seq.] and has been reauthorized twice through Adoption and Safe Families Act, Public Law 105-89, 111 Stat. 2115 (1997), [42 U.S.C. 1305 note] and Promoting Safe and Stable Families Amendments, Public Law 107-133, 115 Stat. 2413 (2001), [42 U.S.C. 629h(c)] respectively.

⁶⁹States, particularly those with large urban jurisdictions, may wish to encourage similar coordinating bodies at the local level.

including sufficient mental health, health care, education and other services. Moreover, they can institutionalize collaboration beyond the terms of office of individual agency directors and Chief Justices.

Training. The Commission recognizes that paradigm shifts and major changes in practice such as those outlined above do not come easily. Change has to occur not only in policy and procedure, but also in practice. The workforce that is charged with carrying out the day-to-day practices and providing services to vulnerable children must be competent, capable, and willing to make this shift. Multi-disciplinary, cross-system training for all parties in the child welfare system is key to building this competence.

We understand that there are specific skill sets and content areas that are unique to child welfare agencies, and others that are unique to the courts. Courts and agencies therefore need separate training opportunities that emphasize and reinforce their respective roles and responsibilities. But system-specific training, while necessary, is not sufficient. It should be paired with high-quality, multi-disciplinary, cross-system training.

Multi-disciplinary, cross-system training provides an opportunity for people to understand each other's roles and how they each fit into the system. Clarity about respective roles and responsibilities enables each party to ask the relevant questions and provide the pertinent information for everyone to do their jobs well, with the ultimate benefit of improving services to children and families. For example, while it is not a judge's responsibility to develop case plans to address a child's specific health or mental health needs, training in child development will help the judge to ask the key questions, on the record, to ensure that these needs are being addressed in case planning and service implementation.

Cross-system training is most effective when it is collaborative at every stage, that is, when both the planning and implementation involve the active participation of both agency and court leaders. Such training programs require a commitment of time and financial resources by both the agency and the court. California's "Beyond the Bench" program and New York's "Sharing Success" conference are two examples of effective cross-system training.⁷⁰

Currently, the only specific source of federal funding for child-welfare training is Title IV-E of the Social Security Act. Under current law, IV-E will reimburse for training of child welfare agency staff, but not for training of judges, lawyers, or other professionals in the child welfare system. Additional restrictions regulate the content of the training and who may provide it. We have recommended that IV-E Training be included in a flexible and indexed Safe Children, Strong Families Grant, which would enable state agencies to include court personnel in any training they design and deliver. To increase the likelihood that this will happen, we recommend that Congress require states to demonstrate that a portion of their training dollars are used for cross-training initiatives that are jointly planned and executed by the child welfare agency and the state court system.

The Commission further urges Congress to appropriate \$10 million annually through the Court Improvement Program, specifically for the purpose of training judges, attorneys and other legal personnel in child welfare cases. To receive these training funds, courts will have to

⁷⁰California's "Beyond the Bench" and New York's "Sharing Success" are statewide, multidisciplinary juvenile/family court conferences that bring together judicial officers, court staff, attorneys, CASAs, probation officers, social workers, and other professionals working with children and families in the court system.

show in their Court Improvement Plans that a portion of the training dollars will be used for cross-training initiatives that are jointly planned and executed with the child welfare agency. This funding will enable court systems to address court-specific training needs, and at the same time ensure that courts and agencies each have their own source of funds to contribute to collaborative ventures.

Sharing Information. Sharing important data and information between state child welfare agencies and the courts is another specific and far-reaching step to increase collaboration in ways that help children. When the two systems do not share and compare data, or do not have access to the same information, mistrust and inefficiency can result. We recognize that there are multiple ways to share data and information that maintain the confidentiality of certain information. In Utah, for example, courts and agencies have gone so far as integrating the pertinent parts of their respective data management systems.⁷¹ For other states, sharing of information through meetings, conversations, and shared reports may be an appropriate starting point. Ultimately, state agencies and courts will benefit from having access to the same information.

3. To safeguard children's best interests in dependency court proceedings, children and their parents must have a direct voice in court, effective representation, and the timely input of those who care about them.

- **Courts should be organized to enable children and parents to participate in a meaningful way in their own court proceedings.**
- **Congress should appropriate \$5 million to expand the Court Appointed Special Advocates program.**
- **States should adopt standards of practice, preparation, education, and compensation for attorneys in dependency practice.**
- **To attract and retain attorneys who practice in dependency court, Congress should support efforts such as loan forgiveness and other demonstration programs.**
- **Law schools, bar associations, and law firms should help build the pool of qualified attorneys available to children and parents in dependency courts.**

Children under court supervision and their parents must have an informed voice in decision-making related to whether a child enters foster care, how a child fares while in care, and what kind

COLLABORATION BETWEEN COURTS AND CHILD WELFARE AGENCIES: EXAMPLES FROM TWO STATES

Illinois

"We know the court doesn't stand alone, and we gladly accepted the challenge of achieving timely permanence for children as an ongoing series of collaborations," says Judge Nancy Salyers, former Presiding Judge of the Child Protection Division of Cook County, Illinois. Judge Salyers convened a "Table of Five" that met regularly and included herself, the public child welfare agency director, the Public Defender, the Public Guardian, and a representative from the State's Attorney's Office. Jess McDonald, former Executive Director of the Illinois Department of Children and Family Services (DCFS), speaks highly of this approach, praising the level of communication and genuine problem-solving that resulted. For example, he says, "case-workers sitting in court all day was a real problem." But as a result of collaboration with DCFS, the court introduced time-specific calendaring, which had a "huge impact" on the movement of children's cases through the courts.

New York

Chief Justice Judith Kaye of New York has made collaboration with the child welfare agency a top priority during her tenure as Chief. "[A]s courts we value our independence and our impartiality and our integrity... [Y]ou have to be independent when you make judicial decisions... but when you're dealing with the life of a child who's growing up in the courts, you have custody of that child's life. Independence is not the word. Collaboration is the word. You have to work with other people... to do the best for this child, that's what's really important."

Together with Commissioner John A. Johnson of the New York State Office of Children and Family Services, Chief Justice Kaye has instigated collaborative efforts throughout the state of New York. Commissioner Johnson underscores the importance of these efforts, stating that "collaboration among the courts, social service agencies, and the larger community is crucial to achieving the goal of timely, appropriate decisions that lead to permanent family connections. The Office of Children and Family Services and the Office of Court Administration are working together toward this shared goal."

⁷¹Utah State Juvenile Justice Information System. Project Charter. November 10, 1999.

of plan is in place to secure a safe, permanent home for that child. These are all decisions made in the courts. In our legal system, individuals are most likely to have an informed and effective voice when they are represented by competent counsel. Although infants, very young children, and some children with significant disabilities may not appear able to have an "informed" voice of their own, but it is critical, nonetheless, that they, like children of all ages and capabilities, have a skilled and knowledgeable advocate in all legal proceedings.

Regrettably, this is often not the case for children and parents involved in dependency cases. Children and parents often report infrequent and last-minute meetings with attorneys who appear to them to be unfamiliar with the details of their case or the current circumstances of their lives. Children are not always present in court and are often unaware that court proceedings are underway. Parents report feeling marginalized, criminalized, and left to their own devices to make sense of complex legal processes.⁷²

Direct Participation. Federal law has provided little guidance about children's and parents' participation in court proceedings. The Chafee Foster Care Independence Act does require adolescents involved in independent living programs to be actively involved in case planning,⁷³ although not necessarily in court proceedings. The Adoption and Safe Families Act provides that administrative case reviews be "open" to parents⁷⁴ and also requires that foster parents, pre-adoptive parents or relatives providing care for a child have an opportunity to be heard in court.⁷⁵

Children, parents, and caregivers all benefit when they have the opportunity to actively participate in court proceedings, as does the quality of decisions when judges can see and hear from key parties. State court leaders should consider the impact of factors such as court room and waiting area accommodations, case scheduling, use of technology in the court room, and translation of written materials. These issues can make the process more accessible and meaningful for all participants, including children. Judges should actively seek input from a broad range of people who care about each child – including siblings, relatives, neighbors, educators, and others – when making decisions about a child's present and future circumstances. A state's commission on children in foster care can play a role in helping judges determine how such many and varied voices can be safely and equitably heard.

SEEING AND HEARING CHILDREN: THE EXPERIENCES OF TWO JUDGES

**Judge Ernestine S. Gray of New Orleans,
Louisiana**

"Children don't necessarily come to court for the initial hearing," Judge Gray points out, adding, "As a judge I believe it's important to see the children, so I schedule a second hearing within 15 days in which they have to be present, I explain to them what's going on, see how they act in the courtroom, sometimes give them a little toy and tell them that they're going to see me again in a few months." Judge Gray's staff schedules these hearings during after-school hours to minimize disruptions to the child's education.

**Judge Richard FitzGerald of Louisville,
Kentucky**

In Louisville, Kentucky, all children come to court unless the child's lawyer guardian ad litem (GAL) requests otherwise. For children who are medically fragile or who would be emotionally harmed by a court appearance, the court conducts proceedings at hospitals or other facilities. To further ensure that all children have a voice in their court proceedings, the court requires that the GAL must have at least one personal contact with the child prior to the proceeding.

This wasn't always the case. Judge FitzGerald recounted a chilling experience to the Pew Commission that led to dramatic changes in dependency court procedures across Kentucky. In the early 1980's, a medically fragile nine-year-old child was found to be neglected while in state care. In addition to his medical problems, the child had severe developmental disabilities and other special needs. A lack of proper oversight by the court and the child welfare agency meant that the child did not receive the services he needed. More alarmingly, he was starving, weighing just 16 pounds when he was finally examined by a doctor. Yet on paper, his case report raised no red flags to warrant court action. Had the child appeared before the court, his severe neglect would have been obvious. As a result of this and similar cases, the Kentucky Legislature enacted requirements for judicial review of all children in state foster care placement.

Today, children whose cases appear before the Louisville court come to the courtrooms and actively participate in the proceedings. This practice affords judges a wonderful opportunity to observe parent-child interaction and address placement problems.

⁷²Moynihan, A., Forgey, M.A., and Harris, D. Symposium: Fordham Interdisciplinary Conference Achieving Justice: Parents and the Child Welfare System: Foreword. *Fordham Law Review* (2001) 70 p.303.

⁷³Foster Care Independence Act, Public Law 106-169, 113 Stat. 1822 (1999), [42 U.S.C. 677 (3) (H)].

⁷⁴Adoption and Safe Families Act, Public Law 105-89, 111 Stat. 2115 (1997), [42 U.S.C. 1305 note].

⁷⁵*Ibid.*

Court Appointed Special Advocates. Neither judges nor attorneys will always have the time and resources to provide the in-depth information courts need to make fully informed decisions about children's well-being. Therefore, we recommend an expansion of the Court Appointed Special Advocate Program (CASA). This community-based program recruits, trains, and supervises volunteers to conduct investigations and make recommendations to the court that focus on meeting the best interests of the child. These volunteers have the time, training, and commitment to listen carefully to children and to the adults who care for them, and to report their findings and recommendations to judges.

Today, there are approximately 930 local and 45 statewide CASA programs. Their growth has been spurred in part by encouragement from the judicial and legal communities. The National Council of Juvenile and Family Court Judges has endorsed the use of CASAs, urged replication of the program, and helped establish the National CASA program, which was incorporated in 1984, to promote the growth and development of CASA programs nationwide.⁷⁶ Similarly, the American Bar Association has passed a resolution endorsing the use of CASAs in addition to attorney representation and encouraging its members to support the development of CASA programs in their communities.⁷⁷

The Strengthening Abuse and Neglect Courts Act (SANCA) authorized \$5 million to expand the CASA program, both by extending it to new communities and by building the capacity of existing programs to serve more children in their community. However, Congress has never appropriated these funds. The Pew Commission urges Congress to do so. CASA is a proven means of strengthening the voice of children in dependency courts. We further urge states and private organizations, many of whom have already provided substantial support to their local CASA programs, to join Congress as partners in this important effort to expand the program to underserved jurisdictions.

Securing Effective Representation. The availability and competence of legal representation for children and their parents in dependency proceedings is wildly inconsistent across the country, for many reasons. Federal law and Supreme Court rulings have given only limited specific guidance on the issue of representation of children.⁷⁸ Federal leadership in this area is made more difficult because family law is traditionally a subject of state, not federal, law.⁷⁹ Without federal guidance, the legal profession and individual states have come up with their own standards and guidelines for the practice of child representation.⁸⁰ While some state statutes provide clearer direction than others, the dissonance among state legislation, legal theory, and individual practice contributes to confusion within the field -- to the detriment of children who need strong, clear advocacy.⁸¹

The situation is compounded by the limited training available to attorneys in dependency court. Every attorney practicing in this field needs training beyond the limited offerings that currently exist in most law schools. The Commission calls on state courts to require that

⁷⁶Piraino, M.S. Representation of children: Lay Representation of Abused and Neglected Children: Variations on Court Appointed Special Advocate Programs and Their Relationship to Quality Advocacy. *Journal for the Center for Children and the Courts*, (1999) 1, p.64.

⁷⁷American Bar Association. Resolution, August 1989.

⁷⁸Child Abuse Prevention and Treatment Act, Public Law 93-247, 88 Stat. 4 (1974), [42 U.S.C. 5101 et. seq.]. CAPTA conditions states' eligibility for grants on meeting certain requirements, one of which mandated the appointment of a guardian ad litem (GAL) to any child who is a subject of abuse or neglect proceedings. In 1996, Congress amended the statute to specify that a GAL may "be an attorney or a court appointed special advocate (or both)" and that the purpose of such appointment shall be "(I) to obtain first-hand, a clear understanding of the situation and needs of the child; and (II) to make recommendations to the court concerning the best interests of the child." CAPTA Amendments of 1996, Sec 107, 107(b)(2)(A)(ix)(I)-(II), Public Law 104-235, 110 Stat. 3063, 3073-74 (1996), [42 U.S.C. 5106a(b)(2)(A)(ix)(I)-(II)]. In 2003, Congress added that the GAL must receive training "appropriate to the role." CAPTA Amendments of 2003, 117 Stat. 800, 810 (2003), [42 U.S.C. 114, 114(b)(1)(A)(vii)(I)-(II)].

⁷⁹See *Egelhoff v. Egelhoff ex rel Breiner*, 121 U.W. 1322 (2001); *Boggs v. Boggs*, 117 U.S. 1754 (1997).

⁸⁰Examples of child representation include: American Bar Association. Standards of Practice for Lawyers Representing a Child in Abuse and Neglect Standards, 1996; National Association of Counsel for Children. NACC Recommendations for Representation in Abuse and Neglect Cases, 2001. All 50 states and the District of Columbia have developed their own statutory provisions on the subject but each state varies in its requirements. National Council of Juvenile and Family Court Judges. Child Abuse and Neglect Cases: Representation as a Critical Component of Effective Practice, March 1998.

⁸¹Michigan and Pennsylvania, for example, have outlined the specific duties and responsibilities of guardians ad litem in their statutes. See M.C.L. 712A.17d(1); Pa.C.S.A. 42 Sec. 6311.

attorneys regularly practicing in dependency courts complete a multi-disciplinary training program and participate in ongoing training within the discipline and across disciplines throughout their careers. As with judges and caseworkers, this training should be multi-disciplinary so that attorneys have a clear understanding of child development, the roles and responsibilities of the various parties in a proceeding, and the methods and uses of problem-solving techniques and alternative dispute resolution. We also call on state courts, state bars, and organizations that provide continuing legal education to develop and offer such training.

To attract attorneys to this area of the law, we recommend that law schools develop and expand course offerings and clinical internships that enable students to gain expertise in dependency law. We recognize that compensation for dependency attorneys is generally low⁸² and that many law graduates leave school with substantial educational debt that can deter them from practicing in this field. We therefore recommend that Congress explore a loan forgiveness program and other demonstration programs to attract and retain competent attorneys in the dependency courts.

A proposed amendment to the Higher Education Act of 1965 would move in this direction, creating a loan forgiveness program on a demonstration basis. The amendment includes an evaluation to assess whether such loan forgiveness actually achieves its goal of attracting and retaining qualified attorneys.⁸³ The Commission urges Congress to consider this legislative proposal carefully, perhaps expanding its scope to include not just attorneys fresh out of law school, but those already practicing in dependency courts who carry heavy student loan debts. Federal funds might also assist individual state courts that are pursuing innovative strategies to attract and retain qualified attorneys to this field of law. Some states, for example, dedicate a portion of their court fees to compensate attorneys practicing in dependency law.⁸⁴

Finally, to further develop the pool of experienced attorneys willing to represent children and parents in dependency proceedings, we call on attorneys and law firms to encourage and support the provision of more pro bono services to children and families in dependency court. State Supreme Courts and Chief Justices should publicly recognize attorneys and firms that provide pro bono services in this area -- as is the case in California -- and legal education organizations should offer continuing legal education credits for training that supports their efforts.

4. Chief Justices and state court leadership must take the lead, acting as the foremost champions for children in their court systems and making sure the recommendations here are enacted in their states.

- ***Chief Justices should embed oversight responsibility and assistance for dependency courts within their Administrative Office of the Courts.***
- ***State court leadership and state court administrators should organize courts so that dependency cases are heard in dedicated courts or departments, rather than in departments with jurisdiction over multiple issues.***
- ***State judicial leadership should actively promote: (1) resource, workload, and training standards for dependency courts, judges, and attorneys;⁸⁵ (2) standards of practice for dependency judges; and (3) codes of judicial conduct that support the practices of problem-solving courts.***

⁸²Adoption 2002: The Presidents' Initiative on Adoption and Foster Care Guidelines for Public Policy and State Legislation Governing Permanence for Children VII-1, 1999; Mandelbaum, R. Revisiting the Question of Whether Young Children in Child Protection Proceedings Should be Represented by Lawyers. *Loyola University, Chicago Law Journal*, (2000), 34 (1.) pp. 24-25.

⁸³S. 104, 108th Congress, A Bill to Amend the Higher Education Act of 1965 to Provide Loan Forgiveness for Attorneys who Represent Low-Income Families or Individuals Involved in the Family or Domestic Relations Court Systems. Read twice and referred to the Committee on Health, Education, Labor, and Pensions on February 13, 2003.

⁸⁴Housman, A.W. Civil Legal Assistance for the Twenty-First Century: Achieving Equal Justice for All. *Yale Law and Policy Review* (1998) 17, p.381.

⁸⁵Court performance measures, discussed earlier in the chapter and presented in Appendix B, will assist courts in the initial development and subsequent tracking of compliance with these measures.

- *State court procedures should enable and encourage judges who have demonstrated competence in the dependency courts to build careers on the dependency bench.*

All of the recommendations for improving court performance in dependency cases require leadership from the top of the state judiciary. When such leadership is established and sustained, it sends a powerful message within and beyond the courts that the safety, permanency, and well-being of children under court supervision is paramount. This leadership can be demonstrated by organizing and supporting courts so that they can effectively discharge their responsibilities, by setting certain high expectations for dependency court judges and -- as mentioned in earlier recommendations -- by actively collaborating with the public child welfare agency.

An Office on Children in the Courts. With this in mind, the Commission urges every state Chief Justice to establish an office on children in the courts within his or her Administrative Office of the Courts. These offices would analyze the performance of the dependency courts with respect to improving outcomes for children, reporting their analyses directly to the Chief Justice or state judicial leadership. They would provide information and technical assistance to the dependency courts around best practices and problem-solving approaches of jurisprudence. These offices would also likely have responsibility for management of the Court Improvement Program. We recognize that, in some small states, these "offices" may consist of only one person who may have other responsibilities as well. Regardless of how they are staffed, establishment of these offices is tangible evidence of the importance of dependency issues to the court leadership, as well as a means of institutionalizing the court's commitment to children beyond the tenure of individual Chief Justices.

PROBLEM-SOLVING COURTS

In Santa Clara County, under the leadership of Judge Len Edwards, the courts have adopted problem-solving principles that help parents reunify with their children. One example is the Dependency Drug Treatment Court. This court provides on-site drug testing and treatment referrals by the Santa Clara Alcohol and Drug Bureau, and requires frequent court visits—all to encourage and facilitate change in a parent's behavior. Said one former drug court participant, "If not for drug court, I don't know how I would've gotten my son back."

Dedicated Courts. In many jurisdictions across the country, dependency cases are heard in courts that preside over all categories of cases -- family, civil, and criminal. As a result, dependency cases do not always get the time, expertise, and degree of importance and attention children deserve. State court leadership can address this problem by establishing specific courts or departments dedicated to dependency cases, in this way enabling judges and other court personnel to develop expertise and demonstrate commitment to the children and families affected by this area of law.

Small jurisdictions that do not have the capacity to create separate departments should consider cluster courts, such as those utilized in Texas.⁸⁶ These courts group a number of counties together to build a dependency docket, served by a judge who travels to the different counties to preside over all dependency cases. While this structure may require additional expenditures, such as costs associated with extra time off the bench while a judge travels, they are outweighed in our view by the benefits to children of having their cases heard by judges with expertise in to this area of law.

In addition, state court systems should recognize that children with cases in dependency courts, or their parents, may have ongoing cases in other courts as well related, for example, to custody and child support, civil suits or criminal charges. State courts should develop procedures to

*For an explanation of Texas' cluster courts, see www.texascasa.org/heartbeat/fall2001_article2.asp.

provide for the coordination of judicial proceedings that may be simultaneously affecting the same child, so that children and their parents are not forced to cope with conflicting court orders or competing schedules for court hearings.

Judicial Training. Children who have experienced abuse or neglect in their homes should not suffer further neglect at the hands of the court. Judges on the dependency bench are charged with keeping children safe and making timely decisions to ensure that their fundamental needs are met at all stages of development. This is difficult work that requires exceptional training in both the complexities of dependency law and the developmental needs of the very fragile children before them. State court leadership should actively ensure that every child's case is heard by an experienced, appropriately trained, and committed judge.

Judges in this area confront an array of issues not often addressed in law school, continuing legal education programs, or judicial training. They need a basic understanding of child development from infancy through adolescence, and an appreciation of children's needs at each developmental stage. They also need an understanding of and respect for the complex and challenging jobs of caseworkers and foster parents responsible for children's day-to-day care.

The Commission therefore recommends multi-disciplinary training for judges at the start of their work in dependency court and periodically throughout their tenure. The National Council of Juvenile and Family Court Judges offers such training, and many state courts have designed or endorsed training programs that apply directly to the laws and practices of their states.

Encouraging Best Practices. Individual judges, state judicial leaders, and judicial and legal associations have done much in recent years to test best practices and explore alternatives to the traditional adversarial model of jurisprudence, all with the goal of improving outcomes for children under court supervision. For example, the National Council of Juvenile and Family Court Judges (NCJFCJ) works with model courts across the country to continually engage in, evaluate, and disseminate a wide range of best practices. Similarly, many dependency courts are becoming a part of the larger problem-solving courts movement, an approach pioneered by mental health and drug courts and endorsed by the Conference of Chief Justices and the Conference of State Court Administrators. These courts adopt a problem-solving approach by engaging in a less adversarial, more therapeutic judicial process, thus shifting the focus from processing cases to achieving tangible improvements in the lives of children and families before the courts.

TIME TO DECIDE

Judge Stephen Rideout of Alexandria, Virginia points out that time is a major factor in making the right decisions. One case he reviewed involved a 15 year-old girl who wasn't going to school. In talking to the girl, Judge Rideout learned that she had a baby. As part of her truancy program, he ordered the girl to read to her baby and come back with a report on every book she read and how the baby responded. The baby loved the reading and the teen didn't miss any more school. Judge Rideout explained: "If I had decided that case in five minutes or ten minutes, all it would have been is 'You go to school or you're going to come back and I'm gonna lock you up.' You can't do these cases that are so important to people's lives in [a matter of minutes]. They deserve more than that."

State judicial leadership can facilitate the use of best practices and the broader problem-solving approach in dependency courts in several ways. First, the judicial leadership can adopt and use standards for court resources and workloads within the dependency courts that recognize the unique nature of cases before these courts, the relatively large number of parties involved in

these cases, and the often extended timeline of dependency cases. Here, as in other areas, court administrators and judicial leadership will be aided by data on a range of court measures. Second, judicial leadership can promulgate standards of practice for dependency judges, such as the Resource Guidelines developed by NCJFCJ. Finally, judicial leadership can promulgate codes of judicial conduct such as the Standards for Judicial Administration embodied in the 2004 California Rules of Court.⁸⁷ These codes encourage dependency court judges to provide leadership and outreach in their communities to build support for the important role of the dependency courts in serving children who have experienced abuse or neglect.

Keeping Qualified Judges in the Dependency Courts. Serving in dependency court, while demanding, and at times overwhelming, can also be among the most rewarding of judicial assignments, offering judges the chance to participate directly in changing the trajectory of a child's life for the better. Unfortunately, many court systems are not specifically organized to offer judges this opportunity. In many jurisdictions, judges are assigned to the dependency courts as an initiation into the system -- an early assignment until they can move "up" to civil or criminal court. Our prior recommendation related to reorganization of state court systems to place and maintain a focus on children is intended in part to recognize and facilitate the important of the work performed by the dependency courts.

We recommend that those judges who choose to build a career on the dependency bench be permitted to opt out of routine rotation, provided their chief judge agrees that they have shown merit in this assignment. (This assumes a rotation in dependency court that is long enough for a judge to become knowledgeable about and engaged in this work). This, together with the training and practice improvements described above, will contribute to the development of a cadre of judges who have actively chosen dependency court as a career path and will over time bring to that work great experience and expertise.

CONCLUSION

The Pew Commission recognizes that there is a lot at stake in restructuring the dependency courts. Our recommendations require real leadership, multi-disciplinary training, additional staffing and volunteers. Most of all they require judges who are dedicated to safety, permanency, and well-being for children. We believe this is possible. As Judge Lee Satterfield of Washington, D.C., said: "If you can create an environment where [judges] feel they are doing good and that they're achieving outcomes and that there are manageable caseloads, you'll have more judges wanting to do this work."

⁸⁷Available at www.courtinfo.ca.gov/rules/appendix/appdiv/pdf.

THE CONTINUING CHALLENGES OF CHILD WELFARE

It's not unusual for a child to have three or four or 5 different social workers...that are working with that child and with the family....And all of these workers have way too many children and families on their caseload. And so this child is just a sliver of what they do, but she is my whole life..

- Foster/adoptive parent

The Pew Commission on Children in Foster Care began and ended its work with the same principle: All children must have safe, permanent families in which their physical, emotional and social needs are met. This principle also is at the heart of federal and state laws that establish society's obligation to protect children who have suffered abuse or neglect.

The Pew Commission's recommendations focus specifically on two important areas—federal financing and court oversight—where many of the problems, delays, and perverse incentives in child welfare have roots. Reform in these two critical areas will go a long way to remove major obstacles to securing safe, permanent, nurturing families for children.

Beyond financing and court reform, difficult challenges remain, we raise some of them in this chapter, in the hope that doing so will shine additional light on the needs of children in foster care and spur further action. Some of these issues are beyond the scope of the Commission's mission, and others require further study and public discussion. Some of the challenges can be addressed by child welfare agencies and dependency courts, while others involve other service systems and funding streams. But they are inescapable issues for those who seek to improve society's ability to protect and nurture children who have suffered abuse and neglect.

We present four issues. The first three are “infrastructure” issues related to removing barriers that prevent children and parents in the child welfare system from getting the assistance they need in a timely manner. The fourth issue, reducing the disproportionate representation of children of color in the child welfare system is a more pervasive, systemic issue that requires the attention of policy-makers, practitioners and researchers alike in order to accomplish the improved outcomes we seek for all children.

COORDINATING CHILD WELFARE AND OTHER HUMAN SERVICES

Families in the child welfare system often have needs that extend beyond the purview of the child welfare agency itself. Abuse and neglect problems are frequently compounded by physical or mental health needs, substance abuse, poverty, educational issues, or involvement in the juvenile justice system. Numerous studies have shown for example, that families in the child welfare system have high rates of mental health and substance abuse problems.^{88, 89} A similar connection exists between domestic violence and child abuse.⁹⁰

When families' needs cross agency boundaries, challenges arise. Many of the programs and systems that serve families have their own eligibility criteria, regulations, and case tracking and management systems. (These programs include Medicaid, education, juvenile justice, mental

⁸⁸Halfon, N. Zepeda, A., Inkelas, M., *Mental Health Services for Children in Foster Care*, UCLA Center for Healthier Children, Families and Communities, no. 4, Sept 2002

⁸⁹CWLA, *Alcohol, Other Drugs and Child Welfare*, Washington DC 2001.

⁹⁰Osofsky, J.D. (2003) *Prevalence of Children's Exposure to Domestic Violence and Child Maltreatment: Implications for Prevention and Intervention*, *Clinical Child and Family Psychology*, 21(12), 161-171)

health, substance abuse, public housing, and welfare-to-work programs.) This means that children and families involved in multiple systems typically have many caseworkers, who may not be in communication with one another.

It also means that the roles and responsibilities of each agency or program are not always clearly delineated, resulting in inter-agency disputes that can delay or deny services to children and families. Fiscal constraints often lead families to seek services from agencies that are not best suited to meet their children's needs, but seem to have funding available. For example, the Government Accounting Office and several news outlets have documented cases of parents who have placed their children in the custody of the child welfare agency because it was the only way they could secure intensive mental health services for children with serious mental illnesses.⁹¹

Assuring child safety, permanence and well being is a shared responsibility, requiring collaboration and coordination across publicly-financed systems. Many jurisdictions across the country have implemented promising initiatives to improve collaboration and coordination among the different agencies that serve children and families. For the most part, however, breaking down these funding "silos" remains a significant challenge.

COORDINATING SERVICES ACROSS STATE LINES

Children must have continuity and consistency in their care giving and in their relationships, including ties to their siblings and extended family. While this is often accomplished by keeping children in their neighborhoods, schools and communities, there are times when a relative or prospective adoptive parent in another county or state is the best caretaker for a child. Indeed, the Adoption and Safe Families Act requires states to seek permanent families for children using all available resources, even when this means seeking approved families that reside outside of the child's immediate community.

When children are placed in foster care or with relatives or adoptive families across state lines, there are sometimes disagreements about which state is responsible for paying for a home study, for example, or specific educational, health, or mental health services. The Interstate Compact on the Placement of Children (ICPC) and the Interstate Compact on Adoption and Medical Assistance (ICAMA) were established to ensure that children placed across state lines live with safe, suitable families and receive appropriate services. While these compacts provide essential protections, confusion about and inconsistent implementation of their requirements has also led to delays in achieving permanence -- indeed, children placed out of state wait one year longer to find permanent homes than children placed in-state.⁹²

Child welfare professionals, judges, members of Congress, families and advocates have identified several problems that arise with cross-jurisdictional placement as well as problems with the ICPC itself. Many are working to remove obstacles that contribute to delays in achieving permanence across state lines. The Commission commends these efforts.

IMPROVING STRATEGIES FOR DOCUMENTING "REASONABLE EFFORTS" AND OTHER PROTECTIONS

Dependency courts and child welfare agencies have a shared responsibility to ensure that children are not removed from their homes until reasonable efforts to maintain them safely with

⁹¹U.S. General Accounting Office, *Child Welfare and Juvenile Justice: Federal Agencies could Play a Stronger Role in Helping States Reduce the Number of Children Placed Solely to Obtain Mental Health Services*, GAO-03-397, April 2003.

⁹²Remarks of House Majority Leader Tom DeLay at the annual meeting of the American Public Human Services Association, March 29, 2004.

their own families have been made. For states to claim federal funding for foster care placement, the child's case record must include judicial determinations that the state agency has made reasonable efforts to maintain the family unit, prevent the unnecessary removal of the child from the home, and develop and finalize a permanency plan in a timely manner. The record must also include a judicial determination that leaving the child in the home would be contrary to the child's welfare or that placement in foster care is in the best interest of the child. When court orders do not contain these specific judicial determinations, the state child welfare agency risks loss of federal funds.

The Commission heard concerns from several judges and agency administrators related to these case record requirements. While all agree that the protections are essential for children and families, many expressed concerns that the current approach may emphasize the documentation of particular words rather than evidence that the proper protections are in place. We believe this is an area that could benefit from improved practice guidelines and commends the Conference of Chief Justices and other groups that are addressing this issue thoughtfully.

REDUCING THE DISPROPORTIONATE REPRESENTATION OF CHILDREN OF COLOR IN THE CHILD WELFARE SYSTEM

Continued improvements related to the three issues discussed above will strengthen the child welfare system's infrastructure and improve its capacity to achieve the desired outcomes for all children. But we must also improve the system's capacity to meet the needs of diverse populations of vulnerable children. Better outcomes in child welfare will depend on responding better to the specific populations that have the highest rates of entry, the longest stays in care and the lowest rates of exit. Such effort must include a thoughtful examination of both the fiscal and human costs of disparate outcomes for children of color.

While children of color⁹³ represent approximately 33 percent of all children in the United States, they are 55 percent of the foster care population.⁹⁴ African American children face the gravest disparities; they are 15 percent of the child population, yet 38 percent of the foster care population. These disparities exist despite evidence that there are "no differences in the incidence of child abuse and neglect according to racial group."⁹⁵ They also exist at every stage of a child's journey through the foster care system: children of color enter foster care at a higher rate, stay longer, and leave at a slower rate than white children. Children of color are also far less likely to be reunified with their families.⁹⁶

Studies suggest varied and complex reasons for these disparities, including limits on the use of kinship care as a permanency option,⁹⁷ the economic and social vulnerability of families of color, and bias on the part of individual workers.⁹⁸ The Commission urges policy makers and practice organizations to intensify their efforts to eliminate these disparities.

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The issues raised in this chapter quickly surface in even the most cursory reviews of child welfare policy and practice. Failure to deal with them leaves a significant proportion of children

⁹³Including African American, Latino, Asian and Indian children.

⁹⁴Population Reference Bureau, analysis of data from U.S. Census Bureau, *2000 Census Summary File 1*. As cited in: Annie E. Casey Foundation. *Kids Count Data Book*, AECF: Baltimore, MD, 2002.

⁹⁵Chipungu, Bent-Goodley, in *Future of Children* 2004, p 79.

⁹⁶Hill, Robert. *Disproportionality of Minorities in Child Welfare: Synthesis of Research Findings*. Rockville, MD: Westat, January 2003.

⁹⁷Implementation of the Commission's recommendation regarding subsidized guardianship as a permanency option for children leaving foster care can help address this challenge.

⁹⁸Chipungu, p 80.

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underserved or poorly served by the child welfare system and other human service agencies. We hope that the Pew Commission's recommendations will pave the way for other reform efforts. We also hope they will help create a policy and practice environment that welcomes discussion and exploration of other difficult but important issues in child welfare.

CONCLUSION

"We live in a world in which we need to share responsibility. It's easy to say, 'It's not my child, not my community, not my world, not my problem.' Then there are those who see the need and respond. I consider those people my heroes."

- Fred Rogers

On May 7, 2003, 16 individuals agreed to work closely together to craft recommendations to improve outcomes for children in foster care. We have many different points of view, and we come from many walks of life. Some of us have spent our careers in the child welfare system, others in related legal, policy, and research fields. Some of us have had intensely personal experiences as children in foster care, as foster and adoptive parents, as social workers, and as ministers and counselors to children and families in crisis. All of us want to see our nation take better care of children who have been abused or neglected. We want to reduce the number of children who need to enter foster care. We want to help children leave foster care for a permanent family as soon as they safely can.

One year later, we are even more committed to this vision than when we first came together as the Pew Commission on Children in Foster Care.

We are also as optimistic at the end of our work as we were at the beginning. We were struck time and again by the willingness of elected officials to reach across party lines to help these very vulnerable children. We were also encouraged by the success of some states and jurisdictions and some courts, despite the obstacles embedded in current laws and practices. Illinois, for example, cut its foster care population in half between 1997 and 2002, more than doubled adoptions from foster care, and – under a federal waiver – implemented a cost-effective, subsidized guardianship program. New York City cut its foster care population almost in half between 1996 and 2003. Chief justices in Michigan, California, New York, Utah, Minnesota and other states have made improving outcomes for children in abuse and neglect cases a top priority. Individual judges have reduced delays across the board in their caseloads, speeding children's movement out of foster care and into safe, permanent homes.

Imagine the progress that could take place with a more rational financing structure and courts that have sufficient information, tools, and accountability measures.

If adopted, our financing proposals would do several things:

- Maintain the federal safety net for foster care and adoption, while also providing new options and incentives for states to seek safe, permanent families for children.
- Give states greater flexibility in how they can use federal funds to serve maltreated children.
- Strengthen accountability for outcomes for children.
- Provide resources and incentives to states to build the full continuum of services for abused and neglected children, from prevention to post-permanency.
- Encourage states to test and evaluate new approaches to helping children in foster care, children at risk of entering care, and children who are leaving foster care.
- Offer financial incentives to build the capacity of the child welfare workforce.

Similarly, enactment of our court recommendations would do the following:

- Equip dependency courts with the tools they need to analyze caseloads, assess their performance, and identify issues in the courts and populations of children that need special attention.
- Require and encourage collaboration between child welfare agencies and the courts toward their common goal of serving children better.
- Give children and parents a stronger and more effective voice in court proceedings that affect their lives.
- Organize state court systems and individual courtrooms to respond better to the urgent needs of children in the child welfare system for a safe, permanent home.
- Engage chief justices and other state court leadership to be the foremost champions and the most powerful voices for children in the dependency courts.

Our charge was to develop a practical set of policy recommendations to reform federal child welfare financing and strengthen court oversight of child welfare cases. Designing the perfect child welfare system would have been easy. Designing proposals that could win bipartisan support in Washington and in the states was a much harder task.

Our proposals are the result of hard choices and difficult compromises. We think they are bold, fair, and achievable. We hope they will spur thoughtful discussion, and we urge swift implementation.

Appendix A: TECHNICAL NOTES

This appendix provides more detailed descriptions of some of the more technical financing recommendations. A table summarizing the cost estimates of all of the financing and court recommendations is presented at the end of the appendix.

GUARDIANSHIP ASSISTANCE

As indicated in the report, the Commission's proposal to make guardianship assistance a Title IV-E reimbursable expense would result in increased federal costs of about \$70 million in the first year of implementation. These costs would rise to about \$90 million by the fifth year of implementation. These estimates were developed by the Urban Institute using data from the U.S. Department of Health and Human Services (HHS) Adoption and Foster Care Analysis and Reporting System (AFCARS), the Institute's kinship care and child welfare fiscal surveys, and the Institute's National Survey of America's Families. Due to the lack of reliable national data on assisted guardianship, there are several limitations to the estimates. Given these limitations, the figures presented here are likely to under-estimate the actual cost of expanding the IV-E entitlement to guardianship assistance.

ELIMINATING INCOME ELIGIBILITY REQUIREMENTS FROM TITLE IV-E ("DE-LINKING")

Based on fiscal year (FY) 2002 expenditure data, the annual federal costs of "de-linking" IV-E eligibility from the AFDC income eligibility standards using the current federal reimbursement rates would be approximately \$1.6 billion for both foster care and adoption assistance. De-linking without increasing federal costs, as the Commission recommends, would require a reduction in current federal reimbursement rates—of about 35 percent based on the 2002 data. These estimates were developed for the Commission by the Urban Institute.

Reducing federal rates to achieve federal cost-neutrality without taking other steps would create fiscal "winners" and "losers" among the states. Generally, states with a relatively high proportion of IV-E-eligible children would lose federal funds under a cost-neutral de-linking proposal. This is because the number of children for whom the state could claim federal reimbursement would increase only slightly, while the reimbursement rate per child would decrease, resulting in an overall net reduction in federal reimbursement. The "winners" would generally be those states that currently claim reimbursement for a very low share of their foster care population. For these states, the effect of lower reimbursement rates would be offset by the increase in the number of children for whom the state would receive reimbursement.

The Commission recommends de-linking in a way that is cost-neutral for both the federal government and the states. One way to do this is as follows. First, each state's current federal reimbursement rate for both foster care and adoption assistance would be reduced by about 35 percent. (Note that this reduction would apply to each state's rate of federal reimbursement for foster care and adoption expenditures, and *not* to the actual payments that individual foster and adoptive parents receive. Additionally, this figure is based on FY 2002 data, as noted above. The actual reduction may be more or less depending on more recent expenditure data that will become available.) Second, to avoid creating fiscal "winners" and "losers," states'

) reimbursement claims would then be adjusted so that no state would either lose or gain federal funding compared to what it would have received under current law.

For the first three years of implementation, states would continue to determine IV-E eligibility in order to calculate what they would have received under the current eligibility rules. States that would have received more federal funds under current law would be made whole through the claims-adjustment process. Similarly, for states whose reimbursable claims would now exceed what they would have received under current law, a portion of their claims would also be adjusted to account for the difference. At the end of this three-year transitional period, states would negotiate with HHS a fixed “claims-adjustment” amount to be applied in perpetuity. This negotiation would take into account the past three years of claiming data as well as the state’s projected caseload and expenditure trends, helping to ensure that no state would lose federal funding in the future due to the de-link.

Alternative Approaches to De-Linking. Should Congress wish to consider approaches that are not cost-neutral, the Commission identified two alternatives to the approach above that merit consideration.

The first alternative is similar to the option described above in that federal reimbursement rates would be reduced by the amount necessary to achieve federal cost-neutrality. However, under this approach, states’ reimbursement claims would not be automatically adjusted to achieve cost-neutrality. Instead, states that would lose federal funding under the new rates could submit a “supplemental” claim in the amount of the loss. Based on FY 2002 expenditure data, the states that would lose funding under a cost-neutral de-link structure would lose a total of about \$280 million. (This is the same amount of funding that the fiscal “winners” would gain under the de-link.) Thus, it would cost approximately \$280 million to create a supplemental “hold harmless” fund. This supplemental fund is similar in concept to the supplemental fund that was created when the Temporary Assistance for Needy Families (TANF) block grant replaced AFDC.

The second alternative to de-linking would gradually phase out the use of income eligibility standards, over a period of, for example, 17 years. During the phase-out period, Title IV-E eligibility would continue to be based on income. However, the 1996 AFDC income standards, which vary state by state, would be replaced by a national standard linked to the federal poverty level (FPL). In the first year, the income threshold would be 50 percent of FPL. Each year, the income standard would rise by 10 percentage points. Thus, in the second year, the income standard would be 60 percent of FPL; in the third year, 70 percent; and so on, until the threshold reached 200 percent of poverty in year 16. The following year, there would be no income test. At this point, Title IV-E eligibility would be completely de-linked from any income eligibility standard.

To control the federal costs associated with the de-link, the federal reimbursement rates would be reduced by one percentage point each year beginning in the fourth year of implementation. Thus, in the fifth year, when the income standard is 90 percent of FPL, federal reimbursement rates would be 2 percentage points lower than the current rates. By year 17, when the de-link is fully phased-in, the reimbursement rates would be permanently reduced by 14 percentage points.

States would be given the option to move to this new structure at any point during the phase-out period. (However, once in, they could not opt out). States with relatively low 1996 AFDC eligibility standards would likely opt in first, while states with higher standards would opt in later, when the Title IV-E income threshold surpassed their old AFDC standards. By year 17, when Title IV-E eligibility would be completely de-linked from any income standard, the new structure would apply to all states.

While the phase-out approach means that states would continue to determine income eligibility for another 17 years, the outdated AFDC eligibility determination process, which also involves an asset test, would be replaced by a simple income test based only on the family's adjusted gross income as reported in the prior year's federal tax form. (In cases where a family's income was too low to file a tax form, the child would be automatically eligible.)

This approach would result in some increased federal costs. However, the gradual rise in income thresholds, combined with the concurrent reduction in reimbursement rates, is intended to ensure that federal costs are not prohibitive.

U.S. TERRITORIES

As indicated in the report, IV-E foster care and adoption assistance funding for the U.S. territories is subject to a spending cap. Specifically, combined federal funding for Title IV-E, the TANF block grant, and grant programs for the aged, blind, and disabled is capped at a maximum dollar amount for each territory. The Commission's recommendation to give territories the same open-ended access to IV-E maintenance funding and equitable access to the proposed Safe Children, Strong Families Grant would effectively remove Title IV-E from the spending cap. To implement this recommendation, the Commission further recommends that each territory's spending cap level be adjusted downward by the amount that is currently accounted for by the territory's IV-E claims. This adjustment would ensure that the federal costs for the other social services programs that fall under the spending cap are unaffected.

We estimate that the costs associated with removing Title IV-E from the spending cap could total up to approximately \$15 million each year. Title IV-E expenditure data for the territories are limited. This estimate is based on the data that are available from Puerto Rico—which accounts for the vast majority of federal spending in the territories—and the assumption that Puerto Rico's spending on maintenance payments as a percentage of its total IV-E spending mirrors spending patterns in the 50 states and the District of Columbia.

“REINVESTING” FOSTER CARE SAVINGS

Currently, states that safely reduce their use of foster care can invest the state share of savings into other child welfare services. However, they “lose” the associated federal share of IV-E savings. Under the Commission's third recommendation, states could retain the federal share of savings to invest in their child welfare systems.

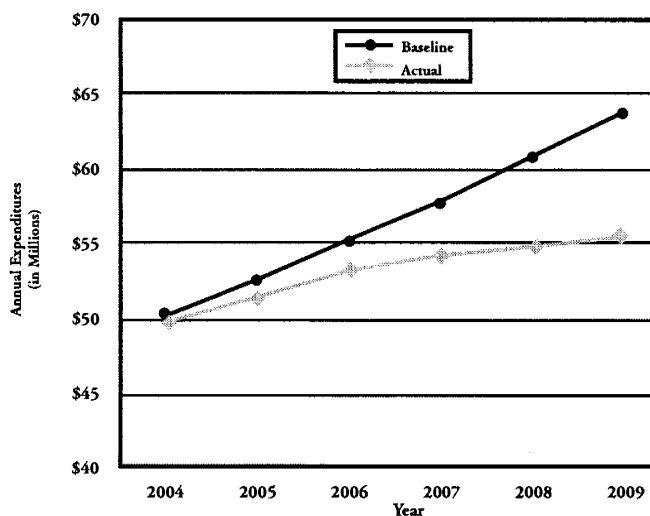
The following graph illustrates how savings would be calculated. The top line represents the state's projected annual foster care expenditures over five years given current practice—that is, the “baseline.” The bottom line represents the state's actual expenditures resulting from new program practices adopted at the start of the five-year period. The difference between the two lines—that is, the “wedge” that is created over the five-year period—represents the federal savings available for re-investment.

Under this proposal, the state could reinvest the entire “wedge” of savings resulting from its program improvements. As described in the report, states would be required to match the federal savings at their IV-E matching rate. This means that states could keep the federal share of savings only if they are willing to reinvest their own share of the savings into their child welfare system.

**SAFE CHILDREN,
STRONG FAMILIES GRANT**

As described in the report, the Commission’s proposed indexed Safe Children, Strong Families Grant would combine current federal funding for both subparts of Title IV-B and the administration and training components of Title IV-E. (However, the development and maintenance costs of the State Automated Child Welfare Information Systems, or SACWIS—currently part of IV-E Administration—would remain outside of the grant, and states would continue to claim the 50 percent federal matching rate for those costs on an open-ended entitlement basis.) Based on expenditure projections by HHS, the combined federal spending in those programs would total approximately \$3.7 billion in FY 2005. As indicated in the report, the Commission recommends adding an additional \$200 million to the funding base in the first year, and growing each state’s allocation by the inflation rate plus 2 percent each subsequent year.

A Hypothetical Illustration: Retaining Savings Under the Child Welfare Investment Fund



As the report indicates, states would be required to match the federal grant funding with their own spending. Currently, states must match IV-B funding at a 25 percent match rate. The state matching rate for IV-E Administration is 50 percent, and 25 percent for IV-E Training. The match rate for the Safe Children, Strong Families grant would be based on the national weighted average match rate for those programs. States’ shares of IV-B and IV-E Administration and Training as a percentage of their combined spending in those areas vary. Consequently, the national weighted average rate is higher than the weighted average rate in some states, and lower than the weighted average rate in other states. To avoid creating any fiscal “losers,” the national weighted average match rate would be adjusted so that no state would be required to match the new grant funding at a higher rate than what it would have had to match to receive its share of IV-B and IV-E Administration and Training funds. Based on expenditure data from FY 2002, the adjusted state matching rate would be about 32 percent.

Both the executive and legislative branches of state government must be part of decisions about how to spend federal funds. In some states, because of court decisions, the executive branch has exclusive spending authority over consolidated federal grant funding. To ensure that the conversion from an entitlement to a consolidated grant does not erode state legislative authority

to determine how federal child welfare funds are spent, the Commission recommends that the Safe Children, Strong Families Grant be subject to appropriation by the state legislature, similar to the way TANF funds are currently treated.

PEW COMMISSION ON CHILDREN IN FOSTER CARE FINANCING AND COURT RECOMMENDATIONS COST ESTIMATES (Dollars in Millions)	
Recommendation	First Year Costs
FINANCING	
De-link IV-E Eligibility from AFDC ^a	\$0
Guardianship Assistance ^b	\$70
Indexed Safe Children, Strong Families Grant ^c	\$200
Equitable Treatment of Tribes ^d	\$15
Equitable Treatment of Territories ^e	\$15
Workforce Incentive ^f	\$0
Permanence Incentive ^g	\$45
Subtotal	\$345
COURTS	
Measuring and Tracking Data ^h	\$10
Training ^b	\$10
Incentives for Attracting and Retaining Attorneys	\$10
CASA	\$5
Subtotal	\$35
Total Costs	\$380
<p>Note that the figures presented here are not official cost estimates prepared by CBO or OMB.</p> <p>^a Estimates assume a cost-neutral de-linking structure. Other de-linking approaches described in Appendix A would result in annual costs of at least \$280 million.</p> <p>^b Estimates were developed by the Urban Institute. Due to data limitations, they are likely to understate the actual costs of federal guardianship assistance.</p> <p>^c Estimates assume (1) an increase of \$200 million over current funding levels for child welfare services and (2) annual growth rates of CPI + 2%. The costs associated with the recommended \$10 million funding increase for court-related training, which would be included in the indexed grant, are shown below.</p> <p>^d Estimates assume that increasingly more tribes will take advantage of the option in the out-years.</p> <p>^e Estimates include the costs associated with direct and equal access to both IV-E maintenance and the indexed Safe Children, Strong Families Grant. The estimate for the territories represents an upper bound.</p> <p>^f Estimates assume (1) a 1% increase in federal reimbursement rates for meeting workforce standards, (2) that it will take one year to develop the standards, and (3) that roughly half of the states would be eligible for the bonus beginning in the third year at an annual cost of approximately \$30 million.</p> <p>^g Estimates represent the minimum costs associated with the Commission's recommendation to appropriate "such sums as may be necessary" in the out-years to develop data measures and track court performance. The actual five-year costs are likely to be higher.</p> <p>^h The recommended \$10 million increase would be included in the indexed Safe Children, Strong Families Grant as part of the Court Improvement Program. Like the rest of the indexed grant, this base funding would grow each year by CPI + 2%.</p>	

Appendix B

COURT PERFORMANCE MEASURES

Developed by the American Bar Association Center on Children and the Law, National Center for State Courts, and National Council of Juvenile and Family Court Judges.⁹⁹

The three leading legal/judicial organizations, with a grant from the Packard Foundation, have created and pilot-tested these court performance measures. The measures are designed to complement those used by state agencies in Child and Family Service Reviews (CFSRs) so that, like agencies, courts can measure their performance and track their own progress in improving safety, permanency, and timeliness for the children who come before them.

PERFORMANCE MEASURE 1: SAFETY

Goal 1: To Ensure Children Are Safe from Abuse and Neglect While Under Court Jurisdiction.

Safety measures address the status of children while they are under the jurisdiction of the court. The performance outcome promoted by these measures follows from the principle of “first do no harm.”

Safety Outcomes Are:

- Children are, first and foremost, protected from abuse and neglect.
- No child should be subject to maltreatment while in placement.
- Children are safely maintained in their homes whenever possible and appropriate.¹⁰⁰

What Courts Should Measure:

1. Percentage¹⁰¹ of children who do NOT have a subsequent petition of maltreatment filed in court after the initial petition is filed.
2. Percentage of children who are the subject of additional allegations of maltreatment within 12 months after the original petition was closed.¹⁰²

PERFORMANCE MEASURE 2: PERMANENCY

Goal 2: Children should have permanency and stability in their living situations.¹⁰³

Permanency outcomes are closely related to timeliness measures, but also include additional considerations. Assessments of whether the court facilitates permanency include a focus on whether children change placements, whether in the end cases achieve permanent legal status, and whether children reenter foster care due to placement disruption. The permanency measures presented in th[e] Guide and Toolkit encourage courts toward the “long view” of the court experience for abused or neglected children. An important challenge for courts addressing the permanency measures is that in order to address them adequately, a court will need to obtain information from partner agencies (e.g., the state child welfare system or private providers who track children placed in foster care).

⁹⁹All of the information in this appendix comes directly from: The American Bar Association (Center on Children and the Law), the National Center for State Courts, and the National Council of Juvenile and Family Court Judges. *Building a Better Court: Measuring and Improving Court Performance and Judicial Workload in Child Abuse and Neglect Cases*. Los Altos, CA: The David and Lucile Packard Foundation, 2004.

¹⁰⁰Although safety is a concern for both child welfare agencies and courts, the emphasis is different. Child welfare agencies focus attention on reports of abuse or neglect. The court measures discussed here focus on new allegations made while the child is under court jurisdiction. Moreover, courts should be concerned about how often children do return to court with a new allegation after court jurisdiction has been terminated in a previous case.

¹⁰¹A percentage should not be calculated if the number of cases involved is less than 20. In those instances, the raw frequencies should be reported. Indeed, it is always useful to provide users with the number upon which the percentages were calculated.

¹⁰²The Children's Bureau of the U.S. Department of Health and Human Services recently changed their definition to recurrence within six months (ACYF-CB-IM-00-11; ACYF-CB-IM-01-01; ACYF-CB-IM-01-07; 45 CFR 1355.34(b)(4) and (5)); see also www.acf.hhs.gov/programs/cb.

¹⁰³Measures under “permanency” should measure stability as well since federal CFSRs include stability as part of overall permanency. To measure the stability of judicial involvement, the principle at work is consistency of decisions and information as well as the avoidance of loss of relationships.

Permanency is achieved when children are returned to their families without further court supervision, when children are adopted, or when children are placed with individuals who are their permanent guardians.¹⁰⁴ Courts are empowered to remove children from home if they are in danger of harm, but also have other alternatives, including removing the alleged perpetrator and placing the child with members of the extended family.¹⁰⁵

Permanency Outcomes Are:

- Children have permanency and stability in their living situations.¹⁰⁶
- The continuity of family relationships and connections is preserved for children.

What Courts Need to Measure:

1. Percentage of children who reach legal permanency (by reunification, guardianship, adoption, planned permanent living arrangement or other legal categories that correspond with ASFA) within 6, 12, 18, and 24 months from removal. Specific time lines for this measure should be adapted to jurisdictional timelines.
2. Percentage of children who do not achieve permanency in the foster care system (e.g., court jurisdiction ends because the child reaches the age of majority).
3. Percentage of children who re-enter foster care pursuant to court order within 12 and 24 months of being returned to their families.¹⁰⁷
4. Percentage of children who return to foster care pursuant to court order within 12 and 24 months of being adopted or placed with an individual or couple who are permanent guardians.
5. Percentage of children who are transferred among one, two, three, or more placements while under court jurisdiction. Where possible, this measure should distinguish placements in and out of a child's own home from multiple placements in a variety of environments.

PERFORMANCE MEASURE 3: DUE PROCESS

Goal 3: To deal with cases impartially and thoroughly based on evidence brought before the court.

Due process measures address the extent to which individuals coming before the court are being provided basic protections. Due process refers to the right of all parties to participate in court proceedings. Among other things, courts must ensure that family members have notice of the proceedings as well as a fair opportunity to present testimony and express their point of view. These rights apply at all stages of the court process.

The performance goal addressed by these measures is the enhancement of due process by deciding cases impartially and thoroughly, based on evidence brought before the court. This goal encompasses giving each family the individual attention necessary to make effective decisions for the child and assuring that each child receives due process, including effective legal representation. The ideal is that children in similar circumstances should achieve similar results regardless of the jurisdiction in which the case is heard.

The ABA Center for Children and the Law considers the completeness and depth of child pro-

¹⁰⁴See 42 U.S.C. Sec675(5)(c).

¹⁰⁵Guidelines for Public Policy, op.cit., IV-11.

¹⁰⁶The W.K. Kellogg Foundation's Families for Kids Program, among other organizations, adds a time dimension to the permanency goal – placement in nurturing, permanent homes within one year. This elapsed time goal will be considered here as an integral part of the measure of permanency because it is a shared goal of courts and social service agencies. The timeliness of court processing, however, will be considered part of Goal 4, discussed later.

¹⁰⁷This measure was originally conceived to cover the scenario during which a child returns home, the court case is closed, and after some time has elapsed, returns to foster care in the custody of the agency. The court may also want to capture information on those cases in which children are returned home under protective supervision, the case remains open, and the child returns to foster care in the custody of the agency after some time has elapsed.

rective hearings to be a major factor in the quality of proceedings.¹⁰⁸ Quality hearings encompass, in part, notification of parties involved, amount of hearing time allotted, use of court reports, case plans, and findings, and court emphasis on permanency planning. The objective measures of due process proposed below incorporate these concepts of quality proceedings but cannot be complete without qualitative measure of fairness and equality.

Due Process Outcomes Are:

- Enhancement of due process by deciding cases impartially and thoroughly, based on evidence brought before the court.

What Courts Need to Measure:

1. Percentage of cases in which both parents receive written service of process within the required time standards or where notice of hearing has been waived by parties.
2. Percentage of cases in which there is documentation that notice is given to parties in advance of the next hearing.¹⁰⁹
3. Percentage of cases in which the court reviews case plans within established time guidelines.
4. Percentage of children receiving legal counsel, guardians ad litem or CASA volunteers in advance of the preliminary protective hearing or equivalent (Percentage within established time guidelines? Percentage within 0-5 days? 6-10 days? More than 10 days?).
5. Percentage of cases where counsel for parents are appointed in advance of the preliminary protective hearing or equivalent (Percentage within established time guidelines? Percentage within 0-5 days? 6-10 days? More than 10 days?).
6. Percentage of cases in which legal counsel children changes (as well as number of changes in counsel if possible).
7. Percentage of cases where legal counsel for parents changes (as well as number of changes in counsel if possible).
8. Percentage of cases where legal counsel for parents, children, and agencies are present at each hearing.
9. Percentage of children for whom all hearings are heard by one judicial officer (as well as two, three or more judicial officers if that information is available).¹¹⁰

PERFORMANCE MEASURE 4: TIMELINESS

Goal 4: To enhance expedition to permanency by minimizing the time from the filing of the petition or protective custody order to permanency.

Establishing and complying with state and federal guidelines for timely case processing are also important court process performance goals. Limiting the time required to bring litigation to a conclusion limits the exposure of families to emotionally charged issues that can have a detrimental impact on children.¹¹¹ Long periods of uncertainty and judicial indecision can put pressure on children and families, greatly adding to the strain of foster care. In addition, judicial timeliness is closely related to the goal of permanency. Children can be damaged by “foster care drift” – remaining too long in “temporary” foster homes. Clearly, the length of time required to resolve family issues needs to be limited and reasonable, given the potential harm from delays. Courts need guideposts to help them determine how well they are meeting performance goals.

¹⁰⁸American Bar Association, Center on Children and the Law, *State Court Assessments 1995-1998, Dependency Proceedings, Vol. 2, Quality of Hearings* (Washington, DC: ABA Center on Children and the Law, 1999), p. 17.

¹⁰⁹For most courts this may be an “aspirational goal” reflecting best practices.

¹¹⁰To measure the stability of judicial involvement, the principle at work is consistency of decisions and information as well as the avoidance of loss of relationships.

¹¹¹Joseph Goldstein, Anna Freud, and Albert Solnit, *Beyond the Best Interests of the Child* (New York: Free Press, 1979). Authors note the importance of considering the child’s sense of time.

In some courts, for example, a case can remain in litigation for a year or more after a petition for termination of parental rights is filed, before the trial court makes a final decision. In some courts, it can take up to a year from the date a child is removed from home simply to establish whether or not the child has been abused and neglected and the court has the power to determine who shall have custody of the child. Many courts perform in a far more timely fashion. It is important to capture this dimension of a court's performance.

It is important not only to capture the total time it takes a child to reach a permanent legal status, but also to capture the time elapsed between events in the court process (e.g., court hearings) so that courts can pinpoint precise sources of delay, and thus improve performance. Courts generally are most familiar with timeliness measures. These measures provide courts with tools to assist them in pinpointing areas where they are doing well and areas where improvement is needed.

Timeliness Outcomes Are:

- Expedition of permanency by minimizing the time from the filing of the petition or protective custody order to permanency.

What Courts Need to Measure:¹¹²

1. Average or median time from filing of the original petition to adjudication.
2. Average or median time from filing of the original petition to disposition.
3. Percentage of cases that are adjudicated within 30, 60, 90 days after the filing of the dependency petition.
4. Percentage of cases that receive a disposition within 10, 30, 60 days after the dependency adjudication.
5. Average or median time from filing of the original petition to permanent placement.
6. Average or median time from filing of the original petition to finalized termination of parental rights.
7. Percentage of cases for which the termination petition is filed within 3, 6, 12, 18 months after the dependency disposition.
8. Percentage of cases that receive a termination order within 30, 90, 120, 180 days after the filing of the termination petition.
9. Percentage of cases for which an adoption petition is filed within 1, 3, 6, months after the termination order.
10. Percentage of cases for which the adoption is finalized within 1, 3, 6, 12 months after the adoption petition.
11. Percentage of hearings (by hearing type) not completed within time frames set forth in statute or court rules. Where possible, the reason(s) for non-completion should also be captured (e.g., party requesting postponement).

PERFORMANCE MEASURE 5: WELL-BEING

Courts do not have the same extensive role to play in the lives of children and families that child welfare agencies do, and consequently are likely to have fewer outcome goals.¹¹³ The court's role in ensuring the well-being of children is more indirect. Although courts do not

¹¹²Two appellate measures are usually included as part of the timeliness goal: (1) Percentage of adjudication, disposition, termination and other judicial decisions that are appealed and percentage overturned on appeal; (2) Percentage of cases in which the results of the appeal are received within 1, 3, 6, and 12 months from the date the appeal was filed. The goals are very important and relevant, but cannot be obtained from trial court case files. For information on how appellate courts can expedite proceedings, see Ann Keith and Carol Flango, *Expediting Dependency Appeals: Strategies to Reduce Delays*, 2nd ed. Williamsburg, VA: National Center for State Courts, 2002.

provide care for children directly, they do have a role in inquiring about the health, medical care, school attendance, and other indicators that children are being properly cared for. These indicators may provide cues of dysfunctional family relationships and cause the family to return to court repeatedly. That being said, it is premature at this time to have courts adopt measures of well-being when consensus does not exist on measures for which courts have direct responsibility, such as safety of children, appropriate removal of children from their homes, successful achievement of permanency, and length of time in foster care. Yet such performance measures are part of a process of continuing improvement, which means that they should be reexamined and refined as their usefulness becomes apparent.

Children's well-being is another dimension of performance measurement that is specified in the Adoption and Safe Families Act (ASFA). In ASFA, children's well-being refers to factors other than safety and permanency that relate to a child's current and future welfare. Most notably, child well-being under ASFA refers to the child's educational achievement and mental and physical health. Measures of children's educational achievement and mental and physical health are *not* included in the *Guide* and *Toolkit* for several reasons:

- First, neither the federal government nor the social science research community have identified, or achieved consensus on, helpful statistical measures that are specifically related to child welfare cases. By contrast, we were able to adapt measures of safety, permanency, and procedural fairness related to court performance in child welfare cases.
- Second, even if there were clear well-being measures, the judicial branch is not likely to have child well-being statistics readily available. Getting this information requires data exchanges with external entities, which will only become possible **after** the court has developed its own system to measure performance.
- Third, although courts influence children's educational attainment and health only indirectly, they clearly do impact children's safety and permanency.

In the future, it may be helpful for courts to use child well-being measures in analyzing their own performance. To the extent that courts have the responsibility to make sure that the state is providing proper care to children in its custody, it will be useful for courts to know whether those children over whom they have jurisdiction are receiving a good education and are physically and emotionally healthy. If a local court learns, for example, that children in court-supervised foster care are substantially behind educationally, the court may decide to ask more penetrating questions about children's educational attainment. The court may decide to demand more documentation concerning the child's education, may instruct guardians ad litem to check into children's educational progress, and may even decide to join in meetings with school officials to discuss the educational needs of children in foster care and how best to address them.

Accordingly, once useful well-being measures have been developed for child welfare cases, at least some courts will want to include them in their own system for performance measurement. Data to support these measures, however, will primarily have to come from sources external to the court.

¹³Prevention goals especially may be achieved by child welfare agencies alone without court involvement. For example, Oregon's goal of reducing the number of abused children under age 18 decreased from 12 per 1,000 children to 6 per 1,000 children. *Oregon Progress Board, Oregon Benchmarks: 1993 Report to the Legislature* (Salem: Oregon Progress Board, 1993).

Appendix C

PEW COMMISSION ON CHILDREN IN FOSTER CARE COMMISSION MEMBER BIOGRAPHIES

THE HONORABLE BILL FRENZEL, CHAIRMAN

Guest Scholar, Governance Studies, The Brookings Institution
Washington, D.C.

Bill Frenzel is the Chairman of the Pew Commission on Children in Foster Care. Mr. Frenzel has been a Guest Scholar since 1991 at the Brookings Institution in Washington, D.C. For twenty years he represented Minnesota in the U.S. House of Representatives, where he was the Ranking Minority Member on the House Budget Committee. He was also a member of the House Ways and Means Committee and its Trade Subcommittee. In 2001, President Bush appointed him to the Social Security Commission, and in 2002, to the Advisory Committee on Trade Policy and Negotiations, which he chairs. He is also the Vice Chairman of the Eurasia Foundation, Chairman of the Japan-America Society of Washington, Chairman of the U.S. Steering Committee of the Transatlantic Policy Network and a board member of Northstar Education Finance, Sit Mutual Funds and other organizations.

THE HONORABLE WILLIAM H. GRAY, III, VICE CHAIRMAN

President and CEO, The College Fund/UNCF
Fairfax, Virginia

William H. Gray, III is Vice Chairman of the Pew Commission on Children in Foster Care. He has served as president and chief executive officer of the United Negro College Fund since September, 1991. As head of the UNCF, Mr. Gray has led the organization to new fundraising records, while cutting costs and expanding programs and services. Prior to his tenure at the UNCF, Gray served in the U.S. House of Representatives, where he chaired the House Budget Committee and served as Majority Whip. He was the highest-ranking African American ever to serve in Congress. Additionally, Mr. Gray served as special advisor to President Clinton on Haiti in 1994. Among the awards and distinctions he has received are the Medal of Honor from Haitian President Jean-Bertrand Aristide and the Franklin Delano Roosevelt Freedom of Worship Medal.

POLLY ARANGO

Founder, Family Voices
Algodones, New Mexico

Polly Arango is an adoptive parent and an advocate for children with special health care needs. She co-founded Family Voices, a national grassroots network working to improve health care for children with special health needs. Currently, Mrs. Arango continues her work as writer, speaker, and advocate for children. She is a member of the U.S. Department of Health and Human Services Secretary's Advisory Committee on Infant Mortality, the Human Condition Jury for the Heinz Family Foundation Awards, and the Board of Directors of the National Initiative for Children's Healthcare Quality/NICHQ. She has served as a member of the National Commission on Childhood Disability/Supplemental Security Income. Mrs. Arango also helped establish the New Mexico Citizens' Review Board for foster care and served as a member.

WILLIAM C. BELL

Commissioner, New York City Administration for Children's Services
New York, New York

William C. Bell was appointed Commissioner of New York City's Administration for Children's Services by Mayor Michael R. Bloomberg in December 2001. The agency is responsible for child protection, foster care, adoption, and child care services. He has over 27 years of experience in the human services field, and he has worked for a variety of private and public agencies in New York City. Mr. Bell is a member of the Advisory Board of the National Resource Center on Child Maltreatment and serves on the Board of Directors of the Council on Social Work Education. He is also on the Executive Committee of the National Association of Public Child Welfare Administrators.

THE HONORABLE MAURA CORRIGAN

Chief Justice, Michigan Supreme Court
Detroit, Michigan

Maura Corrigan is Chief Justice of the Michigan Supreme Court. She was appointed to the Michigan Court of Appeals in 1992 and became Chief Judge of that court in 1997. In 1998, she was elected to the Michigan Supreme Court for an eight-year term, then elected Chief Justice by her colleagues in 2001. In January 2003, she was elected by her colleagues to a second two-year term as Chief Justice. She chairs the Conference of Chief Justices Problem Solving Courts committee, served as a member of the Attorney Advisory Committee of the United States Court of Appeals, and has served on the executive board of the Michigan Judges Association. Chief Justice Corrigan won the U.S. Department of Health and Human Services Award for significant improvements to Michigan's Child Support Enforcement Program.

GLENN DeMOTS

President, Bethany Christian Services
Grand Rapids, Michigan

Glenn DeMots is the President and Chief Executive Officer of Bethany Christian Services, a non-profit, social services agency based in Grand Rapids, Michigan. Bethany provides services to children and families in 75 locations in 32 states and 16 other countries. Services include birthparent counseling, domestic and international adoption services, foster care, family and marriage counseling, and refugee resettlement. Prior to being named CEO, Mr. DeMots worked in Bethany's foster care and family counseling programs.

HELEN JONES-KELLEY, ESQ.

Executive Director, Montgomery County, Ohio Children Services
Dayton, Ohio

Helen Jones-Kelley, Esq., was appointed Executive Director of Montgomery County, Ohio Children Services in 1995, where she oversees public child protection programs. Prior to that position, she served as a referee (magistrate) and Assistant Legal Director for Montgomery County Juvenile Court. She is a past president of the board of the National CASA Association and serves on the Executive Advisory Council for the Child Welfare League of America. She also served on the Dave Thomas National Center on Adoption Law. Ohio Supreme Court Justice Tom Moyer appointed her to co-chair the Ohio Advisory Council on Children, Families and the Courts. Mrs. Jones-Kelley was also a foster parent.

THE HONORABLE PATRICIA MACIAS

Judge, 388th Judicial District

El Paso, Texas

Judge Patricia A. Macías is Presiding Judge of the 388th Family District Court in El Paso, TX. During her nine-year tenure on the bench, she has served as Associate Judge of the Children's Court, designated as a model court by the National Council of Juvenile and Family Court Judges. Her current assignment includes high conflict custody and domestic violence cases. In this capacity, Macias introduced and implemented the Unified Family Court concept for all El Paso Family Courts. Judge Macias is a member of the Board Trustees of the National Council of Juvenile and Family Court Judges, and serves on the Texas Supreme Court Task Forces on Foster Care and Protective Orders. In 2003, Judge Macias was inducted into the El Paso Hall of Fame for her Outstanding Public Service.

THE HONORABLE ANGELA MONSON

Assistant Majority Leader, Oklahoma Senate

Oklahoma City, Oklahoma

Senator Angela Monson is the Assistant Majority Leader of the Oklahoma Senate, where she previously chaired the Finance Committee. Prior to being elected to the Senate, she served in the Oklahoma House of Representatives for three years. Senator Monson was the Executive Director of the Oklahoma Health Project before her election to public office. Senator Monson is the immediate past President of the National Conference of State Legislatures and serves on the Executive Committee of the National Black Caucus of State Legislatures. She is raising her late sister's two children.

JOY D. OSOFSKY, Ph.D.

Professor of Pediatrics, Psychiatry, and Public Health, Louisiana State University Health Sciences Center

New Orleans, Louisiana

Dr. Joy Osofsky is a psychologist and psychoanalyst. She serves on the faculty at Louisiana State University Health Science Center, the University of New Orleans, and the New Orleans Psychoanalytic Institute. She is also President of Zero to Three: National Center for Infants, Toddlers, and Families. Her research has been published in numerous journals, including *The Future of Children*, *Infant Mental Health*, *American Psychologist*, and *International Journal of Psychoanalysis*. In 2002, she co-authored a technical assistance brief, "Questions Every Judge and Lawyer Should Ask About Infants and Toddlers in the Child Welfare System." Since 1997, she has consulted with Judge Cindy Lederman, Administrative Judge of the Juvenile Court in Miami/Dade County to develop and evaluate programs to benefit high-risk young children and families in court.

CRISTINA SILVA

Student, New York University
Miami, Florida

Cristina Silva is a junior at New York University pursuing a B.A. in Journalism and Politics. Her volunteer work with various child welfare agencies has earned her several service awards, including the Miami Herald/Knight Ridder Award for Journalism and the Hispanic Heritage Regional Award in English. Ms. Silva spent time as a child and adolescent in Florida's foster care system. She currently participates in the Florida Department of Children and Families' Independent Living Program. Ms. Silva plans to pursue a career in writing and politics.

CAROL WILSON SPIGNER, D.S.W.

Kenneth L.M. Pray Distinguished Professor, University of Pennsylvania School of Social Work
Philadelphia, Pennsylvania

Dr. Carol Wilson Spigner (aka Williams) is the Kenneth L.M. Pray Distinguished Professor at the University of Pennsylvania School of Social Work. From 1994 to 1999, she was Associate Commissioner of the Children's Bureau of the U.S. Department of Health and Human Services, where she was responsible for the administration of federal child welfare programs. She has been a senior associate at the Center for the Study of Social Policy and a professor at the University of North Carolina at Chapel Hill (where she directed the National Child Welfare Leadership Center) and the University of California, Los Angeles. She began her career working for the Los Angeles County Departments of Adoption and Probation.

GARY STANGLER

Executive Director, Jim Casey Youth Opportunities Initiative
St. Louis, Missouri

Gary Stangler is the Executive Director of the Jim Casey Youth Opportunities Initiative. He previously served as the Director of the Missouri Department of Social Services under both a Republican and Democratic Governor (Governors John Ashcroft and Mel Carnahan, respectively) and as Director of Policy for the Center for Family and Policy Research at the University of Missouri-Columbia. Mr. Stangler is affiliated with many state, national and international child welfare organizations, including the American Public Human Services Association (APHSA) and the International Initiative for Children, Youth, and Families.

THE HONORABLE WILLIAM A. THORNE JR.

Judge, Utah Court of Appeals
Salt Lake City, Utah

Judge William A. Thorne Jr. is a member of the Utah Court of Appeals. Previously, he served as a state trial judge for 14 years. For 20 years, he served, on a part-time basis, as a tribal court judge in several Western and Midwestern States. He is currently president of the National Indian Justice Center and chairs the Racial and Ethnic Fairness Commission for the State of Utah and the Judicial Council's Technology Committee. Judge Thorne is a member of the Executive Committee for the National Court Appointed Special Advocates (CASA) and a member of the board of directors for the North American Council of Adoptable Children (NACAC) and the Evan B Donaldson Adoption Institute. Judge Thorne is a Pomo Indian.

WILLIAM C. VICKREY

Administrative Director of the Courts, California Administrative Office of the Courts
San Francisco, California

William C. Vickrey is the Administrative Director of the Judicial Council of California's Administrative Office of the Courts. Previously, he was the State Court Administrator for the Utah Administrative Office of the Courts; the Executive Director for the Utah Department of Corrections; and Director for the Utah State Division of Youth Corrections. He has served as staff to the Governor's Judicial Article Task Force which established the Utah Court of Appeals and other judiciary reforms. Mr. Vickrey served as President of the Conference of State Court Administrators in 1998-1999. He was the 1995 recipient of the Warren E. Burger Award, one of the highest honors from the National Center for State Courts.

CLARICE DIBBLE WALKER

Associate Professor Emeritus, Howard University
Silver Spring, Maryland

Clarice Dibble Walker is Associate Professor Emeritus at Howard University. She has been on the faculty at Howard for much of her career. She also served as Commissioner of Social Services for the District of Columbia during the administration of Mayor Sharon Pratt Kelly. Walker is president of the board of Safe Shores-The D.C. Children's Advocacy Center, and is the former chair of the board of The National Black Child Development Institute. She also serves on a number of other boards, including The Freddie Mac Foundation, D.C. Action for Children, and Prevent Child Abuse America, and is a trustee of Sarah Lawrence College.

Appendix D

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- Ron Haskins, Senior Fellow, Economic Studies, The Brookings Institution, for assistance and consultation to the Commission.
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- Finally, a special thanks to the families of Commission members and staff, who graciously accepted our travel and our frequent absences from the dinner table as we undertook this work. We could not have done this without your loving support.

Tab B



JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS

Resolution
Blue Ribbon Commission on Children in Foster Care

Whereas all children need safe, permanent families that love, nurture, protect, and guide them;

Whereas, although foster care is absolutely critical to protecting children who cannot stay safely in their own homes, it is intended to be a short-term refuge rather than a long-term saga;

Whereas, on an average day, California has approximately 97,000 children in foster care;

Whereas, although the number of all children in California account for approximately 13 percent of all children in the United States, California children in foster care comprise approximately 19 percent of the total United States foster care population;

Whereas in California, of the more than 491,000 referrals to social services of child abuse or neglect, approximately 110,000 or 22 percent, were substantiated by child welfare staff;

Whereas youth who leave the foster care system are often ill prepared for what follows—more than half are unemployed, almost a third become homeless, and one in five will be incarcerated within two years;

Whereas the California Judicial Council recognizes that the safety, permanency, and well-being of children under court supervision is paramount;

Whereas the Judicial Branch is dedicated to improving the quality of justice and services to meet the diverse needs of children, youth, and families in California by building partnerships with other local and statewide agencies and professions that work with children and families throughout our state;

Whereas, although there have been individual efforts to see that children are safe in foster care, and efforts to improve the judicial process, systemic improvements are needed to meet the needs of children in foster care and in the child welfare system, and these improvements can best be achieved through collaboration between the courts, child welfare, education, medical, and mental health partners, and other public and private agencies and individuals;

Whereas institutionalization of this collaboration will ensure that systemic improvements are sought and achieved beyond the terms of office of individual members of the judiciary, agency directors, and elected officials;

Whereas the state's ability to respond to the needs of vulnerable children is primarily financially supported by federal funding and whereas federal guidelines on the use of funds limits California's ability to invest those limited resources in smarter and more effective ways to benefit children and families;

Now, therefore, be it resolved

That a Blue Ribbon Commission on Children in Foster Care is established as a high-level, multidisciplinary body to provide leadership and recommendations to improve the ability of the federal government, California's state and local agencies, and the courts to protect children in California by helping them to become part of a permanent family that will provide a safe, stable, and secure home;

That, in its deliberations, the Commission shall develop recommendations

- Creating a set of comprehensive strategies and effective approaches to reduce the number of children in foster care by reducing the number of children entering foster care and reducing the length of time in foster care while ensuring they have safe, secure, and stable homes
- Successfully implementing the Judicial Council's goals and objectives, including those on ensuring appropriate judicial and staff resources and establishing stable funding for juvenile courts
- Successfully implementing the recommendations of the Pew Commission on Children in Foster Care, as adopted by the Judicial Council, including those on strengthening court oversight, improving collaboration, and ensuring flexible funding
- Advocating effective approaches to secure greater flexibility for federal funding so that California can meet the critical objective of permanency through prevention, early intervention, reunification, guardianship, and adoption
- Ensuring that all children receive sufficient mental health, health care, education, and other services whether they reside with family, foster parents, relatives, adoptive parents, or in other placements
- Institutionalizing a permanent collaborative model that will ensure that systemic improvements are sought and achieved beyond the tenure of this Commission
- Proposing other initiatives it deems appropriate;

That the Commission, led by Justice Carlos R. Moreno of the California Supreme Court, shall conduct its inquiry in a manner that broadens public awareness of and support for meeting the needs of vulnerable children and families;

That at the conclusion of the Commission's investigation and deliberations, the Commission will host a statewide conference for multidisciplinary teams from each county for the purpose of establishing permanent foster care commissions in each county; and

That the Commission shall file an interim and final report with the California Judicial Council, recommending appropriate action to serve and meet the needs of children and families in California's foster care and child welfare system.

Signed at San Francisco, California, this ninth day of March, 2006


RONALD M. GEORGE

Chief Justice of California and
Chair of the Judicial Council of California


WILLIAM C. VICKREY

Administrative Director of the Courts

Tab C

**Remarks by Justice Carlos R. Moreno, Chairman
California Blue Ribbon Commission on Children in Foster Care
Judicial Council of California
San Francisco
March 23, 2006**

I am very pleased to welcome this distinguished group of new commissioners to the first meeting of the California Blue Ribbon Commission on Children in Foster Care. We have our work cut out for us. It promises to be an exciting and challenging adventure as we join our efforts to ensure safe, secure, permanent homes for California's abused and neglected children through improved accountability, collaboration, and effective use of resources.

When the California Supreme Court more than 150 years ago had its first case that today would be characterized as a child abuse case¹ there simply were no protections for abused children in this state. In that case, the captain of a schooner bound for San Francisco Bay stopped for several weeks at one of the Marquesas Islands in French Polynesia. Before leaving the islands, the captain and his mate lured five young girls of about 14 years onto the schooner under false pretenses, then set sail and held them against their will, treating them with "great cruelty" on the trip to the port of San Francisco. They continued to hold them when they arrived, and continued to abuse them to such an extent that all of the girls jumped overboard to escape the cruelty, only to be rescued by their abusers who continued to detain them. One of the deckhands who had lived in the Marquesas and knew the girls filed a petition for writ of habeas corpus.

¹ *Ex parte* The Queen of the Bay, et al. (1850) 1 Cal. 157.

The captain and the girls were brought before the California Supreme Court. The captain didn't even pretend to have any legal right to detain the girls, so the court discharged them and they were eventually sent back to their own country—presumably on another ship or schooner, and who knows what happened to them on the way back.

I am sure you will agree that we have made much progress in the ensuing years to ensure the health and safety of the children who come before us. That case would be handled very differently today. Social services would get involved. The case would go before the juvenile court. They would undoubtedly be accompanied back to their country with someone who cared about their safety. And, children are no longer considered property. They now have a whole panoply of rights—to legal representation, education, health care services, etc. But still the children in our care sometimes languish in foster care for years and aren't given the kind of support they need to become responsible and productive members of the community. We now have a chance to do something about that.

When Chief Justice Ronald George appointed this commission, he saw a critical need to establish a permanent collaborative framework to achieve access to services among all who share responsibility for the well-being of California's 97,000 children in foster care—almost 20% of this nation's total foster care population! The numbers are staggering. In this state 110,000 of 491,000 CPS referrals are substantiated cases of abuse or neglect. That means that almost 1 out of 4 referrals may lead to foster care for this state's children in distress. Nationally, a child stays for an average of 3 years in

foster care and is bounced to 3 or more homes. Youth who grow up in foster care often leave the system ill-prepared to function successfully in life—half are unemployed, a third go homeless, and one in five ends up in jail. This is simply unacceptable. Our children are paying a terribly high price, as is society. We have to do better.

This commission has an unprecedented opportunity to make a real difference in the lives of our state's children. With the federal government providing the primary source of funding for the care of this nation's abused and neglected children, the state often finds that its hands are tied as it explores options to meet the wide-ranging needs of our children. Most funds currently go to foster care rather than prevention and permanence. Think what a difference we could make if we put significant resources in at the front end of this problem! Research shows that expenditures on prevention and permanence pay off in both monetary savings and healthy kids. We must develop strategies for applying resources in more flexible ways to support children and families, while at the same time persuading the government to invest smarter and lift restrictions on how money can be spent by the state. We need to extend adoption assistance to all children and also fund guardianship assistance. We need to explore "permanency incentives" and bonuses for reducing caseloads and providing training for caseworkers. And we must more effectively measure safety, permanence and well-being to strengthen accountability. These realigned investments would provide real returns to this state's children and to society.

And speaking for my own profession, it is crucial that judges take the lead in this effort because of their critical role. No child enters foster care or leaves foster care without a judge's decision. Judges need tools and resources to better monitor progress and compliance. Though we have made progress, as confirmed by the 2005 Court Improvement Project reassessment (you will be hearing more about the reassessment later), many obstacles remain. Hearings are often obstructed by undue delays. Court caseloads well exceed national standards, jeopardizing thoughtful review. And courts can't track every child's progress effectively because judges have no access to meaningful data on cases. Courts and their partner agencies don't share information necessary to manage cases, measure performance, and ensure system accountability. There is a significant need to improve legal representation and access for parents and kids. Just a small investment in the right places could leverage big changes in this state's courts. We, as a commission, will be able to target further improvements in the performance of courts where often the most critical life decisions are made.

And that brings me to you, the new members of this commission, about to embark on a 2-year effort to provide leadership to improve coordination among the federal government, state and local agencies, and the courts—to protect kids and help them find stability. You are a hand-picked, representative panel with broad expertise, committed to improving the ability of the federal government, state, local agencies, and the courts to secure more quickly safe, permanent and nurturing homes for children while, at the same time, reducing the need for foster care. I look out over the 44 of you

and see legislators, tribal leaders, social services professionals, foundation representatives, academic professionals, youth advocates, judges, probation officers, mental health and health care professionals, public defenders, county counsel, and dedicated administrative court staff. As I see it, with that kind of coverage there is nothing we can't do. We will be looking at ways to prevent neglect and abuse, reduce time in foster care, and identify families who can provide permanence. We'll be following the recommendations of the PEW Commission in light of new insight from the AOC Court Improvement Project findings. And we'll be creating recommendations to help agencies, caseworkers, and caretakers to do a better job. This looks to be a great two years and I congratulate and thank each one of you on your commitment to take on this work.

My own commitment to this issue is a personal one.

Over five years ago my wife and I took custody of her then-five-year-old niece, Heather. Heather was belatedly diagnosed as autistic and severely developmentally delayed. She had been neglected and deprived, as well. We took custody of Heather, because the only other option was that the State of New Jersey institutionalize her for perhaps the rest of her life. We offered our help and our home to see if a new environment would allow Heather to thrive. Although Heather was then five years old, she could not speak a word. She had no language; instead she communicated by loud screams. Her motor skills were so lacking that ordinary physical activities, such as riding a tricycle or knowing how

to play on swings or other playground equipment was simply beyond her limited capability. She was subject to temper tantrums, which included pounding her head on the floor and walls, and emitting screams that sent shivers through your spine.

My wife and I appeared at a court hearing in New Jersey, offered our assistance and within only two days' notice, Heather was on a plane with us back to Los Angeles, accompanied by a social worker and two nurses, since no one knew what to expect on the flight back. Neither my wife nor I had any prior experience, of any significant note, with the healthcare system, or with special needs education, much less any experience in dealing with autistic children. We found that there was an immediate need for a host of services: child care, medical care, major dental care, neurological exams, plastic surgery, genetic testing, hearing tests under sedation, in addition to finding a school for her and obtaining the right services for her.

More significantly, we had to confront a virtual maze of state and federal regulations and statutes dealing with the rights of the disabled to both proper and appropriate medical and educational care—with no single agency to help coordinate these services. Just as we have the greatest health care system in the world, we also have some of the most advanced laws that protect the rights of people with disabilities and require access to appropriate services . . . the Americans with Disabilities Act, I.D.E.A., etc.

In attacking these issues, I recalled my experience as a business litigator and essentially assumed a litigation mode. I created individual files for every agency that I would have to deal with - from the local school district, to the local regional center, DPSS, social security, Medi-Cal and many others. I researched the applicable laws, and pointed them out when agencies were not following them. In retrospect, our overall experience with the numerous agencies was somewhat mixed, although at the time it seemed I was more often frustrated than satisfied with my contacts. Some agencies were, of course, more receptive and informative than others, and I also had to deal with the ubiquitous problem of voicemail. By and large, most providers were committed to providing mandated services. However, many who wanted to help were simply overwhelmed and we had to be placated by being placed on a waiting list. As you can see, my experience was characterized by many ups and downs.

Now I recognize the fact that because I was a federal judge at the time, that *may* have persuaded some agencies to respond to my requests more quickly. In fact, the thought occurred to me many times during the process of obtaining services for Heather that I probably was having a “relatively” easy time in obtaining these services — but not always. But I also thought that if someone like me, someone who is educated, has held several high positions within the judicial system and is well-versed in the law, *if I* was having difficulty in getting the system to work, what did people do who couldn’t speak the language; who were

not familiar or even aware of their rights; who could not take time off from work; who did not have access to word processing or FAX machines; who were reluctant or intimidated to deal with any public agency – what did they do? How did they get access to these services? Because, believe me, it is not easy.

And that is the struggle faced by the caregivers of every foster child in our state. Whether it be a social worker, foster parent, legal representative, tribal advocate, judge, child advocate, probation officer, or another, the system caring for this state's abused and neglected kids often seems impenetrable. I concluded from my still ongoing experience with the healthcare and educational systems, that we as a nation, and particularly we who are public servants, must make a concerted effort to effectuate a philosophical sea change to make access to services — whether they be medical, educational or legal — uppermost in our minds. That we should make these services more accessible and easier to obtain, rather than more restrictive and more difficult to obtain. That our service industries, not only our medical service industry, but our system of justice as well, should accommodate the user rather than the provider. Again, I cannot stress this enough, *access* is the key to obtaining one's rights. And that is what we want for our children in the system—a chance for each of them to access their rights to an education; decent medical care; competent legal representation; and safe, secure, permanent, and nurturing homes. We cannot settle for anything less.

As a public servant and as someone who has experienced first hand the obstacles and the challenges of navigating through a complex system, I am committed to being an advocate for eliminating the problems in our foster care system. And I thank you again for joining me in this effort, for committing your education, skills, and creativity to developing strategies and finding solutions for this state's children in foster care.

Tab D

Background Information
California Blue Ribbon Commission on Children in Foster Care

Every Child Is Entitled to a Safe, Permanent Home

Although California has approximately one-tenth of the child population in the United States, it is home to roughly 20 percent of America's foster children.

Too many of California's most vulnerable children are spending more time than necessary in foster care, in part because of delays, limited information, and poor communication in California's juvenile courts. To address these issues at the national and state levels, Chief Justice Ronald M. George has convened the California Blue Ribbon Commission on Children in Foster Care.

The commission will explore the causes and consequences of court-based delays and make recommendations on how to improve the ability of courts to move children quickly out of the legal limbo of foster care into safe, permanent homes. The commission will also explore how to strengthen courts' accountability for the use of public dollars in protecting and supporting children who have suffered abuse and neglect. Commissioners will study more flexible approaches to federal funding that would give California and other states the freedom to decide whether foster care is the right choice for an individual child or whether there are other options that might keep children safe and secure.

The blue ribbon commission will solicit firsthand accounts from children, parents, judges, administrators, and others in California to depict the high-stakes decisions courts make, as well as the obstacles to children's exiting foster care within a reasonable time, such as court delays, lack of information, and the failure of all parties to collaborate in the decision-making process.

A goal of the commission is to provide California's courts with the tools they need to improve their oversight of foster care cases, promote collaboration between the courts and child welfare agencies, and help every child and parent have an effective voice in the court proceedings that affect their lives. Chief Justice George is establishing this commission to highlight that children's safety, permanence, and well-being are top priorities in the California court system and to encourage national policymakers to implement key funding and court reforms.

The commission will make recommendations to the Judicial Council for possible legislation, rules of court, and changes in policy and practice guidelines.

The Role of the Courts

Courts and child welfare agencies share the responsibility to protect children from harm. Courts determine whether abuse or neglect has occurred and whether a child should be removed from the home. Federal and state law also charge courts with ensuring that children are moved out of foster care and placed in safe, permanent homes within specific

Background Information
California Blue Ribbon Commission on Children in Foster Care

time frames. This includes deciding whether and when a child can safely return home, when a parent's rights should be terminated, and whether a child should be adopted or placed with a permanent guardian. As Bill Frenzel, a former member of Congress and the chair of the national, nonpartisan Pew Commission on Children in Foster Care (on which William C. Vickrey, Administrative Director of the California Courts, proudly served), observed, "no child enters or leaves foster care without a judge's decision."

Background

In addition to the diverse backgrounds of the distinguished commission members, two important sources for the commission's work are the Judicial Council's *Leading Justice Into the Future: Operational Plan for California's Judicial Branch*, and the report and recommendations of the Pew Commission on Children in Foster Care.

About the Judicial Council of California: The 27-member Judicial Council is the policymaking body of the California, the largest court system in the nation. Under the leadership of the Chief Justice, the council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. The Administrative Office of the Courts serves as the staff agency to the council. As the head of the third branch of government, the Judicial Council has a variety of other duties and responsibilities, defined by the state Constitution as well as by numerous statutes and legislation, to improve the administration of justice.

The council's proposed objectives and desired outcomes, as detailed in *Leading Justice Into the Future*, include:

- Assessing the standards for determining levels of resources for cases involving children and families and ensuring that authorized resources are allocated in ways that are consistent with these standards.
- Presenting recommendations for stable funding based on branchwide baseline standards for judicial and staff resources, so that courts can appropriately adjudicate juvenile dependency matters.
- Improving courts' management of dependency and delinquency cases by:
 - Working with other stakeholders to develop a comprehensive plan with approaches, programs, and avenues that result in fewer children in dependency cases, and improving court disposition of dependency cases (such as time to permanency for children in foster care);
 - Developing and implementing uniform standards for the performance, oversight, and fiscal treatment of court-appointed counsel in dependency proceedings;
 - Developing and implementing uniform standards for the performance and oversight of court-appointed counsel in delinquency proceedings; and

Background Information
California Blue Ribbon Commission on Children in Foster Care

- Working with counties to enhance resources for attorneys representing children in delinquency proceedings.
- Evaluating innovative programs, including their benefits and their potential impacts on judicial resources.
- Establishing a plan to obtain adequate resources to maintain and implement statewide programs and initiatives such as unified family courts, alternative dispute resolution, drug and mental health courts, and other collaborative justice models.

About the Pew Commission: The nonpartisan Pew Commission on Children in Foster Care was launched on May 7, 2003, and is supported by grants from the Pew Charitable Trusts and the Annie E. Casey Foundation to the Georgetown University Public Policy Institute. The panel, which included some of the nation's leading child welfare experts, was charged with developing practical, evidence-based recommendations related to federal financing and court oversight of child welfare to improve outcomes for children in foster care, particularly to expedite the movement of children from foster care to safe, permanent families and to prevent unnecessary placements in foster care.

The Pew Commission's court recommendations, as detailed in its 2004 report *Fostering the Future*, call for:

- Adoption of performance measures by every dependency court to ensure that courts can track and analyze their caseloads, increase accountability for improving outcomes for children, and inform decisions about the allocation of court resources;
- Incentives and requirements for effective collaboration between courts and child welfare agencies on behalf of children in foster care;
- A strong voice for children and parents in court and effective representation by better trained attorneys and volunteer advocates; and
- Leadership from Chief Justices and other state court leaders to organize their court systems to better serve children, provide training for judges, and promote more effective standards for dependency courts, judges, and attorneys.

The key components of the Pew Commission's financing recommendations are:

- Preserving federal foster care maintenance and adoption assistance as an entitlement and expanding it to all children, regardless of their birth families' income and including Indian children and children in the U.S. territories;
- Providing federal guardianship assistance to all children who leave foster care to live with a permanent legal guardian when a court has explicitly determined that neither reunification nor adoption is a feasible permanence option;
- Helping states build a range of services, from prevention to treatment and to post-permanence, by (1) creating a flexible, indexed Safe Children, Strong Families

Background Information
California Blue Ribbon Commission on Children in Foster Care

Grant from what is currently included in Title IV-B and the administration and training components of Title IV-E and (2) allowing states to “reinvest” federal and state foster care dollars into other child welfare services if they safely reduce their use of foster care;

- Encouraging innovation by expanding and simplifying the federal waiver process and providing incentives for states to (1) make and maintain improvements in their child welfare workforces and (2) increase all forms of safe permanence; and
- Strengthening the current Child and Family Services Review process to increase states’ accountability for improving outcomes for children.

Tab E

CALIFORNIA BLUE RIBBON COMMISSION ON CHILDREN IN FOSTER CARE SUBCOMMITTEES

The commission will have four subcommittees that will meet in person or by phone between meetings of the full commission. The subcommittees will discuss and analyze issues in specified subject areas and make recommendations to the commission.

Strengthening Court Oversight

- *Hon. Richard Huffman, Chair*

This subcommittee will consider issues related to policies and procedures in the trial and appellate courts and the overall role of the juvenile court in the child welfare system.

Possible topics might include:

- What resources do courts need to function effectively (overlap with Funding and Resources Subcommittee)
 - Staffing
 - Workload/Caseloads
- Effective case calendaring techniques
- Conducting effective hearings
- Continuance policies
- Oversight of appointed counsel
- Providing effective counsel in the trial and appellate court
- Policies regarding who should be in court (e.g., children and child welfare workers)
- Keeping dedicated judges in the juvenile court
- 391 hearings re: emancipating youth
- Timely adjudication
- Effective management of cases involving Indian children
- Collaboration with tribal courts

Consider relevant Pew Commission Recommendations

STRENGTHENING COURTS

- To protect children and promote their well-being, courts and public agencies should be required to demonstrate effective collaboration on behalf of children.
 - The Department of Health and Human Services (HHS) should require that state IV-E plans, Program Improvement Plans, and Court Improvement Program plans demonstrate effective collaboration;
 - HHS should require states to establish broad-based state commissions on children in foster care, ideally led by the state's child welfare agency director and the Chief Justice;

- Congress should appropriate \$10 million to train court personnel, a portion of which should be designated for joint training of court personnel, child welfare agency staff, and others involved in protecting and caring for children.
- To safeguard children's best interests in dependency court proceedings, children and their parents must have a direct voice in court, effective representation, and the timely input of those who care about them.
 - Courts should be organized to enable children and parents to participate in a meaningful way in their own court proceedings;
 - Congress should appropriate \$5 million to expand the Court Appointed Special Advocates program;
 - States should adopt standards of practice, preparation, education, and compensation for attorneys in dependency practice;
 - To attract and retain attorneys who practice in dependency court, Congress should support efforts such as loan forgiveness and other demonstration programs; and
 - Law schools, bar associations, and law firms should help build the pool of qualified attorneys available to children and parents in dependency courts.
- Chief Justices and state court leadership must take the lead, acting as the foremost champions for children in their court systems and making sure the recommendations here are enacted in their states.
 - Chief Justices should embed oversight responsibility and assistance for dependency courts within their Administrative Office of the Courts;
 - State court leadership and state court administrators should organize courts so that dependency cases are heard in dedicated courts or departments, rather than in departments with jurisdiction over multiple issues;
 - State judicial leadership should actively promote: (1) resource, workload and training standards for dependency courts, judges, and attorneys;²⁴ (2) standards of practice for dependency judges; and (3) codes of judicial conduct that support the practices of problem-solving courts; and
 - State court procedures should enable and encourage judges who have demonstrated competence in the dependency courts to build careers on the dependency bench.

Stable and Appropriate Funding and Resources

- *Hon. Susan Huguenor, Chair*

This subcommittee will consider measures to ensure adequate resources are available to reach the goals for families set by the courts, child welfare agencies and the commission.

Issues might include:

- Ensuring appropriate caseloads for key players, including courts, attorneys and child welfare agencies

- Advocating for flexible funding (including federal foster care funding) for child welfare services to meet the critical objective of permanency through prevention, early intervention, reunification, guardianship and adoption
 - Promoting effective models for flexible use of federal Title IV-E funds through the waiver process currently being developed.
 - The role of philanthropy in foster care
 - Assuring adequate funding and resources for juvenile courts
-
- Allowing medical money to follow child
 - Major hurdles to medical care, mental health care, educational resources
 - Add older children

Consider relevant Pew Commission Recommendations

FINANCING CHILD WELFARE

- Because every child needs a safe, permanent family, the Commission recommends:
 - Providing federal adoption assistance to all children adopted from foster care;
 - Providing federal guardianship assistance to all children who leave foster care to live with a permanent, legal guardian.
- Because every child needs to be protected from abuse and neglect, the Commission recommends that the federal government join states in paying for foster care for every child who needs this protection:
 - Regardless of family income;
 - Including children who are members of Indian tribes; and
 - Including children who live in the U.S. territories.
- Because every child needs a permanent family, the Commission recommends allowing states to “reinvest” federal dollars that would have been expended on foster care into other child welfare services if they safely reduce the use of foster care. States could use these funds for any service to keep children out of foster care or to leave foster care safely.
- Children need skillful help to safely return home to their families, join a new family, or avoid entering foster care in the first place. For caseworkers to provide this help, states need flexible, sufficient, and reliable funding from the federal government. The Commission recommends an indexed Safe Children, Strong Families Grant that combines federal funding for Title IV-B, Title IV-E Administration, and Title IV-E Training into a flexible source of funding. The Commission further recommends that additional funding be provided in the first year, and that the grant be indexed in future years.
 - Each state’s grant amount would be based on its historical spending for Title IV-B and Title IV-E Administration and Training;

- In addition, the total base funding level would be enhanced by \$200 million in the first year of implementation;
 - In subsequent years, each state's allocation would grow by 2 percent plus the inflation rate, as measured by the Consumer Price Index; and
 - States would be required to match the federal grant funds, just as they currently are required to match federal IV-B and IV-E dollars.
- To guarantee that public funds are used effectively to meet the needs of children who have been abused or neglected and to increase public accountability, the Commission recommends improvements to the federal Child and Family Services Reviews (CFSRs).
 - The CFSRs should include more and better measures of child well-being, use longitudinal data to yield more accurate assessments of performance over time, and HHS should direct that a portion of any penalties resulting from the review process be reinvested into a state's Program Improvement Plan;
 - The federal government should continue to help states build their accountability systems by maintaining the federal match for State Automated Child Welfare Information Systems; and
 - Congress should direct the National Academy of Sciences, through its Board on Children, Youth, and Families, to convene a foster care expert panel to recommend the best outcomes and measures to use in data collection.
- To promote innovation and constant exploration of the best ways to help children who have been abused and neglected, the Commission recommends that the federal government:
 - Expand and improve its successful child welfare waiver program;
 - Continue to reserve funds for research, evaluation, and sharing of best practices; and
 - Provide bonuses to states that make workforce improvements and increase all forms of safe permanence for children in foster care.

**Strategies and Accountability for Reducing Number of Children in Foster Care
Establishing permanent and safe placements**

- *Hon. Michael Nash, Chair*

This subcommittee will consider current and future initiatives to ensure accountability for courts and agencies throughout the foster care system on both the local and state levels.

Possible topics include:

- Outcome and performance measures for courts and agencies
- Developing permanent local and state multidisciplinary commissions on foster care
- Developing and enhancing community partnerships in and between the public and private sectors

- Policies regarding confidentiality in the courts and agencies serving children and families
- What are strategies to keep children out of care?
- How do we make child welfare system function as a system?

Consider relevant Pew Commission Recommendations

- Courts are responsible for ensuring that children's rights to safety, permanence and well-being are met in a timely and complete manner. To fulfill this responsibility, they must be able to track children's progress, identify groups of children in need of attention, and identify sources of delay in court proceedings. *(Repeated in Case Management Subcommittee)*
 - Every dependency court should adopt the court performance measures developed by the nation's leading legal associations and use this information to improve their oversight of children in foster care;
 - State 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; and
 - Congress should appropriate \$10 million in start-up funds and such sums as necessary in later years, to build capacity to track and analyze caseloads.

Effective Case Management and Data Exchange Systems

- *Hon. Dean Stout, Chair*

This subcommittee will explore case management and data needs in courts and agencies and effective communication and sharing of data between systems.

Possible topics include:

- Guidelines for the juvenile components of the California Case Management System (CCMS) for the state courts currently in the design stage and the Child Welfare Services/Case Management System (CWS/CMS) currently being upgraded.
- Guidelines for the exchange of data between the CCMS and CWS/CMS systems and other automated systems with relevant data on children in foster care and their families.
- Working with the Systems of Accountability subcommittee, identifying data to be captured and analyzed to assist in the outcomes and performance evaluations of courts and agencies.

Consider relevant Pew Commission Recommendations

- Courts are responsible for ensuring that children's rights to safety, permanence and well-being are met in a timely and complete manner. To fulfill this responsibility, they must be able to track children's progress, identify groups of children in need of attention, and identify sources of delay in court proceedings. *(Repeated in Accountability Subcommittee)*

- Courts and agencies on the local and state levels should collaborate and jointly plan for the collection and sharing of all relevant aggregate data and information which can lead to better decisions and outcomes for children.

Tab F

Whereas the Pew Commission on Children in Foster Care recognized that in order for courts to fulfill their responsibility to secure safety, permanence and well-being for foster children they must be able to track children's progress, identify groups of children in need of attention, and identify sources of delay in court proceedings, and that state judicial leadership should use data to ensure accountability by every court for improved outcomes for children and to inform decisions about allocating resources across the court system;

Whereas the California Judicial Council, as well as the National Conference of Chief Justices, the National Council of Juvenile and Family Court Judges, the American Bar Association and others have all embraced the Pew Commission court reform recommendations and committed to bring about their implementation;

Whereas the California Juvenile Dependency Court Improvement Program Reassessment recommended that the Judicial Council encourage the development and use of case management systems that collect and analyze standardized information on the dependency caseload, generate performance measures, and interface with other stakeholders' case management systems;

Whereas the Pew Commission on Children in Foster Care endorsed the use of longitudinal child-tracking data and recommended the adoption of the court performance measures created and pilot-tested by the three leading legal/judicial organizations - the American Bar Association Center on Children and Law, National Center for State Courts, and the National Council of Juvenile and Family Court Judges; and that said organizations stated in their joint publication, *Building a Better Court*, that to achieve long-term court improvement, courts must have the capacity to engage in ongoing performance measurement and judicial workload assessments;

Whereas the Resource Guidelines issued by the National Council of Juvenile and Family Court Judges and endorsed by the Judicial Council in section 24.5 of the California Standards of Judicial Administration state that the courts should operate a computerized data system capable of spotting serious delays in dependency cases and of measuring court progress in case flow management;

Whereas the statewide court data currently available regarding dependency cases in California is limited to the number of filings and dispositions and does not permit analysis of patterns in timeliness and outcomes of court proceedings;

Whereas the Administrative Office of the Courts is currently engaged in the development of the California Case Management System, a statewide data collection and case management system for the courts;

Whereas the information collected by the California Child Welfare Services/Case Management System has not previously been accessible to judicial officers and does not specifically address the impact of court procedures or policies;

Whereas the California Department of Social Services is currently redesigning and updating its Child Welfare Services/Case Management System;

Whereas Congress recently allocated additional fiscal support through new grants available to the courts that will help support the creation and development of dependency court data tracking and case management systems;

Whereas the simultaneous information-systems design processes within the judicial branch and child welfare agencies afford the unique opportunity for data-sharing;

Whereas the courts cannot institute performance-based outcome measures or make informed decisions regarding improvements to and resource allocations within the juvenile courts without reliable data regarding dependency case management processes;

Whereas dependency cases differ significantly from other case types in the court system and therefore present unique requirements for data gathering and analysis;

Now, therefore, be it resolved

That the California Blue Ribbon Commission on Children in Foster Care strongly endorses the need for better and more complete data gathering in dependency cases and recommends that the Judicial Council and other government and child welfare leaders work together to en-

sure

That the California Case Management System incorporate data gathering mechanisms specifically designed to allow analysis of court procedures, any court-based delays, and child and family outcomes in dependency cases consistent with the national standards established by NCJFCJ, the ABA, and NCSC in *Building a Better Court*; and

That the development of the dependency component of the California Case Management System and the redesign of the California Child Welfare Services/Case Management System, to the extent possible, be jointly developed to allow for appropriate data exchange that maximizes the information available regarding how the courts and the child welfare system are serving children and families and meeting the federal outcome measures specified in the Child and Family Services Reviews and the California Child Welfare Outcomes and Accountability System.

Executed at San Francisco, California, this _____ day of _____, 2006

Tab G

JOINT HEARING

ASSEMBLY SELECT COMMITTEE ON FOSTER CARE

AND THE

**CALIFORNIA BLUE RIBBON COMMISSION ON
CHILDREN IN FOSTER CARE**

***“THE ROLE OF THE COURTS IN FOSTER CARE:
EXPERIENCES OF YOUTH, FAMILIES AND CAREGIVERS”***

Thursday, March 22, 2007

1:30 – 4:30 P.M.

State Capitol

Room 4202

Join members of the Assembly Select Committee on Foster Care and the California Blue Ribbon Commission on Children in Foster Care for a special joint hearing that examines the role of the courts in foster care. Youth, parents and caregivers, including foster and adoptive parents, relatives and others, will provide testimony on their experiences in the court room and what can be done to improve outcomes for foster youth who are at the center of legal proceedings. Judges and attorneys will also testify regarding the challenges they face and policy changes that are needed.

The Assembly Select Committee is chaired by Majority Leader Karen Bass, vice-chaired by Assembly Member Bill Maze and includes Assembly members from around California who are committed to improving the lives of the 80,000 children and youth who are in the state's foster care system. The California Blue Ribbon Commission on Children in Foster Care is a high-level multidisciplinary group appointed by Supreme Court Justice Ronald M. George to recommend the ways in which courts and their partners can improve child welfare and fairness outcomes. Chaired by Supreme Court Justice Carlos R. Moreno, the commission will report its recommendations in the spring of 2008.

For more information, contact Jessica Gunderson, Assembly Select Committee, jessica.gunderson@asm.ca.gov (916) 319-2047, or Chris Wu, Blue Ribbon Commission Executive Director, christopher.wu@jud.ca.gov (415) 865-7721.

**California Blue Ribbon Commission on Children in Foster Care
Public Hearing Agenda**

**The Role of the Courts in Foster Care:
Experiences of Youth, Families, Caregivers and Court Officials**

Thursday, March 22, 2007

Room 4202, State Capitol

1:30 - 4:30 P.M.

Introduction (1:30-2:00)

- Supreme Court Justice Carlos R. Moreno, Chair, California Blue Ribbon Commission on Children in Foster Care
- Majority Leader Karen Bass and Assembly Member Bill Maze, Legislative Representatives, California Blue Ribbon Commission on Children in Foster Care
- Honorable Michael Nash, Presiding Judge of the Juvenile Court, Los Angeles County and Commissioner, California Blue Ribbon Commission on Children in Foster Care

Youth Panel (2:00-2:30)

- Jennifer Rodriguez, California Youth Connection, Legislative and Policy Coordinator
- Cassandra Harris, California Youth Connection Member, San Diego County
- Zairon Fraizer, California Youth Connection Member, Alameda County
- Alexandria Simpson, Beyond Emancipation Member, Alameda County

Parents Panel (2:30-3:00)

- Sayida Sandoval, Parent Partner, Contra Costa County
- Greg Colver, Parent Leader/Instructor, Yolo County
- Steve Nelson, Parent Attorney, Sacramento County Dependency Drug Court

Caregiver Panel (3:00-3:30)

- Debra Lee, Relative Caregiver, Kinship In Action
- Derek Peake, Adoptive Parent, California Court Appointed Special Advocates
- Regina Deihl, Foster Parent, Legal Advocates for Permanent Parenting

Court Panel (3:30-4:00)

- Honorable Dean Stout, Presiding Judge of the Superior Court of California, Inyo County
- Ana Espana, Supervising Attorney, Office of Public Defender, San Diego County
- Lori Kidd, Deputy County Counsel, Yolo County

Public Comment (4:00 -4:25)

Closing Remarks (4:25-4:30)

**CA BLUE RIBBON COMISSION ON CHILDREN IN FOSTER
CARE, INFORMATIONAL HEARING
ON THE ROLE OF THE COURTS IN FOSTER CARE
WRITTEN TESTIMONY OF DR. JAMILLAH MOORE
STATE CAPITOL, ROOM 4202 SACRAMENTO, CA
MARCH 22, 2007**

My name is Dr. Jamillah Moore and I am here today in an effort to fight for the life of my child. My story is somewhat unique as I am an individual who works and advocates within the political system for at-risk youth, I just never imagined one day it would be my nephew. However, like many relative caregivers I have taken on the role of parent in a time of crisis. I did not seek out to be a mother as a God mother to my child I was asked to intervene on his behalf by his biological mother and through Child Protective Services (CPS).

My child is a miracle child as his entry into this world started out very rocky. His mother had a near fatal car accident (while under the influence of drugs) in which she was thrown from the vehicle when she was four months pregnant with him. Surprisingly, both mother and child survived and he was born healthy. However, this was the first of many hurdles this child has had to endure being raised in a home of domestic violence and drugs.

As a Defacto parent and blood relative to this child I have taken care of him since he was eleven months old and in 2004 CPS removed him and his siblings from the custody of their biological parents. Now he is four-years-old and I have been in court battling to keep him for the past two and a half years. Now with \$20,000 plus dollars spent in legal fees, two background checks, two attorneys, four home visits, a private investigator and five sets of finger prints later, as the biological aunt to this child I never imagined what I was getting into.

DeFacto Parents need to be viewed as real parents within the Foster Care System because we are providing the care for the child. De Facto Parents and Relative Care Givers are real parents but the state does not acknowledge them as real parents. The system will place the children with us, but they do not provide us with any of the resources they provide to parents. I represent the growing number of De Facto Parents that are taking care of children within the system yet, they are penalized for it. We do not receive the benefits or protections afforded to biologicals yet, we have the largest responsibility and that is protection of the child. Relative care givers are the new parents for the 21st century yet the state's definition of family denies them resources to protect the very children that are placed in their care.

I have advocated on behalf of at-risk children and education for the past fourteen years inside this capitol and just last year I worked to secure a \$30 million dollar loan to save a college. I thought I knew the system and that the court would work with me to protect

my child. I found the exact opposite not only did I have no rights but the current system bends over backwards to protect the rights of the biological parents. Even though I am raising this child in my own home I had to obtain an attorney to get access to files and reports regarding the biological parents. The attorney assigned to my child often would not contact me but the biological parents to get any updated information on my child, schedule a visit to see him or to make inquiries regarding his day-to-day status even though he was in my home and under my supervision. My mental and emotional state came into question in the court room and at times I was put on trial by attorney's representing the biological parents. The social worker had an impossible amount of work with too many cases and I found more often than not that my attorney and I were providing the social worker and the court with vital information. I had to hire an investigator to gain access to arrest records. In addition, it was only after my attorney in court produced failed drug tests to the judge that I was given access to files of the biological parents and still that access was restricted. I found out through those files that the mother to the biological father has an arrest record for drugs and is still a drug user. The court indicated that the biological grandmother on the father's side because of her record should not be allowed any unsupervised interaction with the children.

The social worker in my case after two years finally recommended to the court that I should be allowed to adopt my child as the biological parents while in rehab and under a supervised case plan were still engaged in at-risk behavior and drugs. The biological mother on the stand acknowledged that she was still using drugs and therefore, continuing to place her children at-risk. It was only after this sworn testimony that the judge ruled the biological mother should not be around her children unsupervised.

My attorney warned me in the beginning of this case to be prepared that even though we may be able to show that the child will be at-risk if he remains with the biological parents, under the reunification laws the judge is still more likely to return a child to their biological parents.

At the beginning of this case CPS intervened because the children were being exposed to drugs and domestic violence. The biological parents were living in the home of dad's grandmother with their three (3) children all sharing one room. My family and I stepped in to help save these children as we knew that the biological parents were incapable of parenting and keeping the children safe and they were being cared for and exposed to drug addicts.

Even though the biological mother relapsed and dropped out of rehab and openly acknowledged her children were better off in a stable environment provided by relative care-givers. Even after dad testified that he saw no problem with his mother caring for his children even though she uses drugs and has not sought any treatment. Ignoring the recommendation of the social worker who stated in one of her reports, "If this is their behavior when we are watching, who knows what they will do when we are not." The judge awarded custody to dad after he completed his case plan which consisted of an anger management and domestic violence course. According to the judge in this case I

failed to produce “real” evidence that this child would be at-risk if returned to their biological parent.

At the end of the day this is the same judge that warned dad that the biological mother and grandmother should not be around the children alone yet, when the case was closed out monitoring of the biological mother and father stopped.

The judge acknowledged the emotional bond I had established with my son and allowed me continued visits but at dad’s discretion. Even though I had done everything I could legally do even my own attorney indicated that if I was in a different county in a different court that the likelihood if an adoption would have been granted. I know for a fact that if I had chosen a different court, such as probate I would have more rights and I would be able to keep my child safe. For example, one of the siblings in this family had his case taken to probate court for a guardianship. This child is the brother of my child and after the judge reviewed the evidence of the same biological parents in that case guardianship was awarded out right and it still stands today after two years. If I had gone to probate court and was not in family or juvenile court the outcome of my case would be different. So, at the end of the day nothing has changed from 2004 to 2007 the only difference is that the biological parents got their own place. The biological mother still has a drug problem while dad completed his courses he still uses his mother and the mother of his children as unsupervised child care.

What is ironic is that I am still the main parent to this child as he resides with me ninety percent of the time because his biological parents do not provide him with any insurance or education. So, my child goes between chaos and stability every week as he lives with me five days and two to three days with his biological parents. He goes from pre-school, swim lessons and play dates with me to an environment of being in front of a TV all day helping his biological mother because of her drug addiction care for his two younger siblings who are under the age of three and dad is gone most of the time working.

As a Defacto Parent/Relative Care Giver what I learned in this process is that to keep my nephew/son safe I should have gone to probate court. The social worker and attorneys in this case all acknowledged that this is not unique and I should be thankful that I am being allowed to raise my child even though the biological parents hold a majority of the rights on paper. At the end of the day the system is so heavily weighed in favor of the biological parents that all they have to do is attempt to show any effort and they can retain custody of their child forget about what emotional and mental trauma and risk this exposes the child to.

I now spend my time searching for a therapist for my child because of the emotional stress this whole process has caused. Every week he comes home I am dealing with a different issue. For example, I had to let him know he does not have to wear a pull up all day just because his biological mother does not put underwear on him if they will be out in the streets.

SPEAKER BIOGRAPHIES

Public Hearing on the Role of the Courts in Foster Care California Blue Ribbon Commission on Children in Foster Care March 22, 2007

Introductions

Hon. Carlos R. Moreno

Hon. Carlos R. Moreno was sworn in as an associate justice of the Supreme Court of California in October 2001, following his nomination by Governor Gray Davis. Justice Moreno began his career as a deputy city attorney with the office of the City Attorney of Los Angeles, prosecuting criminal and civil consumer protection cases and handling politically sensitive and legislative matters as special counsel to the city attorney. He then joined the firm of Mori & Ota (now known as Kelley, Drye & Warren) in 1979, representing institutional clients in the firm's general commercial litigation practice.

In fall 1986, Governor George Deukmejian appointed Justice Moreno to the Municipal Court, Compton Judicial District, where he adjudicated criminal matters involving serious felony offenses and supervised the court's civil department. In October 1993, Governor Pete Wilson elevated Justice Moreno to the Superior Court of Los Angeles County, where he presided over felony trials for four years. Justice Moreno was then nominated to the federal bench by President Bill Clinton. In February 1998, he was unanimously confirmed to the U.S. District Court for the Central District of California by the Senate. Moreno served as a federal district court judge for three years, presiding over a broad range of complex civil and criminal matters.

Justice Moreno has served as president of the Mexican American Bar Association and has been a member of the California Judges Association, the Presiding Judges Association, and the Municipal Court Judges Association of Los Angeles County. He has served on the board of visitors of Stanford Law School and the board of governors of the Association of Yale Alumni. He is a director of the Arroyo Vista Family Health Center and a former president of the Yale Club of Southern California. In 1997, he received the Criminal Justice Superior Court Judge of the Year Award from the Los Angeles County Bar Association, and in 2001 he was presented with the For God, For Country and For Yale Award, given to distinguished alumni of Yale. He received a B.A. in political science from Yale in 1970 and a J.D. from Stanford Law School in 1975.

Hon. Karen Bass

Hon. Karen Bass was elected in November 2004 to represent the 47th Assembly District, which includes the cities of Los Angeles and Culver City, as well as the communities of Ladera Heights, Baldwin Hills, View Park, Cheviot Hills, Westwood-UCLA, and Windsor Hills.

Prior to her election to the Assembly, Ms. Bass had a long and distinguished career as a public advocate. While working as a physician's assistant in the emergency room at L.A. County USC Hospital, she witnessed the ravages of crack cocaine on inner-city residents. Resolving to reverse the tragic local trends, she founded Community Coalition to improve the quality of life in South Los Angeles and served as its executive director for 14 years. Under her leadership, the coalition eliminated or converted dozens of local liquor stores, closed motels known as drug trafficking centers, improved the quality and selection of foods in local supermarkets, and secured millions of dollars in repairs to local schools. As a stalwart community activist and educator, she has received many awards in recognition of her efforts.

Ms. Bass also served on the Los Angeles City Council Ad Hoc Committee on Gangs, Youth, and Violence, which founded the L.A. Bridges after-school gang prevention program. She played a key role in several community initiatives beyond the Community Coalition, including Friends of Crenshaw/Dorsey

Community, Workplace Hollywood, the Human Services Alliance, African-American Voter Representation Education Program, Liberty Hill Foundation, and Homeless Health Care. Ms. Bass was raised in the Venice/Fairfax neighborhood. She earned a bachelor's degree in health sciences from California State University at Dominguez Hills and a physician's assistant certification from the University of Southern California School of Medicine.

Hon. Bill Maze

Hon. Bill Maze was first elected in November 2002 to represent the 34th District, which includes the counties of Tulare, Inyo, Kern, and San Bernardino. Assemblyman Maze was reelected by greater than 70 percent of the voters in 2004. Since being elected, Assemblyman Maze has served on the Assembly Budget Committee and the Health Committee. He also presently serves as vice-chair of the Agriculture Committee, the Committee on Water, Parks, and Wildlife, and the Business and Professions Committee, and most recently was reappointed to the Budget Committee, Subcommittee 1, Health and Human Services. The Assembly Speaker also appointed Assemblyman Maze to numerous Select Committees including serving as vice-chair for the Select Committee on Foster Care. Prior to serving in the State Legislature, Assemblyman Maze was the former chairman and member of the Tulare County Board of Supervisors where he served for three terms (10 years). He is a U.S. Army veteran and graduated from California Polytechnic College in San Luis Obispo in 1968.

Hon. Michael Nash

Hon. Michael Nash is a judge of the Superior Court of Los Angeles County. Prior to his appointment as a municipal court judge in 1985, he served as a deputy attorney general in the criminal division of the California Attorney General's Office, where he handled criminal appeals and trials for over 10 years. He was elevated to the superior court in 1989 and has served in the Juvenile Court since 1990. Since 1995 he has served as either presiding judge of the Juvenile Court or supervising judge of the Juvenile Dependency Court in Los Angeles. He is a member of the Judicial Council, chair of the Juvenile Court Judges of California, and a member of the board of trustees of the National Council of Juvenile and Family Court Judges. Judge Nash has received numerous awards, including being named Juvenile Court Judge of the Year by the Juvenile Court Judges of California in 1997 and Judge of the Year by the National CASA Association in 2006. He received his undergraduate degree from University of California at Los Angeles and his law degree from Loyola Law School.

Youth Panel

Jennifer Rodriguez

Jennifer Rodriguez is legislative and policy coordinator for the California Youth Connection (CYC), a nonprofit advocacy organization of current and former foster youth. Since 1988, CYC has brought the voices of foster youth to legislators, administrators, juvenile court judges, care providers, social workers, and attorneys throughout the state, with the goal of improving the foster care system. With 22 county-based chapters and over 400 members, CYC works on the local, state, and national levels to educate legislators and policymakers about how policies and programs affect foster youth. CYC has initiated policy changes in California that have made major reforms in transition services, sibling relationships, educational outcomes, and foster youth rights.

As a former foster youth herself, Ms. Rodriguez has both personal and professional experience with the issues facing foster children in the child welfare, education, and mental health systems. Like many other foster youth, she emancipated from foster care to homelessness, without a high school diploma, job skills, or any adult support in her life. She graduated from San Jose Job Corps with a GED, and later received her B.A. in sociology with high honors from University of California at Davis in 2001. She graduated from UC Davis Law School with her J.D. and a certificate in Public Interest Law in 2004. She is currently a board member of the National Association of Counsel for Children, California Court Appointed Special Advocates, and the Foster Youth Education Fund.

Cassandra Harris

Cassandra Harris is an 18 year old former foster youth and active member of the San Diego California Youth Connection chapter. During her 12 years in foster care, she was placed in San Diego and Santa Clara County and spent time in foster homes, group homes, family shelters and emergency shelters. Ms. Harris currently works for San Diego County and plans to go to college to pursue a degree in social work in order to assist other foster youth facing the same challenges she faced. She is an active advocate for foster youth through CYC, and has participated in training child welfare staff and working to improve the foster care system.

Ms. Harris knows the value of having youth be fully involved in their court process. Unlike many other foster youth, Ms. Harris was aware of her right to attend court hearings and participate in the process. From the age of 16, she was fortunate enough to have a really good judge who took the time to speak with her privately in chambers during hearings, and ask about all the important parts of her life. Ms. Harris believes that in order for court to truly serve foster youth, judges must take the time to actually talk to foster youth. Too often, hearings go too fast to address the issues youth are concerned about, and social workers and others provide incorrect information. Ms. Harris believes that youth know what they want in their lives, and need to be given the opportunity, support and environment to express their wishes in court.

Zairon Frazier

Zairon Frazier is a 20 year old former foster youth and active member of the Alameda California Youth Connection chapter. During his 5 difficult and challenging years in foster care in his teenage years, he spent time in approximately 10 placements, including kinship care, group homes, and foster homes. Mr. Frazier currently attends Chabot Community College and plans to pursue a career in public policy. He has been a strong advocate for foster youth through CYC, and has been involved in designing and implementing groundbreaking projects such as the Alameda County Youth Led Evaluation Project, where youth evaluated the quality of their group homes.

Mr. Frazier believes that many changes need to be made in order for the court system to really meet the needs of foster youth. Mr. Frazier recommends that foster youth be informed at least a week in advance that they have an upcoming hearing, so they have adequate time to prepare, review court reports and arrange transportation to their hearing. Mr. Frazier was frequently told of hearings only a day or two before, leaving him unable to attend or participate meaningfully. Mr. Frazier recommends that the court and/or counties need to provide mandatory transportation to ensure youth are able to attend their hearings. Mr. Frazier believes that changing court calendaring so hearings for youth occur at a specific time and youth are not waiting for hours would also facilitate youth attendance. Mr. Frazier also believes that judges need to ensure that the pace of court hearings is slowed down and discussion needs to occur in language that is understandable for youth and allows youth to participate. Mr. Frazier also knows the importance of having a consistent, dedicated, and patient attorney, especially since other attendees at court hearings do not know the youth. Mr. Frazier's experience with having different attorneys at every hearing who often were unwilling or unable to adequately prepare him or explain the process to him left him feeling stressed and confused and as if he did not have an advocate. He believes that attorneys should ensure youth have a copy of their court report, and that youth understand the information in the report and are prepared to respond and correct incorrect or outdated information. Mr. Frazier knows that court hearings do not have to be so difficult for youth, as the one hearing where he had an attorney step in to represent him who had a previous relationship with him was the only hearing where he felt confident in the court process and as if people were working to meet his needs.

Alexandria Simpson

Alexandria Simpson is an 18 year old student of Alameda Community College, Majoring in Automotive Technology. Ms. Simpson is a writer, poet, an activist, a member of Y.A.P (Youth Adult Partnership),

and she is also an ambitious person. Ms. Simpson is a former foster youth who is currently participating in Beyond Emancipation Transitional Housing Project.

Growing up in foster care contributed to the following experiences: the threats of an angry mother who only wished to have her daughter back but was not mentally ready, and experiencing the death of a long term foster parent, right before Ms. Simpson's twelfth birthday. As a result of being in care, Ms. Simpson has gained the confidence to be fearless of any situation that comes her way and gained high self-esteem to bring out the truth in herself. She has the knowledge to be able to speak out and stand by her words, and last but not least, has learned to love and forgive everyone regardless if they have hurt her.

Ms. Simpson strives to earn a degree in automotive technology and soon build her own business through her education. Ms. Simpson hopes to write a story or a poem book explaining her life and growing up in a poor town, but coming out on top of things. Ms. Simpson wants to accomplish her goal of making sure that whatever she does, she goes through with it.

Ms. Simpson would like future foster youth to have a better support system – to have social workers, case workers, casa workers, lawyers, and managers possess a desire to help and support the youth to help build their hearts. There needs to be programs for every situation that a child has gone through, such as emotional support groups, suicidal, weight, even education. Impossible you say? Nothing is impossible. Work forces and housing corporations come together and accept our youth so that they can have a chance at success. What the system needs is a little support and a little less court.

Parents Panel

Sayida Sandoval

Sayida Sandoval is a former recipient of child welfare services from San Mateo and Alameda Counties, first becoming involved due to poor parenting skills and involvement with alcohol and substance abuse. Ms. Sandoval successfully reunified with her three children, now ages 18, 12 and 11, in 2003. Since that time, Ms. Sandoval has dedicated herself to helping other parents in the child welfare system. Ms. Sandoval is currently employed by Contra Costa County Child Welfare Services as a Parent Partner, serving as a coach and mentor and helping parents with all aspects of their journey in the child welfare system. Ms. Sandoval is currently attending community college with plans to obtain a Masters of Social Work (MSW) degree and continue her work with families involved in the child welfare system.

Greg Colver

Greg Colver is a former recipient of child welfare services from Kern County and successfully reunified with his three children—twin daughters and a son—in 1993 with the assistance of Proposition 36-funded drug court and the local Wraparound program. Since then, Mr. Colver has dedicated himself to helping other parents in the child welfare system, first as a parent advocate in Kern County, and currently with the Resource Center for Family Focused Practice, Center for Human Services at the UC Davis Extension where he is developing core academy training for parent advocates. Mr. Colver also provides technical assistance on Birth Parent Engagement for the California Family to Family Initiative and co-chairs a statewide Parent Leadership Team sponsored by Parent's Anonymous and supported by the California Department of Social Services and Office of Child Abuse Prevention. Parent Partner, Contra Costa County Former parent advocate in Kern County

Stephen Nelson

Stephen J. Nelson is currently working as an Assistant Public Defender in Sacramento County in the Juvenile Division. Prior to his position at the Public Defender's Office, he was in private practice for over 13 years which emphasized both Delinquency and Dependency Law. As part of his private practice, he was responsible for the formation of Dependency Associates and Parent Advocates which are law firms that specialized in representing indigent parents in 300 Dependency proceedings in Sacramento and

Stanislaus Counties where he was the managing attorney of a firm with over 1500 clients and 9 attorneys. This firm was awarded contracts from both AOC and the Sacramento Superior Courts. He was an integral part of the planning and implementation of Sacramento County Dependency Drug Court. He was a member of various Sacramento committees which included the Visitation Committee, Team Decision Making Committee, Redesign, and the Dependency Standing Court Committee. Mr. Nelson is currently on the board of directors of the Children Receiving Home and is a Community Advisor to the Junior League of Sacramento. Mr. Nelson has been an invited speaker at National Conferences regarding the Sacramento Drug Court, Beyond the Bench, and the annual conference at University California at Davis on Child Abuse and Neglect. Mr. Nelson has been an invited speaker at University of California at Davis teaching on the relationship of attorneys with social workers in Dependency Courts. Mr. Nelson has been a practicing attorney since 1993. He graduated from McGeorge School of Law in 1992 and Illinois Wesleyan University in 1989.

Caregiver Panel

Regina Deihl

Regina Deihl is the Executive Director of Legal Advocates for Permanent Parenting (LAPP), a non-profit organization providing information, training, consulting, and policy development for foster caregiver families and their child welfare partners. LAPP works to improve communication between caregiver families and social workers, service providers, Court Appointed Special Advocates (CASAs), attorneys, and the courts. LAPP educates the general public about the fostering, guardianship and adoptive process to ensure that every child in foster care finds a permanent, loving family. LAPP provides "plain language" materials and training on a range of foster care topics in California and throughout the country. LAPP's *Legal Toolkit Series for California Caregivers and Their Child Welfare Partners* was featured as an innovative project for increasing placement stability for children in foster care at the Federal Children's Bureau Annual Meeting of States and Tribes for the U.S. Department of Health and Human Services, Administration for Children and Families in Washington, D.C. in June 2006. LAPP also participates in the child welfare legislative and regulatory policy arena and has sponsored six California bills since 2003, all signed into California law.

Ms. Deihl is also the co-author of a national level manual and curriculum on foster parent legal rights and responsibilities in collaboration with the American Bar Association Center on Children and the Law and the National Foster Parent Association. Prior to becoming Executive Director of LAPP, she worked as an attorney at the Center for Families, Children & the Courts at the Judicial Council of California, Administrative Office of the Courts. As a member of the Judicial Review and Technical Assistance Team (JRTA), she advised juvenile court judges, child welfare agencies, and juvenile probation departments throughout California on compliance with the federal Adoption and Safe Families Act (ASFA). She was the project manager and co-author of the first major research study in the United States on participation by foster parents and relative caregivers in juvenile court proceedings under ASFA (*Caregivers and the Courts : Improving Court Decisions Affecting Children in Foster Care*). She graduated magna cum laude from Santa Clara University School of Law where she serves on the Public Interest Endowment Executive Board. She is currently a foster parent for a young child in California's foster care system and a member of the National Association of Counsel for Children.

Debra Lee

Debra Lee is the grandmother of two twelve year old children (they are first cousins to each other) living in the Los Angeles area. She found herself caring for her grandchildren as a result of her children's experience with incarceration, mental health, and addiction. She became a leader on what became the "Family Care, Not Foster Care!" campaign from January 2000 November 2003. Relative Caregiver members of Community Coalition met with LA County Supervisor Yvonne Burke where Ms. Lee presented the proposal for a model kinship support center that could combine organizing, self-help support, and direct services in South Los Angeles. Community Coalition celebrated a victory with the grand opening of the Kinship In Action Support Center in November 2004. Debra Lee is now a full time organizer responsible for involving hundreds to improve the lives of relative caregivers in South LA.

Derek Peake

Derek Peake has worked with and on behalf of youth for over 25 years and in nonprofit management for the last 18 years. He is program director for the California Court Appointed Special Advocate Association (CalCASA), a position that focuses on improving the scope and quality of CASA advocacy throughout the state and on sharing the insights gained by CASA staff and volunteers with policy- and law-making bodies. Before he became involved with the CASA movement, Dr. Peake was the co-executive director of Quilombo, a youth leadership development organization he cofounded. He graduated from Princeton University with a degree in politics. In 2004, he received the Princeton Class of 1994's Bates Farnham Outstanding Achievement Award. He has been named a "Local Hero" by the San Francisco *Bay Guardian*, and was an Echoing Green Public Service Fellow. With his husband of 11 years, he has adopted three children out of the foster care system and is in the process of foster-adopting their fourth.

Court Panel

Hon. Dean T. Stout

Hon. Dean T. Stout is presiding judge of the Superior Court of Inyo County. He was appointed to the bench in 1997 and served six years as presiding judge of the Juvenile Court, handling dependency and delinquency cases. Prior to his appointment, Judge Stout served for 10 years as an assistant district attorney for Inyo County, handling, among other duties, juvenile delinquency cases. He also served 10 years as the Inyo County public defender, representing children in delinquency cases, as well as parents and children in dependency cases. Judge Stout is a member of the Judicial Council's Family and Juvenile Law Advisory Committee

Ana Espana

Ana Espana is a certified child welfare law specialist and the supervising attorney for the Child Dependency Section of the San Diego County Department of the Public Defender. She has represented children in dependency proceedings for over twenty years. Ms. Espana is very active on a state and local level on behalf of foster youth. Among other things, she is a member of the California Judicial Council Advisory Committee on Juvenile and Family Law, the California CASA Association Board of Directors, the National Governors Association Policy Academy Education Workgroup, the California Foster Youth Education Task Force, and the San Diego County Juvenile Court Policy Group and Education Committee.

Lori Kidd

Lori Kidd's family was a foster family while she was growing up. Her parents resumed foster parenting when Ms. Kidd and her siblings were adults and ultimately adopted one of her foster sisters. As a result of these personal experiences, she is very invested in working within the dependency system to ensure positive outcomes. Ms. Kidd began working as a Deputy County Counsel in Yolo County in June of 2005. She represents the Department of Employment and Social Services in dependency proceedings. She graduated from the University of California King Hall School of Law, Davis in May of 2004 and was admitted to the California State Bar in December of 2004. While in law school, Ms. Kidd interned at the Yolo County, County Counsel's office in the dependency law area, as well as with the California Partnership for Children and the Children's Lobby. She volunteered for the Legal Advocates for Permanent Parenting. Ms. Kidd is currently a member of the Foster Youth Education Fund Board of Directors.

Public Testimony

Whitney Rhodes

Whitney Rhodes is a 19-year-old former foster youth from Humboldt County, who is now an active member of the Sacramento CYC chapter. Ms. Rhodes asked for help at the age of 11 due to abuse in her living situation and entered foster care at 12. At age 15, Ms. Rhodes was placed with her mentor and now permanent support person. Ms. Rhodes currently lives in Sacramento and plans to get her degree in Social

Work to assist other foster youth. Ms. Rhodes has been active in foster care advocacy through CYC and training social workers through the YOUTH training project.

Ms. Rhodes believes that court hearings need to be restructured so youth have a meaningful opportunity to participate, and can take part in important decision making about their lives. Whitney believes that attorneys and others working with foster youth need to take the time to adequately prepare foster youth to participate and support them through the process. Ms. Rhodes's first and only experience with court was extremely confusing and disappointing because importance was not placed on her presence and voice. After Ms. Rhodes and her siblings waited hours to attend their court hearing and address the judge, the hearing lasted only minutes, and Ms. Rhodes's only opportunity to speak was to respond that she was present. Ms. Rhodes and her siblings weren't prepared to understand the process or any of the complicated legal terms used during their hearing, and didn't get to express any of their concerns to the court. Ms. Rhodes also feels strongly that foster youth need to be informed about their court hearings, how they can participate and their rights to attend. After her initial court hearing, Ms. Rhodes was never again informed about her court hearings or how to participate.

Cassandra Mitchell

Cassandra Mitchell is a 21 year old former foster youth and member of the California Youth Connection. Cassandra feels that her foster care experience is unusual because it turned out very positive. During her time in foster care, Ms. Mitchell lived in only two placements: a foster family in Santa Rosa and in kinship care in San Francisco. Ms. Mitchell has been active in foster care advocacy for four years, and has been involved in training social workers and child welfare staff across the state to effectively work with foster youth through the YOUTH training project (www.youthtrainingproject.org). She is currently preparing to pursue a Ph.D. in Sociology.

Ms. Mitchell feels strongly about the importance of attorneys for foster youth knowing their clients well, making an effort to develop a relationship with youth and being strong and effective advocate for youth's needs in court. Ms. Mitchell feels her foster care experience was positive because she had an attorney she trusted, who represented her well in court and went above and beyond her duties as a dependency attorney. Ms. Mitchell had a very close bond with her attorney because her attorney contacted her directly at least monthly to discuss her needs and met with her outside of court. Ms. Mitchell believes attorneys for foster youth should take responsibility for learning about and advocating for all of foster youth's needs. Ms. Mitchell's attorney didn't just advocate for her placement and foster care services, but also became actively involved in advocating for her schooling, an inheritance issue, and educational issues such as finding funding for learning disability testing. Ms. Mitchell believes that strong advocates for youth are necessary to ensure foster youth have their needs met and are able to successfully transition to adulthood.

Tab H

**California Blue Ribbon Commission on Children in Foster Care
Public Hearing on Draft Recommendations**

May 12, 2008

10:00 a.m.–3:00 p.m.

Auditorium

Ronald Reagan State Building

300 South Spring Street

Los Angeles, California

AGENDA

I. Welcome and Opening Remarks (10:00–10:15 a.m.)

- Hon. Carlos R. Moreno, Associate Justice of the Supreme Court of California
Chair, California Blue Ribbon Commission on Children in Foster Care

**II. Prevention and Permanency Recommendations: Ensuring that All Children
Have a Safe, Stable and Permanent Home (10:15–11:00 a.m.)**

- David Sanders, Executive Vice President of Systems Improvement, Casey
Family Programs
Former Director, Los Angeles Department of Children and Family Services
- Regina, Parent, Orange County; Introduced by Ms. Lori Spinella, Deputy
Public Defender, Orange County Public Defenders Office
- Mr. Sean Guthrie, Student, California State University – Fullerton; Former Los
Angeles County Foster Youth
- Evangelina Reina, Supervising Children's Social Worker, Los Angeles
Department of Social Services

**III. Court Reform Recommendations: Changing the Way Dependency Courts
Do Business (11:00–11:45 a.m.)**

- Hon. Margaret Henry, Judge of the Superior Court of California, County of Los
Angeles
- Regina Deihl, Executive Director, Legal Advocates for Permanent Parenting
- Kenneth Krekorian, Executive Director, Los Angeles Dependency Lawyers
- Leslie Heimov, Executive Director, Los Angeles Children's Law Center

IV. Lunch Break *(11:45 a.m.–12:30 p.m.)*

V. Collaboration Recommendations: Increasing Collaboration Between Courts and Our Partners *(12:30–1:15 p.m.)*

- Hon. Carolyn Kirkwood, Judge of the Superior Court of California, County of Orange
- Frank Ospino, Supervising Attorney, Orange County Public Defender’s Office
- Michelle Lustig, Foster Youth Services Coordinator, San Diego Department of Education
- Hon. William A. Thorne, Jr., Associate Presiding Judge, Utah Court of Appeal; Tribal Court Judge

VI. Resources and Funding Recommendations: Finding the Resources to Get the Job Done *(1:15–2:00 p.m.)*

- Robert C. Fellmeth, Price Professor of Public Interest Law, University of San Diego School of Law; Director, Children’s Advocacy Institute
- Lisa Parrish, Deputy Director, Los Angeles Department of Children & Family Services
- Bonnie Armstrong, Director of Strategic Consulting, Los Angeles County, Casey Family Programs
- Tony Thompson, Student, California State University – Los Angeles; Former Los Angeles County Foster Youth

VII. Public Comment Period *(2:00–2:55 p.m.)*

VII. Concluding Remarks *(2:55 p.m.)*

- Hon. Carlos R. Moreno

Commissioners Present:

Hon. Carlos R. Moreno

Ms. Miryam Choca

Hon. Kathryn Doi Todd

Hon. Terry Friedman

Hon. Richard Huffman

Ms. Miriam Krinsky

Ms. Donna Myrow

Hon. Michael Nash

Ms. Diane Nunn

Ms. Patricia Ploehn

Hon. Dean Stout

Ms. Jacqueline Wong

Tab I

**California Blue Ribbon Commission on Children in Foster Care
Public Hearing on Draft Recommendations**

May 14, 2008

10:00 a.m.–3:00 p.m.

Milton Marks Auditorium
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, California

I. Welcome and Opening Remarks (10:00–10:15 a.m.)

- Hon. Leonard Edwards (Ret.), Member of the California Blue Ribbon Commission on Children in Foster Care
Judge-in-Residence, Center for Families, Children & the Courts, Administrative Office of the Courts

II. Testimony on Prevention and Permanency Recommendations:

“Keep families together whenever safe and possible” (10:15–11:00 a.m.)

- Mark Courtney, Executive Director, Partners for Our Children; Ballmer Endowed Chair for Child Well-Being, School of Social Work, University of Washington
- Zionya, Student
- Karen J. Mathis, Immediate Past President, American Bar Association

III. Testimony on Court Reform Recommendations:

“Change the way juvenile courts do business” (11:00–12:00 p.m.)

- Hon. Arnold Rosenfield, Judge of the Superior Court of California, County of Sonoma
- Patricia Fitzsimmons, Director, Child Advocacy Clinic, University of San Francisco School of Law; Certified Child Welfare Law Specialist
- Keitha Wallin, Human Service Worker & Parent
- Kathleen Casela, Emancipated Foster Youth & Young Adult Advocate of MHA-SF

IV. Lunch Break (12:00–12:45 p.m.)

V. Testimony on Collaboration and Resources and Funding Recommendations:
“Increase collaboration between courts and their partners”
“Provide the resources to get the job done” (12:45–1:30 p.m.)

- Hon. Colleen Nichols, Judge of the Superior Court of California, County of Placer
- Andrew Signey, Assistant Secretary, California Health and Human Services Agency
- Phil Crandall, Director, Health & Human Services Agency, Humboldt County
- Alan Pardini, Senior Advisor, The League of California Community Foundations

VII. Public Comments at Large (1:30–2:30 p.m.)

VIII. Concluding Remarks (2:30 p.m.)

- Hon. Carlos R. Moreno, Associate Justice of the Supreme Court of California
Chair, California Blue Ribbon Commission on Children in Foster Care

Commissioners Present:

Hon. Carlos R. Moreno

Ms. Robin Allen

Tab J

**CALIFORNIA BLUE RIBBON COMMISSION ON CHILDREN IN FOSTER CARE
STATEWIDE SUMMIT**

Tuesday, December 9, 2008, 6:00–8:00 p.m.
Wednesday, December 10, 2008, 9:00 a.m.–5:00 p.m.
San Francisco, California

MEETING AGENDA

TUESDAY, DECEMBER 9, 2008 Administrative Office of the Courts Judicial Council Great Hall 455 Golden Gate Ave, Ground Floor San Francisco, CA 94102	DINNER RECEPTION 6:00–8:00 p.m. <ul style="list-style-type: none">○ <i>Hon. Ronald M. George, Chief Justice of California and Chair of the Judicial Council (drop by)</i>○ <i>Hon. Carlos R. Moreno, Associate Justice, Supreme Court of California</i>○ <i>William C. Vickrey, Administrative Director of the Courts (drop by)</i>○ <i>Ronald G. Overholt, Chief Deputy Director of the Courts (drop by)</i>
WEDNESDAY, DECEMBER 10, 2008 San Francisco Marriott Hotel 55 Fourth Street San Francisco, CA 94103	CONTINENTAL BREAKFAST & REGISTRATION 7:30–9:00 a.m. <i>Yerba Buena North Registration, Lower Level</i>
9:00–9:25 a.m. <i>Golden Gate A–B</i>	WELCOME AND INTRODUCTORY REMARKS <ul style="list-style-type: none">○ <i>Diane Nunn, Director, Center for Families, Children & the Courts, Administrative Office of the Courts</i>○ <i>Hon. Charles W. McCoy, Jr., Presiding Judge of the Superior Court of Los Angeles</i> WELCOME AND OPENING FORUM REMARKS <ul style="list-style-type: none">○ <i>Hon. Jim Beall, Jr., Member, California State Assembly, 24th Assembly District, Chair, Assembly Human Services Committee</i>
9:25–9:55 a.m. <i>Golden Gate A–B</i>	ASSEMBLY FORUM (PANEL 1) Final Recommendations of the California Blue Ribbon Commission on Children in Foster Care <ul style="list-style-type: none">○ <i>Hon. Carlos R. Moreno</i>○ <i>Hon. Michael Nash, Presiding Judge of the Juvenile Court of Los Angeles</i>
9:55–10:35 a.m. <i>Golden Gate A–B</i>	ASSEMBLY FORUM (PANEL 2) Fostering Connections to Success and Increasing Adoptions Act of 2008 <ul style="list-style-type: none">○ <i>Amy Lemley, Policy Director, John Burton Foundation</i>○ <i>Frank Mecca, Director, Child Welfare Director's Association</i>○ <i>Chantel Johnson, Legislative & Policy Coordinator, California Youth Connection</i>○ <i>Greg Rose, Deputy Director, Children & Family Services Division, California Department of Social Services</i>

10:35–11:00 a.m. <i>Golden Gate A–B</i>	DISCUSSION AND CLOSING FORUM REMARKS ○ <i>Hon. Jim Beall</i>
11:00–11:15 a.m.	BREAK
11:15–11:30 a.m. <i>Yerba Buena Salon 7</i>	COUNTY TEAM MATERIALS AND INTRODUCTIONS Remarks on Forum and County Teams ○ <i>Hon. Carlos R. Moreno</i> Review of Local Team Agenda and Materials ○ <i>Christopher Wu, Executive Director, Blue Ribbon Commission on Children in Foster Care</i>
11:30 a.m.–12:30 p.m. <i>Yerba Buena Salon 7</i>	LUNCH ○ <i>Joan Ohl, Commissioner, Administration on Children, Youth and Families</i> ○ <i>Joseph Cotchett, Attorney, Law Offices of Cotchett, Pitre, Simon & McCarthy</i>
12:45–2:00 p.m. <i>Golden Gate A–C</i>	LOCAL TEAM BREAKOUT DISCUSSIONS ○ <i>50 County Teams</i>
2:00–2:15 p.m. <i>Golden Gate Foyer</i>	BREAK
2:15–3:45 p.m. <i>Golden Gate A–C</i>	LOCAL TEAM BREAKOUT DISCUSSIONS ○ <i>50 County Teams</i>
3:45–5:00 p.m. <i>Yerba Buena Salon 7</i>	COUNTY TEAMS REPORT BACK CLOSING REMARKS

ACKNOWLEDGEMENT

Funding for the Blue Ribbon Commission on Children in Foster Care Statewide Summit has been provided by the generous contributions of:

- Stuart Foundation
- United States Department of Health and Human Services, Court Improvement Program
- van Loben Sels/Rembe Rock Foundation
- Walter S. Johnson Foundation

Tab K

Changes On the Horizon:
*The Recommendations of the California Blue Ribbon Commission
on Children in Foster Care (BRC) &
Impacts of New Federal Legislation*

A Forum Hosted by Assembly Member Jim Beall, Jr. and the BRC
Wednesday, December 10, 2008
9 – 11 am (to begin promptly at 9 a.m.)
San Francisco Marriott, Golden Gate A/B Room
55 Fourth Street, San Francisco

Opening Remarks

Part I The Final Recommendations of the BRC

- **Hon. Carlos Moreno**, Associate Justice, California Supreme Court; Chair, BRC
- **Hon. Michael Nash**, Presiding Judge of the Juvenile Court, Superior Court of the County of Los Angeles; Commissioner, BRC

Part II The Opportunities Presented in California by HR 6893: *The Fostering Connections to Success and Increasing Adoptions Act of 2008*

- **Ms. Amy Lemley**, Policy Director, John Burton Foundation for Children Without Homes; Commissioner, BRC
- **Ms. Chantel Johnson**, Legislative & Policy Coordinator, California Youth Connection
- **Mr. Frank Mecca**, Executive Director, County Welfare Directors Association of California
- **Mr. Greg Rose**, Deputy Director, Children & Family Services Division, CA Department of Social Services

Discussion

Closing Remarks

Tab L

**CALIFORNIA STATEWIDE SUMMIT
ADDRESSING CRITICAL ISSUES FACING
JUVENILE AND FAMILY LAW COURTS**

Wednesday, June 2, 2010, 10:00 a.m.–4:30 p.m.
San Diego, California

MEETING AGENDA

8:30–10:00 a.m. <i>Marriott Hall Foyer</i>	REGISTRATION
10:00–10:30 a.m. <i>Marriott Hall 3-6</i>	<p>WELCOME AND INTRODUCTORY REMARKS</p> <ul style="list-style-type: none"> ○ <i>Diane Nunn, Director, Administrative Office of the Courts, Center for Families, Children & the Courts</i> <p>FEDERAL AND STATE POLICY UPDATE</p> <ul style="list-style-type: none"> ○ <i>Kimberly Belshé, Secretary, California Health and Human Services Agency</i> ○ <i>Bryan Samuels, Commissioner of the Administration on Children, Youth and Families, U.S. Department of Health and Human Services</i> ○ <i>Melodee Hanes, Acting Deputy Administrator of Policy, U.S. Office of Juvenile Justice and Delinquency Prevention</i> ○ <i>John Wagner, Director, California Department of Social Services</i>
10:30–11:00 a.m.	<p>BLUE RIBBON COMMISSION AND ELKINS FAMILY LAW TASK FORCE</p> <ul style="list-style-type: none"> ○ <i>Hon. Richard D. Huffman, Associate Justice of the Court of Appeal, Fourth Appellate District (San Diego)</i> ○ <i>Hon. Laurie D. Zelon, Associate Justice of the Court of Appeal, Second Appellate District (Los Angeles)</i>
11:00–11:45 a.m.	<p>CHILD SAFETY IN THE FAMILY AND JUVENILE COURTS</p> <ul style="list-style-type: none"> ○ <i>Facilitated by John Greacen, Court Consultant</i>
11:45 a.m.–12:00 noon	<p>DEVELOPING LINKAGES FOR SUCCESS</p> <ul style="list-style-type: none"> ○ <i>William C. Vickrey, Administrative Director of the Courts</i>
12:00–12:30 p.m.	PICK UP BOX LUNCHES AND MOVE TO BREAKOUT ROOMS
12:30 – 3:00 p.m.	<p>FACILITATED FAMILY TEAM MEETINGS</p> <p>FACILITATED JUVENILE TEAM MEETINGS</p>
3:00–3:15 p.m.	BREAK
3:15 – 4:30 p.m.	<p>FACILITATED FAMILY TEAM MEETINGS (Continued)</p> <p>FACILITATED JUVENILE TEAM MEETINGS (Continued)</p>

ACKNOWLEDGEMENT

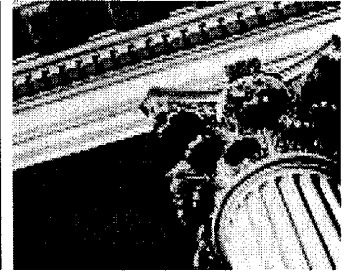
The Summit is funded by grants from the U.S. Department of Health and Human Services and other governmental and non-profit organizations.

Tab M

Conference Agenda

Advancing Information Sharing across California to Improve Outcomes
for Children Served by the Child Welfare System & The Courts

October 24-25, 2011 • Administrative Office of the Courts, Sacramento



Monday | October 24

7:00 - 7:45 a.m. Breakfast (at hotel)

7:45 - 8:15 a.m. Travel to AOC and registration

8:30 - 9:00 a.m.

Welcome and Orientation to the Conference

Honorable Richard Huffman, Chair, California Blue Ribbon Commission on Children in Foster Care, Associate Justice of the Court of Appeal, Fourth Appellate District, Division One

Teri Kook, Director of Child Welfare, Stuart Foundation

Daniel Stein, Managing Partner & Cofounder, Stewards of Change

9:00 - 9:30 a.m.

Conference Keynote

Assembly Member Jim Beall, 24th Assembly District

9:30 - 11:00 a.m.

What's Happening Now – Scalable Innovations and Lessons Learned From California Counties

Facilitator: Richard Gold, Senior Project Manager, Stewards of Change

Presenters include county representatives from Sacramento, Alameda, Orange, San Diego, Ventura and Fresno

The objective of this session is to introduce conference participants to a variety of current information-sharing initiatives identified during pre-conference meetings with six counties. These selected examples should stimulate participants' thinking and begin the process of identifying a few high-impact technologically enabled initiatives that can be rapidly expanded, transferred and implemented broadly across the state. County representatives will present promising cross-system information-sharing initiatives that are designed to produce tangible outcomes, improved service delivery and/or improved efficiency.

11:00 - 11:30 a.m. Break

11:30 a.m. - 12:30 p.m.

Framing the "As Is" Environment in California for Information Sharing to Improve Outcomes for Children Served by the Child Welfare System and the Courts

Roundtable Moderator: Vernon Brown, Cofounder, Stewards of Change

David Maxwell-Jolly, Undersecretary, Health and Human Services Agency

Will Lightbourne, Director, California Department of Social Services

Barry Zimmerman, Director, Human Services Agency, Ventura County, on behalf of County Welfare Directors Association

Don Will, Manager, Center for Families, Children & the Courts; Administrative Office of the Courts

12:30 - 1:30 p.m. Lunch

1:30 - 1:45 p.m.

Judicial Branch Perspectives on Interoperability

Ronald Overholt, Interim Administrative Director of the Courts, and
Christine Patton, Interim Chief Deputy Director of the Courts

1:45 - 3:15 p.m.

Questions of Consequence: What Matters Most Now to Accelerate Information Sharing and Interoperability in California?

Facilitator: Daniel Stein, Managing Partner, Stewards of Change

This session will initiate our discussions about policy, practice and structural issues that are inhibiting information-sharing practices across the state today. We will focus on the key challenges, other current information-sharing solutions and policy issues that conference participants can work on together to enhance and spread information-sharing activities over the next two years.

3:15 - 3:45 p.m. Break

3:45 - 5:00 p.m.

News, Views and Updates on Information-Sharing and Technology Innovations at the Federal Level

Moderator: Gerry Pape, Executive Vice President, Stewards of Change

This session will introduce new technological developments and policy changes at the federal level that have the potential to substantially increase the ability and rate at which jurisdictions can plan, develop and implement information-sharing solutions within and across their entire enterprise, individual agencies and programs serving the same client.

David Jenkins, Director, Division of Information Resources Management and Security, Administration for Children and Families/HHS

Implications of the Affordable Care Act, Health Insurance Exchanges and regulatory changes for states seeking to leverage funding opportunities to link Health and Human Services (ACF Interoperability Toolkit)

Overview of the National Human Services Interoperability Architecture
Human Services National Information Exchange Model and Domain Update

RESPONDERS & DISCUSSION

Jerry Friedman, Director of Strategic Initiatives, Accenture Human Services

Valerie N. Rogers, Director, e-Public Health/Informatics, National Association of County & City Health Officials

Rena Burns, Client Manager, Health and Human Services Programs, Government, IBM

7:00 - 9:30 p.m. Group Dinner

Crocker Museum of Art, Sacramento, Stuart Foundation Sponsor
(Transportation provided)

Conference Agenda

Advancing Information Sharing across California to Improve Outcomes
for Children Served by the Child Welfare System & The Courts

October 24-25, 2011 • Administrative Office of the Courts, Sacramento



Tuesday | October 25

7:30 - 7:45 a.m. Breakfast (at hotel)

7:45 - 8:15 a.m. Travel to AOC and coffee

8:30 - 8:45 a.m.

Warm-up/Overnight Reflections (Dreams and Nightmares)

Facilitator: Daniel Stein, Managing Partner, Stewards of Change

8:45 - 10:30 a.m.

Information Sharing, Confidentiality, Privacy and Security in the
Interoperability Age

Moderator: Richard Gold, Senior Project Manager, Stewards of Change

PANEL PARTICIPANTS

Sid Gardner, President, Center for Children and Family Futures (Drug and Alcohol)

Rebecca Gudeman, Senior Attorney, National Center for Youth Law (Health)

Kathleen McNaught, American Bar Association, Center on Children and the Law (Education)

Christopher Wu, Executive Director, Blue Ribbon Commission on Children in Foster Care, Center for Families, Children & the Courts, Administrative Office of the Courts

Keith Tresh, Information Security Officer, Health Information Technology, California Technology Agency (Security and Privacy)

Presentations and discussions will focus on innovative practices from California and elsewhere that are enabling information sharing, while respecting confidentiality and privacy rights, and securing the information once shared. The focus of this session is "getting to yes" rather than discussing only the barriers to information sharing. Panelists will emphasize what information is shareable in the areas of health, mental health, drug and alcohol, education, child welfare and court. The panel will present promising approaches and technologies that can manage access, ensure security and protect privacy within interoperable environments. The session will include examples of court orders, consent/authorization, legislation, organizational design, MOUs, and discussion of possible ideas on federal legislation regarding exceptions to confidentiality (i.e., for individual case planning when children/parent involved in child welfare system).

10:30 - 11:00 a.m. Break

11:00 a.m. - 12:30 p.m.

Identifying High-Impact Information-Sharing Initiatives for Rapid
Expansion and Implementation Across the State — Part 1

Facilitator: Daniel Stein, Managing Partner, Stewards of Change

This session will generate a group of high-impact technologically enabled information-sharing ideas that can be adapted, transferred and/or potentially expanded across counties over the next two years. We will assess the potential benefits, outcomes, policies, hurdles and resources needed for implementation. Using common decision criteria we will review initiatives highlighted in preparatory county meetings as the basis for discussion.

12:30 - 1:30 p.m. Lunch

(Gallery walk of information-sharing initiatives and voting)

1:30 - 2:45 p.m.

Identifying High-Impact Information-Sharing Initiatives for Rapid
Expansion and Implementation Across the State — Part 2

This session will build on the results of the prior session to refine and synthesize a small group of transformational and achievable information-sharing initiatives. The output from this session will be incorporated into the third day of the conference, which is dedicated to crafting pragmatic, technologically enabled implementation plans for a few of the highest-potential ideas.

2:45 - 3:15 p.m. Break

3:15 - 4:30 p.m.

Prepare for Transition & Review by Technical Summit Group
and Next Steps

Facilitator: Daniel Stein, Managing Partner, Stewards of Change

This final session will focus on identifying particular ways that participants can support, sustain and spread the concepts, knowledge and initiatives post conference. Potential ideas could include developing a Community of Interest to share initiatives, promote networking, formation of workgroups and other ways to build momentum. We will also focus on other ideas, programs and issues that should be noted and captured for future consideration.

Next Steps and Close

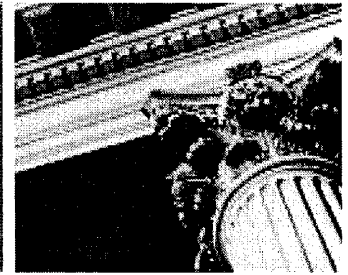
7:00 p.m. Reception and Light Dinner

Il Fornaio, 400 Capitol Mall, Sacramento, Start Foundation Sponsor
(All invited; transportation provided)

Conference Agenda

Advancing Information Sharing across California to Improve Outcomes for Children Served by the Child Welfare System & The Courts

October 26, 2011 • Administrative Office of the Courts, Sacramento



TECHNOLOGY SUMMIT

Wednesday | October 26

7:30 - 7:45 a.m. Breakfast (at hotel)

7:45 - 8:15 a.m. Travel to AOC and coffee

8:30 - 8:45 a.m.

Welcome, Introductions, Purpose of the Summit, Charge from Monday/Tuesday Participants

Don Will, Manager, Center for Families, Children & the Courts; Administrative Office of the Courts

Daniel Stein, Managing Partner, Stewards of Change

8:45 - 9:15 a.m.

Conference Keynote

Linette T Scott, MD, MPH, Interim Deputy Secretary, Health Information Technology, California Health and Human Services Agency

9:15 - 10:30 a.m.

Technical Overview of Key Federal Information Technology Initiatives That Are Leveraging the Affordable Care Act, Health Information Exchange and Service-Oriented Architecture to Improve Interoperability

Moderator: Gerry Pape, Senior Project Manager, Stewards of Change

This session will provide an in-depth technical review of new technology developments at the federal level that have the potential to substantially increase the ability and rate at which jurisdictions can plan, develop and implement information-sharing solutions within and across their entire enterprise, individual agencies and programs serving the same client.

Kim Richeson, Program Manager, The Johns Hopkins University/Applied Physics Lab

National Human Services Interoperability Architecture (NHSIA) and National Information Exchange Model (NIEM)

Technical and policy factors enabling linkages between ACA, Health Insurance Exchange and Human Services

10:30 - 11:00 a.m. Break

11:00 a.m. - 12:15 p.m.

Overview of Transformational Information-Sharing Initiatives That Can Be Shared, Reused and Expanded Rapidly Across the State to Enhance Outcomes for Children and Families Involved in the Child Welfare System and Improve Operational Efficiency

Facilitator: Daniel Stein, Managing Partner, Stewards of Change

Participants will be oriented to the highest-impact information-sharing initiatives identified during the first two days of the conference. These ideas

will have been assessed to have the highest potential to leverage existing technology and infrastructure, reuse services, transfer rapidly and scale successfully over the next two years.

12:15 - 1:00 p.m. Working Lunch

1:00 - 2:30 p.m.

Prepare Implementation Plans for Most Promising Ideas

Facilitator: Richard Gold, Senior Project Manager, Stewards of Change

Groups will work together to prepare implementation plans for selected initiatives, including common criteria such as level of effort required, key tasks, milestones, resources, technology, key dependencies, required changes to policy or practice, training and expected outcomes. Output will be presented and discussed by all participants during the Poster Review Session that follows.

2:30 - 3:00 p.m. Break

3:00 - 4:00 p.m.

Poster Session Review and Critique

Facilitator: Vernon Brown, Cofounder, Stewards of Change and Initiative Champions

Each group will present its implementation plans from the prior session in a Poster Review Session. Conference participants will review all ideas and offer recommendations and critique for development and potential implementation.

4:00 - 4:45 p.m.

Sustaining the Momentum, Future Directions and Closing

Moderator: Daniel Stein, Managing Partner, Stewards of Change and representatives from the Administrative Office of the Courts

The final session will focus on generating concrete ideas for sustaining, supporting, spreading and implementing the initiatives and learning opportunities going forward.

Close

5:00 - 6:00 p.m. Networking and Departure

Tab N

Revised Recommendation 1 (adopted by commission on 11-2-11)

Recommendation 1: Reasonable Efforts to Prevent Removal and Achieve Permanency

Because families who need assistance should receive necessary services to keep children safely at home whenever possible, the Blue Ribbon Commission recommends that the Judicial Council, the California Department of Social Services, and local courts and child welfare agencies implement improvements to ensure immediate, continuous, and appropriate services and timely, thorough review for all families in the system.

Recommendation 1A

Children and families need access to a range of services to prevent removal whenever possible. All reasonable efforts should be made to maintain children at home in safe and stable families. The courts should make an informed finding as to whether these efforts actually have been made.

The Blue Ribbon Commission recommends that:

- The courts and partnering agencies tailor resources to make sure they have sufficient information and time to establish that all reasonable efforts have been made to prevent removal.
- All children and families receive timely and appropriate mental health, health care, education, substance abuse and other services, whether children reside with their own parents or with relatives, foster parents, guardians or adoptive parents or are in another setting.
- At the earliest possible point in their involvement with the family, child welfare agencies engage family members, including extended family wherever they may live, to support the family and children in order to prevent placement whenever possible. Child welfare systems should develop and improve internal protocols for finding family members.
- The courts and partnering agencies work to reduce the disproportionate number of African-American and Native American children in the child welfare system.
- Judicial officers, attorneys, social workers and other professionals who serve foster children and their families increase the diversity and cultural competence of the workforce.
- The Judicial Council work with local, state, and federal leaders to advocate for greater flexibility in the use of federal, state, and local funding for preventive services.

Recommendation 1B

If foster care placement is necessary, children, families, and caregivers should have access to appropriate services and timely court reviews that lead to prompt reunification with family whenever it is possible, or, when it is not, to alternative permanency as quickly as possible.

Revised Recommendation 1 (adopted by commission on 11-2-11)

Service delivery and court review should ensure that all reasonable efforts are made to return children home, to make sure families and workers comply with case plans, and to achieve timely and stable transitions home or, if necessary, to place with relatives or in another permanent, stable family.

The Blue Ribbon Commission recommends that:

- The Judicial Council work with state and federal leaders to advocate changes in law and practice to increase and encourage more relative placements; including:
 - Addressing funding disparities;
 - Developing greater flexibility in approving relative placements whereby relatives would not, by virtue of federal law, be held to the same standard as nonrelatives; and
 - Formulating protocols to facilitate swift home assessments and placement with family members when appropriate.
- The courts and child welfare agencies expedite services for families and ensure that foster children maintain a relationship with all family members and other important people in their lives.
- Because family reunification is the preferred form of permanency in the overwhelming majority of child welfare cases under federal and state law, the Judicial Council and the state Department of Social Services work together to urge Congress to provide financial incentives to state child welfare agencies for the successful reunification of families, similar to the incentives provided for the successful completion of adoptions from the child welfare system.
- The courts and child welfare agencies ensure the provision of appropriate postpermanency services for newly reunified families.
- The courts ensure that children who cannot return home receive services and court reviews to enable them to successfully transition into a permanent home and into adulthood. This includes paying attention to each child's language, development, and cultural needs in making decisions about home and school placements, visitation, education, and mental health needs. It also means making sure they have consistent community ties and help from supportive adults, such as mentors, as they grow up.
- All court participants continuously review and make extraordinary efforts to preserve and promote sibling connections and coplacement.
- Children and families receive continuous and comprehensive services if a child enters the delinquency system from foster care.
- The Judicial Council and the state Department of Social Services work together to urge Congress, the state Legislature, and state and local agencies to ensure that THP-Plus programs sustain a level of funding sufficient to maintain and expand program capacity to meet the demonstrated need of youth aging out of the foster care system.

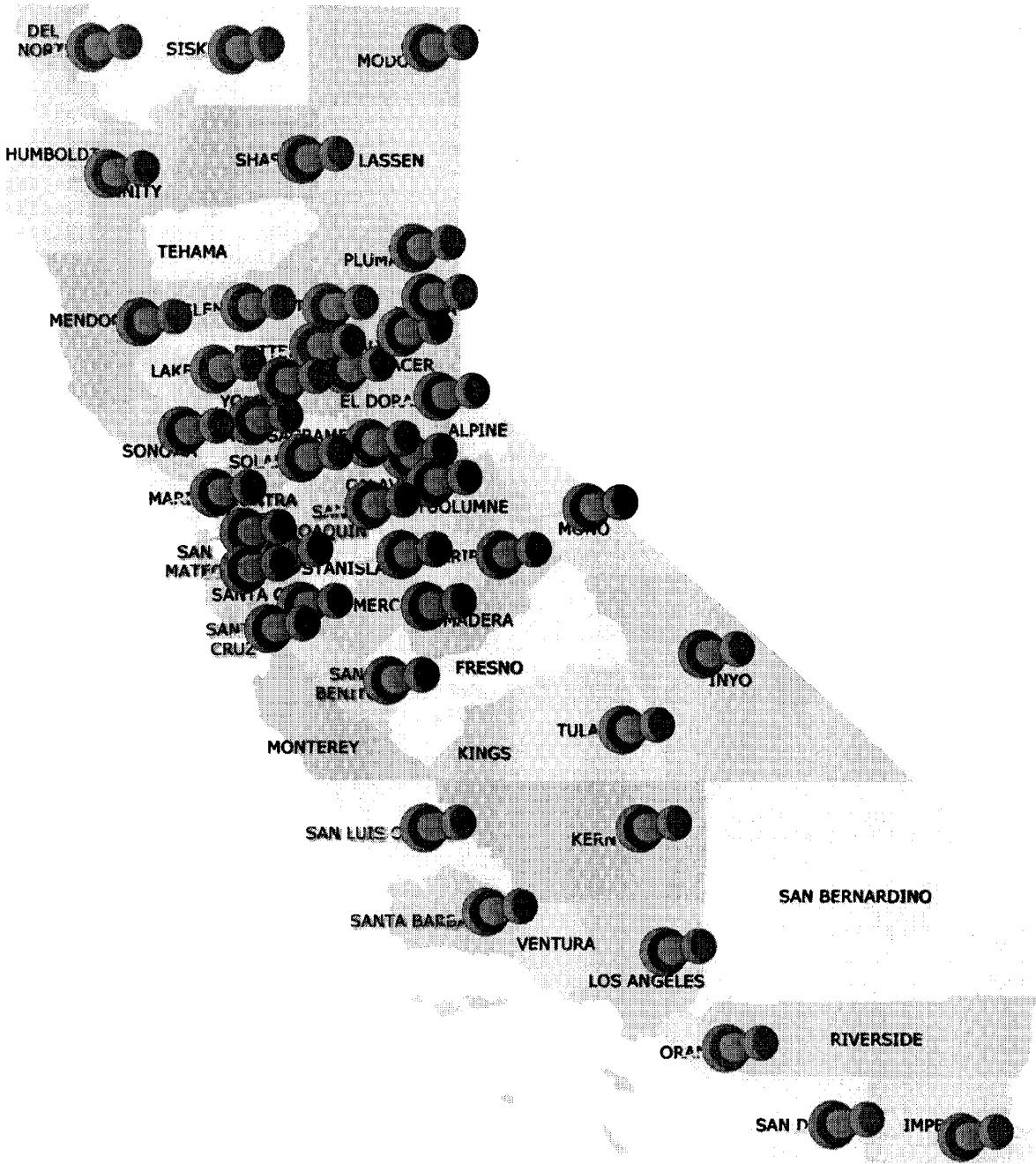
Revised Recommendation 1 (adopted by commission on 11-2-11)

- The Judicial Council work with federal and state leaders to support or sponsor legislation to extend the age when children receive foster care assistance from age 18 to age 21. This change should apply to those children who at age 18 cannot be returned home safely, who are not in a permanent home, and who choose to remain under the jurisdiction of the court. If the court terminates jurisdiction prior to a youth's 21st birthday, the youth should have the right to reinstatement of jurisdiction and services.
- The Judicial Council work with local, state, and federal leaders to develop practices, protocols, and enhanced services to promote both placement and placement stability of children and youth in family-like, rather than institutional, settings.

Tab 0

California Blue Ribbon Commission on Children in Foster Care

Active Local Foster Care Commissions (as of 1/1/12)



Tab P

CALIFORNIA BLUE RIBBON COMMISSION ON CHILDREN IN FOSTER CARE
AOC, Judicial Council Conference Center Board Room
March 23–24, 2006

MEETING AGENDA

Thursday, March 23

11:00 a.m. **Call to Order and Opening Address**
Justice Carlos R. Moreno

Introduction of Commission

The Foster Care Experience in California
Commissioners Pico and Rodriguez

12:45 p.m. **Lunch**

1:45 p.m. **Presentation of Resolution and Address**
William C. Vickrey, Administrative Director of the California Courts;
Member of the Pew Commission on Children in Foster Care

Discussion on Commission Structure and Subcommittees (Tab E)

3:15 p.m. **Break**

3:30 p.m. **System Overview:**

- **Structure of the California Judiciary (Tab F)**
Commissioners Huffman, Nunn, and Huguenor
- **Structure of Child Welfare**
Commissioners Ault and Patterson

Brief Items:

Children Without Homes Foundation
Commissioner Burton
Youth Summit in Los Angeles (Tab O)
Commissioner Krinsky
Planning Future Meetings

5:00 p.m. **Meeting Adjourned (transportation back to Parc 55 Hotel)**

6:30 p.m. **Leave Hotel for Commission Dinner (transportation provided)**
Fior d'Italia Restaurant, 2237 Mason Street, San Francisco;
415-986-1886

Friday, March 24

7:45 a.m. **Transportation from Parc 55 Hotel to JCCC**

8:00 a.m. **Continental Breakfast**

8:30 a.m. **Call to Order**

California—What We Know and What We Don't Know (Tab H)

*Don Will, Supervising Research Analyst, AOC Center for Families,
Children & the Courts*

*Barbara Needell, Principal Investigator/Research Specialist, UC Berkeley
Center for Social Services Research*

10:00 a.m. **Break**

10:30 a.m. **Assembly Select Committee on Foster Care (Tab J)**
Commissioner Bass

Current Foster Care Initiatives in California and Nationally (Tab I)

Noon **Adjourn (Box lunches and airport transportation available)**

CALIFORNIA BLUE RIBBON COMMISSION ON CHILDREN IN FOSTER CARE
Administrative Office of the Courts, Judicial Council Conference Center Board Room
San Francisco, California
June 15–16, 2006

MEETING AGENDA

Thursday, June 15

- | | |
|-----------------------|---|
| 7:45 a.m. | Pick up at the Parc 55 Hotel |
| 8:00–8:30 a.m. | Continental Breakfast |
| 8:30–9:00 a.m. | <ul style="list-style-type: none">• Call to Order
<i>Justice Carlos R. Moreno, Chair</i>
• Introduction of New Staff |
| 9:00–10:30 a.m. | FOSTER CARE FINANCING: <ul style="list-style-type: none">• Major Funding Streams for Foster Care
<i>Ms. Carol Emig, Pew Commission</i>
<i>Mr. Rob Geen, Urban Institute</i>
• California Foster Care Budget Update
<i>Ms. Mary Ault, Commissioner</i>
<i>Ms. Joan Smith, Los Angeles County Department of Children and Family Services</i>
• Discussion |
| 10:30–10:45 a.m. | BREAK |
| 10:45 a.m.–12:00 noon | Foster Care Financing (<i>continued</i>) |
| 12:00–1:00 p.m. | LUNCH |
| 1:00–2:00 p.m. | <ul style="list-style-type: none">• Commission Activities Update
<i>Mr. Christopher Wu, Executive Director</i>
• Report on the Youth Summit
<i>Justice Carlos R. Moreno, Chair</i>
• Legislative Update
<i>Hon. Karen Bass, Commissioner</i>
• Overview of AOC Dependency Improvement Projects
<i>Hon. Leonard P. Edwards (Ret.), Commissioner</i>
<i>Ms. Mara Bernstein, Center for Families, Children & the Courts</i> |
| 2:00–2:15 p.m. | BREAK |

2:15–4:00 p.m.

SUBCOMMITTEE BREAKOUTS:

Open only to commissioners, AOC staff, and invited participants

Strengthening Court Oversight (Yosemite Room)

—*Hon. Richard Huffman, Chair*

Stable and Appropriate Funding and Resources (Tahoe Room)

—*Hon. Susan Huguenor, Chair*

Strategies and Accountability for Reducing Number of Children in Foster Care (Catalina Room A)

—*Hon. Michael Nash, Chair*

Effective Case Management and Data Exchange Systems (Catalina Room B)

—*Hon. Dean Stout, Chair*

4:00–5:30 p.m.

- **Subcommittee Reports**
- **Announcement**
 - **California Youth Connection Annual Policy Conference**
Oakland, August 4–5, 2006
Ms. Jennifer Rodriguez, Commissioner
- **Public Awareness: Recent Video Highlights**

5:30 p.m.

- Meeting adjourned. No scheduled dinner activity.
- Transportation back to the Parc 55 Hotel

Friday, June 16
at the Parc 55 Hotel

Educational Session
Open only to commissioners and AOC staff

8:30–9:00 a.m.

Continental Breakfast

9:00–11:00 a.m.

Public Awareness Training

11:00–11:15 a.m.

BREAK

11:15 a.m.–1:00 p.m.

- **Public Awareness Training (continued)**
- **Wrap up and Next Steps**

1:00 p.m.

Meeting Adjourn
Box lunches provided and airport transportation available

CALIFORNIA BLUE RIBBON COMMISSION ON CHILDREN IN FOSTER CARE

Communications Strategy Session Media Training

Agenda

9:00 a.m.	Welcome & Introductions <ul style="list-style-type: none"> ▪ Review purpose of session and agenda ▪ Frame Media Workshop in the context of earlier training with Justice Moreno. Purpose is to share a methodology for communicating effectively and to provide interim messages about the Commission. Acknowledge that messages are a “work in process.” ▪ Introduce Kelly Burke as a consultant who provided training to Justice Moreno and has been invited to share the same training with all Commissioners. ▪ Introduce Renee Wessels as consultant who has just been retained to help with a strategic communications plan as the Commission moves forward. ▪ Housekeeping points 	Diane or Chris to frame purpose of session and introduce Kelly and Renee
9:10 a.m.	Media & Message Development Workshop <ol style="list-style-type: none"> 1) Obstacles in current media landscape 2) Media Skills Review <ol style="list-style-type: none"> a. <i>“Fatal flaws” of interviewing</i> <i>What reporters look for</i> 	Kelly Burke
10:30 a.m.	BREAK	
10:40 a.m.	3) Techniques for “Playing offense” when answering negative questions in hostile interviews.	
	4) Effective Messaging <ol style="list-style-type: none"> a. <i>“Quick method” of message development</i> b. <i>Samples of messages</i> c. <i>Developing sound bites & quotable phrases</i> 	
	5) Delivery Skills <i>Strategies for improving delivery of the message</i> 6) Mock Interview & Critique 7) Message Discussion	
12:25 p.m.	Wrap Up & Next Steps	Diane or Chris
12:30 p.m.	End of Session	

CALIFORNIA BLUE RIBBON COMMISSION ON CHILDREN IN FOSTER CARE
AOC, Judicial Council Conference Center Board Room
September 28–29, 2006

MEETING AGENDA

<p>Wednesday, September 27 (OPTIONAL) 1:30–4:30 p.m.</p>	<p>Observation of Dependency Cases in San Francisco Court</p>
<p>Thursday, September 28 8:00–9:00 a.m.</p>	<p>Continental Breakfast</p>
<p>9:00–9:15 a.m.</p>	<p>Call to Order by Justice Carlos R. Moreno</p> <p>Acceptance of the June 15 Meeting Minutes</p>
<p>9:15–10:15 a.m.</p>	<p>Overview of Operational Framework for Commission Discussion of Commission Values and Principles – <i>Justice Carlos R. Moreno</i></p>
<p>10:15–10:30 a.m.</p>	<p>BREAK</p>
<p>10:30–11:00 a.m.</p>	<p>Overview of Commission Process – <i>Mr. Christopher Wu</i></p>
<p>11:00–11:30 a.m.</p>	<p>Legislative Update – <i>Ms. Jessica Gunderson, Office of Assemblymember Bass</i></p> <p>Community Care Licensing Regulations – <i>Ms. Jo Frederick, California Department of Social Services</i></p> <p>Commission Activities – <i>Mr. Christopher Wu</i></p> <p>California Indian Child Welfare Act (ICWA) Symposium – <i>Mr. Matthew West, ICWA Director, Tachi-Yokut Tribe</i></p>
<p>11:30 a.m.–12:15 p.m.</p>	<ul style="list-style-type: none"> • Background Information on the Role of the Courts in Dependency Cases • Overview and Discussion of Challenges Facing Courts in the Fair Administration of Dependency Cases
<p>12:15–1:15 p.m.</p>	<p>LUNCH</p>

1:30–4:30 p.m.	Subcommittee Meetings <ul style="list-style-type: none"> • Court Oversight (<i>Redwood A</i>) • Funding and Resources (<i>Golden Gate</i>) • Accountability for Better Outcomes (<i>Redwood B</i>) • Case Management and Data Exchange Systems (<i>Redwood B</i>)
4:30–5:15 p.m.	Report Back from Subcommittee Chairs Submission of Data Resolution to Commission and Vote – <i>Hon. Dean Stout</i>
5:15 p.m.	Meeting adjourns <ul style="list-style-type: none"> • Transportation to Cathedral Hill Hotel
6:30 p.m. 7:00–9:00 p.m.	DINNER (Offsite) <ul style="list-style-type: none"> • Transportation to L'Olivier Restaurant • Dinner
Friday, September 29 7:30 a.m.	Pickup at Cathedral Hill Hotel
7:45–8:15 a.m.	Continental Breakfast
8:30–10:30 a.m.	Site Visit to San Francisco Unified Family Court/Juvenile Court Rooms
10:30–11:00 a.m.	BREAK and Reconvene at Judicial Council Boardroom
11:00 a.m.–12:00 noon	Reflections on Site Visit Perspective on California Dependency Cases – <i>Hon. Richard Blake, Hoopa Valley Tribal Court</i>
12:00–1:00 p.m.	LUNCH (Box lunches)
1:00–2:00 p.m.	Introduction of Child Welfare Checklist <ul style="list-style-type: none"> – <i>Ms. Jennifer Walter, Supervising Attorney, Center for Families, Children & the Courts</i> – <i>Ms. Chantal Sampogna, Attorney, Center for Families, Children & the Courts</i> Administrative and Future Business Closing Remarks – <i>Justice Carlos R. Moreno</i>
2:00 p.m.	Meeting adjourns <ul style="list-style-type: none"> • Airport transportation available

CALIFORNIA BLUE RIBBON COMMISSION ON CHILDREN IN FOSTER CARE

Marriott Hotel and Portola Plaza, Monterey

December 12–13, 2006

MEETING AGENDA

Tuesday, December 12

Marriott Hotel

6:00–9:00 p.m.

Ferrantes Bayview

Commission Dinner—“A Focus on Youth Permanency”

- Welcome and Introductions
 - *Hon. Carlos R. Moreno, Mr. Christopher Wu*
- Video Highlights from Judicial Council Meeting—Adoption and Permanency Resolution
- Keynote Presentation—“Square-Peg Teens in Round-Hole Families & Facilities: Let's Stop The Insanity”
 - *Commissioner Pat Reynolds-Harris*
 - *Mr. Pat O'Brien, Founder & Executive Director, You Gotta Believe!, The Older Child Adoption & Permanency Movement, Inc.*

Wednesday, December 13

Marriott Hotel

7:30–8:30 a.m.

Continental Breakfast

8:30–9:00 a.m.

San Carlos III

Call to Order and Introductions

Acceptance of the September 28–29 Meeting Minutes

Remarks from the Chairman

- *Hon. Carlos R. Moreno*

Commission Activities

- *Mr. Christopher Wu*

Commissioner Updates:

- Upcoming Legislation and the Assembly Select Committee
Commissioner Karen Bass
- Recommendations for Effective Partnerships on Youth Permanence Between Group Homes and Child Welfare
Commissioner Pat Reynolds-Harris

9:00–12:00 noon

San Carlos III

Needs of Transitioning Youth (Panel Presentation)

Commissioner Reflection and Comments

12:00–1:15 p.m.

Ferrantes Bayview

LUNCH

1:15–1:45 p.m.
San Carlos III

Community Care Licensing Regulations

- *Ms. Jo Frederick, California Department of Social Services*

Commission Public Education Plan

- *Hon. Carlos R. Moreno, Mr. Christopher Wu, and Ms. Renee Wessels*

1:45–4:30 p.m.

SUBCOMMITTEE MEETINGS

San Carlos IV

Accountability for Better Outcomes and Case Management and Data Exchange Systems (Joint Meeting)

San Carlos I

Court Oversight

- *Hon. Nancy Williamsen, Stanislaus*
- *Hon. Scott Harman, Sacramento*

San Carlos II

Funding and Resources

- *Mr. Rob Geen, Vice President for Public Policy and Director of the Child Welfare Program Area, Child Trends*
- *Mr. Frank Mecca, Executive Director, County Welfare Directors Association*

4:30–4:45 p.m.

BREAK

4:45–5:15 p.m.

San Carlos III

Report Back from Subcommittee Chairs

Preparation for the Education Summit

6:00–9:00 p.m.

Portola Plaza,

De Anza Ballroom

BEYOND THE BENCH KICKOFF DINNER

CALIFORNIA BLUE RIBBON COMMISSION ON CHILDREN IN FOSTER CARE

March 22–23, 2007

Sacramento

MEETING AGENDA

<p>Thursday, March 22 <i>State Capitol</i></p> <p>9:00–10:15 a.m. <i>Conference Room 126</i> <i>Ground Floor</i></p> <p>10:30 a.m.–12:00 noon</p>	<p>LEGISLATIVE OFFICE VISITS AT THE STATE CAPITOL</p> <ul style="list-style-type: none">○ Thanks to our legislative members and their staffs, members of the Blue Ribbon Commission will have a unique opportunity to meet with Assembly and Senate representatives and speak with them about the work of the commission. <p>Coffee and Orientation for Legislative Office Visits</p> <ul style="list-style-type: none">○ Participating commissioners will participate in an orientation session to prepare for meetings with legislators. <p>Legislative Office Visits</p>
<p>12:00–1:30 p.m. <i>Cafeteria, Lower Level</i></p>	<p>LUNCH</p> <ul style="list-style-type: none">○ Commissioners will share information from their morning office visits and prepare for the commission’s public hearing.
<p>1:30–4:30 p.m. <i>Hearing Room 4202</i> <i>Ground Floor</i></p>	<p>PUBLIC HEARING California Blue Ribbon Commission on Children in Foster Care <i>“The Role of Courts in Foster Care: First-Hand Experiences of Youth, Families, Caregivers, and Court Officials”</i></p> <ul style="list-style-type: none">○ <i>Hon. Carlos R. Moreno, Hon. Karen Bass, Hon. Bill Maze</i>
<p>6:30–8:30 p.m. <i>The Delta King Hotel</i> <i>PaddleWheel Salon</i> <i>1000 Front Street, Old Sacramento</i></p>	<p>DINNER Commission dinner in Old Sacramento (walking distance from hotel) <i>Perspectives on Court Resources and Foster Care</i></p> <ul style="list-style-type: none">○ <i>Mr. Gregg Halemba</i>
<p>Friday, March 23 <i>AOC Northern/Central</i> <i>Regional Office, Delta Room A/B</i> <i>2880 Gateway Oaks Drive</i> <i>Suite 300, Sacramento</i></p> <p>8:30–9:00 a.m.</p>	<p>COMMISSION MEETING</p> <p>Call to Order and Introductions</p> <p>Acceptance of the December 12–13 Meeting Minutes</p> <p>Remarks from the Chairman</p> <ul style="list-style-type: none">○ <i>Hon. Carlos R. Moreno</i> <p>Commission Activities</p> <ul style="list-style-type: none">○ <i>Mr. Christopher Wu</i> <p>Commissioner Updates</p>

<p>9:00–11:30 a.m. <i>Delta Room A/B</i></p>	<p>PANEL AND ROUNDTABLE DISCUSSION <i>“Achieving Fairness and Justice for Foster Children and Their Families”</i></p> <ul style="list-style-type: none"> ○ <i>Ms. Erin Cary, Mr. Frank Dougherty, Hon. Richard Huffman, Ms. Tilisha Martin, Mr. Frank Mecca, Hon. Michael Nash, Ms. Diane Nunn, Dr. Kathryn Orfirer, Ms. Marta Osterloh</i> <p>Commissioner Discussion</p> <p>Subcommittee Recommendations regarding Court Performance Measures</p> <ul style="list-style-type: none"> ○ <i>Hon. Dean Stout, Chairman, Case Management and Data Systems Subcommittee</i> ○ <i>Hon. Michael Nash, Chairman, Accountability for Better Outcomes Subcommittee</i>
<p>11:30 a.m.–2:30 p.m. Box lunch will be provided</p> <p><i>Delta Room A</i></p> <p><i>Delta Room B</i></p> <p><i>Jubilee</i></p> <p><i>Sierra</i></p>	<p>SUBCOMMITTEE MEETINGS:</p> <p>Accountability for Better Outcomes <i>Accountability for Systemic Delays and Duration of Stay in Foster Care</i></p> <ul style="list-style-type: none"> ○ <i>Hon. Michael Nash, Dr. Barbara Needell</i> <p>Case Management and Data Exchange Systems <i>Data Sharing within the Court System</i></p> <ul style="list-style-type: none"> ○ <i>Ms. Diane Nunn, Hon. Dean Stout</i> <p>Court Oversight <i>Calendar and Case Flow Practices in Juvenile Dependency Proceedings and Appropriate Use of Alternative Dispute Resolution</i></p> <ul style="list-style-type: none"> ○ <i>Mr. Gregg Halemba</i> <p>Funding and Resources <i>Foster Care Wraparound Programs</i></p> <ul style="list-style-type: none"> ○ <i>Ms. Lynne Marsenich, Ms. Cheryl Treadwell</i>
<p>2:30–3:00 p.m. <i>Delta Room A/B</i></p>	<p>Report Back from Subcommittee Chairs</p> <p>Closing Remarks</p>
<p>3:00 p.m.</p>	<p>Meeting Adjourns <i>(Shuttles directly to Sacramento Airport will be available at 3pm.)</i></p>

CALIFORNIA BLUE RIBBON COMMISSION ON CHILDREN IN FOSTER CARE

June 20--22, 2007

Riverside, California

MEETING AGENDA

<p>Wednesday, June 20 6:30–8:00 p.m. <i>Mission Inn Hotel, Galleria</i></p>	<p>OPENING DINNER Collaboration Between Courts, Probation and Foster Care: A Discussion of Local Efforts to Collaborate on Dual Jurisdiction</p> <ul style="list-style-type: none">○ <i>Hon. Becky Lynn Dugan, Riverside Superior Court</i>○ <i>Mr. Darrell Clark and Ms. Monique Wilson, Riverside Department of Public Social Services</i>○ <i>Ms. Frances Kroh and Mr. Neil Smith, Riverside Juvenile Probation</i>○ <i>Ms. Deana Piazza, AOC Staff</i>
<p>Thursday, June 21 7:30–8:30 a.m. <i>Mission Inn Hotel, Music Room</i></p> <p>8:30 a.m.</p> <p>9:00–11:45 a.m.</p> <p>11:45 a.m.–1:15 p.m.</p> <p>1:15–2:00 p.m.</p> <p>2:00 p.m.</p>	<p>BREAKFAST AND ORIENTATION TO PREPARE FOR SITE VISIT TO THE CALIFORNIA INSTITUTION FOR WOMEN</p> <ul style="list-style-type: none">○ <i>AOC Staff</i> <p>DEPART FOR SITE VISIT</p> <p>TOUR OF CALIFORNIA INSTITUTION FOR WOMEN</p> <ul style="list-style-type: none">○ <i>Warden Dawn Davison</i>○ <i>Associate Warden Robert Kettle</i>○ Mother-Child Reunification Program<ul style="list-style-type: none">▪ Mother Right Class (educational class)▪ Bonding Mothers and Babies (prison nursery)▪ Tour law library and residential facility▪ Our House<ul style="list-style-type: none">▪ ChildSpace (mother-child visitation area)▪ Mediated Visits (dedicated area) <p>LUNCH AND DISCUSSION WITH STAFF AND INCARCERATED MOTHERS</p> <ul style="list-style-type: none">○ <i>Dr. Denise Johnston, Center for Children of Incarcerated Parents</i><ul style="list-style-type: none">▪ Experiences of Incarcerated Mothers whose Children are in Foster Care <p>COMMISSION DISCUSSION</p> <p>SITE VISIT ENDS <i>(Depart for hotel)</i></p>
<p>2:30–3:30 p.m. <i>Mission Inn Hotel, Glenwood Tavern Room</i></p>	<p>BREAK</p>

<p>3:30–5:00 p.m. <i>Mission Inn Hotel, Music Room</i></p>	<p>COMMISSION DISCUSSION Ensuring Local Collaboration for Improving the Outcomes for Children and Families: Establishing Foster Care Commissions in 58 Counties</p>
<p>6:45–8:30 p.m. <i>Mission Inn Hotel, Monterey</i></p>	<p>COMMISSION DINNER A Discussion of Court Responsibility and Leadership in Ensuring Improved Foster Care Outcomes</p> <ul style="list-style-type: none"> ○ <i>Hon. Sharon McCully, Judge of the Third District Juvenile Court, State of Utah</i>
<p>Friday, June 22</p>	
<p>7:30–8:30 a.m. <i>Glenwood Tavern Room</i></p>	<p>BREAKFAST</p>
<p>8:30–9:00 a.m. <i>Mission Inn Hotel, Music Room</i></p>	<p>COMMISSION MEETING Call to Order and Introductions of New Commissioners</p> <p>Acceptance of the March Meeting Minutes</p> <p>Remarks from the Chairman</p> <ul style="list-style-type: none"> ○ <i>Hon. Carlos R. Moreno</i> <p>Commission Activities & Commissioner Updates</p> <ul style="list-style-type: none"> ○ <i>Mr. Christopher Wu</i>
<p>9:00–11:00 a.m.</p>	<p>Local and Statewide Collaboration Between Courts, Tribes and Foster Care</p> <p>Tribal Alliance</p> <ul style="list-style-type: none"> ○ <i>Hon. Elisabeth Sichel, Riverside Superior Court</i> ○ <i>Mr. Luke Madrigal, Riverside Indian Child and Family Services</i> ○ <i>Ms. Mary Ellen Johnston, Riverside Department of Public Social Services</i> ○ <i>Ms. Donna M. Burt, Riverside Superior Court</i> <p>Interagency Collaboration</p> <ul style="list-style-type: none"> ○ <i>Ms. Teresa Contreras, California Department of Social Services</i> ○ <i>Mr. Olin Jones, Attorney General's Office of Native American Affairs</i> ○ <i>Ms. Connie Reitman, Inter-Tribal Council of California, Inc.</i> ○ <i>Mr. Kevin Gaines, California Department of Social Services</i> ○ <i>Ms. Jennifer Walter, AOC staff</i>
<p>11:15 a.m.–2:30 p.m.</p>	<p>LUNCH AND SUBCOMMITTEE MEETINGS <i>(Box lunches will be provided)</i></p>

<p><i>Mission Inn Hotel, Monterey</i></p> <p><i>Mission Inn Hotel, Santa Barbara</i></p> <p><i>Mission Inn Hotel, Galleria</i></p> <p><i>Mission Inn Hotel, Ho-O-Kan</i></p>	<p>Court Oversight Court Oversight of Services for Foster Children and Families <i>Commissioners Will Lightbourne and Gary Seiser</i></p> <p>Funding and Resources Review and Discussion of Foster Youth Services Funding</p> <ul style="list-style-type: none"> ○ <i>Commissioner Jacqueline Wong</i> ○ <i>Mr. Lee Morhar, AOC Staff</i> <p>Accountability for Better Outcomes Strategies for Reducing Reliance on Foster Care</p> <ul style="list-style-type: none"> ○ <i>Ms. Crystal Baik, Asian Women's Shelter</i> ○ <i>Ms. Jessica Recinos, City and County of San Francisco</i> ○ <i>Ms. Ronda Johnson, City and County of San Francisco</i> ○ <i>Ms. Minnie Thomas, Founder, Solid Foundation</i> ○ <i>Ms. Rose Wentz, National Resource Center for Family-Centered Practice and Permanency Planning</i> ○ <i>Ms. Bonnie Hough, and Ms. Chantal Sampogna, AOC Staff</i> <p>Case Management and Data Exchange Systems Data Sharing between the Courts and Partner Agencies</p> <ul style="list-style-type: none"> ○ <i>Mr. Bob Steiner, Ms. Karen Cannata and Ms. Chantal Sampogna, AOC Staff</i>
<p>2:30–3:00 p.m. <i>Mission Inn Hotel, Music Room</i></p>	<p>Report Back from Subcommittee Chairs</p> <p>Closing Remarks</p>
<p>3:00 p.m.</p>	<p>Meeting Adjourns <i>(Shuttles directly to Ontario Airport will be available at 3pm.)</i></p>

CALIFORNIA BLUE RIBBON COMMISSION ON CHILDREN IN FOSTER CARE

San Francisco, California

September 21, 2007

10:00 a.m.–3:00 p.m.

MEETING AGENDA

9:00–10:00 a.m.

Ante Room

BREAKFAST

10:00–10:15 a.m.

Boardroom

OPENING REMARKS

- *Justice Carlos R. Moreno*

10:15–11:15 a.m.

THE RACE, ETHNICITY, & GENDER OF OUR FOSTER YOUTH THROUGHOUT THE STAY IN FOSTER CARE

- *Dr. Barbara Needell*

11:15 a.m.–12:05 p.m.

DEMOGRAPHICS IN DEPENDENCY COURT

- *Hon. Wadie Thomas, Jr., Nebraska*

ADDRESSING UNINTENDED BIAS

- *Mr. Michael Roosevelt, AOC Staff*

12:05–12:35 p.m.

INTRODUCTION OF THE AFTERNOON GROUP DISCUSSION

- *Mr. Michael Roosevelt, AOC Staff*
- *Hon. David Krashna and Hon. Trina Thompson Stanley, Alameda Superior Court*
- *Ms. Miryam Choca, Casey Family Programs*

12:35–12:50 p.m.

LUNCH

[Box lunches will be provided in the breakout rooms]

12:50–1:50 p.m.

Catalina A/B

Redwood A/B

BREAK OUT GROUPS - DISCUSSION

- *Hon. David Krashna and Hon. Trina Thompson Stanley, Alameda Superior Court*
- *Mr. Michael Roosevelt, AOC Staff*

1:50–2:00 p.m.

BREAK

2:00–2:45 p.m.

Boardroom

GROUP DISCUSSION REPORT BACK

2:45–3:00 p.m.

CLOSING REMARKS

3:00 p.m.

MEETING ADJOURNS

(Shuttles directly to Oakland and San Francisco Airports will be available at 3pm.)



Hearing for the Blue Ribbon Commission on Children in Foster Care
CASA in California: Community Engagement for the Benefit of Foster Children & Youth
AGENDA

9:30 – 9:45 Justice Moreno’s Welcome & Opening Remarks

9:45 – 10:05 Child Welfare Professionals Panel

Panelists, in order of their testimony:

Jen Troia (CalCASA); Margaret Lee (therapist); Phil Ladew (attorney), Commissioner Bresee (retired)

These panelists will provide testimony regarding how CASA volunteers collaborate with child welfare professionals to improve the outcomes for children in foster care. Panelists will focus on how CASA volunteers provide continuity, conduct inquiry that would not otherwise happen, and help judges have a more complete view of what is in the best interests of children. Panelists will also discuss how CASA volunteers bring a new perspective and energy into the process.

10:05 – 11:00 Family Panel

Panelists, in order of their testimony:

Herbert Vanderhorst (CalCASA); Patricia McKee (former foster youth);
Jessica Cuevas (former foster youth); Adam Bateham (former foster youth);
Julie Waters (former foster youth); Jaleesa Suell (former foster youth);
Sean Dachtler (former foster youth); Ernest Lynch (CASA volunteer);
Nirja Kapoor (CASA volunteer)

This panel’s testimony will focus on the impact CASA volunteers have on building and maintaining family connections, helping to facilitate sibling visitation, and improving educational achievement. Panelists will also testify regarding how CASA volunteers listen carefully to all the people in a child’s life to get a full understanding of each perspective on what is in the child’s best interests.

11:00 – 11:20 CASA Panel

Panelists, in order of their testimony:

Kevin Gardner (CalCASA Board Chair); Mark Garcia (San Mateo Board Chair & CASA volunteer);
Keith Archuleta (Executive Director, Contra Costa County CASA Program)

These panelists will provide testimony regarding how CASA programs inform the community about the needs of foster youth and how they act as gateways for community investment into the foster care system. They will also testify regarding how CASA volunteers affect the lives of children and families within the child welfare system and what CASA programs need to grow their volunteer base.

11:20 – 11:30 Robin Allen’s Concluding Statement

Robin Allen’s (Executive Director, CalCASA) statement will focus on how CASA programs are cost-effective vehicles for facilitating community investment into the juvenile court and dependency systems in order to improve outcomes for foster children and youth. She will discuss how the CASA movement is founded on the work of several thousand CASA volunteers who have built strong relationships with their assigned child or youth, investigated their circumstances, and advocated for their best interests. Robin will also explain the basis of our belief that the CASA movement provides a pivotal opportunity for citizens, individuals, and corporations to do their part to support California’s children and youth.

11:30 – 12:00 Public Comment

CALIFORNIA BLUE RIBBON COMMISSION ON CHILDREN IN FOSTER CARE

Rancho Mirage, California

October 12, 2007, 1:00–8:00 p.m.

October 13, 2007, 8:30 a.m.–3:00 p.m.

MEETING AGENDA

<p>FRIDAY, OCTOBER 12, 2007 1:00–1:40 p.m. <i>Salon 5</i></p>	<p>CALL TO ORDER ○ <i>Hon. Carlos R. Moreno</i></p> <p>UPDATES ○ <i>Mr. Christopher Wu</i></p> <p>OPENING REMARKS ○ <i>Hon. Carlos R. Moreno</i></p>
<p>1:40–2:30 p.m. <i>Salon 5</i></p>	<p>18 MONTHS IN REVIEW ○ <i>Mr. Christopher Wu</i></p>
<p>2:30–2:45 p.m. <i>Fiesta Patio</i></p>	<p>BREAK</p>
<p>2:45–5:15 p.m. <i>Salon 1, Court Oversight</i> <i>Salon 6–7 Accountability & Case Management and Data</i> <i>Salon 8, Funding and Resources</i></p>	<p>SUBCOMMITTEES MEET TO FINALIZE SUBCOMMITTEE DRAFT RECOMMENDATIONS</p>
<p>6:30–8:00 p.m. <i>Salon 5</i></p>	<p>DINNER Panel from Social Worker Symposia ○ <i>Ms. Susan Genovese, Orange County</i> ○ <i>Ms. My Huynh, Marin County</i> ○ <i>Ms. Laura Nielsen, Yolo County</i> ○ <i>Ms. Heather Sharp, Madera County</i> ○ <i>Ms.Carolynn Bernabe and Ms. Sonya Tafoya, AOC Staff</i></p>
<p>SATURDAY, OCTOBER 13, 2007 7:30–8:30 a.m. <i>Foyer</i></p>	<p>BREAKFAST</p>
<p>8:30 a.m.–11:30 a.m. <i>Salon 1, Court Oversight</i> <i>Salon 6–7 Accountability & Case Management and Data</i> <i>Salon 8, Funding and Resources</i></p>	<p>SUBCOMMITTEES MEET TO DISCUSS RECOMMENDATIONS OF OTHER SUBCOMMITTEES ○ Discussion of other subcommittees' recommendations ○ Discussion of commission visits and events and how the perspectives shared may inform the recommendations</p>
<p>10:00–10:15 a.m. <i>Fiesta Patio</i></p>	<p>BREAK</p>

<p>11:30 a.m.–2:15 p.m. Salon 5</p>	<p>WORKING LUNCH <i>[Box lunches will be provided in the breakout rooms]</i></p> <p>COMMISSION DISCUSSION OF SUBCOMMITTEE DRAFT RECOMMENDATIONS Subcommittee chairs report back on recommendations and solicit feedback from other subcommittees.</p> <ul style="list-style-type: none"> ○ <i>Mr. Christopher Wu, Moderator</i> ○ <i>Hon. Richard Huffman, Chair, Court Oversight</i> ○ <i>Hon. Susan Huguenor, Chair, Funding and Resources</i> ○ <i>Hon. Dean Stout, Chair, Case Management and Data Exchange Systems</i> ○ <i>Hon. Michael Nash, Chair, Accountability for Better Outcomes</i>
<p>2:15–2:30 p.m. Salon 5</p>	<p>CLOSING REMARKS</p>
<p>2:30 p.m.</p>	<p>MEETING ADJOURNS</p>

CALIFORNIA BLUE RIBBON COMMISSION ON CHILDREN IN FOSTER CARE

Sheraton San Diego Hotel & Marina, West Tower

December 11, 2007, 10:30 a.m.–8:30 p.m.

December 12, 2007, 8:30 a.m.–5:00 p.m.

MEETING AGENDA

TUESDAY, DECEMBER 11, 2007 10:30 a.m.–12:00 noon <i>Fairbanks A-C</i>	CALL TO ORDER <ul style="list-style-type: none">○ <i>Hon. Carlos R. Moreno</i> THE CALIFORNIA DISPROPORTIONALITY PROJECT <ul style="list-style-type: none">○ <i>Ms. Miryam Choca, Commissioner</i> IMMIGRATION AND LIMITED ENGLISH PROFICIENCY ISSUES <ul style="list-style-type: none">○ <i>Mr. Ken Borelli, Consultant to Annie E. Casey Foundation & Family to Family Initiative</i>○ <i>Mr. Randy Capps, Urban Institute</i>○ <i>Ms. Deborah Escobedo, Commissioner</i>○ <i>Ms. Kris Jackson, Public Counsel</i>○ <i>Ms. Yali Lincroft, Consultant to Annie E. Casey Foundation & Family to Family Initiative</i>○ <i>Ms. Jennifer Rodriguez, Youth Law Center</i>
12:00–1:00 p.m. <i>Catalina</i>	LUNCH
1:00–1:30 p.m. <i>Fairbanks A-C</i>	OPENING REMARKS <ul style="list-style-type: none">○ <i>Hon. Carlos R. Moreno</i>○ <i>Mr. Christopher Wu</i>
1:30–3:00 p.m. <i>Fairbanks A-C</i>	RECOMMENDATION DISCUSSION <ul style="list-style-type: none">○ <i>Ms. Carol Emig, Child Trends</i>
3:00–3:15 p.m. <i>Fairbanks Foyer</i>	BREAK
3:15–5:00 p.m. <i>Fairbanks A-C</i>	RECOMMENDATION DISCUSSION <ul style="list-style-type: none">○ <i>Ms. Carol Emig, Child Trends</i>
6:30–8:30 p.m. <i>Catalina</i>	COMMISSION DINNER
WEDNESDAY, DECEMBER 12, 2007 7:00–8:30 a.m. <i>Catalina</i>	BREAKFAST
8:30–10:00 a.m. <i>Fairbanks A-C</i>	RECOMMENDATION DISCUSSION <ul style="list-style-type: none">○ <i>Ms. Carol Emig, Child Trends</i>
10:00–10:15 a.m. <i>Fairbanks Foyer</i>	BREAK
10:15–11:30 a.m. <i>Fairbanks A-C</i>	RECOMMENDATION DISCUSSION <ul style="list-style-type: none">○ <i>Ms. Carol Emig, Child Trends</i>

<p>11:30 a.m.–12:30 p.m. <i>Catalina</i></p>	<p>LUNCH</p>
<p>12:30–2:45 p.m. <i>Fairbanks A-C</i></p>	<p>RECOMMENDATION DISCUSSION</p> <ul style="list-style-type: none"> ○ <i>Ms. Carol Emig, Child Trends</i>
<p>2:45–3:00 p.m. <i>Fairbanks Foyer</i></p>	<p>BREAK</p>
<p>3:00–4:30 p.m. <i>Fairbanks A-C</i></p>	<p>RECOMMENDATION DISCUSSION</p> <ul style="list-style-type: none"> ○ <i>Ms. Carol Emig, Child Trends</i>
<p>4:30–4:50 p.m.</p>	<p>PUBLIC OUTREACH</p> <ul style="list-style-type: none"> ○ <i>Ms. Miriam Krinsky, Commissioner</i>
<p>4:50–5:00 p.m.</p>	<p>CLOSING REMARKS</p> <ul style="list-style-type: none"> ○ <i>Hon. Carlos R. Moreno</i>
<p>5:00 p.m.</p>	<p>MEETING ADJOURNS</p>
<p>6:00–9:00 p.m. <i>Grande Ballroom</i></p>	<p>DINNER WITH BEYOND THE BENCH (BTB) PARTICIPANTS <i>Someone's Somebody — Opening Dinner and Play by Former Foster Youth Regina Louise</i></p> <p>A one-woman play written and performed by Regina Louise. Imagine 11-year-old Regina Louise in Austin, Texas, circa 1970, leading a life more dangerous than those of the outcast orphans Dickens depicts roving London's streets more than a century earlier. This glimpse of Regina Louise "making good on her pact" with God is a gripping, true tale of struggle and triumphs. Accompanied by original music, this stirring tale resonates with hope and resilience.</p>

CALIFORNIA BLUE RIBBON COMMISSION ON CHILDREN IN FOSTER CARE

Administrative Office of the Courts, Judicial Council Conference Center Boardroom

San Francisco, California

June 10, 2008, 10:30 a.m.–8:30 p.m.

June 11, 2008, 8:30 a.m.–3:00 p.m.

MEETING AGENDA

TUESDAY, JUNE 10, 2008

10:30–11:00 a.m.

Boardroom

CALL TO ORDER

- *Hon. Carlos R. Moreno*

OPENING REMARKS

- *Hon. Carlos R. Moreno*
- *Mr. Christopher Wu*

11:00 a.m.–12:00 noon

Boardroom

REVIEW OF PUBLIC COMMENTS AND RECOMMENDATION DISCUSSION

- *Ms. Carol Emig, Child Trends*

12:00–1:00 p.m.

Lunchroom

WORKING LUNCH

1:00–3:00 p.m.

Boardroom

REVIEW OF PUBLIC COMMENTS AND RECOMMENDATION DISCUSSION

- *Ms. Carol Emig, Child Trends*

3:00–3:15 p.m.

BREAK

3:15–5:00 p.m.

Boardroom

REVIEW OF PUBLIC COMMENTS AND RECOMMENDATION DISCUSSION

- *Ms. Carol Emig, Child Trends*

6:30–8:30 p.m.

*Marines Memorial Club & Hotel
Crystal Lounge*

COMMISSION DINNER

- *Hon. Carlos R. Moreno*
- *Mr. Christopher Wu*
- *Mr. Anthony Pico*

WEDNESDAY, JUNE 11, 2008

BREAKFAST ON YOUR OWN (*Coffee provided at start of meeting*)

8:30–10:00 a.m.

Boardroom

REVIEW OF PUBLIC COMMENTS AND RECOMMENDATION DISCUSSION

- *Ms. Carol Emig, Child Trends*

10:00–10:15 a.m.

BREAK

10:15–11:30 a.m.

Boardroom

REVIEW OF PUBLIC COMMENTS AND RECOMMENDATION DISCUSSION

- *Ms. Carol Emig, Child Trends*

11:30 a.m.–12:30 p.m.

Lunchroom

WORKING LUNCH

12:30–2:00 p.m.
Boardroom

**REVIEW OF PUBLIC COMMENTS AND RECOMMENDATION
DISCUSSION**

- *Ms. Carol Emig, Child Trends*

2:00–2:50 p.m.
Boardroom

IMPLEMENTATION DISCUSSION

- *Mr. Christopher Wu*

2:50–3:00 p.m.

CLOSING REMARKS

- *Hon. Carlos R. Moreno*

3:00 p.m.

MEETING ADJOURNS

CALIFORNIA BLUE RIBBON COMMISSION ON CHILDREN IN FOSTER CARE

Administrative Office of the Courts, Judicial Council Conference Center

San Francisco, California

October 21, 2008, 10:00 a.m.–4:00 p.m.

MEETING AGENDA

TUESDAY, OCTOBER 21, 2008 10:00–10:05 a.m. <i>Boardroom</i>	CALL TO ORDER <ul style="list-style-type: none">○ <i>Hon. Carlos R. Moreno</i> Introductions and Transitions <ul style="list-style-type: none">○ <i>Christopher Wu</i>
10:05–10:20 a.m. <i>Boardroom</i>	Opening Remarks <ul style="list-style-type: none">○ <i>Hon. Carlos R. Moreno</i>
10:20–10:30 a.m. <i>Boardroom</i>	BRC Public Education Summary <ul style="list-style-type: none">○ <i>Christopher Wu</i>
10:30–11:30 a.m. <i>Boardroom</i>	Current Landscape <ul style="list-style-type: none">● Federal legislation<ul style="list-style-type: none">○ <i>Amy Lemley and Miriam Krinsky</i>● State legislation<ul style="list-style-type: none">○ <i>Curt Child</i>● Budget and Resources<ul style="list-style-type: none">○ <i>Curt Child</i>● Child Welfare Council<ul style="list-style-type: none">○ <i>Andrew Signey</i>● December County Team Summit<ul style="list-style-type: none">○ <i>Christopher Wu</i>● Discussion
11:45 a.m.–2:15 p.m. <i>Catalina A</i>	Breakout Meetings (WORKING LUNCH) <ul style="list-style-type: none">● Court Reform<ul style="list-style-type: none">○ <i>Hon. Richard Huffman, Lead</i>○ <i>Chantal Sampogna, Staff</i>● Collaboration<ul style="list-style-type: none">○ <i>Hon. Leonard Edwards (Ret.), Lead</i>○ <i>Christopher Wu, Staff</i>● Prevent Removal and Achieve Permanency<ul style="list-style-type: none">○ <i>Hon. Terry Friedman, Lead</i>○ <i>Chris Cleary, Staff</i>● Funding and Resources<ul style="list-style-type: none">○ <i>Hon. Susan Huguenor, Lead</i>○ <i>Don Will, Staff</i>
<i>Catalina B</i>	
<i>Redwood A</i>	
<i>Redwood B</i>	
2:15–2:35 p.m. <i>Lunchroom</i>	BREAK
2:35–4:00 p.m. <i>Boardroom</i>	Working Groups Report Back <ul style="list-style-type: none">● Discussion
4:00 p.m.	Adjourn

CALIFORNIA BLUE RIBBON COMMISSION ON CHILDREN IN FOSTER CARE

Administrative Office of the Courts, Judicial Council Conference Center

San Francisco, California

June 29, 2009, 6:30–8:30 p.m.

June 30, 2009, 9:00 a.m.–4:00 p.m.

MEETING AGENDA

MONDAY, JUNE 29, 2009 6:30–8:30 p.m. <i>AOC JCCC Sequoia Room</i>	COMMISSION DINNER <ul style="list-style-type: none">○ <i>Hon. Carlos R. Moreno</i>○ <i>Mr. Christopher Wu</i> THE PURPLE SHAWL <ul style="list-style-type: none">○ <i>Ms. Lisa Thompson and a Youth</i>
TUESDAY, JUNE 30, 2009 8:30–9:00 a.m. <i>Milton Marks Foyer</i>	CONTINENTAL BREAKFAST
9:00–10:15 a.m. <i>Milton Marks Auditorium</i>	ADDRESS BY THE CHIEF JUSTICE <ul style="list-style-type: none">○ <i>Remarks from the Chief Justice, group and individual photo</i>
10:15–10:30 a.m. <i>Milton Marks Foyer</i>	BREAK
10:30 a.m.–12:00 noon <i>Boardroom</i>	CALL TO ORDER AND OPENING REMARKS <ul style="list-style-type: none">○ <i>Hon. Carlos R. Moreno</i> COMMISSION UPDATE <ul style="list-style-type: none">○ <i>Mr. Christopher Wu</i> LEGISLATIVE UPDATE <ul style="list-style-type: none">○ <i>Mr. Curtis Child</i>
12:00–1:00 p.m. <i>Lunchroom</i>	BRC AND LOCAL BRC DISCUSSION
1:00–2:30 p.m. <i>Boardroom</i>	LOCAL BRC TEAMS <ul style="list-style-type: none">○ Overview of Local BRC<ul style="list-style-type: none">▪ <i>Mr. Christopher Wu</i>○ Local BRC Team Presentations<ul style="list-style-type: none">▪ <i>Imperial, Orange, San Luis Obispo, and Solano</i>
2:30–2:45 p.m. <i>Ante Room</i>	BREAK
2:45–4:00 p.m. <i>Boardroom</i>	UPDATES FROM OTHER LOCAL COUNTY TEAMS CLOSING REMARKS <ul style="list-style-type: none">○ <i>Hon. Carlos R. Moreno</i> MEETING ADJOURNS

CALIFORNIA BLUE RIBBON COMMISSION ON CHILDREN IN FOSTER CARE

Administrative Office of the Courts, Judicial Council Conference Center Boardroom

San Francisco, California

May 11, 2010, 10:00 a.m.–4:00 p.m.

MEETING AGENDA

9:00–10:00 a.m.	COFFEE & REGISTRATION
10:00–10:15 a.m.	WELCOME <ul style="list-style-type: none">○ <i>Hon. Carlos R. Moreno</i>
10:15–11:30 a.m.	ACCOMPLISHMENTS AND UPDATES <ul style="list-style-type: none">○ <i>Christopher Wu</i>○ <i>AOC Staff</i>○ <i>Commissioners</i>
11:30 a.m.–12:00 noon	ELKINS FAMILY LAW TASK FORCE UPDATE AND CROSSOVER ISSUES AND SUMMIT REVIEW <ul style="list-style-type: none">○ <i>Commissioner Diane Nunn</i>○ <i>Katie Howard</i>○ <i>Julia Weber</i>
12:15–1:00 p.m. <i>Lunchroom</i>	LUNCH
1:00–1:45 p.m.	AGING OUT OF FOSTER CARE (Midwest Study) <ul style="list-style-type: none">○ <i>Jennifer Hook, Partners for our Children</i>
1:45–2:30 p.m.	LANDSCAPE DISCUSSION <ul style="list-style-type: none">○ Legislative and Budget Update<ul style="list-style-type: none">▪ <i>Tracy Kenny, Office of Governmental Affairs</i>○ Favorable/Unfavorable Conditions
2:30–2:45 p.m. <i>Ante Room</i>	BREAK
2:45–3:30 p.m.	2010/2011 IMPLEMENTATION PLAN
3:30–4:00 p.m.	CLOSING <ul style="list-style-type: none">○ Demonstration of Local BRC Web Pages<ul style="list-style-type: none">○ <i>Mara Bernstein</i>○ Permanency Video<ul style="list-style-type: none">○ <i>Commissioner Bob Friend</i>

Tab Q



NEWS RELEASE

Release Number: 25

Release Date: March 23, 2006

JUDICIAL COUNCIL OF
CALIFORNIA
ADMINISTRATIVE OFFICE
OF THE COURTS

Public Information Office
455 Golden Gate Avenue
San Francisco, CA 94102-3688
www.courtinfo.ca.gov

415-865-7740

Lynn Holton
Public Information Officer

New Blue Ribbon Commission on Foster Care Launches Statewide Study Today

Supreme Court Justice Carlos Moreno Chairs Panel To Secure Safe, Permanent Homes for Foster Children

Ceremony Today Will Highlight Commission Goals

San Francisco—California's new Blue Ribbon Commission on Children in Foster Care will meet for the first time today to begin a study of one of the most critical issues facing the justice system today—the need to quickly secure safe and permanent homes for California's 97,000 foster children, nearly 20 percent of the nation's entire foster child population.

Appointed by Chief Justice Ronald M. George, the representative commission, chaired by California Supreme Court Justice Carlos R. Moreno, is made up of judges, legislators, attorneys, community leaders, and others with broad expertise.

At a ceremony at 11 a.m. today, Justice Moreno will make keynote remarks on the importance of the commission's work. At 1:45 p.m., Administrative Director of the Courts William C. Vickrey will make remarks and will present a resolution to Justice Moreno that outlines the Chief Justice's far-reaching charge to the commission. The ceremony will be held in the Judicial Council Conference Center, Hiram W. Johnson State Office Building, Third Floor, 455 Golden Gate Avenue, San Francisco.

As the commission begins its study, it faces these facts, among others:

- Nationally, most foster children wait an average of three years to find a permanent home, and many are bounced to three or more homes in the process.
- Youth who grow up in foster care often leave it unprepared when they turn 18—half are unemployed, a third are homeless, and one in five ends up in jail.

(over)

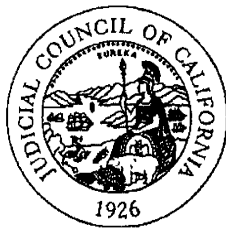
The commission will explore the causes and consequences of court-based delays and make recommendations on how to improve the ability of courts to move children quickly out of the legal limbo of foster care. Specifically, the commission is committed to:

- Improving the ability of the federal government, the state, local agencies, and the courts to secure more quickly safe, permanent homes for foster children and at the same time to reduce the need for foster care.
- Establishing a permanent collaborative framework among all those who have responsible for the well-being of vulnerable children.
- Developing strategies for applying resources in more flexible ways to support children and families while persuading the federal government to invest more effectively and to lift restrictions on how money can be spent by the state.
- Targeting further improvements in the performance of the courts where often the most critical life decisions are made.

The membership roster is attached.

The Judicial Council is the policymaking body of the California courts, the largest court system in the nation. Under the leadership of the Chief Justice and in accordance with the California Constitution, the council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. The Administrative Office of the Courts carries out the official actions of the council and promotes leadership and excellence in court administration.

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Lynn Holton
Public Information Officer

NEWS RELEASE

Release Number:

Release Date: **June 19, 2007**

Contact: Renee Wessels (916) 802-2741
Joni Pitcl (916) 705-4224

CALIFORNIA FOSTER CHILDREN CONTINUE TO “FALL THROUGH THE CRACKS”

Blue Ribbon Commission on Foster Care to Meet in Riverside to Probe Reasons for Too Many Children Not Receiving Critical Services and Learn about Local Efforts to Ensure Agency Collaboration

Special Focus on Native American Children, Youth in Probation and Children of Incarcerated Mothers

Riverside, CA – In its sixth quarterly meeting being held in Riverside on June 20-22, 2007, the California Blue Ribbon Commission on Children in Foster Care will examine the issues surrounding too many of California’s 80,000 foster children not receiving critical services and support during their time in foster care. The commission meeting will examine issues that are impacting the delivery of foster care services and learn about efforts in Riverside County to tear down bureaucratic barriers to better serve children and families.

“Riverside County is pioneering collaboration among tribes, courts, probation and prisons – all in an effort to better serve foster children and their families,” said Supreme Court Justice Carlos R. Moreno, chair of the high-level 42-member commission. “We want to learn from them as we identify recommendations that can benefit foster children statewide.”

In a meeting spanning two and a-half days, commissioners will examine various aspects of government collaboration that can better serve children and families. Issues to be explored include those that impact thousands of foster children across the state:

- **Native American Children** – More than 1,000 Native American children are under the jurisdiction of the State of California for reported child abuse or neglect, yet are often caught in conflicting systems between the state and their local tribes. During its morning meeting on June 22, commissioners will hear from Riverside County and tribal officials regarding their innovative and successful efforts to collaborate on behalf of Native American children and discuss possible statewide solutions.
- **Foster Youth in Probation** – Too many of California’s foster youth “cross over” into the state’s delinquency system, losing child welfare supports and services once they have committed an offense. Two large and very different

government systems are involved, and numerous challenges are presented as they struggle to provide for children's welfare. Commissioners will hear from officials from Riverside County – one of six counties in the state to pioneer new approaches under legislation recently passed – during its opening dinner session on Wednesday, June 20.

- **Foster Children of Incarcerated Mothers** – Many foster children have mothers who are incarcerated in state prisons in California. Most of these mothers will be released after serving relatively short prison terms of approximately 15 months, generally for offenses that are related to substance abuse. When appropriate, reunifying mothers with their children is best for children and avoids children remaining in long-term foster care at significant cost to the state. On Thursday, June 21, commissioners will visit the California Institution for Women to learn about model programs that improve parenting skills of incarcerated mothers and preserve family relationships so that mothers can resume their parental responsibilities.

During their site visit to the California Institution for Women, commissioners will also meet with incarcerated mothers to learn about prison efforts to support family reunification, as well as probe a related issue of the high number of foster youth who end up in prison (1 in 5 foster youth). Most foster youth prison entries are preventable but require access to and coordination among government and community programs. Discussion will focus on the steps that would help foster youth avoid incarceration and contrast the cost of prison (\$44,000 per year) with prevention programs that would avoid prison entry in the first place.

Commissioners will focus on solutions to the challenges that they examine throughout their meeting. At its dinner session on Thursday, June 21, the focus will be on the role of the courts in ensuring local collaboration – given the deciding role that dependency court judges play in every foster care case in the state. The Hon. Sharon McCully, a dependency court judge from Utah, will keynote a presentation on court responsibility and leadership.

Among the specific solutions that commissioners are expected to discuss throughout their meeting are court responsibility in supporting preventive approaches and access to community services that would help families better care for their children, such as alcohol and other drug treatment programs and domestic violence prevention programs; education and mental health supports for foster children; and continuation of foster care benefits for children beyond the age of 18 when they emancipate from care. In addition, commissioners are expected to discuss court responsibility in ensuring that visitation and reunification services are occurring for foster children whose mothers are in prison, and agency efforts to search for kin and others to care for children so that they do not enter foster care unnecessarily.

The California Blue Ribbon Commission on Children in Foster Care was appointed in March 2006 by Chief Justice Ronald M. George to develop recommendations for how courts and their partners can improve foster care outcomes in the state. The commission meets quarterly and is more than half-way through its work. The commission's recommendations are due in spring 2008.

Media are welcome to attend all portions of the commission meeting with the exception of the site visit to the California Institution for Women, which prison officials have closed to the media. For a full schedule of the commission's meeting, contact Renee Wessels (916) 802-2741 or Joni Pitcl (916) 705-4224.

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NEWS RELEASE

Release Number: 23

Release Date: May 12, 2008

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Lynn Holton
Public Information Officer

California Blue Ribbon Commission on Children in Foster Care Holds Public Hearing on Draft Recommendations

Focus on How Courts and Child Welfare Partners Can Better Serve Youth and Families in Foster Care

Los Angeles — The California Blue Ribbon Commission on Children in Foster Care will hold a public hearing today to get expert and public reaction to its draft recommendations for court reform. The hearing, at the Ronald Reagan State Building at 300 South Spring Street, will solicit comments on proposals to help the courts and their child welfare partners improve foster care outcomes.

Every child who enters or leaves foster care in California—approximately 80,000 children and youth—must come before a juvenile court. This is where critical and life-changing decisions are made, such as where a child will live and with whom.

The speakers at today's hearing include those who know the system best: youth in foster care, parents, judges, attorneys and child welfare administrators, as well as philanthropists and others who work to support foster youth.

The commission's recommendations address such problems as:

- Overwhelming caseloads on the part of judges, attorneys, and social workers, which lead to rushed hearings averaging only 10 - 15 minutes.
- Routine delays and continuances, which mean deferred decisions and uncertainty for both children and parents.
- Children and families not always having a meaningful voice in court.
- Inadequate communication between families and their attorneys, including the fact that some youth do not meet their attorneys until the day of their hearings.
- Insufficient coordination between the courts, child welfare and other agencies that work with the same families, which can lead to conflicting direction to families, disconnected services and incompatible case plans.
- Lack of adequate and flexible funding to offer early services to families in order to prevent entry into foster care and keep children in their own homes safely.

The Blue Ribbon Commission is the first statewide panel to focus on court responsibilities in child welfare. California Chief Justice Ronald M. George

(over)

appointed the commission in March 2006 and gave it two years to develop its recommendations; it is chaired by Supreme Court Associate Justice Carlos R. Moreno, who will preside over today's hearing. Local Blue Ribbon commissioners who will be taking testimony include: Los Angeles Presiding Juvenile Court Judge Michael Nash, Los Angeles Judge Terry Friedman, Second District Court of Appeal Justice Kathryn Doi Todd, and Donna Myrow, Executive Director of L.A. Youth.

The draft recommendations to be discussed today focus on four areas:

- Prevention and permanency: Ensuring that all children have a safe, stable and permanent home
- Court reform: Changing the way dependency courts do business
- Collaboration: Increasing collaboration between courts and their partners
- Resources and funding: Finding the resources to get the job done

Los Angeles County has the largest child welfare system in the state. While the Department of Children and Family Services (DCFS) has seen a drop in the numbers of children in foster care, court dockets remain crowded with too little time for judicial officers and attorneys to meet with foster children and assure them a fair outcome. Los Angeles is one of two counties in the state with permission to use federal foster care funds flexibly and is placing greater emphasis on preventive services and timely reunification. (Currently, most federal foster care funds can only be accessed after a child has been placed in foster care.)

Among those scheduled to offer public comment today are: Lisa Parrish, deputy director of DCFS and Dr. David Sanders, who previously served as director of DCFS and is now executive vice president at Casey Family Programs. Also scheduled to testify, among others, are Judge Margaret Henry with the Superior Court of Los Angeles, Judge Carolyn Kirkwood with the Superior Court of Orange County, and Leslie Heimov of the Children's Law Center of Los Angeles, whose office provides foster youth with legal representation in court.

Justice Moreno, in discussing today's hearing, noted the importance of getting public input from those who know the system best, starting with the foster youth who are at the heart of court proceedings. He said: "Foster youth themselves are our most important audience. These children are at the center of every judicial decision that is made. We want to ensure that each foster child and family in the system gets a fair hearing and a decision that addresses their individual needs and concerns."

The Los Angeles hearing is the first of two public hearings. The second will be held in San Francisco on May 14. The draft recommendations are available for public comment until May 13 or shortly thereafter. The draft recommendations can be found at www.courtinfo.ca.gov/blueribbon.

#

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NEWS RELEASE

Release Number: 25

Release Date: May 14, 2008

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Lynn Holton
Public Information Officer

California Blue Ribbon Commission on Children in Foster Care Holds Public Hearing on Draft Recommendations

Focus on How Courts and Child Welfare Partners Can Better Serve Youth and Families in Foster Care

San Francisco — The California Blue Ribbon Commission on Children in Foster Care holds a public hearing today to get expert and public reaction to its draft recommendations for court reform. The hearing, at the Hiram Walker State Building, 455 Golden Gate Avenue, will solicit comments on proposals to help the courts and their child welfare partners improve foster care outcomes.

Every child who enters or leaves foster care in California—approximately 80,000 children and youth—must come before a juvenile court. This is where critical and life-changing decisions are made, such as where a child will live and with whom.

The speakers at today's hearing include those who know the system best: youth in foster care, parents, judges, attorneys and child welfare administrators, as well as philanthropists and others who work to support foster youth.

The commission's recommendations address such problems as:

- Overwhelming caseloads on the part of judges, attorneys, and social workers, which lead to rushed hearings averaging only 10 – 15 minutes.
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- Inadequate communication between families and their attorneys, including the fact that some youth do not meet their attorneys until the day of their hearings.
- Insufficient coordination between the courts, child welfare and other agencies that work with the same families, which can lead to conflicting direction to families, disconnected services, and incompatible case plans.
- Lack of adequate and flexible funding to offer early services to families in order to prevent entry into foster care and keep children in their own homes safely.

(over)

The Blue Ribbon Commission is the first statewide panel to focus on court responsibilities in child welfare. California Chief Justice Ronald M. George appointed the commission in March 2006 and gave it two years to develop its recommendations; it is chaired by Supreme Court Associate Justice Carlos R. Moreno, who will preside over today's hearing. Among the local Blue Ribbon commissioners who will be taking testimony are retired Santa Clara County Judge Leonard Edwards; Marin County Public Defender Joseph Spaeth; Robin Allen, Executive Director of the California CASA Association; and John O'Toole, Executive Director of the National Center for Youth Law.

The draft recommendations to be discussed today focus on four areas:

- Prevention and permanency: Ensuring that all children have a safe, stable and permanent home
- Court reform: Changing the way dependency courts do business
- Collaboration: Increasing collaboration between courts and their partners
- Resources and funding: Finding the resources to get the job done

Among those scheduled to offer public comment today are: Karen J. Mathis, Immediate Past President of the American Bar Association and Mark Courtney, Executive Director of Partners for Our Children, a professor at the School of Social Work, University of Washington. Also scheduled to testify, among others, are Sonoma County Judge Arnold Rosenfield and Placer County Judge Colleen Nichols.

Justice Moreno, in discussing today's hearing, noted the importance of getting public input from those who know the system best, starting with the foster youth who are at the heart of court proceedings. He said: "Foster youth themselves are our most important audience. These children are at the center of every judicial decision that is made. We want to ensure that each foster child and family in the system gets a fair hearing and a decision that addresses their individual needs and concerns."

The San Francisco hearing is the second of two public hearings. The first was held in Los Angeles on May 12. The draft recommendations are available for public comment until today or shortly thereafter. The draft recommendations can be found at www.courtinfo.ca.gov/blueribbon.

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Lynn Holton
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NEWS RELEASE

Release Number: 25

Release Date: May 12, 2009

Contact: Lynn Holton (415) 865-7726/7740
Renee Wessels (916) 565-3882

Sweeping Changes Underway to California's Foster Care System

***California Blue Ribbon Commission on Children in Foster
Care Releases Final Report and Action Plan;
Cites Urgent Need for Action in "Changing the Way Courts Do
Business" and Calls for Implementation of Key Reforms***

Sacramento, May 12—With the release today of its final report on recommendations and an action plan to improve this state's juvenile dependency court and child welfare system, the California Blue Ribbon Commission on Children in Foster Care called for the immediate implementation of key reforms, including pending legislation that will extend supports to foster youth until age 21. The commission also announced early progress in its unprecedented three-year collaborative effort to help overstressed juvenile dependency courts do a better job of safeguarding children and reduce the need for foster care.

Appointed by Chief Justice Ronald M. George in 2006, the commission has concluded its review of the courts' role in foster care. After identifying a court and child welfare system that is plagued by staggering caseloads, insufficient and rushed hearings, lack of adequate information for judges to make informed decisions, and other barriers that prevent foster youth and their families from having an opportunity to participate meaningfully in proceedings that affect their lives, including where and with whom children will live, the commission made recommendations for sweeping reform and adopted an action plan to implement those recommendations.

The commission's 79 recommendations fall into four broad categories: 1) reasonable efforts to prevent removal and achieve permanency; 2) court reform; 3) collaboration among courts and partnering agencies; and 4) resources and funding. For its initial action plan, the commission focused on a range of "fiscally responsible and realistically achievable" recommendations representing all four categories.

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Recommendations focus on both preventing the need for foster care as well as improving the system itself. Key recommendations include:

- **Kinship**—That child welfare agencies engage family members earlier and the Judicial Council work with state and federal leaders to develop greater flexibility in approving relative placements when necessary.
- **Extending support for transitioning youth**—That pending state legislation to extend support to foster youth until age 21 be enacted without delay.
- **Caseloads**—That the Judicial Council advocates reasonable judicial, attorney, and social worker caseloads.
- **Ensuring a meaningful voice in court**—That all participants in dependency proceedings, including children and parents, have an opportunity to be present at and heard in court.
- **Prioritizing foster care**—That all agencies and the courts prioritize children in foster care and their families when providing services and when allocating and administering public and private resources.
- **Child abuse prevention and services funding**—That courts and their partner agencies be allowed greater flexibility in the use of federal funds for prevention and to eliminate barriers to coordinating funds for prevention and services.

According to California Supreme Court Associate Justice Carlos R. Moreno, chair of the Blue Ribbon Commission, “One of our lynchpin recommendations is the formation of local foster care commissions in each county – to help with local implementations of reforms and ensure that they are tailored to county needs.” Justice Moreno noted that in December 2008, 50 counties sent multidisciplinary teams to a summit hosted by the commission. “We had 400 participants enthusiastically rise to the challenge of identifying local teams and key issues,” he stated. Most of the county teams have returned home and are taking concrete steps to create local commissions and enact key reforms.

In addition to the formation of local foster care commissions, the Blue Ribbon Commission, California’s first statewide commission to focus on the courts’ role in child welfare, reported on other early progress in implementing its recommendations:

- The Judicial Council directed that work begin and/or continue on implementing 26 of the commission’s recommendations that are within the purview of the judicial branch to implement. The Judicial Council of California also made implementation of the commission’s recommendations on foster care one of its top four legislative priorities for 2009, signaling its commitment to supporting key reforms and mobilizing the judiciary to help implement the recommendations.
- Recently enacted federal legislation—the Fostering Connections to Success Act—directly advances 20 of the commission’s recommendations, including increased support for relative

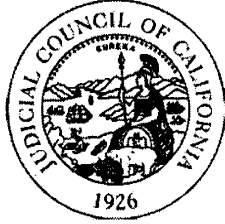
caregivers, continued supports for foster youth until age 21, and increased educational and other supports.

- A key commission recommendation—ensuring youth participation in court—has begun to be addressed through passage of AB 3051, and a number of local foster care commissions are working to support its implementation.
- Court performance measures, another of the commission’s key recommendations, have been approved and are being implemented in courts across the state.

“The urgent need for action on these recommendations cannot be overstated,” said Justice Moreno. “Nearly half of California’s children in foster care have been in care for more than two years, 17 percent of them for more than three years. Too often these children find themselves in a foster-care limbo, shifted from placement to placement, and separated from siblings, friends, and schools. We simply must act now to fulfill our promise to them—the promise of a brighter future.”

The commission’s final report and action plan, *Fostering a New Future for California’s Children: Ensuring Every Child a Safe, Secure, and Permanent Home*, will be available online at www.courtinfo.ca.gov/blueribbon, or can be ordered by calling (415) 865-7739.

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NEWS RELEASE

Release Number: 35

Release Date: **June 30, 2009**

Contact: Lynn Holton (415) 865-7726/7740

Renee Wessels (916) 565-3882

Chief Justice to Continue Important Work of Blue Ribbon Commission on Children in Foster Care

Action Aimed At Ensuring Implementation of Sweeping Reforms

San Francisco—Chief Justice Ronald M. George announced today that he is extending the work of the California Blue Ribbon Commission on Children in Foster Care to help ensure implementation of the commission's sweeping recommendations for reform of the state's juvenile dependency courts and foster care system. The Chief Justice indicated that he is taking this step because the stakes are so high for children and youth who have suffered abuse and neglect.

“Despite the serious fiscal constraints currently facing our state, we cannot let down California's most vulnerable children and families,” declared Chief Justice George. “Because of anticipated budget cuts, these families stand to suffer even more challenges than usual. Implementation of the commission's recommendations will help ensure that children in the foster care system have a brighter future and a good chance to become successful citizens. We must honor our obligation to these children.”

The Chief Justice made his remarks at the commission's meeting today in San Francisco, which included presentations by newly-formed local foster care commissions that are working to implement commission recommendations at the county level. Formation of local commissions, co-chaired by judges and heads of county child welfare agencies, is one of the Blue Ribbon Commission's key recommendations.

The Chief Justice appointed the statewide commission in March 2006 and tasked it with identifying ways in which courts and their agency partners can improve outcomes related to safety, permanency, well-being and

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fairness for foster children and their families. The commission is the first of its kind to focus on the role of the courts and its responsibility for foster children in California.

By unanimous vote in August 2008, the Judicial Council accepted the commission's 79 recommendations, urging immediate action on 26 of the recommendations that were in the sole purview of the judicial branch to implement. The Judicial Council is the policymaking body for the state's judiciary, the largest court system in the nation.

In addition to expanding the charge of the commission, Chief Justice George announced that California Supreme Court Justice Carlos R. Moreno, will continue to chair the commission and that the terms of members have been extended to June 30, 2012. The original terms were set to expire on June 30, 2009.

The commission's revised duties include the following:

- Under the direction of the Judicial Council, implement as appropriate the recommendations of the California Blue Ribbon Commission on Children in Foster Care accepted by the Judicial Council on August 15, 2008;
- Select and refer recommendations, as appropriate, to a Judicial Council advisory committee, a division of the Administrative Office of the Courts, or another entity for implementation, including for review and preparation of proposed legislation, rules, forms, or educational materials to be considered through the normal judicial branch processes;
- Provide support and assistance to county level local foster care commissions as they work to implement commission recommendations;
- Provide support and assistance to non-court partnering agencies to implement commission recommendations;
- Study the need for additional resources that local courts may require to implement the recommendations; and
- Report progress to the Judicial Council by June 2010.

"Ours has been an unprecedented effort to focus attention on the central role that the courts play in foster care," said Justice Moreno. "We have an absolute obligation to do right by the children and families who come into our court rooms. With implementation of these recommendations, we will change the way that juvenile dependency courts do business, and we will see courts and their partnering agencies more effectively collaborate to meet the needs of foster children and their families."

The commission's recommendations focus on both preventing the need for foster care as well as improving the system itself. Nearly half of California's 75,000 foster children remain in care for two or more years, 17 percent of them for more than three years. Moreno characterized these children as "caught in a foster care limbo," noting research that shows

that those who grow up in foster care face an increased risk of unemployment, homelessness, mental illness and involvement with the criminal justice system.

The commission's membership roster is attached. More information on the commission and its final report and action plan is available online at <http://www.courtinfo.ca.gov/blueribbon>.

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California Blue Ribbon Commission
on Children in Foster Care

As of June 30, 2009
(Expires June 30, 2012)

Hon. Carlos R. Moreno, Chair
Associate Justice
Supreme Court of California

Mr. Curtis L. Child
Director
Office of Governmental Affairs
Administrative Office of the Courts

Ms. Robin Allen
Executive Director
California CASA

Ms. Miryam J. Choca
Director
California Strategic Consultation
Casey Family Programs

Hon. Michael D. Antonovich
Member, Los Angeles County
Board of Supervisors
Fifth Supervisorial District

Mr. Joseph W. Cotchett
Attorney
Law Offices of Cotchett, Pitre, Simon &
McCarthy

Hon. Lucy Armendariz
Judge
State Bar of California

Mr. Michael S. Cunningham
Chief Deputy Director
Program Services Division
Department of Alcohol and Drug Programs

Ms. Mary L. Ault
Deputy Director
Riverside County Department of Public
Social Services
Child Protective Services

Hon. Kathryn Doi Todd
Associate Justice of the Court of Appeal
Second Appellate District, Division Two

Hon. Karen Bass
Assembly Speaker
California State Assembly

Jill Duerr Berrick, Ph.D.
Professor, School of Social Welfare and
Co-Director, Center for Child and Youth
Policy
University of California at Berkeley

Hon. Richard C. Blake
Chief Judge
Hoopa Valley Tribal Court

Hon. Leonard P. Edwards (Ret.)
Judge-in-Residence
Center for Families, Children & the Courts
Administrative Office of the Courts

Mr. Lawrence B. Bolton
Deputy Director/Chief Counsel
California Department of Social Services

California Blue Ribbon Commission
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As of June 30, 2009
(Expires June 30, 2012)

Mr. Raul A. Escatel
Tax Counsel
California Franchise Tax Board

Ms. Amy Lemley
Policy Director
John Burton Foundation

Ms. Deborah Escobedo
Staff Attorney
Youth Law Center

Mr. Will Lightbourne
Director
Santa Clara County Social Services Agency

Hon. Terry B. Friedman
Judge
Superior Court of California,
County of Los Angeles

Mr. Bill Maze
Former Member, California State Assembly
34th Assembly District

Mr. Robert E. Friend
Director
California Permanency for Youth Project

Ms. Donna C. Myrow
Executive Director
L.A. Youth

Hon. Richard D. Huffman
Associate Justice
Court of Appeal
Fourth Appellate District, Division One

Hon. Michael Nash
Presiding Judge of the Juvenile Court
Superior Court of California,
County of Los Angeles

Hon. Susan D. Huguenor
Presiding Judge of the Juvenile Court
Superior Court of California,
County of San Diego

Mr. David Neilsen
Deputy Director
Department of Alcohol and Drug Programs

Ms. Teri Kook
Director of Child Welfare
The Stuart Foundation

Ms. Diane Nunn
Division Director
Center for Families, Children & the Courts
Administrative Office of the Courts

Ms. Miriam Krinsky
Lecturer
UCLA School of Public Affairs

Mr. John O'Toole
Executive Director
National Center for Youth Law

California Blue Ribbon Commission
on Children in Foster Care

As of June 30, 2009
(Expires June 30, 2012)

Mr. Derek Peake
Partner
Costly Grace

Hon. Dean T. Stout
Presiding Judge
Superior Court of California,
County of Inyo

Mr. Jonathan Pearson
Student/Former Foster Youth

Mr. John Wagner
Director
California Department of Social Services

Ms. Linda Penner
Chief Probation Officer
Fresno County Probation Department

Ms. Jacqueline Wong
Consultant
Foster Youth Services Program
California Department of Education
Counseling, Student Support & Service
Learning Office

Mr. Anthony Pico
Legislative Assistant
Office of Assembly Member
Fiona Ma

Ms. Patricia S. Ploehn
LCSW, Director
Los Angeles County
Department of Children and Family Services

EX OFFICIO

Hon. John Burton
Former President pro Tempore of the
California State Senate
John Burton Foundation for
Children Without Homes

Maria D. Robles, R.N.

Mr. Alan Slater
Special Consultant
Southern Regional Office
Administrative Office of the Courts

Hon. Darrell S. Steinberg
President pro Tempore
California State Senate
Sixth Senate District

California Blue Ribbon Commission
on Children in Foster Care

As of June 30, 2009
(Expires June 30, 2012)

AOC STAFF TO THE COMMISSION

Mr. Christopher Wu
Executive Director
California Blue Ribbon Commission on
Children in Foster Care
Center for Families, Children & the Courts
Administrative Office of the Courts

Ms.Carolynn C. Bernabe
Staff Analyst
Center for Families, Children & the Courts
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Ms. Chris Cleary
Attorney
Center for Families, Children & the Courts
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Lynn Holton
Public Information Officer

NEWS RELEASE

Release Number: 52

Release Date: September 30, 2010

Governor Signs Legislation to Provide Support for Foster Youth from 18 to 21

Sacramento—Governor Arnold Schwarzenegger has signed Assembly Bill 12, by Assembly Members Jim Beall and Karen Bass, which will provide critically needed support for foster youth who reach age 18 while still in a foster care setting, and makes them eligible for continued support up to age 21 if they are working or going to school or are medically unable to engage in those activities.

“None of us would allow our own children to be without support—and certainly we should not allow this to be the case for our foster youth,” said Justice Carlos R. Moreno of the California Supreme Court, who chairs the California Blue Ribbon Commission on Children in Foster Care.

California Chief Justice Ronald M. George appointed the commission and urged the Governor to sign this important legislation. AB 12 will implement key policy reforms recommended by the commission, which spent over two years seeking ways to find safe and permanent homes for the state’s 75,000 foster children.

“Governor Schwarzenegger has taken a vital step toward improving the lives of our foster youth,” declared Justice Moreno. “The futures of many of our most vulnerable young people are much brighter as a result of this historic legislation, and we in the judicial branch are committed to implementing AB 12 in a manner that will ensure improved outcomes for these youth.”

AB 12 allows California to take advantage of recently enacted federal child welfare legislation, the Fostering Connections to Success and Increasing Adoptions Act, which was passed in 2008. This legislation provides federal funds for California’s Kinship Guardianship Assistance Program, as well as federal funding to support foster youth from age 18 to 21.

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Research demonstrates that foster youth who are provided support during those critical years are more likely to obtain an education and are less likely to become homeless. Providing this support, with the help of the federal government, will assist California's foster youth in reaching their full potential.

AB 12 is sponsored by the Alliance for Child and Family Services, California Youth Connection, the Children's Law Center of Los Angeles, the County Welfare Directors Association of California, the John Burton Foundation for Children Without Homes, the Judicial Council of California, the Service Employees International Union (SEIU) and the Youth Law Center. To learn more about AB 12, visit: www.cafosteringconnections.org.

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Tab R

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Blue Ribbon Commission on Children in Foster Care
Hon. Carlos R. Moreno, Chair
Christopher N. Wu, Executive Director, 415-865-7721,
christopher.wu@jud.ca.gov

DATE: August 15, 2007

SUBJECT: Blue Ribbon Commission on Children in Foster Care Interim Report
(Information Only)

Issue Statement

This report summarizes the activities of the California Blue Ribbon Commission on Children in Foster Care since its appointment on March 9, 2006. The report chronicles major commission activities and accomplishments during the past 17 months and describes the commission's plan for the future. A final report will be submitted to the council in 2008.

Background

On March 9, 2006, Chief Justice Ronald M. George established the California Blue Ribbon Commission on Children in Foster Care and appointed Associate Supreme Court Justice Carlos R. Moreno as its chair. The commission's charge is to provide recommendations to the Judicial Council of California on the ways in which the courts and their partners can improve safety, permanency, well-being, and fairness outcomes for children and families.

The commission is a high-level, multidisciplinary body providing leadership on the issues that face our foster children and their families and the courts and agencies that serve them. A roster of commission members is attached at pages 7-10.

The establishment of the commission builds on recent Judicial Council efforts to improve the juvenile courts. These efforts include expansion of the Court Improvement Project to increase the number of training programs and to enhance development of data exchanges between the courts and child welfare agencies; expansion of the Judicial Review and

Technical Assistance (JRTA) program to include specific projects related to improving compliance with the Indian Child Welfare Act and increasing the number of permanent placements for children in foster care; and establishment of the Dependency Representation, Administration, Funding, and Training (DRAFT) pilot program relating to attorney representation of parents and children in juvenile dependency court.

At the national level and commensurate with the Judicial Council's focus on improving California's system of care, the Pew Commission on Children in Foster Care (Pew Commission) was established in 2003. Its purpose was to develop recommendations to improve outcomes for children throughout our nation's foster-care system. Former U.S. Representatives William Frenzel and William Gray served as chair and vice-chair, respectively. William C. Vickrey, Administrative Director of the Courts, was one of 18 members representing a broad cross-section of organizations involved in foster-care issues.

The Pew Commission was charged with investigating and making recommendations concerning federal child welfare financing mechanisms and improving court oversight of child welfare cases. In 2004, the Pew Commission issued its recommendations, among them a recommendation that the courts and public agencies be required to demonstrate effective collaboration by developing multi-disciplinary, broad-based state commissions on children in foster care. These state commissions would ensure ongoing collaboration between child welfare agencies and courts and would engage a broad coalition of public and private agencies and organizations with an interest in the welfare of children. In 2006, the Chief Justice followed this recommendation by establishing the California Blue Ribbon Commission on Children in Foster Care.

The California Blue Ribbon Commission on Children in Foster Care seeks to achieve four results:

1. A comprehensive set of politically viable recommendations for how courts and their partners can improve child welfare outcomes, including an implementation plan with key milestones;
2. Improved court performance and accountability in achieving child welfare outcomes of safety, permanency, well-being, and fairness;
3. Improved collaboration and communication between courts and child welfare agencies and others, including the institutionalization of county commissions that support ongoing efforts; and
4. Greater awareness of the court's role in the foster-care system and the need for adequate and flexible funding.

Process/Approach

In its early strategic planning, the commission determined that it would focus on three key areas and developed a comprehensive work plan to guide its work and that of its subcommittees:

1. The role of the courts in achieving improved outcomes for children and families;

2. Court collaboration with partner organizations and agencies; and
3. Funding and resource options for child welfare services and the courts.

Quarterly meetings

The commission has held six quarterly meetings. The meetings occurred in San Francisco (March, June, and September 2006), Monterey (December 2006), Sacramento (March 2007), and Riverside (June 2007). The meetings focused on the following issues:

- Financing of the child welfare system;
- The role of the courts in child welfare and alternative models for juvenile dependency courts, including unified family courts and tribal court models;
- Permanency and adequate transition services for older foster youth;
- Juvenile court resources and caseload issues; and
- Achieving better results for children and families through collaboration between the courts and all agencies providing services to children and families.

Subcommittees

To guide information review and analysis, the commission established four subcommittees: Court Oversight, chaired by Justice Richard Huffman; Funding and Resources, chaired by Judge Susan Huguenor; Accountability for Better Outcomes, chaired by Judge Michael Nash; and Case Management and Data Exchange Systems, chaired by Judge Dean Stout.

The subcommittees have met during each of the commission's quarterly meetings and also convened interim conference calls and other meetings to examine the following:

- Court Oversight—Issues related to policies and procedures in the trial and appellate courts and the overall role of the juvenile court in the child welfare system; information regarding fair and effective hearings, calendaring, caseload, and methods for overseeing services that social workers and probation officers provide to families to prevent or eliminate the need for removing children.
- Funding and Resources—Issues related to federal, state, and local financing options for foster care, wraparound mental health services, and education services. Information concerning the resources needed for the courts to provide effective oversight.
- Accountability for Better Outcomes—Current and future initiatives to ensure accountability of courts and agencies throughout the foster-care system on both the local and state levels; information regarding how to reduce a child's time spent in foster care; and methods for identifying, and ensuring accountability for systemic delays.
- Case Management and Data Exchange Systems—Case management and data needs in courts and child welfare agencies and effective communication and sharing of data between systems; information regarding development of court and

case management outcome measures; and barriers that may inhibit the court from receiving and sharing the information critical to informed decisionmaking.

Subcommittees have met separately and, on occasion, together with other subcommittees to work on crossover issues. For example, the Case Management and Data Exchange Systems and the Accountability for Better Outcomes subcommittees paired up to review performance measures recommended by the Pew Commission as well as those measures used in the California Department of Social Services Outcomes Services Review. From these and other sources the subcommittees developed proposed performance measures for dependency courts in California. These court performance measures will be circulated for comment in the winter 2007 rule cycle.

Collaborative efforts and accessibility

A guiding principle of the commission has been to ensure that its work is open and accessible to the public. Commission meetings are open, and the news media are made aware of the commission's meetings and events. In addition, meetings with local officials have been held in each of the communities that the commission has visited. At these meetings county supervisors and representatives from the court, social services, probation, Court Appointed Special Advocates, education, and mental health shared with Justice Moreno both their local concerns and strengths in serving children and families. They also advised Justice Moreno on recommendations they would most like to see the commission make.

The commission has sought to learn firsthand from those directly affected by the juvenile court. As part of two commission meetings (San Francisco and Riverside), site visits were made to a juvenile court and to a state women's prison. The commission also held a public hearing at the Capitol in Sacramento during which commissioners heard from foster youth, families, agencies, and court officials. In addition, the commission will hold focus groups for social workers, parents, and caregivers throughout the state in summer 2007 to learn their views on how the courts can improve child welfare outcomes. Staff will collect feedback from these stakeholder groups about their direct experiences with the court and their views on how the juvenile court can make improvements.

A summary of the key commission activities and events is attached at pages 11–13.

Issues Identified

Throughout the commission's work, the following issues have been identified:

- California is not always providing timely permanent placements to our children.
 - There are nearly 80,000 children in foster care in California.
 - Just over half of the children in foster care have been in care for more than two years.
- The child welfare and juvenile court systems are often overstressed and underfunded.

- Fewer than 150 judicial officers preside over California’s entire dependency court system.
- Attorneys who represent parents and children in juvenile dependency court have caseloads ranging from a low of 131 to a high of 616. The average caseload statewide is 272. These high caseloads in many cases undermine attorneys’ efforts to provide the best representation for their clients.
- Social worker’s caseloads are also too high to deal with the number of children and families in the child welfare system.
- Services are not provided to all children.
 - Currently, the vast majority of federal funding for services is available to assist vulnerable children in need only if the children are removed from and remain out of their homes. If efforts are made to maintain family ties and keep children with their parents in the home, those children may not be able to have access to physical, mental health, or education services that could keep them out of foster care.
- The court system does not always have access to critical information needed to make informed and comprehensive decisions.
 - Information and data exchange barriers inhibit the courts’ receipt of key information regarding children and families from other agencies.
- The court system is not always a part of critical collaboration; even when collaborative efforts are initiated, persons holding critical leadership roles often rotate and invaluable systemic collaboration on local and statewide levels is not institutionalized.
- Available funding streams are not maximized for the benefit of children and families.

Next Steps

The commission plans to meet in September, October, and December of this year. In September, the commission will gather information about the demographics of the children and families whom the courts serve, focusing on socioeconomic factors, race, and ethnicity. In October, the commission will begin discussing its recommendations. In December, the commission will continue discussing its recommendations and prepare tentative recommendations to be circulated for public comment.

Commission recommendations are expected to address the following issues; improving court performance and accountability; improving collaboration between the courts, child welfare agencies, education, and other agencies that provide services to children and families; developing automated systems that can exchange information to ensure that courts have the information they need to make informed decisions; and obtaining adequate and flexible funding for the courts and the entire child welfare system.

The commission will submit its tentative recommendations to the Judicial Council in spring 2008. The commission will also convene a statewide meeting to discuss these

recommendations and provide input to the commission, inviting courts to send local teams consisting of judicial officers, court staff, attorneys who represent parties in juvenile court, and representatives of child welfare and other agencies that provide services to children and families. Prior to submitting its final report to the council in summer 2008, the commission will also widely circulate the tentative recommendations for comment to interested federal, state, and local stakeholders.

Attachments

**CALIFORNIA BLUE RIBBON COMMISSION
ON CHILDREN IN FOSTER CARE**

As of June 26, 2007

Hon. Carlos R. Moreno, Chair
Associate Justice of the
Supreme Court of California

Mr. Joseph W. Cotchett
Attorney
Law Offices of Cotchett, Pitre, Simon &
McCarthy

Hon. Michael D. Antonovich
Supervisor
County of Los Angeles
Board of Supervisors
Fifth Supervisorial District

Mr. Michael S. Cunningham
Deputy Director
Program Services Division
Department of Alcohol and Drug Programs

Ms. Mary L. Ault
Deputy Director
California Department of Social Services
Children and Family Services Division

Hon. Kathryn Doi Todd
Associate Justice of the Court of Appeal,
Second Appellate District, Division Two

Hon. Karen Bass
Member of the California State Assembly
47th Assembly District

Dr. Jill Duerr Berrick
Professor, School of Social Welfare, and
Codirector, Center for Child and Youth
Policy
University of California at Berkeley

Hon. Richard C. Blake
Chief Judge of the
Hoopa Valley Tribal Court

Hon. Leonard P. Edwards (Ret.)
Judge-in-Residence
Center for Families, Children & the Courts
Administrative Office of the Courts

Mr. Lawrence B. Bolton
Deputy Director/Chief Counsel
California Department of Social Services

Mr. Raul A. Escatel
Tax Counsel
California Franchise Tax Board

Mr. Curtis L. Child
Principal Consultant
Assembly Human Services Committee

Ms. Deborah Escobedo
Staff Attorney
Youth Law Center

Ms. Miryam J. Choca
Director
California Strategies
Casey Family Programs

**CALIFORNIA BLUE RIBBON COMMISSION
ON CHILDREN IN FOSTER CARE
As of June 26, 2007**

Hon. Terry B. Friedman
Judge of the Superior Court of California,
County of Los Angeles

Hon. Bill Maze
Member of the California State Assembly
34th Assembly District

Mr. Robert E. Friend
Director
California Permanency for Youth Project

Ms. Donna C. Myrow
Executive Director
L.A. Youth

Hon. Richard D. Huffman
Associate Justice of the Court of Appeal,
Fourth Appellate District, Division One

Hon. Michael Nash
Presiding Judge of the Juvenile Court,
Superior Court of California,
County of Los Angeles

Hon. Susan D. Huguenor
Presiding Judge of the Juvenile Court,
Superior Court of California,
County of San Diego

Mr. David Neilsen
Chief
Children and Family Services
California Department of Mental Health

Ms. Teri Kook
Senior Program Officer, Child Welfare
The Stuart Foundation

Ms. Diane Nunn
Division Director
Center for Families, Children & the Courts
Administrative Office of the Courts

Ms. Miriam Aroni Krinsky
Special Consultant
Center for Families, Children, & the Courts
Administrative Office of the Courts

Mr. John O'Toole
Executive Director
National Center for Youth Law

Ms. Amy Lemley
Policy Director
John Burton Foundation for
Children Without Homes

Mr. Ken Patterson
County Welfare Director
Stanislaus County Community Services
Agency

Mr. Will Lightbourne
Director
Santa Clara County Social Services Agency

Mr. Derek Peake
Program Director
California CASA Association

**CALIFORNIA BLUE RIBBON COMMISSION
ON CHILDREN IN FOSTER CARE**

As of June 26, 2007

Mr. Jonathan Pearson
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California Youth Connection

Hon. Darrell S. Steinberg
Member of the California State Senate
Sixth Senate District

Ms. Linda Penner
Chief Probation Officer
Fresno County Probation Department

Hon. Dean T. Stout
Presiding Judge of the
Superior Court of California,
County of Inyo

Mr. Anthony Pico
Member/Youth Liaison
California Youth Connection

Ms. Jacqueline Wong
Consultant
Foster Youth Services Program
California Department of Education
Counseling, Student Support and Service
Learning Office

Ms. Patricia S. Ploehn, LCSW
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Los Angeles County Department of
Children and Family Services

EX OFFICIO

Ms. Maria D. Robles
Registered Nurse

Hon. John Burton
Former President pro Tempore of the
California State Senate
John Burton Foundation for Children Without
Homes

Mr. Gary C. Seiser
Senior Deputy County Counsel
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Office of County Counsel

AOC STAFF TO THE COMMISSION

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Ms.Carolynn C. Bernabe
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**CALIFORNIA BLUE RIBBON COMMISSION
ON CHILDREN IN FOSTER CARE**
As of June 26, 2007

Ms. Megan Lafrenz
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Ms. Sonya Tafoya
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Administrative Office of the Courts

Ms. Leah Wilson
Supervising Court Services Analyst
Center for Families, Children & the Courts
Administrative Office of the Courts

CONSULTANT

Ms. Renee Wessels
Renee Wessels & Associates

SUMMARY OF KEY ACTIVITIES AND EVENTS
Blue Ribbon Commission on Children in Foster Care

- June 2006** **Youth Summit at Occidental College**—Commissioners participated in a two-day meeting of current and former foster youth, child welfare professionals, advocates, judges, legislators, and other decisionmakers in court. The summit focused on the critical need for youth participation in the development of permanency plans, and ways to empower and enhance the voice of youth in the child welfare and legal process.
- August 2006** **California Youth Connection (CYC) Policy Conference**—Commissioners joined CYC at its annual policy conference, where they were presented with numerous public policy recommendations from this statewide advocacy association of foster youth and former foster youth.
- September 2006** **Site Visit to the San Francisco Unified Family Court**—A site visit to San Francisco’s unified family court served as the cornerstone of the commission’s quarterly meeting. Commissioners toured the courtrooms and participated in a wide-ranging discussion with Judge Donna Hitchens.
- December 2006** **“Fireside Chat” at the Beyond the Bench conference**—Commissioners joined attendees of the annual Beyond the Bench conference in Monterey for both conference proceedings and a special “fireside chat” with representatives of the state’s three branches of government. At a special dinner session representatives from the state’s executive, legislative, and judicial branches answered attendees’ questions on various foster-care issues and shared their views on what is needed to continue California’s current progress in improving foster-care outcomes.
- January 2007** **Foster Youth Education Summit in Sacramento**—Commissioners attended a special summit on the education needs of foster youth, where they joined legislators in hearing preliminary recommendations from the more than 300 individuals in attendance.

- March 2007** **Second National Judicial Summit on Child Welfare in the Courts**—Several commissioners joined AOC staff in attending a second national summit in New York City to focus on improving dependency courts and encouraging collaboration between state courts and child welfare agencies. Most states sent teams, consisting of high-level judicial representatives, court staff, and child welfare agency personnel, to the summit.
- Public hearing on the role of the courts in child welfare and legislative office visits by commissioners and staff**—At its March quarterly meeting, the commission joined with legislators in a special public hearing on the role of the courts in child welfare. Testimony was taken from foster youth, parents, caregivers, agencies, and court officials—all of whom recommended ways in which courts can improve outcomes for children and families in the child welfare system. Commissioners also met with their local legislators to provide information on the commission and its charge.
- May 2007** **Study trip to Utah and Colorado courts to examine performance measures and data linkages between the courts and child welfare**—Several commissioners joined AOC staff in a site visit to two states that have pioneered the use of data systems to monitor the progress courts are making on behalf of foster children. Commissioners have since shared key findings at respective subcommittee meetings that focused on this critical aspect of court performance.
- June 2007** **Site visit to the California Institution for Women**—As part of the commission’s June quarterly meeting, commissioners visited this women’s prison to discuss issues relevant to foster children whose mothers are incarcerated and who visit the visitation center. The commissioners also toured the site of a future prison nursery for expectant mothers and newborns.

As chair of the commission, Justice Moreno has presented keynote addresses at these and other meetings and conferences:

- December 2006— Beyond the Bench Conference, Monterey

- February 2007—Legal Services for Children awards luncheon, San Francisco
- April 2007—County Counsels Association meeting, Child Welfare Study Section, Oakland
- May 2007—California Mental Health Advocates for Children and Youth annual conference, Monterey

OPERATIONAL FRAMEWORK

California Blue Ribbon Commission on Children in Foster Care

Summary of Commission Charge

The charge of the California Blue Ribbon Commission on Children in Foster Care is to provide recommendations to the Judicial Council of California on the ways in which the courts and their partners can improve safety, permanency, well-being, and fairness outcomes for children and families.

The commission will fulfill its charge by focusing its recommendations in three key areas:

- The role of the courts in achieving improved outcomes for children and families
- Court collaboration with partner organizations and agencies
- Funding and resource options for child welfare services and the courts

Commission Outcomes

The commission seeks to achieve the following outcomes as a result of its work:

- A comprehensive set of politically viable recommendations for how courts and their partners can improve child welfare outcomes, including an implementation plan with key milestones
- Improved court performance and accountability in achieving child welfare outcomes of safety, permanency, well-being and fairness
- Improved collaboration and communication between courts, child welfare agencies, and others, including the institutionalization of county commissions that support ongoing efforts
- Increased awareness of the role of the courts in the foster-care system and the need for adequate and flexible funding

Commission Principles and Values

The commission believes that:

- All children are equal and deserve safe and permanent homes;
- Efforts to improve the foster-care system must focus on improving safety, permanency, well-being, and fairness outcomes for children, and services should be integrated and comprehensive;
- Collaboration is essential for achieving the best possible outcomes for children and families;
- Courts play an important statutory role in overseeing children, families, and services in the dependency system. Children and families should have a say in decisions that affect their lives;
- Government agencies need adequate and flexible funding to provide the best outcomes for children in the foster-care system.

The commission values:

- Collaboration
- Shared responsibility
- Accountability

- Leadership
- Children and families
- Child safety
- Inclusion
- Permanency
- Youth voice

Commission Subcommittees

Four subcommittees support the work of the commission and will develop recommendations for the commission's consideration. The subcommittees and their areas of focus include:

- **Court Oversight**—Review issues related to policies and procedures in the trial and appellate courts and the overall role of the juvenile court in the child welfare system.
- **Funding and Resources**—Consider measures to ensure that adequate resources are available to reach the goals for families set by the courts, child welfare agencies, and the commission.
- **Accountability for Better Outcomes**—Consider current and future initiatives to ensure accountability by courts and agencies throughout the foster-care system on both the local and state levels.
- **Case Management and Data Exchange Systems**—Explore case management and data needs in courts and agencies and effective communication and sharing of data between systems.

OVERVIEW

California Blue Ribbon Commission on Children in Foster Care

Nearly 80,000 children live in foster care in California, removed from their parents for reasons of abuse or neglect. For these children, the State of California in effect functions as their “parent” and is legally responsible for their safety, permanency, and well-being. Courts, child welfare agencies, and other government agencies share responsibility for these youth, all of whom deserve a permanent family and a system that treats them fairly.

The Need for Court Reform

In California, every child who enters or leaves foster care must come before a dependency court judge. Courts and the legal process oversee critical and often life-changing decisions in that child’s life. Yet judges and lawyers face numerous obstacles in a system that does not always receive adequate support to ensure the best decisions for children and families. For example:

- Courts are understaffed and dockets are overcrowded. As a result, hearings may be rushed and courts may have only a matter of minutes to consider key decisions that affect children and families. Too often delays and continuances occur.
- Every child is assigned legal counsel, but because of high caseloads, children and parents may not be routinely involved in decisions that affect them. Foster youth sometimes do not meet their attorneys until the day of their hearing.
- Communication and information sharing with child welfare and other agencies working with families is challenging. Judges sometimes do not receive adequate information to make informed decisions.

Doing Better By California’s Children in Foster Care

In 2006, Chief Justice Ronald M. George appointed a Blue Ribbon Commission on Children in Foster Care to provide recommendations on how courts and their partners can improve child welfare and fairness outcomes. Chaired by Associate Justice Carlos R. Moreno of the Supreme Court, the commission is charged with developing recommendations and an implementation plan covering three main areas. Areas of focus include:

- **Improved Court Performance and Accountability**
 - Manageable caseloads allowing sufficient time for more substantive hearings
 - Greater involvement of youth and families in decisions that affect their lives
 - More training for judges and attorneys
 - Better measures of progress in safety, permanency, well-being, and fairness
- **Improved Collaboration Among Agencies That Work With Families**
 - Streamlined communication and enhanced information sharing between courts, child welfare agencies, and education, public health, mental health, juvenile justice, and other relevant agencies

- **The Need for Adequate and Flexible Funding**
 - Flexible use of funds so that money can be used to support the services that families need when they need them
 - More funds for preventive services to help parents keep children in the home safely

The Blue Ribbon Commission meets quarterly and will present its recommendations to the Judicial Council in spring 2008. To learn more, visit www.courtinfo.ca.gov/jc/tflists/bluerib.htm.

FACTS AT A GLANCE

California Dependency Courts

Foster-Care Background

- Nearly 80,000 children in California are in foster care.
- Just over half of the children in foster care have been in care for more than two years.ⁱ

Dependency Court Hearings

- All children who enter or leave foster care come before a dependency court to determine if they will be removed from their homes and placed in foster care, if they will reunify with their parents, and where and when they will have permanent homes.
- The case of each child in foster care comes before a judge at least four times. Children in foster care for longer than a year experience at least two more appearances for each year they are in care.
- In 2004, the average time spent in a single hearing was approximately 10 to 15 minutes per case, well below recommended guidelines.ⁱⁱ
- Courts struggle to meet statutory hearing timelines. In a recent study, fewer than 25 percent of cases completed the jurisdictional hearing within 15 days of the detention hearing.ⁱⁱⁱ

Judges, Attorneys, and Caseloads

- Fewer than 150 judicial officers preside over California's entire dependency court system.^{iv}
- The average caseload per full-time dependency judicial officer is approximately 1,000.^v
- Many judicial officers serve a relatively short period in dependency court. The average length of service is 2.8 years.^{vi}
- Nearly 75 percent of judicial officers have prior professional experience in juvenile matters, usually as attorneys in juvenile court.^{vii}
- Attorney caseloads in California counties range from a low of 131 to a high of 616. The average caseload statewide is 272, almost double the state-recommended 141 clients per attorney. The optimal caseload is 76.^{viii}

Court Programs and Facilities

- Several state programs assist children and families through the court process.
 - About 10 percent of the children in foster care have a Court Appointed Special Advocate (CASA) who provides critical information about a specific child to a judge, enhancing the decisionmaking process.^{ix}
 - Courts in 22 counties have juvenile dependency mediation programs that help resolve contested issues in a nonadversarial way.^x
 - There are dependency drug courts in 26 counties to assist substance abusing parents in reunifying and/or maintaining custody of their children at home.^{xi}
- Most California dependency courts do not have a designated place where children and families can meet with their attorneys or wait for their hearings.

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- ⁱ B. Needell et al., *Child Welfare Services Reports*; from University of California at Berkeley Center for Social Services Research, 2004.
- ⁱⁱ Administrative Office of the Courts, Center for Families, Children & the Courts, *California Juvenile Dependency Court Improvement Program Reassessment*, June 2005 (does not include trials).
- ⁱⁱⁱ Administrative Office of the Courts, Center for Families, Children & the Courts, *California Juvenile Dependency Court Improvement Program Reassessment*, June 2005.
- ^{iv} *Juvenile Court Judicial Officers, 2006 Summary Data*, Administrative Office of the Courts, Center for Families, Children & the Courts.
- ^v *Private Communication*, Administrative Office of the Courts, Center for Families, Children & the Courts, *Court Improvement Project*, March 2007.
- ^{vi} Administrative Office of the Courts, Center for Families, Children & the Courts, *California Juvenile Dependency Court Improvement Program Reassessment*.
- ^{vii} Administrative Office of the Courts, Center for Families, Children & the Courts, *California Juvenile Dependency Court Improvement Program Reassessment*.
- ^{viii} *Dependency Counsel Caseload Study and Service Delivery Model Analysis*, June 2004; prepared for the Administrative Office of the Courts; by The American Humane Association Denver, Colorado; the Spangenberg Group, West Newton, Massachusetts.
- ^{ix} *Private Communication*, Administrative Office of the Courts, Center for Families, Children & the Courts, *Court Improvement Project*, March 2007.
- ^x *Private Communication*, Administrative Office of the Courts, Center for Families, Children & the Courts, *Court Improvement Project*, March 2007.
- ^{xi} *Private Communication*, Administrative Office of the Courts, Center for Families, Children & the Courts, *Court Improvement Project*, March 2007.

CHRONOLOGY

California Dependency Courts

California has a rich history of judicial support for children and families going back to 1903, when the state's juvenile court was first established. This reverse chronology highlights key court events, laws, and activities involving issues of child welfare. It also relates California milestones to laws and funding from the U.S. Congress.

- 2006 Chief Justice Ronald M. George creates the California Blue Ribbon Commission on Children in Foster Care, a 42-member, multidisciplinary commission charged with making recommendations to improve court performance and accountability, to increase court collaboration with other agencies that serve foster children, and to address funding and resource options for child welfare services and the courts.
- 2006 Assembly Bill 2480 requires the Judicial Council to establish performance standards for juvenile courts and to specify when attorneys should be appointed for children on appeal.
- 2006 Congress establishes two new grants available to each state's Court Improvement Project. The first grant must be used to enhance data collection and analysis. The second grant must provide multidisciplinary training for judges, attorneys, and child welfare staff. These grants are given to the states for projects that improve juvenile courts.
- 2005 The Administrative Office of the Courts' (AOC) Center for Families, Children & the Courts (CFCC) Court Improvement Project releases the *California Juvenile Dependency Court Improvement Program Reassessment*, which provides a comprehensive review of California's dependency courts and makes recommendations for further improvements. The report is a follow-up to the first Court Improvement Project report, which was issued in 1997.
- 2005 In collaboration with the California Department of Social Services, CFCC initiates the Indian Child Welfare Act (ICWA) Project and the Permanency Project to provide education and technical assistance to local courts, child welfare agencies, attorneys, and others on ICWA compliance and new approaches to permanency for dependent children.
- 2004 The Judicial Council creates the Dependency Representation, Administration, Funding, and Training (DRAFT) pilot program, which focuses on improving the quality of attorney representation for parents and children in dependency cases by testing caseload standards, providing attorney training, adopting attorney performance standards, and improving attorney compensation.
- 2004 The Pew Commission on Children in Foster Care, a national, bipartisan panel of experts, issues a report with recommendations for improving the nation's foster-

care system, including expanding federal court improvement grants and strengthening court oversight of juvenile cases.

- 2001 Assembly Bill 636 requires the California Department of Social Services and the counties to measure and improve outcomes for children in California's child welfare system.
- 2001 The Judicial Council adopts a rule of court specifying that an attorney should be appointed unless the court finds that a child would not benefit. In those few cases in which an attorney is not appointed, a Court Appointed Special Advocate (CASA) must be appointed as the child's guardian ad litem.
- 2000 Senate Bill 2160 directs the Judicial Council to adopt a rule of court that specifies when an attorney should be appointed to be a child's guardian ad litem in juvenile dependency cases.
- 2000 The AOC creates the Center for Families, Children & the Courts through a merger of the AOC's Statewide Office of Family Court Services and its Center for Children & the Courts.
- 1998 Assembly Bill 2773 directs California to implement the federal Adoption and Safe Families Act (ASFA) and shortens time frames for reunification.
- 1997 The AOC creates the Center for Children & the Courts. Juvenile court projects, including the Court Improvement Project and the Judicial Review and Technical Assistance (JRTA) project, are part of the Center.
- 1997 The U.S. Congress adopts the Adoption and Safe Families Act, which emphasizes child safety and provides financial incentives to states to promote permanency planning and adoption.
- 1997 The AOC releases the *Court Improvement Project Report*, based on California's initial court improvement assessment that took place in 1995–1996. The report includes recommendations to improve California's juvenile court system. An improvement plan is created to implement the recommendations.
- 1995 The U.S. Department of Health and Human Services (HHS) establishes the Court Improvement Project. Congress created a grant program in 1994 in recognition of the courts' expanded role in achieving stable, permanent homes for children in foster care. Grants are made available directly to courts for court improvement programs.
- 1995 In collaboration with the California Department of Social Services, the AOC creates the Judicial Review and Technical Assistance project in response to California's failed Title IV-E audit in 1992. The JRTA team provides training and technical assistance to judicial officers, court staff, attorneys, and child welfare

department staff to improve compliance with Title IV-E requirements. California passes the subsequent Title IV-E federal audit, and the report cites the work of the JRTA project as a strength that contributed to the state's compliance.

- 1994 The 1994 Amendments to the Social Security Act authorizes HHS to establish Child and Family Services Reviews (CFSRs).
- 1992 California does not pass the Title IV-E federal audit of foster-care cases. Federal auditors determine that 39 percent of the cases reviewed were not eligible for Title IV-E funding, and California faces a potential sanction of \$51.7 million.
- 1987 Senate Bill 243 implements recommendations from the Senate Select Committee on Children and Youth, which included termination of parental rights in juvenile dependency proceedings. The legislation also establishes a specific jurisdictional definition for court intervention. SB 243 was double-joined to a trial court funding bill, which made court-appointed counsel for parents and children a court cost rather than a county cost.
- 1982 Senate Bill 14 requires the state, through the California Department of Social Services and county welfare departments, to establish a statewide system of child welfare services.
- 1980 The Federal Adoption Assistance and Child Welfare Act provides a funding stream for out-of-home care and establishes a preference to maintain and reunify families.
- 1978 The Superior Court of Los Angeles County establishes the first Court Appointed Special Advocate (CASA) program in California. CASA provides volunteers to work with children in the dependency system and report to the court. In 1988, legislation encouraging the development of CASA programs in all counties was enacted. The Judicial Council was directed to provide grant funds to these programs.
- 1974 Federal Child Abuse Prevention and Treatment Act (CAPTA) mandates states to establish child abuse reporting laws, defines child abuse and neglect, and defines when juvenile courts can take custody of a child.
- 1961 Congress establishes foster-care payment under the Aid to Families with Dependent Children Program (AFDC) to help states pay for children who live in foster care.
- 1937 Prior California juvenile court law is rolled into the newly created Welfare and Institutions Code, creating a more fully developed mechanism for declaring a child free from the custody and control of his or her parents.

- 1930 The California Supreme Court holds that the juvenile court cannot withhold the custody of a child from his or her parents without a specific finding of abuse or neglect as required by the relevant statutes.
- 1909 Laws establish that a child has a right to a private hearing in dependency and delinquency matters and that a child cannot be taken from a parent or guardian without consent, unless the court makes a finding that the custodian is incapable of providing for the child properly or has failed or neglected to do so.
- 1903 California establishes its juvenile court. The law applies to children under 16 and defines dependent and delinquent children.

SAN FRANCISCO CHRONICLE

A case for reform

Carlos R. Moreno, Karen Bass

Sunday, April 8, 2007

On any given day, there are nearly 80,000 children in foster care in California, each removed from their homes because of neglect or abuse. Although most will be reunited with their parents, half of all children in foster care stay in placement for more than two years. Far too many languish in a "foster care limbo," moving from placement to placement, separated from siblings, friends and schools.

These are children who, through no fault of their own, are taken from all they know and thrown into a mysterious world of dependency courts, judges, attorneys and social workers.

These are California's children.

While they are in foster care, the state is responsible for their safety and well-being. Many of these children will come before the court at least four times, where a judge will make the most critical decision one can make about another -- where and with whom they are allowed to live.

These children deserve permanent, nurturing families and a positive future. But how effective are the systems we set up to support them? Do the decisions made on their behalf echo the concern and attention we offer our own children? Or, as we believe to be the case, are many of our courts and child welfare agencies so chronically overstressed that foster children sometimes fall between the cracks?

When hearings are delayed, children and families suffer. When hearings are delayed, the courts are not in compliance with the law. But with caseloads averaging 1,000 cases for judges and 270 for attorneys, delays are far too common.

To address these problems, Chief Justice Ronald M. George appointed a Blue Ribbon Commission on Children in Foster Care in 2006 and charged it with helping the courts improve outcomes for foster children and their families. At a public hearing at the Capitol on March 22, foster youth described being intimidated, confused and afraid in court. They received inadequate notice of their own hearings, did not understand legal procedures or language, and had too little time with their attorneys, sometimes meeting them only minutes before the hearing. They lacked transportation to hearings that were too often scheduled during the school day.

Parents described lack of access to their attorneys, difficulty understanding court proceedings and lack of coordination between criminal and juvenile courts when a parent is involved with issues such as substance abuse.

Foster parents and relative caregivers are often the adults who know a foster child best, yet they reported being told that they were not needed in court. Many did not even know they have a right to attend or to speak at the child's hearing.

Court officials, attorneys and judges expressed frustration with overcrowded dockets and the lack of information needed to make informed decisions.

We also heard what it is like when the system works the way it is supposed to work -- when a judge or attorney has time to hear the dreams of a child or the concerns of a parent, when court-ordered services make a difference in a family's life.

We owe our most vulnerable children fair, just and timely court experiences. We owe their parents, and their caregivers, too, hearings in which they can explain their problems and their need for help. Finally, we owe judges and court officials a system that allows them to do the work they are trained to do.

In the end, building a better system for children and families comes down to dedicating our collective efforts to provide effective representation and services, and clear priorities for how we use resources. The stories we hear in public hearings are a window into a system we have created -- one that we now pledge to rebuild. We are determined that the commission's recommendations -- due a year from now -- will be politically viable proposals.

Like the children in our foster care system, we have no time to lose.

Supreme Court Justice Carlos R. Moreno is chair of the California Blue Ribbon Commission on Children in Foster Care and a foster parent. Assembly Majority Leader Karen Bass is a commission member.

<http://sfgate.com/cgi-bin/article.cgi?f=/chronicle/archive/2007/04/08/EDGEBOSDPB1.DTL>

This article appeared on page E - 5 of the San Francisco Chronicle

Don't Turn Away

Agencies that help foster children should quit doing so in isolation

By **CARLOS R. MORENO**

The state of California supports nearly 80,000 foster children, each of whom comes before our dependency courts numerous times as his or her case progresses through the system.

It is no surprise that judges hear a lot of stories about trauma and separation, many of them heartbreaking tales of missed opportunities and lack of support from government agencies charged with helping these youths.

What is surprising is how many different agencies are involved with the same families -- and how infrequently they work together.

The system spans multiple problems and multiple agencies. When we fail to coordinate services and support, it is the children and families who suffer -- and the agencies that shoulder the expense of duplicated efforts. Yet fragmented services appear to be the norm. To cite just a few examples:

Severing Support

In California, youths who move from foster care into probation lose their child-welfare support and services. These young people still need help, perhaps more so than before.

Children who are removed from their parents are often separated from siblings, friends and schools in addition to the trauma and neglect that caused their foster-care placement in the first place. A recent California foster youth summit on mental health reported that fewer than half of foster children get the psychological help they so desperately need.

The Indian Child Welfare Act, passed in 1978, requires child-welfare agencies to work with tribes to place children in tribal communities. Yet half the Indian children in foster care are placed with non-Indian caregivers. There is little communication between child-welfare agencies, the courts and our state's tribes.

Judicial Overload

California's juvenile courts oversee all children in foster care, but the court system suffers from overload. Dependency court judges carry an average of 1,000 cases at a time. Attorneys, who work most closely with children and families in court, have an average caseload of 270, nearly twice the recommended caseload.

In some of the larger counties, including Riverside, that caseload rises to 600 or more. Regular rotation means juvenile judges usually serve less than three years, making it difficult to build expertise and provide leadership for a system facing so many challenges.

With such concerns in mind, Chief Justice Ronald M. George appointed a California Blue Ribbon Commission on Children in Foster Care in March 2006. He gave us two years to make recommendations to help the courts improve outcomes for foster children and their families.

Among our goals, this commission is determined to break down the barriers between the various agencies and tribes that must work together if we are to help families and children thrive. We came to Riverside County this month for our sixth quarterly meeting to see some promising programs in action.

The Riverside Tribal Alliance brings together Indian and child-welfare leaders in a partnership that focuses on better communication, early intervention and culturally appropriate services for Indian children and families.

Riverside County Superior Court Judge Elisabeth Sichel explained that the alliance had to bridge a "historical backlog of mistrust" in order to tackle issues such as recruiting more Indian foster homes, educating judges and social-services staff, and sharing data and real-time information on the well-being of Indian children.

Riverside is also pioneering an effort to focus on "dual jurisdiction" children who are under the supervision of both the probation and child-welfare systems. In the past, these agencies avoided one another, sometimes not speaking even when their offices were in the same building.

But now they are at the same table, recognizing that, as Riverside County Superior Court Judge Becky Dugan explained, "dual-status kids belong to all of us." Services should follow the child, especially when a foster child enters probation.

We visited the California Institution for Women and heard from incarcerated mothers whose children are in foster care. The Chino institution, in a public-private partnership with the Center for Children of Incarcerated Parents, is pioneering a series of prison-based and transitional programs to teach child development and help mothers bond with children so they can provide stable families when they leave prison.

Research shows that these programs lower recidivism when accompanied by substance-abuse treatment, an advantage for the children and for society.

Riverside County gave us a hopeful glimpse of what a collaborative system of care might look like. We will keep this vision in mind as we prepare our recommendations for spring 2008.

California Supreme Court Justice Carlos R. Moreno is chairman of the California Blue Ribbon Commission on Children in Foster Care. He is also a foster parent.

JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS
455 Golden Gate Avenue
San Francisco, California 94102-3688

Report Summary

TO: Members of the Judicial Council

FROM: California Blue Ribbon Commission on Children in Foster Care
Hon. Carlos R. Moreno, Chair
Christopher N. Wu, Executive Director, 415-865-7721,
christopher.wu@jud.ca.gov

DATE: August 15, 2008

SUBJECT: Children in Foster Care: Final Recommendations of the California Blue Ribbon Commission on Children in Foster Care to Improve the Juvenile Dependency Courts and Foster Care System in California (Action Required)

Issue Statement

On March 9, 2006, Chief Justice Ronald M. George established the California Blue Ribbon Commission on Children in Foster Care and appointed Supreme Court Associate Justice Carlos R. Moreno as its chair. The commission was charged with providing recommendations to the Judicial Council of California on the ways in which the courts and their partners can improve safety, permanency, well-being, and fairness outcomes for children and families. This report contains the commission's recommendations for improving California's juvenile dependency courts and foster care system and provides the values and principles that the commission adopted to guide and inform its development of the recommendations.

Background

The commission is a high-level, multidisciplinary body providing leadership on the issues that face foster children and their families and the courts and agencies that serve them. A roster of commission members is attached at pages 31–34.

The establishment of the commission builds on recent Judicial Council efforts to improve California's juvenile courts. At the national level and commensurate with the Judicial Council's focus on improving California's juvenile courts, the Pew Commission on Children in Foster Care was established in 2003. Its purpose was to develop recommendations to improve outcomes for children throughout our nation's foster care system. Former U.S. Representatives Bill Frenzel and William H. Gray III served as chair

and vice-chair, respectively. William C. Vickrey, Administrative Director of the Courts, was one of 18 members.

In 2004, the Pew Commission issued its recommendations, among them a recommendation that the courts and public agencies be required to demonstrate effective collaboration by developing multidisciplinary, broad-based state commissions on children in foster care. In 2006, the Chief Justice followed this recommendation by establishing the California Blue Ribbon Commission on Children in Foster Care.

The California Blue Ribbon Commission on Children in Foster Care seeks to achieve four results:

1. A comprehensive set of politically viable recommendations for how courts and their partners can improve child welfare outcomes, including an implementation plan with key milestones;
2. Improved court performance and accountability in achieving child welfare outcomes of safety, permanency, well-being, and fairness;
3. Improved collaboration and communication among courts and child welfare agencies and others, including the institutionalization of county commissions that support ongoing efforts; and
4. Greater awareness of the court's role in the foster care system and the need for adequate and flexible funding.

In its early strategic planning, the commission developed a comprehensive work plan to guide the work of the commission and determined that it would focus on three key areas:

- The role of the courts in achieving improved outcomes for children and families;
- Court collaboration with partner organizations and agencies; and
- Funding and resource options for child welfare services and the courts.

The commission held nine meetings and three public hearings in various locations throughout California. It heard from a variety of juvenile court and child welfare experts, social workers, and families and children who have been in the system on issues facing the juvenile courts and the foster care system. The commission focused on the following issues:

- Financing of the child welfare system;
- The role of the courts in child welfare and alternative models for juvenile dependency courts, including unified family courts and tribal court models;
- Permanency and adequate transition services for older foster youth;
- Juvenile court resources and caseload issues;
- Achievement of better results for children and families through collaboration among the courts and all of the agencies providing services to children and families; and

- The disproportionate representation of African-American and American Indian children in the foster care system.

To guide information review and analysis, the commission established four subcommittees: Court Oversight, chaired by Justice Richard D. Huffman; Funding and Resources, chaired by Judge Susan D. Huguenor; Accountability for Better Outcomes, chaired by Judge Michael Nash; and Case Management and Data Exchange Systems, chaired by Presiding Judge Dean Stout.

After nearly two years of information gathering, the commission developed draft recommendations. The commission sent the recommendations out for public comment in March 2008. It also held public hearings in Los Angeles (May 12, 2008) and San Francisco (May 14, 2008), where it heard testimony on the proposed recommendations from experts in the field, representatives of the courts, representatives of nonbranch partners, parents, caregivers, foster youth, and members of the public. In response to the public comment and testimony, some of the draft recommendations were modified.

The final recommendations of the California Blue Ribbon Commission on Children in Foster Care, being presented to the Judicial Council, can be found on pages 20–30. The commission’s recommendations fall under four broad categories:

- Reasonable efforts to prevent removal and achieve permanency;
- Court reforms;
- Collaboration among courts and partnering agencies; and
- Resources and funding.

Within those categories, the commission makes 79 specific recommendations, 26 of which are exclusively within the purview of the Judicial Council and the judicial branch.

Recommendation

The California Blue Ribbon Commission on Children in Foster Care recommends that the Judicial Council, effective August 15, 2008:

1. Receive and accept the final recommendations of the California Blue Ribbon Commission on Children in Foster Care;
2. Approve the commission’s principles and values as stated on page 4;
3. Acknowledge the 26 specific recommendations that are within the purview of the Judicial Council and can be implemented by the judicial branch without collaboration with nonbranch partners;
 - a. Direct the Administrative Director of the Courts to refer these recommendations to the appropriate advisory committee or Administrative Office of the Courts (AOC) division for review and preparation of proposals to be considered by the council through the normal judicial branch processes; and

- b. Direct the Administrative Director of the Courts to provide a status report at the council's October 2008 meeting on the action that is being taken to create specific rules or proposals for council action;
4. Direct the commission to develop an implementation plan in keeping with its principles and values for recommendations that require collaboration with nonbranch partners, to include key milestones for implementing the recommendations;
5. Direct the commission to present the implementation plan to the council for approval by December 2008;
6. Direct the commission to prepare and distribute a final report to the public on the recommendations and implementation plan by December 2008; and
7. Request the commission to report progress on implementation of the recommendations to the council by June 2009.

Rationale for Recommendation

In developing draft recommendations, the California Blue Ribbon Commission on Children in Foster Care was guided by the Judicial Council's strategic and operational plans and the following overarching principles:

- All children are equal and deserve safe and permanent homes;
- Efforts to improve the foster care system must focus on improving safety, permanency, well-being, and fairness outcomes for children, and services should be integrated and comprehensive;
- Collaboration is essential for achieving the best possible outcomes for children and families;
- Courts play an important statutory role in overseeing children, families, and services in the dependency system;
- Children and families should have a say in decisions that affect their lives; and
- Government agencies need adequate and flexible funding to provide the best outcomes for children in the foster care system.

The commission also wanted to ensure that recommendations were consistent with the following values, which were adopted early in the process: collaboration, shared responsibility, accountability, leadership, children and families, child safety, inclusion, permanency, and youth voice.

The child welfare system, including the juvenile dependency courts, too often fails to protect our children and provide essential services to families. Judges often make critical decisions about children and families without important information because court dockets are overcrowded. Caseloads for judges, attorneys, and social workers are too high. Federal and state funding is not flexible enough to allow counties to achieve the

outcomes for which the funding is provided. The commission's recommendations are designed to improve safety, permanency, and fairness outcomes for children and families.

Alternative Actions Considered

The commission was cognizant throughout the process of drafting recommendations to reform California's foster care system that in these times of severe fiscal restraint change would, by necessity, be incremental. However, the commission did not want to limit its blueprint for foster care reform to conform to current fiscal problems, but rather chose to propose a vision for real change. Budget restraints may affect the timing of their implementation, but these recommendations represent the priorities—both short-term and long-term—that must be followed to ensure a better future for the state's most vulnerable children and families.

Comments From Interested Parties

The commission sought comment on its draft recommendations from a wide array of persons, including justices, judges, commissioners, referees, legislators, attorneys, social workers, probation officers, advocates, service providers, parents, caregivers, foster children, and members of the public. The invitation to comment was posted on the California Courts Web site, and the comment period was from March to May 2008. In addition the commission conducted two public hearings, one in Los Angeles on May 12, 2008, and one in San Francisco on May 14, 2008. The commission received more than 130 comments, all of which were reviewed and analyzed and which, in many cases, led to revisions of the draft recommendations. A chart summarizing the comments received follows this report at pages 35–134.

Implementation Requirements and Costs

Many of the commission's recommendations call for using existing resources differently, implementing policies that are already in place, or phasing in proposals over time in order to reduce reliance on new funds. Some recommendations have little fiscal impact, focusing on using existing resources more efficiently within the courts. Other proposals call on Congress to give states more flexibility in how they use existing federal child welfare funds. Some of the recommendations will require new resources. However, if the changes recommended are implemented successfully, there should be significant savings due to the reduction of the number of children in costly foster care and group home placements. Money saved by reducing the number of children in foster care should be reinvested in preventive services to help keep children and families out of the system and in reducing judicial, attorney, and social worker caseloads of children and families who remain in the system. However, even with using current funds more effectively additional funds may still be required. The commission believes that the expenditure of these resources for children now will result in long-term savings by reducing the number of former foster children who become homeless, dependent on welfare, and incarcerated as adults.

**JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS**

455 Golden Gate Avenue
San Francisco, California 94102-3688

Report

TO: Members of the Judicial Council

FROM: Blue Ribbon Commission on Children in Foster Care
Hon. Carlos R. Moreno, Chair
Christopher N. Wu, Executive Director, 415-865-7721,
christopher.wu@jud.ca.gov

DATE: August 15, 2008

SUBJECT: Children in Foster Care: Final Recommendations of the Blue Ribbon
Commission on Children in Foster Care to Improve the Juvenile
Dependency Courts and Foster Care System in California (Action
Required)

Issue Statement

On March 9, 2006, Chief Justice Ronald M. George established the California Blue Ribbon Commission on Children in Foster Care and appointed Supreme Court Associate Justice Carlos R. Moreno as its chair. The commission was charged with providing recommendations to the Judicial Council of California on the ways in which the courts and their partners can improve safety, permanency, well-being, and fairness outcomes for children and families. This report contains the commission's recommendations for improving California's juvenile dependency courts and foster care system and provides the values and principles that the commission adopted to guide and inform its development of the recommendations.

Background

The commission is a high-level, multidisciplinary body providing leadership on the issues that face foster children and their families and the courts and agencies that serve them. A roster of commission members is attached at pages 31–34.

The establishment of the commission builds on recent Judicial Council efforts to improve California's juvenile courts and is consistent with the goals and objectives recently adopted by the Judicial Council. These efforts include expansion of the Court Improvement Project to increase the number of training programs and to enhance development of data exchanges to improve communication between the courts and child welfare agencies; expansion of the Judicial Review and Technical Assistance program to

include specific projects related to improving compliance with the Indian Child Welfare Act and increasing the number of permanent placements for children in foster care; and establishment of the Dependency Representation, Administration, Funding, and Training pilot program relating to attorney representation of parents and children in juvenile dependency court.

At the national level and commensurate with the Judicial Council's focus on improving California's juvenile courts, the Pew Commission on Children in Foster Care was established in 2003. Its purpose was to develop recommendations to improve outcomes for children throughout our nation's foster care system. Former U.S. Representatives Bill Frenzel and William H. Gray III served as chair and vice-chair respectively. William C. Vickrey, Administrative Director of the Courts, was one of 18 members representing a broad cross-section of organizations involved in foster care issues.

The Pew Commission was charged with investigating and making recommendations concerning federal child welfare financing mechanisms and improving court oversight of child welfare cases. In 2004, the Pew Commission issued its recommendations, among them a recommendation that the courts and public agencies be required to demonstrate effective collaboration by developing multidisciplinary, broad-based state commissions on children in foster care. These state commissions would ensure ongoing collaboration between child welfare agencies and courts and would engage a broad coalition of public and private agencies and organizations with an interest in the welfare of children. In 2006, the Chief Justice followed this recommendation by establishing the California Blue Ribbon Commission on Children in Foster Care.

The California Blue Ribbon Commission on Children in Foster Care seeks to achieve four results:

1. A comprehensive set of politically viable recommendations for how courts and their partners can improve child welfare outcomes, including an implementation plan with key milestones;
2. Improved court performance and accountability in achieving child welfare outcomes of safety, permanency, well-being, and fairness;
3. Improved collaboration and communication among courts and child welfare agencies and others, including the institutionalization of county commissions that support ongoing efforts; and
4. Greater awareness of the court's role in the foster care system and the need for adequate and flexible funding.

Process/Approach

In its early strategic planning, the commission developed a comprehensive work plan to guide the work of the commission and its subcommittees and determined that it would focus on three key areas:

- The role of the courts in achieving improved outcomes for children and families;
- Court collaboration with partner organizations and agencies; and
- Funding and resource options for child welfare services and the courts.

Meetings

The commission held nine meetings. The meetings occurred in San Francisco (March, June, and September 2006 and June 2008), Monterey (December 2006), Sacramento (March 2007), Riverside (June and October 2007), and San Diego (December 2007). The commission also held three public hearings in Sacramento (March 2007), San Francisco (May 2008), and Los Angeles (May 2008). At the June 2007 meeting the commission visited the California Institute for Women in Corona and heard presentations from several women about their experiences with the courts and the foster care system. Commission staff conducted focus groups with social workers and caregivers and presented the results to the commission.

The commission heard from a variety of juvenile court and child welfare experts and from social workers, families, and children who have been in the system on issues facing the juvenile courts and the foster care system. The commission focused on the following issues:

- Financing of the child welfare system;
- The role of the courts in child welfare and alternative models for juvenile dependency courts, including unified family court and tribal court models;
- Permanency and adequate transition services for older foster youth;
- Juvenile court resources and caseload issues;
- Achievement of better results for children and families through collaboration between the courts and all of the agencies providing services to children and families;
- The disproportionate representation of African-American and American Indian children in the foster care system; and
- The special issues and concerns of incarcerated parents and American Indian and immigrant families and children.

Subcommittees

To guide information review and analysis, the commission established four subcommittees: Court Oversight, chaired by Justice Richard D. Huffman; Funding and Resources, chaired by Judge Susan D. Huguenor; Accountability for Better Outcomes, chaired by Judge Michael Nash; and Case Management and Data Exchange Systems, chaired by Presiding Judge Dean Stout.

The subcommittees met during the commission's quarterly meetings and also convened interim conference calls and other meetings to examine the following issues:

- **Court Oversight.** Issues related to policies and procedures in the trial and appellate courts and the overall role of the juvenile court in the child welfare system; information regarding fair and effective hearings, calendaring, caseload, and methods for overseeing services that social workers and probation officers provide to families to prevent or eliminate the need for removing children.
- **Funding and Resources.** Issues related to federal, state, and local financing options for foster care; wraparound mental health services and education services; information concerning the resources needed for the courts to provide effective oversight.
- **Accountability for Better Outcomes.** Current and future initiatives to ensure accountability of courts and agencies throughout the foster care system on both the local and state levels; information regarding how to reduce the amount of time a child spends in foster care; and methods for identifying and ensuring accountability for systemic delays.
- **Case Management and Data Exchange Systems.** Case management and data needs in courts and child welfare agencies and effective communication and sharing of data between systems; information regarding development of court and case management outcome measures; and barriers that may inhibit the court from receiving and sharing the information critical to informed decisionmaking.

The subcommittees met separately and, on occasion, held joint meetings to work on crossover issues. For example, the Case Management and Data Exchange Systems and the Accountability for Better Outcomes subcommittees paired up to review performance measures recommended by the Pew Commission as well as those measures used in the California Department of Social Services Outcomes Services Review. From these and other sources, the subcommittees developed proposed performance measures for dependency courts in California. Those court performance measures were circulated for comment in the winter 2007 rule cycle and recirculated during the spring 2008 rule cycle; they will be considered by the council at the October 2008 Judicial Council meeting.

Draft and final recommendations

After nearly two years of information gathering, the commission developed draft recommendations. The commission sent the recommendations out for public comment in March 2008. It also held public hearings in Los Angeles (May 12, 2008) and San Francisco (May 14, 2008), where it heard testimony on the proposed recommendations from experts in the field, representatives of the courts, representatives of nonbranch partners, parents, caregivers, foster youth, and members of the public. In response to the public comment and testimony, some of the draft recommendations were modified at the June 2008 commission meeting.

The final recommendations of the Blue Ribbon Commission on Children in Foster Care that are being presented to the Judicial Council can be found on pages 20–30. The commission’s recommendations fall under four broad categories:

- Reasonable efforts to prevent removal and achieve permanency;
- Court reforms;
- Collaboration among courts and partnering agencies; and
- Resources and funding.

Within those categories, the commission makes 79 specific recommendations, 26 of which are exclusively within the purview of the Judicial Council and the judicial branch. Details of the commission’s recommendation to the Judicial Council are immediately below, followed by highlights of both the proposed recommendations and the public commentary and testimony.

Recommendation

The California Blue Ribbon Commission on Children in Foster Care recommends that the Judicial Council, effective August 15, 2008:

1. Receive and accept the final recommendations of the California Blue Ribbon Commission on Children in Foster Care;
2. Approve the commission’s principles and values as stated on page 11;
3. Acknowledge the 26 specific recommendations that are within the purview of the Judicial Council and can be implemented by the judicial branch without collaboration with nonbranch partners;
 - a. Direct the Administrative Director of the Courts to refer these recommendations to the appropriate advisory committee or Administrative Office of the Courts (AOC) division for review and preparation of proposals to be considered by the council through the normal judicial branch processes; and
 - b. Direct the Administrative Director of the Courts to provide a status report at the council’s October 2008 meeting on the action that is being taken to create specific rules or proposals for council action;
4. Direct the commission to develop an implementation plan in keeping with its principles and values for recommendations that require collaboration with nonbranch partners, to include key milestones for implementing the recommendations;
5. Direct the commission to present the implementation plan to the council for approval by October 2008;
6. Direct the commission to prepare and distribute a final report to the public on the recommendations and implementation plan by December 2008; and
7. Request the commission to report progress on implementation of the recommendations to the council by June 2009.

Rationale for Recommendation

In developing draft recommendations, the California Blue Ribbon Commission on Children in Foster Care was guided by the following overarching principles, adopted by the commission early in its deliberations:

- All children are equal and deserve safe and permanent homes;
- Efforts to improve the foster care system must focus on improving safety, permanency, well-being, and fairness outcomes for children, and services should be integrated and comprehensive;
- Collaboration is essential for achieving the best possible outcomes for children and families;
- Courts play an important statutory role in overseeing children, families, and services in the dependency system;
- Children and families should have a say in decisions that affect their lives; and
- Government agencies need adequate and flexible funding to provide the best outcomes for children in the foster care system.

The commission also wanted to ensure that recommendations were consistent with the following values, also adopted early in the process:

- Collaboration;
- Shared responsibility;
- Accountability;
- Leadership;
- Children and families;
- Child safety;
- Inclusion;
- Permanency; and
- Youth voice.

The commission's recommendations fall into four broad subject areas, listed previously in this report. The rationale for the recommendations in these four areas follows.

Reasonable efforts to prevent removal and achieve permanency

The commission proposes a series of recommendations focused on reasonable efforts to prevent removal and achieve permanency. Key rationales for this set of recommendations include:

- The Judicial Council has adopted objectives in *The Operational Plan for California's Judicial Branch, 2008–20011* to (1) ensure that all court users are treated with dignity, respect, and concern for their rights and cultural backgrounds, without bias or appearance of bias, and are given an opportunity to be heard; (2) improve safety, permanency, and fairness outcomes for children and families; and

(3) promote a state judiciary and judicial branch workforce that reflects California's diverse population.

- The courts and child welfare agencies share a fundamental belief that all children deserve a safe, stable family in which to grow up and thrive. Interrupting a child's bond to a parent, even when necessary and temporary, is a destabilizing event in any child's life. Child welfare agencies aspire to offer more services to prevent placement in foster care. Yet funds to support preventive services are not a priority. A recent national study sponsored by the nonprofit organization Kids Are Waiting found that states are allowed to use only 10 percent of federal child welfare funding for prevention or reunification services. It is no wonder then that dependency court officials are often engaged in building support for child welfare services in their communities and advocating for a higher priority for funding for preventive services among agencies that work with vulnerable children and families.
- Each one of the nearly 80,000 children in foster care in California has a hearing before a dependency court. Yet placement does not necessarily ensure improved outcomes for them or for their families, even when removal is required. Far too many of these foster children experience multiple placements, changes in schools, and separation from siblings, friends, and other family members.
- African-American and American Indian children are disproportionately in the system. They are more likely than other children to be reported because of abuse, more likely to be removed, and less likely to be reunified or adopted.
- As many as 5,000 youth in California reach the age of 18 every year without reunifying with their own families or being placed in other permanent families. National research shows that young people who "age out" of the foster care system are more likely to drop out of school, have serious mental health needs, experience homelessness and unemployment, and end up in the criminal justice system. These are the children who all too often languish in a foster care limbo.

Court reforms

The commission proposes a number of court reforms to improve the foster care system. Most are within the purview of the Judicial Council and the judicial branch to implement without the participation of nonbranch partners. These proposed recommendations comprise many of the 26 recommendations for which early action is urged. Rationales for these proposed recommendations include:

- The Judicial Council has adopted objectives in *The Operational Plan for California's Judicial Branch, 2008–2011* to (1) ensure that all court users are

treated with dignity, respect, and concern for their rights and cultural backgrounds, without bias or appearance of bias, and are given an opportunity to be heard; (2) identify and eliminate barriers to court access at all levels of service; ensure interactions with the court are understandable, convenient, and perceived as fair; and (3) measure and regularly report branch performance—including branch progress toward infrastructure improvements to achieve benefits for the public.

- California’s dependency court system is overstressed and under-resourced. Because of staggering caseloads, judicial officers are often forced to limit the time and attention they give to each child. Even if they do give each case a thorough review, they may not meet the federal and state statutory timeline for the case. Either way, children and their families lose. Since dependency cases represent the most intrusive form of governmental intervention and interference with and disruption of family relations, it is essential that the court system have sufficient resources to appropriately oversee these cases. It is also essential that the local trial courts make these cases a priority and allocate the resources needed for appropriate oversight.
- Although many well-qualified commissioners and referees hear these cases, the dependency court is often viewed by many both inside and outside the court as a “lesser” court because judges are not always assigned to these cases.
- Many families and children appear at the courthouse but wait for hours before their hearings, to receive only a few minutes with the court and with their attorneys. The median time for a juvenile dependency hearing in California is just 10–15 minutes, far short of the recommended 30–60 minutes. Dependency court attorneys, who represent foster children and their families, suffer from similar time and caseload pressures. Such systemic problems inhibit the courts’ ability to make informed decisions about children and families and to meet their obligation to ensure that all participants in the hearings understand their rights and responsibilities and the decisions made in court.
- Dependency courts are able to gather only limited data on their ability to meet statutory timelines for hearings and requirements regarding the safety, permanency, and well-being of the children for whom they are responsible. Currently, uniform court data is limited to the number of filings and dispositions. Without data systems and court performance measures, the courts are not able 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.

Collaboration among courts and partnering agencies

The commission proposes a series of recommendations focused on improving foster care through collaboration among courts and partnering agencies. Rationales for this set of proposals include:

- The Judicial Council has adopted objectives in *The Operational Plan for California's Judicial Branch, 2008–2011* to (1) improve communication within the judicial branch, with other branches of government, with members of the bar, and with the public to achieve better understanding of statewide issues that impact the delivery of justice and (2) develop and support collaborations to improve court practices, to leverage and share resources, and to create tools to educate stakeholders and the public.
- In California, nearly 80,000 children are in foster care. The courts share responsibility for their safety and well-being with a range of agencies, including child welfare, education, alcohol and drug treatment, mental health, public health, and Indian tribal councils.
- Families are often involved with more than one agency at a time. These agencies have independent and sometimes conflicting policies and regulations that inhibit communication and sharing of data and information. Judges and attorneys sometimes lack full knowledge of a child's health, mental health, education, language, or citizenship. This means the courts must sometimes make decisions without a complete or accurate picture of the child and his or her family.
- Court-ordered services to benefit families and children sometimes conflict with mandated services from other courts or agencies. The courts and child welfare agencies do not always know what services exist in the community. Often there is limited availability of essential services.

Resources and funding

The commission proposes a series of recommendations based on issues in the foster care system related to resources and funding. The rationales for these proposals include:

- Financial support for children and families in the child welfare system is built on a patchwork of funding streams, each with its own rules and restrictions. In addition to state and county funding, child welfare dollars come from at least a half-dozen federal sources, some of which require matching funds from state, county, and local agencies. Delays in services result when providers, social service agencies, and the courts struggle to determine the pertinent funding source for services. Delays are compounded when a child is moved to a new county or state.

- Even when services are available, agencies and the courts do not always give priority to foster children and their families in the delivery of these services. For example, children have a statutory right to certain educational and transition to independent living services but are not able to benefit from these services because there are no resources or funding supports to help these children access the services. This lack of prioritization of, and accountability to, children and families in the delivery of services limits the courts' and agencies' ability to offer the comprehensive and concentrated services that are critical to family reunification and permanency.

Alternative Actions Considered

The commission was cognizant throughout the process of drafting recommendations to reform California's foster care system that in these times of severe fiscal restraint change would, by necessity, be incremental. But, while acknowledging that reality, the commission did not want to limit its blueprint for foster care reform to conform to current fiscal problems, but rather chose to put aside fiscal considerations and document a vision for real change. The commissioners believe their recommendations are practical, viable, and necessary, but they are quite aware of the current fiscal realities in the state. Budget restraints may affect the timing of implementation, but these recommendations represent the priorities—both short-term and long-term—that must be followed to ensure a better future for the state's most vulnerable children and families.

Comments From Interested Parties

The commission sought comment on its draft recommendations from a wide array of persons, including justices, judges, commissioners, referees, legislators, attorneys, social workers, probation officers, advocates, service providers, parents, caregivers, foster children, and members of the public. The invitation to comment was posted on the California Courts Web site, and the comment period was from March to May 2008. Specifically, the commission:

- Distributed its draft recommendation for statewide written comment in March 2008, with comments due on May 16, 2008; and
- Conducted two public hearings, one in Los Angeles on May 12, 2008, and one in San Francisco on May 14, 2008.

The commission received more than 130 comments, all of which were reviewed and analyzed and which, in many cases, led to revisions of the draft recommendations. A chart summarizing the comments received follows this report at pages 35–134.

Overall the comments were exceedingly supportive of the draft recommendations. A summary of the most significant comments follows.

Reasonable efforts to prevent removal and achieve permanency

Among the proposed recommendations under this theme, those related to disproportionate representation of African-American and American Indian children in the child welfare system generated the most comments. The draft recommendation called for further study of the causes of this disproportionate representation. Several commenters recommended that the draft recommendation be made stronger to suggest that measures be undertaken to address the issue. In response to the comments, the commission modified its recommendation by calling for the courts and partnering agencies to work together to reduce the disproportionate number of African-American and American Indian children in the child welfare system; rather than a study of the issue of disproportionality. It also added a recommendation to “increase the diversity and cultural competence of the workforce.”

In response to another comment concerning the obstacles in existing law to placing children with relatives, the commission also modified a draft recommendation to suggest that the Judicial Council work with state and federal leaders to amend existing law to make it easier to increase relative placements by addressing funding disparities and by developing greater flexibility in the approval process.

Court reforms

This theme generated many comments and led to significant revision of the draft recommendations. First, the commission’s draft recommendation that judges, not subordinate judicial officers, should hear dependency and delinquency cases and that judges be assigned to juvenile court for a minimum of three years generated the most comments and the most controversy of any of the draft recommendations. The comments were best summarized by those submitted by the California Court Commissioners Association (CCCA), which suggested that “some of the wording in the Blue Ribbon Commission’s recommendations is counterproductive and creates some possibility of confusion.” CCCA urged the commission to recognize and acknowledge the valuable contributions of subordinate judicial officers to the juvenile court system and to recommend that changes be based on attrition to ensure continuity. The commission took the many comments to heart and substantially revised its recommendations to continue to honor Judicial Council policy to have judges hear juvenile court cases, while acknowledging the importance of well-qualified subordinate judicial officers.

Second, the commission’s recommendations for caseload reduction for judges, attorneys, and social workers were widely supported. Full-time judicial officials in California carry an average of 1,000 cases, which has a direct impact on the level of time and attention any one case receives. Attorneys who represent children and families in dependency court carry an average caseload of 273 clients per attorney, and, in a few counties, attorney caseloads rise to 500 to 600 or more. This far exceeds the state’s recommended standard of 188 (for attorneys who have appropriate support staff).

Third, the commission received comment and testimony about the need for a stable funding source to implement the council's recently adopted attorney caseload standards and to develop and/or implement caseload standards for social workers and social service agency attorneys. In response, the commission amended its recommendation to suggest that there be a stable funding source for attorney representation for parents and children and that caseload standards be implemented for social workers and attorneys representing child welfare agencies.

Fourth, the commission received a comment from an appellate court administrative presiding justice urging the adoption of new recommendations to have the Judicial Council (1) provide an expedited process for all juvenile dependency appeals by extending the application of rule 8.416 of the California Rules of Court to all dependency appeals and (2) require the appointment of independent counsel for all children in juvenile dependency appeals. These comments were sent to the other five administrative presiding justices for comment. They indicated that the proposed recommendation on amending the existing rule to expedite the appellate process for all dependency appeals was unnecessary as they already generally meet the timelines. Since it is essential to resolve all outstanding issues to achieve finality and permanency for children, the commission decided to recommend that the rule be modified to extend the expedited process to all dependency appeals.

The recommendation to require the appointment of counsel for all children in juvenile dependency appeals is controversial and has historically not been supported by the administrative presiding justices in five of the six appellate court districts. Recent legislation required the California Blue Ribbon Commission on Children in Foster Care to make a recommendation on this issue. The commission carefully considered a comment from the five administrative presiding justices who do not support the appointment of independent counsel in all cases in which the child is not the appellant. They recommended that the Judicial Council review recently adopted rule 5.661 of the California Rules of Court, which provides for a procedure for trial counsel to request appointment of appellate counsel, in one year to determine how well it is working. After a very lengthy and in-depth discussion, the commission decided to support the appointment of counsel for children in all appellate cases because the child is a party to the proceeding and any decision of the appellate court can have a long-term significant impact on the child's life.

Fifth, the commission received a number of comments that supported its recommendations for the implementation of performance measures for juvenile courts. Recent legislation requires the Judicial Council to adopt performance standards for juvenile dependency courts through a rule of court. The council will be considering a proposed rule for court performance measures as part of the spring rules cycle at the October Judicial Council meeting. The commission added one additional

recommendation that the Judicial Council advocate for local, state, and federal funding to implement the recommended measures.

Finally, a number of commenters and commissioners noted that the court reforms were critical because all children who enter the system are literally “our children.” As one commenter put it: “These children are literally and legally the children of the state. The courts are their parents. You provide for your own children first and foremost. You decide what they need, and then you allocate the remainder. That is the ethically defensible posture for court budgeting. Under what circumstance is any expenditure deserving of higher priority than the care of the courts’ own children, for whom they are legally and morally responsible.” In developing its court reform recommendations, the commission focused on the needs of the children under the jurisdiction of the juvenile dependency court.

Collaboration among courts and partnering agencies

This theme generated some helpful commentary, and the commission modified its recommendations in response. Significant interest was generated by the concept of developing local commissions to address local system concerns (including implementation of the recommendations of the Blue Ribbon Commission). And there was beneficial public testimony on collaborations with Indian tribes and tribal courts that led to an expanded set of recommendations in that area.

Resources and funding

As the result of written comments and public testimony concerning the issues that confront caregivers, the commission modified the recommendations under this theme to include a recommendation for support of those who provide care to dependent children by increasing foster care rates. The commission believes that there is a great need to expand the pool of available caregivers in order to give the courts more flexibility in making less-restrictive placements. The commission also added a recommendation that calls for providing statewide legal and informational support for caregivers in order to increase caregivers’ understanding of juvenile court processes.

In response to a comment about the need to expand the opportunities for foster youth to attend college, the commission also added a recommendation to expand programs that give current and former foster youth access to free tuition, housing, and other support services so they can attend college.

Finally, an almost universal comment about funding concerned the overwhelming need for additional resources to properly serve the children and families who come into the foster care system.

Implementation Requirements and Costs

Many of the commission's recommendations call for using existing resources differently, implementing policies that are already in place, or phasing in proposals over time in order to reduce reliance on new funds. Some recommendations have little fiscal impact, focusing on using existing resources more efficiently within the courts. Other proposals call on Congress to give states more flexibility in how they use existing federal child welfare funds.

Some of the recommendations will require new resources. However, if the changes recommended are implemented successfully, there should be significant savings due to the reduction of the number of children in costly foster care and group home placements. Money saved by reducing the number of children in foster care should be reinvested in preventive services to help keep children and families out of the system and in reducing judicial, attorney, and social worker caseloads of children and families who remain in the system. However, even with using current funds more effectively and efficiently and reinvesting money that will be saved as a result of the commission's proposed reforms, additional resources will still be required. The commission believes that the expenditure of these resources for children now will result in long-term savings by reducing the number of former foster children who become homeless, dependent on welfare, and incarcerated as adults.

Attachments



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REPORT TO THE JUDICIAL COUNCIL

For business meeting on: December 13, 2011

Title

Blue Ribbon Commission on Children in
Foster Care: Implementation Progress Report

Agenda Item Type

Information Only

Date of Report

November 8, 2011

Submitted by

Blue Ribbon Commission on Children in
Foster Care
Hon. Richard D. Huffman, Chair

Contact

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Executive Summary

This is an informational report on two and a half years of implementation efforts by the Blue Ribbon Commission on Children in Foster Care, which issued sweeping recommendations for reform of the juvenile court and child welfare systems that were unanimously accepted by the Judicial Council in August 2008. In June 2009, Chief Justice Ronald M. George extended the work of the commission, modified its charge to include implementation activities, and requested reports on implementation progress.

Previous Council Action

The Judicial Council received and unanimously accepted the Blue Ribbon Commission's final recommendations on August 15, 2008, and directed the commission to complete the following steps:

- Develop an implementation plan, in keeping with the commission's principles and values and including key milestones, for recommendations that require collaboration with nonbranch partners;
- Present the implementation plan to the council for approval;
- Prepare and distribute a final report and implementation plan to the public; and
- Report progress on implementation of the recommendations to the council.

The Blue Ribbon Commission released its final report and action plan to the public in May 2009 in conjunction with National Foster Care Month activities in Sacramento. On June 30, 2009, the Chief Justice extended the work of the commission, modified its charge to include implementation activities, reappointed most of the commissioners, and requested that the commission report to the Judicial Council on implementation progress by June 2010. The commission made its first implementation progress report to the council in August 2010 and promised another by December 2011. The commission is currently set to expire on June 30, 2012.

In April 2011, Chief Justice Tani Cantil-Sakauye appointed Associate Justice Richard D. Huffman, Court of Appeal, Fourth Appellate District, Division One, to replace Justice Carlos Moreno as chair of the Blue Ribbon Commission after Justice Moreno retired from the California Supreme Court.

Implementation Efforts

The commission has continued to work with its statewide and local child welfare partners on implementation activities for the past two and a half years, focusing on recommendations that were targeted for early action in its implementation plan and on those recommendations that could be implemented with limited resources. Those areas of initial focus include:

- Reasonable efforts to prevent removal and achieve permanency
 - Increasing the number of placements with relatives;
 - Reducing the disproportionate representation of African Americans and American Indians in the child welfare system; and
 - Providing extended support for transitioning youth.
- Court reform
 - Reducing the caseloads of judicial officers, attorneys, and social workers;
 - Ensuring that children and families have a voice in court and meaningful hearings; and
 - Ensuring that all attorneys, social workers, and Court Appointed Special Advocates (CASAs) have adequate training and resources.
- Collaboration among courts and child welfare partners
 - Facilitating data and information exchange;
 - Establishing local foster care commissions; and
 - Improving Indian child welfare.
- Resources and funding
 - Prioritizing foster care;
 - Advocating for flexible funding for child abuse prevention and services; and
 - Expanding educational services.

Ongoing challenges. As might be expected in these tough economic times, implementation efforts are facing some challenges. The commission is most concerned about the following:

- *Judicial branch budget cuts may affect strides in implementation.* With many courts absorbing crushing budget cuts, the commission anticipates an adverse impact on juvenile dependency courts statewide. With some courtroom closures planned or already executed, it is likely that counties will find it much harder to handle their juvenile dependency calendars and to ensure timely hearings. Further, many courts are eliminating commissioner positions to cope with their budget challenges. Many of those positions have traditionally been deployed in the juvenile dependency courts. Eliminating those positions without backfilling them with judges will significantly increase the workload in the remaining juvenile dependency courtrooms. Both of these challenges taken together will likely prolong the time children spend in foster care.
- *The impact of recent criminal justice legislation (realignment) on the juvenile dependency courts is uncertain.* When the California Legislature enacted a major shift of state program responsibilities to local governments in its 2011–2012 budget plan as part of its public safety realignment, it created some uncertainty. While the shift provides approximately \$6.3 billion to fund certain public safety programs, including mental health services, substance abuse treatment, child welfare programs, and other social services programs at the local level, the legislation is complex and wide-ranging, and is based on estimated, not actual revenue. Counties will need to be cautious in determining the most effective use of funding. Until the realignment legislation is fully implemented, it is difficult to predict how this shift in responsibility will affect the implementation of the Blue Ribbon Commission’s recommendations, particularly those on reasonable efforts to prevent removal and achieve permanency, which rely heavily on the provision of appropriate and comprehensive services to families who are in the child welfare system or are in danger of entering the child welfare system.

Successful efforts. Some early notable highlights of implementation progress thus far include the following:

- *Drop in number of children in foster care.* Numbers of children in foster care in California have dropped dramatically over the last decade, attributed in part to a “more intense focus by local and state policymakers on the problems of foster care, which in turn led to innovations in child welfare policies and practices.” By 2009, California had seen a 45 percent drop in share of children in the system, mainly by shortening the time that most children spend in foster care. That decline is “most pronounced among black children, who have long been overrepresented in the child welfare system.” In 2009, 2.7 percent of black children were in foster care, compared to 5.4 percent in 2000—certainly still too high a percentage, but an encouraging drop.¹ That downward trend has continued. Data for 2010 indicate the state’s drop in share of children in the system has reached almost 50 percent.²

¹ See Public Policy Institute of California, *Foster Care in California: Achievements and Challenges* (May 12, 2010), at p.1; available at http://www.ppic.org/content/pubs/report/R_510CDR.pdf.

² B. Needell, et al., *Child Welfare Services Reports for California* (2011). Retrieved 10/27/11, from University of California, Berkeley, Center for Social Services Research website: http://cssr.berkeley.edu/ucb_childwelfare.

- *Significant boost from federal Fostering Connections to Success Act.* The federal Fostering Connections to Success and Increasing Adoptions Act of 2008, which is directly responsive to 20 of the Blue Ribbon Commission's recommendations, gave an early boost to implementation efforts. Offering increased supports for relative caregivers, improved family-finding support, more flexibility in the use of federal funds, and support for foster youth until age 21, the legislation provides matching funds to states that opt into its provisions. State legislation to opt into these provisions has already been passed and chaptered in California, most notably Assembly Bills 12 and 212, which will provide federally subsidized relative guardianships and extend foster care jurisdiction to age 21 (pending a further appropriation by the Legislature effective January 1, 2014). This legislation will facilitate the expansion of California's Kin-GAP program and will also give support for expanded title IV-E waiver projects in the state. The commission, along with the Administrative Office of the Courts (AOC) at the Judicial Council's direction, is actively involved in efforts to implement the legislation.
- *Successful statewide collaborative work.* Statewide collaborative efforts to reform the foster care system and reduce the number of children in foster care have been impressive. The Blue Ribbon Commission has worked closely with the Child Welfare Council, the AOC, the Co-Investment Partnership, the State Interagency Team, and the California Department of Social Services to prioritize children and families in the foster care system in the allocation of resources and services. The Child Welfare Council is currently cochaired by Justice Vance W. Raye, Administrative Presiding Justice of the Court of Appeal, Third Appellate District (appointed by Chief Justice Tani Cantil-Sakauye to replace Justice Carlos R. Moreno as cochair) and Diana S. Dooley, Secretary of the California Health and Human Services Agency.
- *Local foster care commissions active.* There are now more than 40 counties with active local foster care commissions, which formed or expanded in response to the Blue Ribbon Commission's recommendation encouraging their formation. Those local commissions are working in their communities to identify and resolve local systemic concerns, to address the commission's recommendations, and to build the capacity to provide a continuum of services to children and families in the foster care system. The AOC hosted two summits (in 2008 and 2010) to support the work of these local commissions. Since his appointment as chair of the Blue Ribbon Commission, Justice Huffman has made it a priority to visit local county commissions in order to continue the commission's support and encouragement for their implementation work and to facilitate the provision of technical assistance where indicated. In 2011, he visited local commissions in Imperial, Orange, San Joaquin, Sacramento, and Santa Barbara Counties. His site visits have generated much enthusiasm and renewed implementation energy; other counties are clamoring to be scheduled for a site visit. Justice Huffman will begin site visits again in January 2012.
- *Tribal court/state court forum established.* Chief Justice Ronald M. George established, in May 2010, the California Tribal Court/State Court Coalition (now called the California

Tribal Court/State Court Forum), the first organization of its kind in the state, to work on areas of mutual concern. One of the first co-chairs of the forum was Justice Richard D. Huffman, now the chair of the Blue Ribbon Commission. Chief Justice Tani Cantil-Sakauye appointed Justice Dennis M. Perluss, Presiding Justice of the Court of Appeal, Second Appellate District, Division Seven, to replace Justice Huffman as cochair. Under the current leadership of co-chairs Judge Richard Blake, Chief Judge of the Hoopa, Smith River Rancheria, and Redding Rancheria Tribal Courts, and Justice Perluss, the coalition is continuing to develop measures to improve the working relationship between California's tribal and state courts. There are already promising tribal court/state court collaborations in a number of counties. Most notably, there are strong tribal court/state court collaborative efforts in the area of foster care and juvenile court reform in Imperial, Inyo, and Humboldt Counties.

- *Rapidly expanding educational services.* There has been significant implementation activity in the area of expanding educational services, including a state legislative requirement that college campuses in California give priority for housing to current and former foster youth and remain open for occupation during school breaks; expansion of the California Department of Education, Foster Youth Services to 57 counties; and continued statewide collaboration on educational issues through the Foster Youth Education Task Force. Many of the local commissions are prioritizing educational services in their foster care reform efforts, are working collaboratively with their superintendents of schools, and have begun the initial work of data and information sharing that is so critical to ensuring an appropriate continuum of educational services for children in the foster care system.
- *Training for court-appointed counsel ongoing.* The AOC has continued the work of providing support and training for court-appointed counsel representing parents and children in the juvenile dependency system. The Judicial Council adopted a competitive solicitation policy applicable to courts participating in the Dependency Representation, Administration, Funding, and Training (DRAFT) program, with a goal of maximizing the funding for the court-appointed counsel program and providing transparency and objectivity to the process. The DRAFT program is now active in 20 counties. Training is ongoing with earmarked federal Court Improvement Program grant funds for juvenile court improvement and is based on a very collaborative model where the local county participants work with program staff to build the trainings based on individual county needs.
- *Initial design for court/child welfare data exchange completed.* The AOC, working closely with the California Department of Social Services (CDSS) and the Department of Child Support Services (DCSS), has completed the initial design of the California Court Case Management System (CCMS) to ensure that information used in both the court and child welfare systems will be exchanged in real time and accessible to all authorized users. CDSS has incorporated the same data exchange and integration rules into its guidelines for redesigning its child welfare case management system. Although both of these systems are still some years from full implementation and have been delayed due to serious budget

issues, this level of collaboration in the design of information systems is extremely promising and almost unprecedented, either in California or nationally.

- *Enthusiastic statewide interest in facilitating data and information exchange to improve outcomes for foster children.* Leaders and advocates from across California convened in Sacramento in October for an unprecedented opportunity to talk about data linkage opportunities and information-sharing challenges for children in foster care. Riding the wave of momentum occurring nationally, this unique Blue Ribbon Commission–sponsored foster care symposium focused on data exchange in health, mental health, substance abuse, and education. Capitalizing on special facilitation methods used by the Stewards of Change, a nationally recognized group with expertise in interoperability, attendees began the process of developing a vision and road map for strengthening information sharing for children in foster care, not just through technology usage, but also by confronting the often misperceived or feared confidentiality and privacy laws. The symposium was held at the AOC’s Northern Central Regional Office in Sacramento and was funded by the federal Department of Health and Human Services Juvenile Dependency Court Improvement Program and the Stuart Foundation. Attendees of this special event were joined by several nationally renowned speakers and representatives from the federal Department of Health and Human Services who provided an overview of successful models and invaluable promising practices. Prior to staging the symposium, Stewards of Change convened several on-site visits to courts and counties across California to flesh out the latest trends and initiatives occurring locally. The site visits helped shape the baseline concepts for the larger three-day gathering and provided geographically diverse perspectives from places like Ventura, Orange, San Diego, Fresno, Alameda, and Sacramento Counties. Building on the momentum generated from the October symposium, the information obtained, lessons learned, and visionary road map will be presented to the California Child Welfare Council Data Linkage and Information Sharing Committee. That committee will assess the information and provide a detailed report with recommendations to the council, the Blue Ribbon Commission, and local county-level foster care commissions. Feedback from the symposium will also be provided to the local courts.
- *Recommendation on family placements advances due to legislation and training efforts on family finding.* Under AB 938, supported by the Judicial Council and signed into law in 2009, when a child is removed from his or her home, the social worker is required to conduct an investigation to identify and locate all grandparents, adult siblings, and other adult relatives of the child in order to give them notice of the child’s removal and advise them of their options to participate in the care and placement of the child. The Judicial Council approved new rules and forms to implement the legislation in October 2010, which were effective in January 2011. The Child Welfare Council adopted a recommendation for a statewide commitment to increase the number of children who have permanency through the implementation of Family Finding and Engagement (FFE) in all 58 California counties. Several counties, often through their local foster care commissions, have received training on long-term family finding and a number are developing family-finding protocols. Some

county probation departments are receiving title IV-E training that includes family-finding information on identifying a caring adult and choosing a permanent plan. While data is not yet available on permanency outcomes resulting from these family-finding efforts, the new emphasis on engaging and involving extended family in juvenile dependency cases is becoming routine, and anecdotal evidence suggests that more children are being placed with family members.

- *Ongoing online distribution of the Foster Care Reform Update: A Briefing for County and Statewide Collaborations.* This quarterly update, which shares the *Court News Update* distribution software, focuses on California statewide and county-level foster care reform efforts and is intended as a vehicle for the cross-pollination of information, ideas, and inspiration. It is one of the commission's efforts to ensure implementation of its recommendations to help California's overstressed juvenile dependency courts do a better job of safeguarding children, reduce the need for foster care, and improve the foster care system. Back issues of the newsletter can be accessed at <http://www.courts.ca.gov/4185.htm>.

A full accounting of implementation progress can be found in the Blue Ribbon Commission's attached *Implementation Tracker* (Attachment A), which documents implementation progress for each recommendation at a point in time, in this case December 2, 2011, and in its implementation progress report, *Building a Brighter Future for California's Children: Making Progress in Tough Economic Times* (August 2010), which was distributed to council members in August 2010 and can be found online at <http://www.courts.ca.gov/documents/brc-progress-0810.pdf>.

Next Steps

The commission met telephonically in November 2011 to evaluate its progress in implementing the recommendations and to plan its priorities for the coming year. After reviewing the work of the last two and a half years, the commissioners affirmed their commitment to seeing their initial action plan through to its full implementation. They voted to approve new recommendations encouraging the reunification of families, specifically urging incentives for successful family reunification and access to postpermanency services for newly reunified families. (See Attachment B.) Commissioners will participate in the Leadership Forum scheduled in conjunction with the annual Beyond the Bench conference on December 14, 2011.

Attachments

1. Attachment A: Blue Ribbon Commission on Children in Foster Care, *Implementation Tracker* (December 2, 2011)
2. Attachment B: New reunification recommendation, approved by commission members on November 7, 2011

Tab S

News Clippings on the Final Recommendations of the Blue Ribbon Commission on Children in Foster Care

August 2008

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Mercury News: Judges vow to fix state's foster-care court

JUDGES APPROVE REFORMS - CAN STATE PAY FOR THEM?

By Karen de Sá, Mercury News

The California courts approved massive reforms on Friday to the state's troubled juvenile dependency courts that would ease the overwhelmed system and ensure fairness for those who are "literally and legally the children of the state."

Finding unconscionable the overloaded dockets that leave only minutes for hearings that determine critical issues for 75,000 California children in foster care, the state Judicial Council approved measures that would include more judges to hear dependency cases and more lawyers to represent impoverished family members.

"Children are our future, and I can't imagine any more effort that's as integral to society and our judicial system," said Chief Justice Ronald George, who led the council in calling for change.

The vote of the Judicial Council - the governing body for the state courts - adopts the recommendations of a statewide commission that George appointed in 2006 to study the problems of the dependency courts, which operate largely in secret and are often treated as the less-prestigious stepchild of the court system.

The measures approved by the council would address many of the critical problems identified in the February Mercury News series "Broken Families, Broken Courts," which revealed an overburdened system that too often poorly serves both the children it is designed to protect, and the parents accused of abuse or neglect. The series documented a system in which overloaded attorneys routinely meet with clients minutes before their hearings, if at all, and often fail to properly investigate or present their cases.

The next question will be funding changes to the system - the state Legislature is already at an impasse over how to solve its \$15.2 billion deficit. As Gov. Arnold Schwarzenegger signed one bill last month that sailed through the Legislature in response to the newspaper articles - a measure designed to make sure that children are aware of their hearings and given the chance to attend - he expressed concern over the costs at a time when the state is strapped for money.

But the chief justice Friday said a "golden opportunity" exists to enact the 79 specific measures - many of which do not involve significant costs. Court officials intend to push implementation of the widespread measures both at the state and county levels in the coming months.

Among the 42 members of the California Blue Ribbon Commission on Children in Foster Care that drafted the recommendations is newly named Assembly Speaker Karen Bass, D-Los Angeles, who has focused her career on improving the state's foster care system.

Smaller caseloads

The Judicial Council's newly approved list of reforms calls for attorney caseloads of no more than 188 clients, although in some counties, lawyers for children and parents attempt to juggle as many as 600 cases. The council called for all dependency cases to be heard by judges, although in many counties referees and commissioners serve as substitutes for judges. In great swaths of the state, judicial officers are assigned upward of 1,300 families at any given time - hundreds more than the 250 recommended by national experts. The Judicial Council will now seek to lower judicial caseloads, but in return will ask for minimum three-year assignments.

William Vickery, administrative director of the statewide court system, said California became too reliant on lower-level judicial officers in the critical, but low-status dependency courts. For judges, he said, "it's never been on the radar screen. It's something that's been in the back room or the cellar."

In calling for more judges and more reasonable caseloads, blue ribbon commission members told the Judicial Council that it is the only "ethically defensible" position to take, given that "dependency cases represent the most intrusive form of governmental intervention."

Friday's Judicial Council vote embraced the commission's list of proposed reforms, in some cases with strengthened language.

Attorneys' competence

The council is seeking a system to ensure attorney competency and effectiveness, and the appointment of attorneys for all children when their cases are appealed to the higher courts.

The Judicial Council also is seeking action to address the longstanding problem that hearings to remove children from their homes disproportionately involve families of color. The council approved steps to reduce the number of African-American and American Indian children in the system, while increasing the diversity and cultural competence of the courts' workforce.

To highlight the need, Supreme Court Justice Carlos Moreno pointed to San Francisco, where African-American children are 9 percent of the city's population, and 70 percent of those in foster care, he said.

Central to the reform efforts ahead is a plan to prevent the removal of children from their homes whenever possible, and to call on federal authorities to grant more money for child abuse prevention and reunification services.

But California dependency system reformers believe the courts can do a better job whittling down the number of cases in which children must be removed from homes - which, they say, will lower the costs of caring for children in foster care. Those savings should be reinvested in supports for troubled families before they enter the court system, the commission reported, resulting in a long-term savings "by reducing the number of former foster children who become homeless, dependent on welfare, and incarcerated as adults."

http://www.mercurynews.com/ci_10222742?source=most_email

LA Times: Foster children underserved by courts, report finds

A California commission recommends smaller caseloads for social workers, lawyers and judges serving the 80,000 kids in the system statewide.

By Garrett Therolf
Los Angeles Times Staff Writer

August 16, 2008

California's 80,000 foster children -- nearly 27,000 in Los Angeles County -- are underserved by deeply stressed courts and government agencies, and the hearings that decide their living situations often last no more than 15 minutes, according to a report released Friday.

The report is the result of two years of work by a blue-ribbon commission established by California Chief Justice Ronald George and makes dozens of recommendations to the judicial system, the Legislature and the counties that operate the foster care system.

Key among the recommendations was a call to replace with judges the referees and commissioners who oversee dependency cases.

"This was not to put down referees or commissioners who have labored in those courts for a long time, but by using judges, it would indicate that the court considers this work to be at the top in terms of seriousness and importance," Carlos Moreno, commission chairman and a state Supreme Court associate justice, said in an interview.

The report also recommended smaller caseloads for all authorities involved, including social workers, attorneys and judges.

The entire juvenile court system has fewer than 150 full- and part-time judges and commissioners working on foster care, with caseloads averaging 1,000 each. Lawyers for these courts average 273 cases apiece -- in some counties 500 to 600 -- and often do not meet the children and parents they are representing until moments before hearings.

Jasmine Smith, a 20-year-old Inglewood resident in foster care, said in an interview, "I'm not usually able to say anything when we go to court. I usually speak with my lawyer for maybe five minutes just before the hearing. Nothing is taken care of because no one is prepared. It's always, 'Let's make another appointment.' "

Although Smith remains in foster care, many children are released from the system at 18. The commission recommended that the age for foster care assistance be extended in all cases to 21.

"I don't think any parent would allow a child to go into the world without any support at 18 years of age, and we shouldn't either," Moreno said. "There is a high moral and financial cost because so many of our foster children become homeless or incarcerated."

At a meeting of the California Judicial Council on Friday, the report's recommendations were unanimously endorsed, and Moreno predicted swift reforms within the court system.

The commission's other recommendations focused on preventing the need to take children from their parents; placing a new priority on dependency cases within the court system; improving coordination between the courts, attorneys and social service agencies; and providing more resources and money to the juvenile courts.

Moreno acknowledged that his commission's recommendations would be a hard sell in some cases this year as the state contends with a \$15.2-billion budget deficit, but he said he remains hopeful.

"We emphasized recommendations that require no money at all -- it doesn't take more money for people to talk to each other more, for example -- but when it comes to the recommendations that do require additional funds we think we will find receptive ears," Moreno said. "Assembly Speaker Karen Bass and the governor have made foster kids a priority."

AP: California's foster care system way overburdened

By EVELYN NIEVES, Associated Press Writer
Friday, August 15, 2008

Note: This story was reprinted by more than 200 media outlets in California.

California's nearly 80,000 foster children are underserved by overburdened courts and agencies making life-changing decisions for them, and often end up in limbo, according to a report released Friday.

The state's foster care system, the largest in the nation representing 15 to 20 percent of all foster children, is simply overwhelmed, according to a report by the California Blue Ribbon Commission on Children in Foster Care. The panel was appointed by California Chief Justice Ronald George to study the courts' role in these cases and recommend reforms.

In a two-year study, the panel found serious consequences resulting from the lack of time foster cases receive in court. The entire juvenile court system has fewer than 150 full and part-time judges and commissioners working on foster care, with caseloads averaging 1,000. Lawyers for these courts average 273 cases apiece — in some counties 500 to 600 cases — and often do not meet the children and parents they are representing until moments before their hearings.

The panel found that hearings last an average of 10 to 15 minutes, and that delays and continuances are common. Also, children are often shifted from placement to placement.

More than half of the state's 80,000 foster children remain in the system for two or more years, 17 percent for more than three years. About 5,000 foster care children reach the age of 18 and are termed out of the system--set loose in the world--without reuniting with their families or in other permanent homes.

"That's simply unconscionable," said Carlos Moreno, the commission chairman and a state Supreme Court Associate Justice.

Moreno presented the panel's findings and recommendations in San Francisco on Friday to the state Judicial Council, the policy-making body for the state's judiciary.

Afterward, the Judicial Council unanimously endorsed the commission's recommendations, which focused on several key areas: preventing the removal of children from their families, when it is safe to do so; reforming the courts to prioritize cases and assign more judges to hear them;

improving coordination between the courts and social service agencies; and providing more resources and funding to the juvenile courts by being more flexible with funds.

"No child — no family — should be denied critical services because of financial restraints," said Moreno, who noted that children who grow up in foster care are more likely to end up as burdened adults — jobless, homeless and in jail or prison.

Other findings and recommendations from the Blue Ribbon Commission include:

- advocating for reasonable caseloads for all authorities involved, including social workers;
- extending the age for children to receive foster care assistance, from 18 to 21;
- making strides to ensure that all participants in foster care hearings have their voices heard;
- convening commissions at the county level that include court and child welfare agency personnel to resolve local concerns and implement the panel's recommendations.

The Blue Ribbon Commission on Children in Foster Care was comprised of 42 child welfare experts, legislators, court officials and foster youth. Their study was the first to focus on the role of the courts and their responsibility for foster children in California.

<http://www.sfgate.com/cgi-bin/article.cgi?f=/n/a/2008/08/15/state/n154629D17.DTL&type=printable>

Bay City News: State Commission to Recommend Foster Care System Improvements

Bay City News Service - Thursday, August 14, 2008

A state commission report on how to improve the foster care system for nearly 80,000 California children will be presented to the governing body of the state court system in San Francisco on Friday.

The study by the California Blue Ribbon Commission on Children in Foster Care was two years in the making.

State Supreme Court Justice Carlos Moreno, who chaired the commission, will present the report with 79 specific recommendations to the California Judicial Council at a meeting at the State Building.

Moreno said today, "Our Blue Ribbon Commission is proposing sweeping recommendations for reform.

"We want to change the way juvenile dependency courts do business and to ensure better collaboration between the courts and agencies that serve California's 80,000 foster children and their families," he said.

"We can and simply must do a far better job than we are doing today," Moreno said.

The report, released Wednesday, says one problem is that state dependency courts, which adjudicate foster care cases, are "overstressed and under-resourced."

The state has fewer than 150 full-time and part-time judges and commissioners in the dependency courts. The median time for a hearing is only 10 to 15 minutes and children and parents sometimes do not meet their lawyers until moments before a hearing, according to the report.

About one-third of the 79 recommendations are for changes in court rules and procedures that can be made directly by the Judicial Council. Others are for changes in laws or better collaboration between courts and child welfare agencies.

The commission is expected to ask the Judicial Council on Friday to begin taking steps to carry out changes in court rules and to direct a task force to develop a plan for implementing the other recommendations.

One legislative recommendation is to urge Congress and the state Legislature to extend the age for children to receive foster-care assistance from 18 to 21.

Judicial branch recommendations include having judges rather than commissioners hear dependency cases and developing procedures to make sure children and parents have an opportunity to be present and heard in court.

The report says, "To many, the courts are the unseen partners in the lives of foster children, yet every child and parent in the system knows it is in the courts where life-changing decisions are made - where a child will live and with whom, when and if a family can be reunited."

The 42-member commission was appointed by Chief Justice Ronald George, who chairs the Judicial Council, in 2006 to identify ways courts and their agency partners can improve safety, permanent placement, well-being and fairness for foster children and their families.

NPR: Foster Care in California

Michael Krasny, host of KQED Radio's "Forum," moderated a one-hour panel discussion and call-in show with four guests, including Christopher Wu, executive director of the Blue Ribbon Commission.

August 12, 2008, 10 – 11 a.m.

Online summary: California's juvenile dependency courts are responsible for protecting children from abuse and neglect, but the courts are often troubled with high attorney caseloads and too little time to carefully consider cases. We take a look at recent proposals to improve the system.

To hear audiocast, click on this link:

<http://www.kqed.org/epArchive/R808121000>

KQED Radio is an affiliate of National Public Radio.

NPR: Improving Foster Care

Scott Shafer, host of KQED radio's "California Report," moderates an interview with Justice Carlos Moreno and several foster youth.

August 15, 2008 – 3:30 p.m., 6:30 p.m., 11 p.m.

Online Summary: For years, critics have complained that California's foster care system is broken -- with children bounced from home to home, and juvenile dependency courts packed with more cases than they can handle. On Friday, a Blue Ribbon Commission released recommendations for improving the way California's judicial system handles foster care youth.

To hear an audiocast of this program, click on this link: <http://www.californiareport.org/>

KQED offers this link: [Read the Blue Ribbon Commission's recommendations for foster care reform](#)

KQED Radio is an affiliate of National Public Radio.

KCBS: Bold Reform Urged for State's Foster Care System

San Francisco (KCBS) -- The California Judicial Council has endorsed 26 recommendations from a report released Friday that will impact more than 70,000 foster children around the state.

The report, which follows a two-year review, found the system overstressed and under-funded, citing caseloads of 1000 children per judge. It also found about 5,000 foster care children reach the age of 18 and are left on their own--without reuniting with their families.

"That's simply unconscionable," said Carlos Moreno, commission chairman and Associate Supreme Court Justice. Keeping families together longer and assigning more judges to cases are among the recommendations--a hard sell during tight economic times.

To hear audiocast, click on this link: <http://www.kcbs.com/State-s-Foster-Care-System-Overstressed/2796081>

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Editorial: Taking Action for Our Foster Children

By Justice Carlos R. Moreno – SF Chronicle
Friday, August 15, 2008

Our state has been understandably preoccupied with the heat of wildfires and budget disputes this summer, but there's another crisis on the horizon - one that we can manage if we commit to taking decisive and bold action. This crisis concerns the well-being of children in foster care.

More specifically, it concerns the state of our juvenile dependency courts. Every one of the nearly 80,000 children in foster care in California comes before our dependency courts multiple times. Yet a two-year investigation by the California Blue Ribbon Commission on Children in Foster Care found an overstressed and under-resourced court system, in which our most vulnerable children and families do not routinely get the attention and services we know they deserve.

This statewide commission, appointed by the chief justice in 2006, found that a number of factors contribute to this crisis. There are fewer than 150 full- and part-time judicial officers across the whole state, and full-time judicial officers have an average caseload of 1,000. It is no surprise that, although our juvenile court judges and commissioners are committed to making fair and impartial decisions about children and families, the participants in juvenile dependency court are not always afforded a meaningful opportunity to participate in their cases. Hearings are only 10 to 15 minutes on average, hardly enough time to get a full picture of a child's hopes or needs, to make critical decisions on services and follow-up. Hearing delays and continuances are routine.

Court attorneys who represent children and families in court have caseloads averaging 273; in a few counties, this rises to more than 600. Some children and parents do not even meet their attorneys until the day of their hearings, when they hear their names called in a crowded waiting room or hallway.

The Blue Ribbon Commission is issuing a series of recommendations today in an urgent call for reform of our juvenile dependency courts. Our recommendations fall into four categories:

Prevention and permanency, to help keep families together whenever it is safe and possible to do so. This includes returning children to their homes as soon as all court-mandated services have been met or finding placement in another permanent home when removal is necessary. It also means increasing efforts to find relatives and family members and addressing the thorny

problem of the disproportionate numbers of African American and Native American children in foster care.

Court reforms, the heart and soul of our recommendations. Quite simply, we intend to change the way we do business in dependency court. The commission urges reasonable caseloads for judges, court attorneys and social workers. We want to ensure that children and parents have a meaningful voice in court. Judges make life-changing decisions about children's lives - where they will live and with whom. How can they rule in the best interest of each child if they are not able to hear the full story of each family?

Better collaboration between the courts and our partners. Many families who come before our bench are involved with more than one governmental agency at a time, yet these bureaucracies rarely communicate with one another. We must eliminate the barriers to sharing data and information that too often mean families receive different, even conflicting, direction and case plans. Lack of coordination between the courts and our partners means children sometimes remain in care longer than necessary.

Funding. The commission recognizes the fiscal realities in our state, and not all of our recommendations require new funding. But we believe no child or family should be denied critical services because of funding restraints. We call on the courts and our partner agencies to prioritize children in foster care in allocating services and resources. We urge reform of regulations that prevent agencies from pooling and coordinating funds for important services. And we call on the federal government to allow us to use federal foster care funds - currently restricted for use only after a child is removed from his or her family - for prevention services to support families in their homes.

In the end, we know that if our recommendations are successfully implemented, the state will save money. Fewer children will be placed in foster care or costly group homes, and the reforms will pay for themselves. But we have an obligation to act quickly. After all, time moves slowly in the eyes of a child. Removal from a parent is almost always a traumatic event, and even a month in a stranger's home can seem an eternity.

We believe the Blue Ribbon Commission recommendations are feasible and fiscally responsible. They can make a difference where it counts most - in the lives of children and their families.

Carlos R. Moreno, a state Supreme Court associate justice, is chair of the California Blue Ribbon Commission on Children in Foster Care. He is also a foster parent.

<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/08/15/ED3E12B9KH.DTL>

Editorial: Foster Care Progress

Monday, August 18, 2008

It's no secret that California's foster care system remains in dire need of repair. For a variety of reasons - difficulties in coordination, an entrenched culture that's resistant to change, and money, money, money - the Legislature and most of the state's child welfare agencies have been slow to implement necessary changes that would improve the lives and outcomes for California's 80,000 foster children. What a relief, then, to learn that the California Judicial Council (the policymaking body for the state's judiciary) is putting its improvement plan on fast forward.

Last week, the Judicial Council approved a comprehensive set of recommendations to restructure the state's juvenile dependency court system. The excellent, specific recommendations were the result of a two-year study by the California Blue Ribbon Commission on Children in Foster Care. The Council agreed to get cracking on the 26 recommendations that fall directly under its purview. (The 53 others will require coordination between the courts and other child welfare agencies, and will take longer to implement.) Considering that the recommendations will result in "fundamental changes in the way we serve California's most vulnerable children and families," according to its chair, Supreme Court Justice Carlos Moreno, the council's unanimous agreement offers a solid start.

Among the court reforms are: a commitment to reduce judicial caseloads (California has only 150 full-time judicial officers, who average 1,000 cases apiece), offer what Moreno called "a meaningful voice" for children and families in the courts, and extend the successful court-appointed special advocate program to every county in the state. Not all of the recommendations will require extra funding, either: In these tough budget times, the commission strove to ensure that a third of its recommendations would be revenue-neutral.

The commission will return to the council with an implementation plan in December, and that's when things could get woolly: It's one thing for the council to get moving, but it's another for other state agencies to agree to change. But the package should get a push from Assembly Speaker Karen Bass, D-Los Angeles, and future state Senate President Pro Tem Darrell Steinberg, D-Sacramento, each of whom has been a steadfast advocate for our most vulnerable children.

<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2008/08/18/EDOQ12C10U.DTL>

Giving Back

Judge Lucy Armendariz, a former foster kid, has built a career of public service working for the state.

By Amy Yarbrough
Daily Journal
8/29/08

SAN FRANCISCO - Thrust into the foster care system at age 10, Lucy Armendariz bounced between homes before a long-term placement gave her stability that helped her focus on getting into college.

Those early experiences fueled Armendariz's interest in public service, a focus that continues today with her role as a hearing judge, presiding over attorney misconduct cases in State Bar Court.

The newest judge at the court, appointed by the Senate Rules Committee just over a year ago, Armendariz brought with her varied experience as a government lawyer: She served as ombudsman to the state's women's prisons, counsel to an assemblyman and chief of staff to a senator.

She grew up in the East Los Angeles community of Boyle Heights, taken from parents after they were deemed unfit. It wasn't the easiest road to success. As a result, Armendariz said she has always felt the need to help others, just as she was helped along the way.

"I think there's always been a sense of giving back something I have been given," she said.

A political appointee, Armendariz, 37, didn't have a heavy trial background like some of her judge colleagues. (One of them is a former State Bar prosecutor.) Still, she didn't stick out as a new judge, according to Jerome Fishkin, a Walnut Creek attorney who represents attorneys in discipline proceedings.

"From day one, she didn't act like a brand new judge who didn't know her way around a courtroom," said Fishkin, who first tried a case in front of Armendariz last fall.

Importantly, Armendariz also didn't make the "rookie mistakes," Fishkin said.

He cited an example: rather than postponing trial settings because both sides say they can reach a settlement, she goes ahead and sets a date anyway.

"She's a quick study. The trouble of being a judge in the State Bar Court is you're coming into a specialty court," Fishkin added.

"State Bar Court is not an easy job. You've got to work your butt off."

Armendariz moves her calendar along quickly, and won't be badgered into changing a ruling, Fishkin said.

"She'll just look over at them and calmly say, 'I made my ruling, now move on.'"

An Oakland resident, Armendariz said she doesn't like to continue dates or draw out cases, in part to ensure public protection but also to prevent accused attorneys from being mired in an endless process.

"I think they need resolution to the case too," she said.

Don Steedman, assistant chief trial counsel for the State Bar, said Armendariz has been "doing great."

"She's well liked, seems very competent and has a good heart but also a good mind and generally makes the right decision," he said. "We're happy to have her."

Looking back to her years in the foster care system, Armendariz said she didn't necessarily aspire to be a judge or lawyer, but knew from a young age that she wanted to go to college. Perseverance, her foster parents - a poor couple who has seven kids of their own - and others in her lives, like school counselors and neighbors, helped make that a reality.

Armendariz worked throughout her four years at UCLA as a legal secretary for a sole practitioner, then attended UC Hastings College of Law.

Not long after graduation, she landed a job as counsel for then-Assemblyman Antonio Villaraigosa, where she worked until 1999, when Gov. Gray Davis tapped her for the prisons job.

As an ombudsman to the California Department of Corrections, she found herself meeting with legislators, corrections staff and inmates.

Traveling up and down the state was a hard job, although it wasn't so tough to get the female inmates to open up.

"Women, unlike men, aren't very reluctant to talk," she said.

Most of the women's concerns centered on health issues and getting more frequent access to their children, Armendariz said. Some 75 percent of women incarcerated in the state are mothers.

"That job was good preparation for this job because you have to listen a lot," she said.

Armendariz went on to serve as counsel to the Assembly Committee on Public Safety and as chief of staff to Senate Majority Leader Gloria Romero.

As a result, she started to learn more about issues involving the State Bar. Romero, D-Los Angeles, authored a bill in 2002 that increased the fines for people engaged in the unauthorized practice of law.

Armendariz said she knew the transition to State Bar Court would be tough, "But I just threw myself into the job and studied the cases right away and now I'm just swimming."

Tammy Albertsen-Murray, a State Bar prosecutor, said Armendariz definitely appears to be in her comfort zone.

She keeps control of her courtroom, though not in an aggressive way, Albertsen-Murray said, and has a "smooth and confident manner about her."

"She seems to have a lot of background that's useful. She is very knowledgeable," Albertsen-Murray said, adding that the judge's decisions seem well thought out.

"She's very prepared when we come into court. You can tell she does research. She's not winging it. She definitely comes prepared."

San Francisco attorney Jonathan Arons agreed, calling Armendariz an "extremely bright individual."

Arons said he gives the judge a lot of credit for settling cases, though she has had some "issues with evidentiary rules."

More and more discipline cases seem to be going to trial, Arons said.

"To that extent we're all kind of playing catch up but I think she's doing an effective job of handling matters that come before her."

Though her job and being a single mom to a 9-year-old daughter Jourdan keep her busy enough, Armendariz said she'd like to get involved in improving the state's foster care system.

She pointed to a study recently released by the California Blue Ribbon Commission on Children in Foster Care that detailed problems throughout the states' overburdened dependency courts. The statewide panel presented its list of suggested reforms to the Judicial Council, the policy making body for the state's courts, on Aug. 15.

Knowing well that many foster kids drop out of school or, even worse, end up in the corrections system, Armendariz said reforms are "needed to focus in on the kids."

"My experience was definitely the exception," she said.

Biographical Information

Career Highlights: Appointed by the Senate Rules Committee to State Bar Court, June 2007; chief of staff to Sen. Gloria Romero, 2002-07; counsel to the Assembly Committee on Public

Safety, 2001-02; ombudsman to the California Department of Corrections, 1999-2001; counsel to Assemblyman Antonio Villaraigosa, 1997-99
Law School: UC Hastings College of the Law, 1997
Age: 37

Here are five of Judge Armendariz's recent cases and the attorneys involved:

In re Samuel C. Bellicini, 07-R-12922-LMA - reinstatement
For the State Bar: Maria J. Oropeza
For the respondent: Jerome Fishkin, Fishkin & Slatter, Walnut Creek

In re Richard E. Hove, 05-O-04300-LMA - disbarment
For the State Bar: Manuel Jimenez
For the respondent: pro per

In re Chance X. Oberstein, 06-R-14648 - reinstatement
For the State Bar: Geraldine Von Freyman
For the respondent: Michael G. Gerner, sole practitioner, Los Angeles

In re Weldon Ray Reeves, 06-R-12552 - reinstatement
For the State Bar: Sherrie B. McLetchie
For the respondent: Erica Ann Tabachnick, sole practitioner, Los Angeles

In re Wayne Winrow, 05-O-05357 - attorney discipline
For the State Bar: Susan I. Kagan
For the respondent: William M. Simpich, Jr, sole practitioner, Oakland

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SAN FRANCISCO CHRONICLE

A case for reform

Carlos R. Moreno, Karen Bass

Sunday, April 8, 2007

On any given day, there are nearly 80,000 children in foster care in California, each removed from their homes because of neglect or abuse. Although most will be reunited with their parents, half of all children in foster care stay in placement for more than two years. Far too many languish in a "foster care limbo," moving from placement to placement, separated from siblings, friends and schools.

These are children who, through no fault of their own, are taken from all they know and thrown into a mysterious world of dependency courts, judges, attorneys and social workers.

These are California's children.

While they are in foster care, the state is responsible for their safety and well-being. Many of these children will come before the court at least four times, where a judge will make the most critical decision one can make about another -- where and with whom they are allowed to live.

These children deserve permanent, nurturing families and a positive future. But how effective are the systems we set up to support them? Do the decisions made on their behalf echo the concern and attention we offer our own children? Or, as we believe to be the case, are many of our courts and child welfare agencies so chronically overstressed that foster children sometimes fall between the cracks?

When hearings are delayed, children and families suffer. When hearings are delayed, the courts are not in compliance with the law. But with caseloads averaging 1,000 cases for judges and 270 for attorneys, delays are far too common.

To address these problems, Chief Justice Ronald M. George appointed a Blue Ribbon Commission on Children in Foster Care in 2006 and charged it with helping the courts improve outcomes for foster children and their families. At a public hearing at the Capitol on March 22, foster youth described being intimidated, confused and afraid in court. They received inadequate notice of their own hearings, did not understand legal procedures or language, and had too little time with their attorneys, sometimes meeting them only minutes before the hearing. They lacked transportation to hearings that were too often scheduled during the school day.

Parents described lack of access to their attorneys, difficulty understanding court proceedings and lack of coordination between criminal and juvenile courts when a parent is involved with issues such as substance abuse.

Foster parents and relative caregivers are often the adults who know a foster child best, yet they reported being told that they were not needed in court. Many did not even know they have a right to attend or to speak at the child's hearing.

Court officials, attorneys and judges expressed frustration with overcrowded dockets and the lack of information needed to make informed decisions.

We also heard what it is like when the system works the way it is supposed to work -- when a judge or attorney has time to hear the dreams of a child or the concerns of a parent, when court-ordered services make a difference in a family's life.

We owe our most vulnerable children fair, just and timely court experiences. We owe their parents, and their caregivers, too, hearings in which they can explain their problems and their need for help. Finally, we owe judges and court officials a system that allows them to do the work they are trained to do.

In the end, building a better system for children and families comes down to dedicating our collective efforts to provide effective representation and services, and clear priorities for how we use resources. The stories we hear in public hearings are a window into a system we have created -- one that we now pledge to rebuild. We are determined that the commission's recommendations -- due a year from now -- will be politically viable proposals.

Like the children in our foster care system, we have no time to lose.

Supreme Court Justice Carlos R. Moreno is chair of the California Blue Ribbon Commission on Children in Foster Care and a foster parent. Assembly Majority Leader Karen Bass is a commission member.

<http://sfgate.com/cgi-bin/article.cgi?f=/chronicle/archive/2007/04/08/EDGEBOSDPB1.DTL>

This article appeared on page E - 5 of the San Francisco Chronicle

SFGate.com

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Article
SFGate.com**Needed -- a safety net**

John Burton

Sunday, April 8, 2007

Sophia has never had it easy. From the time she was born with sickle cell anemia to the time she was placed into foster care at age 8, after being chronically neglected by her drug-addicted mother, Sophia had her share of troubles and a few more.

Things didn't get better for Sophia as she got older.

Her many placements in foster care prevented Sophia from receiving the consistent medical care she needed to manage her illness. By the time she was ready to "age out" of foster care at age 18, she regularly experienced the painful attacks that characterize sickle cell, requiring hospitalization, pain medication and many lost days of school. Despite her disability, Sophia left California's foster-care system when she turned 18 with nowhere to live, no source of income and nowhere to turn for help

Sadly, there was help for Sophia -- she just didn't know about it.

Supplemental Security Income (SSI) is a federal income supplement program that assists our nation's most vulnerable: disabled children and adults with limited income. SSI provides a monthly cash benefit and qualifies them for a range of supportive services, such as affordable housing and expanded access to health services -- services that would have made all the difference to Sophia. Despite their eligibility for SSI, youth such as Sophia often fall through the cracks of the child-welfare system and exit foster care without SSI in place. In California, children and youth in foster care are not systematically screened for physical or mental disabilities.

Sophia is not the only youth in foster care who faces this predicament. A February 2007 report issued by a California Department of Social Services workgroup estimates that 15 percent of California's children and youth in foster care suffer from a serious mental or physical disability. These disabilities aren't mild depression or even post-traumatic stress disorder. As with Sophia, the disabilities experienced by many foster youth are often permanent, and include physical disabilities such as sickle cell or mental-health disorders as serious as schizophrenia.

Legislation under consideration in Sacramento would ensure that youth with disabilities aren't left to fend for themselves. Assembly Bill 1331, authored by Assembly member Noreen Evans, D-Santa Rosa, would require county child welfare agencies to screen all youth at age 16 for a mental or

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physical disability and apply for Supplemental Security Income (SSI) for those who are likely to qualify.

AB1331 would also allow youth whose SSI applications are being processed to remain in foster care until a final decision regarding their application has been made. This aspect of the proposal is essential, as youth who exit foster care with an SSI application pending quickly join the ranks of the homeless and cannot be notified about additional paperwork requirements or certification meetings.

Finally, the legislation will create a modest savings account for youth with disabilities, so that when they exit care with SSI, they have enough money to secure basic necessities, such as a place to live and food.

Creating a safety net for disabled youth exiting foster care would cost the state of California less than \$2 million annually. With a state budget of more than \$103 billion, this cost is negligible. The cost of continuing on our current course, however, is considerable. A study conducted by the University of Pennsylvania's Center for Mental Health Policy and Services Research found that homelessness among mentally ill people imposes a startlingly high cost to taxpayers. On average, these individuals utilize \$40,500 worth of publicly funded services every year.

Cost issues aside, however, this issue raises fundamental questions about the value we place on children, particularly those with disabilities. How can a society sit back and allow young people with a serious mental or physical disability leave the foster-care system, knowing that they have no resources or support to assist them? Would those of us with children ever consider such a course of action for our own children? Even the most hardened cynic must look at our practice and know that it is wrong.

Fortunately, we have the opportunity to make things right. AB1331 cleared its first legislative hurdle March 27, passing the Assembly Human Services Committee with bipartisan support. Now it will move on to the Assembly Appropriations Committee and it is hoped thereafter onto the Senate and ultimately onto Gov. Arnold Schwarzenegger's desk for his signature.

Each step along the way, we must maintain our resolve to treat California's disabled foster children as though they were our own. It may be too late for Sophia, but there are many more foster youth with disabilities who will benefit from the safety net SSI can provide.

John Burton is the former president pro tem of the California Senate and founder of the John Burton Foundation for Children Without Homes.

<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/04/08/EDGEBOSDP91.DTL>

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On California's Foster-Care System Needs of foster youth are not met Mental health care is more than medication

Darrell Steinberg, Miriam Aroni Krinsky
Sunday, April 8, 2007

Children living in our foster-care system are all too often separated from their families, friends, schools, neighborhoods and everything that is familiar. For many, these separations take place without any warning. Add that to the abuse or neglect that precipitated their removal, and the outcome is that far too many foster children undergo psychological trauma at a young age. While our entire community undertakes to parent these vulnerable children when we remove them from their family, we simply are not doing enough to help attend to their most basic needs.

Indeed, most children living in foster care -- youngsters at greatest risk of emotional and mental upheaval -- often do not receive psychiatric care until their situation reaches a crisis point. Research shows that less than one-third of children received mental-health services during the year following contact with the child-welfare system, despite overwhelming evidence that early intervention may be an important element in reducing long-term negative consequences. Others are treated through administration of medication alone -- a critical tool in many instances, but one that isn't a panacea in all cases and that commonly needs to be accompanied by therapeutic remedies not available in a timely manner for most foster youth, based on reports from youth and caregivers.

As one foster youth aptly observed, "Medicating a kid for a heartache isn't the same thing as medicating them for a mental health issue." Yet many youth living in foster care experience more heartache than they can bear.

Post-traumatic stress syndrome occurs among foster children at a rate twice as high as among U.S. war veterans, 15 percent of foster youth attempted or contemplated suicide, and 29 percent spent some time in a psychiatric hospital, according to a 2006 study. These discouraging outcomes are not surprising in the face of the lack of coordination among the child-welfare system, mental health providers, schools and courts, resulting in fragmented "parenting" of youth who most need our collective best efforts. A shortage of available mental-health providers, poor record keeping and the absence of continuity of care further diminish children's odds for a stable adult future.

The consequences of making children who already have the fewest emotional defenses pay the price for an inadequate child-welfare and mental-health services system can be detrimental not just



to the individual child, but to society as a whole. A recent study of California youth who crossed from the foster-care system into the juvenile-justice delinquency system indicates that 66 percent of the youth had a mental-health problem. Yet we continue to do little to turn this tide of societal neglect.

A report just released by the Los Angeles Foster Youth Mental Health Initiative (see www.clcla.org) outlines some of the difficulties encountered in providing better mental-health services for foster youth and proposes practical steps we must take if Californians hope to address this dismal situation. Key recommendations of the report include:

- Ensure timely and quality screenings and assessments.
- Institute early intervention and prevention programs.
- Address practices relating to administration of psychotropic medication.
- Improve access to services.
- Facilitate foster-care system collaboration and communication among the many arms of the child welfare, mental health and court systems.
- Enhance the voice of youth in all aspects of foster care and mental-health decision-making that will affect their lives.

Some efforts to improve our performance have already begun. In 2004, California voters passed Proposition 63, a measure that provided new funds to expand services and develop innovative programs and integrated service plans for mentally ill children, adults and seniors. Proposition 63 required California to develop mental health service programs including prevention, early intervention, education and training programs, and created a commission to oversee these programs and expenditures. In Los Angeles, litigation continues to focus attention on better screening and assessment for children in the foster-care system, or at risk of entering the system, along with providing the services to those who need it.

But there is much more work to be done. Proposition 63 resource expenditures are still in the formative stages and Californians need to work to ensure that the mental-health needs of one of our most at-risk populations -- foster youth -- are adequately addressed.

Our governor and Legislature must also continue the strong showing made on behalf of foster youth last year and pay particularly close attention to mental-health issues.

No area of a child's life remains untouched if the child has unmet mental-health needs. Our failure to intervene in a timely and appropriate manner can lead to tragedy both for individual children and for our community as a whole. The state of California oversees one of the largest foster-care

systems in the nation. We must start to pay attention and change our approach to our most vulnerable children from "fail first" to "help first."

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Darrell Steinberg is a state senator and serves as chair of the Mental Health Services Oversight and Accountability Commission. Miriam Aroni Krinsky is special director of policy and reform initiatives for the Children's Law Center of Los Angeles. Both are members of the Blue Ribbon Commission on Children in Foster Care.

<http://sfgate.com/cgi-bin/article.cgi?f=/c/a/2007/04/08/EDGEBOSDP71.DTL>

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Tab U

California Blue Ribbon Commission on Children in Foster Care Implementation Tracker

Recommendation 1: Reasonable Efforts to Prevent Removal and Achieve Permanency

Because families who need assistance should receive necessary services to keep children safely at home whenever possible, the Blue Ribbon Commission recommends that the Judicial Council, the California Department of Social Services, and local courts and child welfare agencies implement improvements to ensure immediate, continuous, and appropriate services and timely, thorough review for all families in the system.

Recommendation 1A

Children and families need access to a range of services to prevent removal whenever possible. All reasonable efforts should be made to maintain children at home in safe and stable families. The courts should make an informed finding as to whether these efforts actually have been made.

The Blue Ribbon Commission recommends that:

Recommendation	Implementation Progress
<p>The courts and partnering agencies tailor resources to make sure they have sufficient information and time to establish that all reasonable efforts have been made to prevent removal.</p>	<p>Federal Efforts <u>Federal Fostering Connections to Success Act (10/08):</u></p> <ul style="list-style-type: none">• New Family Connection Grants to help children stay safely with family members and out of foster care or, once in care, return to their parents or other family members. <p>Statewide Efforts <u>State Legislation</u></p> <ul style="list-style-type: none">• AB 2015 (Arambula)—Died in committee <p>Existing law authorizes a county to establish a computerized data base system within the county to allow designated provider agencies, including (1) social services, (2) children's services, (3) health services, (4) mental health services, (5) probation, (6) law enforcement, and (7) schools to share identifying information regarding families at risk for child abuse or neglect, for the purpose of forming multidisciplinary personnel teams, for the</p>

<p>All children and families receive timely and appropriate mental health, health care, education, substance abuse, and other services, whether children reside with their own parents or with relatives, foster parents, guardians, or adoptive parents or are in another setting.</p>	<p>prevention, identification, management, or treatment of child abuse. This bill also would have included the tracking of child abuse as one of the specified objectives of the multidisciplinary teams using the computerized database system.</p>
<p><i>Federal Efforts</i> <u>Federal Fostering Connections to Success Act (10/08):</u></p> <ul style="list-style-type: none"> • Guarantees funds for Kinship Navigator programs, through new Family Connection grants, to help connect children living with relatives, both in and out of foster care, to supports and assistance they need. <p><i>Statewide Efforts</i> <u>State Legislation</u></p> <ul style="list-style-type: none"> • AB 1655 (Evans)—Died in committee This bill would have, in a pilot project operative only until January 1, 2014, in 3 counties that are selected by the State Department of Social Services in consultation with the County Welfare Directors Association, the Judicial Council, and the California Mental Health Directors Association, expanded the authority of a juvenile court judicial officer to make orders regarding the administration of psychotropic medications to include a dependent child or ward who has been removed from the physical custody of his or her parent or guardian, or a child who has been removed from the physical custody of a parent or guardian pending adjudication as a dependent child. • SB 597 (Liu)—Chaptered 10/09 This bill provides provisions for licensed foster family agencies; requires court, when considering termination of parental rights, to take into account barriers to a parent's 	<p><i>Federal Efforts</i> <u>Federal Fostering Connections to Success Act (10/08):</u></p> <ul style="list-style-type: none"> • Guarantees funds for Kinship Navigator programs, through new Family Connection grants, to help connect children living with relatives, both in and out of foster care, to supports and assistance they need. <p><i>Statewide Efforts</i> <u>State Legislation</u></p> <ul style="list-style-type: none"> • AB 1655 (Evans)—Died in committee This bill would have, in a pilot project operative only until January 1, 2014, in 3 counties that are selected by the State Department of Social Services in consultation with the County Welfare Directors Association, the Judicial Council, and the California Mental Health Directors Association, expanded the authority of a juvenile court judicial officer to make orders regarding the administration of psychotropic medications to include a dependent child or ward who has been removed from the physical custody of his or her parent or guardian, or a child who has been removed from the physical custody of a parent or guardian pending adjudication as a dependent child. • SB 597 (Liu)—Chaptered 10/09 This bill provides provisions for licensed foster family agencies; requires court, when considering termination of parental rights, to take into account barriers to a parent's

<p>At the earliest possible point in their involvement with the family, child welfare agencies engage family members, including extended family wherever they may live, to support the family and children in order to prevent placement whenever possible. Child welfare systems should develop and improve internal protocols for finding family members.</p>	<p>ability to remain in contact with the child due to parent's incarceration or institutionalization; requires DSS to develop a plan for the ongoing oversight and coordination of health care for a child in foster care; requires additional information in a transitioning foster child's case plan that will help the child prepare for the transition from foster care to independent living.</p> <p><u>Judicial Council</u></p> <ul style="list-style-type: none">• Amended rule 5.710 to comply and ensure consistency with with Welfare and Institutions Code section 366.215 (which was amended by SB 597 (Liu)) on 10/29/10, effective 1/1/11. <p>Local Efforts</p> <ul style="list-style-type: none">• A number of local foster care commissions have projects assessing services and working on access to services <p>Federal Efforts</p> <p><u>Federal Fostering Connections to Success Act (10/08):</u></p> <ul style="list-style-type: none">• Provides notice to relatives when children enter foster care. Increases opportunities for relatives to step in when children are removed from their parents and placed in foster care by ensuring they get notice of this removal. <p>State Efforts</p> <p><u>State Legislation</u></p> <ul style="list-style-type: none">• AB 12 (Bass) –Chaptered (9/10) <p>The California Fostering Connections to Success Act, was signed into law by Governor Schwarzenegger on September 30, 2010. Because California has 20% of the children and youth in foster care in the country, this</p>
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	<p>legislation will ensure that 1 in 5 youth who “age out” nationally will receive the support of the foster care system to age 21, ending an era of neglect and providing youth in foster care with the same common-sense assistance provided to children from in-tact families. Thousands of relative care providers will participate in the new, federally-funded subsidized guardianship program, providing much needed support that promotes stability among children. CDSS, the Judicial Council (through an extensive rules and forms proposal), the Legislature (through extensive “clean-up” legislation – AB 212), and many other local and statewide agencies and courts are involved in planning the implementation of AB 12 provisions for extending foster care and dependency court services to foster youth eligible to remain in the system after age 18 beginning in 2012. This bill will take effect on January 1, 2012.</p> <ul style="list-style-type: none">• <u>AB 458 (Atkins)--Pending</u> <p>Existing law, the Guardianship-Conservatorship Law, authorizes a court, upon hearing of a petition, to appoint a guardian of a person or estate of the proposed ward in accordance with specified provisions of law governing the custody of a minor child. This Judicial Council-sponsored bill would prohibit a court from appointing a minor’s parent as a guardian of the person of the minor, except as specified. The bill would establish requirements for transferring a proceeding to another court in circumstances in which a proceeding that concerns custody or visitation of a minor child is pending in one or more counties at the time the petition for guardianship is filed, and would specify circumstances under which the court in a guardianship proceeding would maintain exclusive jurisdiction to determine issues of custody or</p>
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visitation. The bill would also require the court in which a guardianship proceeding is filed to communicate with each court where a custody or visitation proceeding is pending prior to making a determination on maintaining or transferring the guardianship proceeding, and would require the Judicial Council, on or before January 1, 2013, to adopt rules of court to implement this provision.

• AB 938 (Committee on Judiciary)—Chaptered 10/09

This bill would require a social worker, when a child is removed from the home, to conduct, within 30 days, an investigation in order to identify and locate all grandparents, adult siblings, and other adult relatives of the child, in order to provide, except when that relative's history of family or domestic violence makes notification inappropriate, those persons with specified information, including that the child has been removed from the custody of his or her parents or guardians and an explanation of various options to participate in the care and placement of the child, and to report to the court at the initial petition hearing regarding that effort. The bill would require the State Department of Social Services to develop the written notice providing that information to relatives.

• AB 1852 (Portantino)—Died in committee

This bill would have revised the social study and the assessment required from the social worker at disposition to include information regarding whether the county welfare department has attempted to locate relative and nonrelative, as defined, extended family members of the child and establish permanent familial connections between the child and those persons. The bill would also have revised the statewide child welfare training program

		<p>to include training in making efforts to locate extended family members of dependent children and establish permanent familial connections for those children.</p> <ul style="list-style-type: none">• <u>AB 212 (Beall)—Pending</u> Judicial Council-sponsored clean-up bill to AB 12; to the extent that it clarifies AB 12, it will enhance the implementation of extended foster care to age 21, which begins in 2012.	<p><u>Child Welfare Council</u></p> <ul style="list-style-type: none">• Adopted recommendation for a statewide commitment to increase the number of children who have permanency through the implementation of Family Finding and Engagement (FFE) in all 58 California counties. <p><u>Judicial Council</u></p> <ul style="list-style-type: none">• Proposal creating new rules and forms to implement the mandates and legislative intent of AB 938 was approved by the Judicial Council on 10/29/10 and rules and forms were effective as of 1/1/11. <p><i>Local Efforts</i></p> <ul style="list-style-type: none">• CASA working with court and collaborative partners on family finding efforts in a number of counties• Several counties have scheduled long-term family finding trainings with Kevin Campbell, and a number are developing family-finding protocols• Some county probation depts. are getting title IVe training that includes family finding information on identifying a caring adult and choosing a permanent plan• A number of local foster care commissions have put a priority on family finding training and efforts
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The courts and partnering agencies work to reduce the disproportionate number of African-American and American Indian children in the child welfare system.

Statewide Efforts

California Partners for Permanency (CAPP)

- California Partners for Permanency (CAPP) is a new (2011) federally funded five year project to reduce the number of children in long term foster care specifically focusing on African American and Native American children who are overrepresented in the child welfare system. The \$14.5 Million collaborative project is being administered by CDSS and includes an impressive array of collaborative partners, including 14 California counties, the California Child Welfare Co-Investment Partnership (which includes the Administrative Office of the Courts), the Child and Family Policy Institute of California, University of California Berkeley, Center for Social Services Research, the California Regional Training Academies, California Youth Connection, and the Center for the Study of Social Policy. The project will pilot a new child welfare practice model in four counties and then replicate the model in ten additional counties during the life of the project. An institutional analysis to determine individual county needs has been completed in three counties to date: Los Angeles (Pomona and Torrance), Fresno, and Santa Clara.

Casey Family Programs

- The California Disproportionality Project was implemented in 14 selected county child welfare agencies throughout California between 2007 and 2010. The project was developed in conjunction with the Child and Family Policy Institute of California, CalSWEC, Casey Family Programs and The Annie E. Casey Foundation. The project's objective was to address disproportionate

representation of ethnic minorities in California's public child welfare system and initiate steps towards creating positive change using the Casey Family Program's Breakthrough Series Collaborative methodology, a model whereby local collaboratives constantly try out and evaluate "small tests of change", rather than trying to change everything at once. The three year project concluded its work in 2010 and a report with recommendations is being developed.

State Interagency Team Workgroup

- Participating in the California Disproportionality Project, co-sponsored by CDSS and the Annie E. Casey Foundation, is one of the Work Groups strategies to decrease racial disproportionality and disparities in outcomes across systems.
- Strengthening collaboration across state agencies is another of the Work Group's strategies to address disproportionality.

American Indian Enhancement Team

A project of the California Disproportionality Project (CDP), a collaboration of Casey Family Programs, the Annie E. Casey Foundation, the California Department of Social Services, with participation from the AOC Tribal Projects Unit, to support the work of California counties and the state in eliminating racial disproportionality and disparities in child welfare. The CDP began in July 2008 and will end June 30, 2010.

- Provided technical assistance to counties to assist them with their plans for reducing disproportionality
- Provided technical assistance for the Bay Area Collaborative of American Indian Resources (BACAIR) to further collaborations among probation, social services, and Native agencies

<p>Judicial officers, attorneys, social workers, and other professionals who serve foster children and their families increase the diversity and cultural competence of the workforce.</p>	<ul style="list-style-type: none"> Created tools that assist in addressing disproportionality within Native American populations in the child welfare system <p>Local Efforts</p> <ul style="list-style-type: none"> Participation in Breakthrough Series Collaborative on Disproportionality
<p>increase the diversity and cultural competence of the workforce.</p>	<p>Statewide Efforts</p> <p><u>Casey Family Programs</u></p> <ul style="list-style-type: none"> The California Disproportionality Project was implemented in 14 selected county child welfare agencies throughout California between 2007 and 2010. The project was developed in conjunction with the Child and Family Policy Institute of California, CalSWEC, Casey Family Programs and The Annie E. Casey Foundation. The project's objective was to address disproportionate representation of ethnic minorities in California's public child welfare system and initiate steps towards creating positive change using the Casey Family Program's Breakthrough Series Collaborative methodology, a model whereby local collaboratives constantly try out and evaluate "small tests of change", rather than trying to change everything at once. The three year project concluded its work in 2010 and a report with recommendations is being developed. <p><u>State Interagency Team Workgroup</u></p> <ul style="list-style-type: none"> Participation in the California Disproportionality Project, co-sponsored by CDSS, Casey Family Programs, and the Annie E. Casey Foundation, was one of the Workgroup's strategies to decrease racial disproportionality and disparities in outcomes across systems. Strengthening collaboration across state agencies is

<p>The Judicial Council work with local, state, and federal leaders to advocate for greater flexibility in the use of federal, state, and local funding for preventive services.</p>	<p>another of the Workgroup’s strategies to address disproportionality.</p> <ul style="list-style-type: none"> • The SIT Workgroup continues to meet to develop recommendations and resources for the state. • In 2010, the Workgroup sponsored two “Courageous Conversation” workshops for representatives from state agencies, including the AOC, to promote work to address unintended bias within their organizations and to strengthen interagency collaboration on issues of disproportionality and disparities. <p><u>American Indian Enhancement Team</u></p> <p>A project of the California Disproportionality Project (CDP), a collaboration of Casey Family Programs, the Annie E. Casey Foundation, the California Department of Social Services, with participation from the AOC Tribal Projects Unit, to support the work of California counties and the state in eliminating racial disproportionality and disparities in child welfare. The CDP began in July 2008 and will end June 30, 2010.</p> <ul style="list-style-type: none"> • Provided technical assistance to counties to assist them with their plans for reducing disproportionality • Provided technical assistance for the Bay Area Collaborative of American Indian Resources (BACAIR) to further collaborations among probation, social services, and Native agencies • Created tools that assist in addressing disproportionality within Native American populations in the child welfare system <p><u>Federal Efforts</u></p> <p><u>Federal Fostering Connections to Success Act (10/08):</u></p> <ul style="list-style-type: none"> • New Family Connection Grants to help children stay safely with family members and out of foster care or, once in care, return to their parents or other family members.
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	<p><u>Statewide Efforts</u> <u>State Legislature</u></p> <ul style="list-style-type: none"> • Implementation of realignment of child welfare services funding to give counties more local control will take place in the coming years under newly passed budget plans. It is too early to tell how much effect realignment will have on a statewide basis and some revenue elements are dependent on further legislation and/or public initiatives that may be voted on later this year. <p><u>Federal Financing Reform and Waiver Extension Workgroup</u></p> <ul style="list-style-type: none"> • A joint Casey Family Programs and Co-Investment Partnership initiative to advocate for more flexibility in the use of federal funding
<p>Recommendation 1B If foster care placement is necessary, children, families, and caregivers should have access to appropriate services and timely court reviews that lead to permanency as quickly as possible. Service delivery and court review should ensure that all reasonable efforts are made to return children home, to make sure families and workers comply with case plans, and to achieve timely and stable transitions home or, if necessary, to place with relatives or in another permanent, stable family.</p> <p>The Blue Ribbon Commission recommends that:</p>	
<p>Recommendation</p> <p>The Judicial Council work with state and federal leaders to advocate for changes in law and practice to increase and encourage more relative placements, including:</p> <ul style="list-style-type: none"> o Addressing funding disparities; o Developing greater flexibility in approving relative placements whereby relatives would not, by virtue of federal law, be held to the same standard as nonrelatives; and o Formulating protocols to facilitate swift home assessments and placement with family members when appropriate. 	<p>Implementation Progress</p> <p><u>Federal Efforts</u> <u>Federal Fostering Connections to Success Act (10/08):</u></p> <ul style="list-style-type: none"> • Provides subsidized guardianship payments for relatives to provide permanent homes for children when they cannot be returned home. • Clarifies that states may waive non-safety related licensing standards for relatives on a case-by-case basis and requires the Department of Health and Human Services (HHS) to report to Congress on ways to further

eliminate licensing barriers so that more children can be placed with relatives in foster care and be eligible for federal support.

Statewide Efforts

State Legislation

• ***AB 12 (Bass) –Chaptered (9/10)***

The California Fostering Connections to Success Act, was signed into law by Governor Schwarzenegger on September 30, 2010. Because California has 20% of the children and youth in foster care in the country, this legislation will ensure that 1 in 5 youth who “age out” nationally will receive the support of the foster care system to age 21, ending an era of neglect and providing youth in foster care with the same common-sense assistance provided to children from in-tact families.

Thousands of relative care providers will participate in the new, federally-funded subsidized guardianship program, providing much needed support that promotes stability among children. CDSS, the Judicial Council (through an extensive rules and forms proposal), the Legislature (through extensive “clean-up legislation – AB 212), and many other local and statewide agencies and courts are involved in planning the implementation of AB 12 provisions for extending foster care and dependency court services to foster youth eligible to remain in the system after age 18 beginning in 2012. This bill will take effect on January 1, 2012.

• ***AB 212 (Beall) –Pending***

Clean-up bill to AB 12; to the extent that it clarifies AB 12, it will enhance the implementation of extended foster care to age 21, which begins in 2012.

California Partners for Permanency (CAPP)

- California Partners for Permanency (CAPP) is a new (2011) federally funded five year project to reduce the number of children in long term foster care specifically focusing on African American and Native American children who are overrepresented in the child welfare system. The \$14.5 Million collaborative project is being administered by CDSS and includes an impressive array of collaborative partners, including 14 California counties, the California Child Welfare Co-Investment Partnership (which includes the Administrative Office of the Courts), the Child and Family Policy Institute of California, University of California Berkeley, Center for Social Services Research, the California Regional Training Academies, California Youth Connection, and the Center for the Study of Social Policy. The project will pilot a new child welfare practice model in four counties and then replicate the model in ten additional counties during the life of the project. The CAPP initiative involves implementing a Child and Family Practice Model that includes:
 - Culturally-sensitive engagement
 - Empowerment of family, Tribal, and community networks
 - Use of culturally-based healing practices and practice adaptations

An institutional analysis to determine individual county needs has been completed in three counties to date: Los Angeles (Pomona and Torrance), Fresno, and Santa Clara.

Federal Financing Reform and Waiver Extension Workgroup

- A joint Casey Family Programs and Co-Investment Partnership initiative to advocate for more flexibility in the use of federal funding

<p>The courts and child welfare agencies expedite services for families and ensure that foster children maintain a relationship with all family members and other important people in their lives.</p>	<p>Local Efforts</p> <ul style="list-style-type: none"> • A number of local foster care commissions have projects assessing services and working on access to services • Many counties are working on family finding initiatives
<p>The courts ensure that children who cannot return home receive services and court reviews to enable them to successfully transition into a permanent home and into adulthood. This includes paying attention to each child's language, development, and cultural needs in making decisions about home and school placements, visitation, education, and mental health needs. It also means making sure they have consistent community ties and help from supportive adults, such as mentors, as they grow up.</p>	<p>Statewide Efforts</p> <p><u>State Legislation</u></p> <ul style="list-style-type: none"> • <u>AB 295 (Ammiano)—Chaptered 10/09</u> Extending to June 30, 2010 availability of funds for a 4-county pilot project providing funding for preadoption and postadoption services to ensure the successful adoption of a targeted population of children who have been in foster care for 18 months or more. • <u>AB 2342 (Evans)—Vetoed by Governor Schwarzenegger on 9/30/2010</u> This bill would have required the State Department of Social Services to develop a resource guide for foster youth that outlines available statewide programs and services, and the eligibility standards for those programs and services, including, but not be limited to, those associated with education, housing, mental health services, independent living programs, and career and job opportunities. This bill would require the department to make the resource guide available on its Internet Web site, in addition to a printed format. • <u>SB 597 (Liu)—Chaptered 10/09</u> This bill provides provisions for licensed foster family agencies; requires court, when considering termination of parental rights, to take into account barriers to a parent's ability to remain in contact with the child due to parent's incarceration or institutionalization; requires DSS to

develop a plan for the ongoing oversight and coordination of health care for a child in foster care; requires additional information in a transitioning foster child's case plan that will help the child prepare for the transition from foster care to independent living.

- SB 654 (Leno)—Chaptered (9/10)

Existing law requires the State Department of Social Services to develop statewide standards for the Independent Living Program for emancipated foster youth established and funded pursuant to federal law, to assist these individuals in making the transition to self-sufficiency. Under existing law, a child in receipt of Kinship Guardianship Assistance Payment (Kin-GAP) Program benefits is also entitled to request and receive these independent living services. This bill, *in addition*, requires services available under the Independent Living Program to be provided to former dependent children of the juvenile court meeting prescribed requirements.

California Department of Social Services

- Issued an All County Letter on 1/19/11 to explain and clarify the new ILP eligibility requirements of SB 654, stating in part, “beginning January 1, 2011, youth residing with a non-related legal guardian, whose guardianship was established between the ages of 8 and 15 and are receiving permanent placement services, must be served with state only ILP funding at age 16 and 17 and served with federal funding between age 18 and 21.”

California Independent Living Program Transformation
Breakthrough Series Collaborative

- Initiated by participation in National Governor's

<p>All court participants continuously review and make extraordinary efforts to preserve and promote sibling connections and co-placement.</p>	<p>Association Policy Academy on Youth Transitioning out of Foster Care</p> <ul style="list-style-type: none"> • Broad representation of state leadership, partners, and advocacy organizations • Focus on permanency, education, and employment • This project completed work in 2010. It developed improved practices for and participation by transitioning youth in participating counties through constant implementation and evaluation of “small tests of change.”
<p>All court participants continuously review and make extraordinary efforts to preserve and promote sibling connections and co-placement.</p>	<p><i>Federal Efforts</i> <u>Federal Fostering Connections to Success Act (10/08):</u></p> <ul style="list-style-type: none"> • Preserves the sibling bond for children by requiring states to make reasonable efforts to place siblings together when they must be removed from their parents’ home, provided it is in the children’s best interests. In the case of siblings not placed together, interaction, unless it would be harmful to any of the siblings. <p><i>Statewide Efforts</i> <u>State Legislation</u></p> <ul style="list-style-type: none"> • <u>AB 743 (Portantino)—Chapered (9/10)</u> This bill would require any order placing a dependent child in foster care, and ordering reunification services, to provide for visitation between the child and any sibling unless the court finds by clear and convincing evidence that the interaction is contrary to the safety or well-being of either child. If siblings are not placed together, the social worker will be required to explain why those efforts are contrary to the safety or well-being of any sibling. It would also require reasonable efforts to be made to

	<p>provide for ongoing and frequent sibling interaction. This bill would require the placing agency to make a specified notification to the child's attorney and the child's sibling's attorney when a planned change of placement will result in the separation of siblings currently placed together.</p> <p><u>Judicial Council</u></p> <ul style="list-style-type: none">• Amended rule 5.670 and revised optional form, <i>Visitation Attachment: Sibling</i> (form JV-401), to comply and ensure consistency with Welfare and Institutions Code section 16002(a) (which was amended by AB 743 (Portantino)) on 4/29/11, effective 7/1/11.
<p>Children and families receive continuous and comprehensive services if a child enters the delinquency system from foster care.</p>	<p><u>Statewide Efforts</u> <u>State Legislation</u></p> <ul style="list-style-type: none">• SB 945 (Liu)—Chaptered (9/10) This bill requires a probation officer or parole officer, whenever the juvenile court terminates jurisdiction over a ward, or upon release of a ward from a facility that is not a foster care facility, to provide to the person a written notice stating that the person is a former foster child and may be eligible for the services and benefits that are available to a former foster child through public and private programs, and information that informs the person of the availability of, and assistance to enable the ward to apply for, and gain acceptance into, federal and state programs that provide independent living services and benefits to former foster children for which the person is or may be eligible.

<p>The Judicial Council and the state Department of Social Services work together to urge Congress, the state Legislature, and state and local agencies to ensure that THP-Plus programs for transitional housing sustain a level of funding sufficient to maintain and expand program capacity to meet the demonstrated need of youth aging out of the foster care system.</p>	<p><i>Federal Efforts</i> <u>Federal Fostering Connections to Success Act (10/08):</u></p> <ul style="list-style-type: none">• Requires states to assist a child aging out of foster care to develop a transition plan. <p><i>Statewide Efforts</i> <u>State Legislation</u></p> <ul style="list-style-type: none">• <u>AB 12 (Bass)—Chaptered (9/10)</u> The California Fostering Connections to Success Act, was signed into law by Governor Schwarzenegger on September 30, 2010. Because California has 20% of the children and youth in foster care in the country, this legislation will ensure that 1 in 5 youth who “age out” nationally will receive the support of the foster care system to age 21, ending an era of neglect and providing youth in foster care with the same common-sense assistance provided to children from in-tact families. Thousands of relative care providers will participate in the new, federally-funded subsidized guardianship program, providing much needed support that promotes stability among children. CDSS, the Judicial Council (through an extensive rules and forms proposal), the Legislature (through extensive “clean-up legislation – AB 212), and many other local and statewide agencies and courts are involved in planning the implementation of AB 12 provisions for extending foster care and dependency court services to foster youth eligible to remain in the system after age 18 beginning in 2012. This bill will take effect on January 1, 2012.• <u>AB 212 (Beall)—Pending</u> Clean-up bill to AB 12; to the extent that it clarifies AB 12, it will enhance the implementation of extended foster
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	<p>care to age 21, which begins in 2012.</p> <p><u>Budget Issues</u></p> <ul style="list-style-type: none">• Efforts to restore \$80 million cut from THP-Plus in the budget have so far not been successful given the current budget crisis. Implementation of AB 12 will help by allowing California to tap in to federal foster care funding for some THP-Plus placements.
<p>The Judicial Council work with federal and state leaders to support or sponsor legislation to extend the age when children receive foster care assistance from age 18 to age 21. This change should apply to those children who at age 18 cannot be returned home safely, who are not in a permanent home, and who choose to remain under the jurisdiction of the court. If the court terminates jurisdiction before a youth's 21st birthday, the youth should have the right to reinstatement of jurisdiction and services.</p>	<p><u>Federal Fostering Connections to Success Act (10/08):</u></p> <ul style="list-style-type: none">• Extension of services for older youth. Helps youth who turn 18 in foster care without permanent families to remain in care, at state option, to age 19, 20, or 21 with continued federal support to increase their opportunities for success as they transition to adulthood. <p><u>State Legislation</u></p> <ul style="list-style-type: none">• <u>AB 12 (Bass) –Chaptered (9/10)</u> The California Fostering Connections to Success Act, was signed into law by Governor Schwarzenegger on September 30, 2010. Because California has 20% of the children and youth in foster care in the country, this legislation will ensure that 1 in 5 youth who “age out” nationally will receive the support of the foster care system to age 21, ending an era of neglect and providing youth in foster care with the same common-sense assistance provided to children from intact families. Thousands of relative care providers will participate in the new, federally-funded subsidized guardianship program, providing much needed support that promotes stability among children. CDSS, the Judicial Council (through an extensive rules and forms proposal), the Legislature

<p>The Judicial Council work with local, state, and federal leaders to develop practices, protocols, and enhanced services to promote both placement and placement stability of children and youth in family-like, rather than institutional, settings.</p>	<p>(through extensive “clean-up legislation – AB 212), and many other local and statewide agencies and courts are involved in planning the implementation of AB 12 provisions for extending foster care and dependency court services to foster youth eligible to remain in the system after age 18 beginning in 2012. This bill will take effect on January 1, 2012.</p> <ul style="list-style-type: none"> • <u>AB 212 (Beall)</u>—Pending Clean-up bill to AB 12; to the extent that it clarifies AB 12, it will enhance the implementation of extended foster care to age 21, which begins in 2012. • <u>AB 719 (Lowenthal, Bonnie)</u>—Chaptered 10/09 This bill required the State Department of Social Services to propose a Transitional Food Stamps for Foster Youth demonstration project, effective July 1, 2010. The demonstration project would provide independent foster care adolescents, who are not eligible for CalWORKs or SSI benefits, with eligibility for food stamps without regard to income or resources. <p>State Legislation</p> <ul style="list-style-type: none"> • <u>AB 1758 (Ammiano)</u>—Chaptered (9/10) Under existing law, the State Department of Social Services administers a pilot project that authorizes a county to develop and implement a plan for providing wraparound services designed to enable children who would otherwise be placed in a group home setting to remain in the least restrictive, most family-like setting possible. The pilot project also imposes specified evaluation and reporting requirements for participating counties, and training requirements for staff in
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	<p>participating counties. This bill would remove the designation of this program as a pilot project and make conforming changes.</p>
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Recommendation 2: Court Reform

Because the courts are responsible for ensuring that a child’s rights to safety, permanency, and well-being are met in a timely and comprehensive manner and that all parties are treated fairly in the process, the Blue Ribbon Commission recommends that the Judicial Council and the trial and appellate courts make children in foster care and their families a priority when making decisions about the allocation of resources and administrative support.

Recommendation 2A

The trial and appellate courts must have sufficient resources to meet their obligations to children and families in the child welfare system.

The Blue Ribbon Commission recommends that:

Recommendation	Implementation Progress
<p>Consistent with Judicial Council policy, judges—not subordinate judicial officers—hear dependency and delinquency cases. Pending a full transition from subordinate judicial officers to judges (through reassignment or conversion of subordinate judicial officer positions to judgeships), presiding judges should continue the assignment of well-qualified and experienced subordinate judicial officers to juvenile court.</p>	<p>Local Efforts <u>County Courts</u></p> <ul style="list-style-type: none"> • Conversions continuing as opportunity arises
<p>The Judicial Council work with bar organizations, the Governor’s office, and state and local leadership to ensure that juvenile law experience is given favorable consideration during the judicial appointment and assignment process and well qualified subordinate judicial officers and attorneys with juvenile law experience are encouraged to apply for vacant judicial positions.</p>	
<p>Presiding judges follow standard 5.40 of the California Standards of Judicial Administration and assign judges to juvenile court for a minimum of three years and give priority to judges who are actively interested in juvenile law as an</p>	<p>Statewide Efforts</p> <ul style="list-style-type: none"> • Most courts in CA are complying with standard 5.40 • Several larger counties have a tradition of juvenile court

<p>assignment.</p> <p>The Judicial Council undertake a new judicial caseload study focused specifically on juvenile dependency courts. The study should take into account the court's unique oversight and case management responsibilities and address the use of case managers to support judges in meeting their workloads.</p>	<p>assignments that last much longer than 3 years—10 or more in some</p> <p><i>Statewide Efforts</i> <u>Administrative Office of the Courts</u></p> <ul style="list-style-type: none"> Center for Families, Children & the Courts is working with the Office of Court Research on the Juvenile sections of the new AOC Judicial Needs Study. The BRC both co-funded and co-staffed this study. The judicial and staff portions of the study were completed in summer 2011. AOC staff have reviewed the results with participating courts through site visits, and workload measures have been constructed with groups of experts. Early results from the judicial needs study show that dependency court judicial officers are severely underresourced, requiring an 81 percent increase to meet the need assessed by the study. The SB 56 Working Group will be discussing the data and how to incorporate it into the AOC's Resource Allocation Model in August 2011. The data from the staff study is still being analyzed. The results will be presented to the Judicial Council's Workload Working Group for approval in early September, and then it will go to the Judicial Council for approval. The judicial workload portion is expected to be sent to the Legislature for implementing legislation.
<p>Pending completion of the study, presiding judges evaluate their current allocation of judgeships and resources and make adjustments as necessary. If reallocation of existing resources is not sufficient, the Judicial Council should seek additional funding to ensure full implementation of the standards and</p>	<p><i>Statewide Efforts</i> <u>Budget Issues</u></p> <ul style="list-style-type: none"> Current budget difficulties probably preclude substantial progress on this recommendation for the near future.

<p>statutory requirements.</p>	<p>The Administrative Office of the Courts helps courts comply with the judicial standard outlining the knowledge, commitment, and leadership role required of judicial officers who make decisions about children in foster care (see standard 5.40 of the California Standards of Judicial Administration). Presiding judges of the superior courts should receive training in the role and duties of juvenile court judicial officers as outlined in the standard.</p> <p><i>Statewide Efforts</i> <u>Administrative Office of the Courts</u></p> <ul style="list-style-type: none"> • With the cutbacks in education for judicial officers from the AOC, BRC staff and funding were used to support two additional judicial officer full-day education events in juvenile dependency: one at Beyond the Bench June 2010 and one at the Family Law Education Program April 2011. • Ongoing training at local and regional sites • Juvenile court administration broadcasts in April 2010 • Beyond the Bench conference in June 2010 • Anticipated Beyond the Bench conference in December 2011
<p>Recommendation 2B All participants in dependency hearings and subsequent appeals, including children and families, should have an opportunity to be heard and meaningfully participate in court.</p> <p>The Blue Ribbon Commission recommends that:</p>	<p>Recommendation</p> <p>Judicial officers identify and engage all parties in each case as early as possible. A particular emphasis should be placed on finding fathers and identifying Indian tribes where applicable.</p> <p><i>Statewide Efforts</i> <u>AOC Tribal Projects Unit</u></p> <ul style="list-style-type: none"> • Providing intensive training and technical assistance throughout the state on all aspects of the Indian Child Welfare Act through the ongoing AOC ICWA Initiative (in partnership with CDSS) <p><i>Local Efforts</i></p> <ul style="list-style-type: none"> • Several counties received training by Judge Edwards on engaging fathers

<p>Judicial officers and other stakeholders remove barriers that prevent children, parents, and caregivers from attending hearings. This includes addressing transportation and scheduling difficulties, as well as exploring telephonic appearances and other technological options.</p>	<p>Statewide Efforts <u>State Legislation</u></p> <ul style="list-style-type: none">• SB 962 (Liu)—Chaptered (9/10) This bill provides that an incarcerated parent who has either waived the right to be physically present at the proceeding or who has not been ordered by the court to be present at the proceeding may be given the opportunity, at the discretion of the court, to participate in the proceeding by videoconference or teleconference, if that technology is available, as long as the parent's participation otherwise complies with the law. This bill provides that a prisoner may only lose job placement opportunities, be removed from a court-ordered course, or be denied earned privileges if the prisoner's participation in the proceedings causes the prisoner to be absent from the custodial institution for more than 10 days. This bill permits the Department of Corrections and Rehabilitation to establish a pilot program to facilitate the participation of incarcerated parents in dependency court hearings, provided that the project is funded by private funds, as specified. <p>AB 73 (Feuer)—Pending 2-year bill Existing law provides that the public shall not be admitted to a juvenile court hearing in a dependency proceeding, unless requested by a parent or guardian and consented to or requested by the minor concerning whom the petition has been filed. Existing law permits the judge or referee to admit those persons as he or she deems to have a direct and legitimate interest in the particular case or the work of the court. This bill would require, contingent upon the securing of private funding, the Judicial Council to establish a 4-year pilot project in 3 counties to create a</p>
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	<p>presumption that juvenile court hearings in juvenile dependency cases be open to the public, unless the court finds that admitting the public would not be in a child's best interest, as provided. The bill would require the Judicial Council to contract with an independent organization to conduct an evaluation and prepare a report to the Legislature regarding the results of the pilot project, as specified. The bill would also include a related statement of legislative findings and declarations.</p> <p><u>Judicial Council</u></p> <ul style="list-style-type: none">• Comments were due on June 20, 2011 in response to an invitation to comment regarding amendments and the adoption of new rules and forms relating, in part, to SB 962. The proposal includes the amendment of rule 5.530 and adoption of rule 5.531 of the California Rules of Court, the revision of <i>Order for Prisoner's Appearance at Hearing Affecting Parental Rights</i> (form JV-450), and the adoption of <i>Prisoner's Statement Regarding Appearance at Hearing Affecting Parental Rights</i> (form JV-451) that would implement requirements of the Welfare and Institutions Code, including section 388(e) as amended in 2010 by Assembly Bill 12, and Penal Code section 2625, which was amended by Senate Bill 962 and governs the appearance of an incarcerated parent in juvenile court proceedings affecting his or her parental rights. The adoption of rule 5.531 would also would set minimum standards for procedures governing appearances by telephone, videoconference, or other electronic means in a juvenile court proceeding.”
The Judicial Council and other stakeholders develop and	<i>Federal Efforts</i>

implement laws and policies to promote relative finding, funding, assessment, placement, and connections.

Federal Fostering Connections to Success Act (10/08):

- Provides notice to relatives when children enter foster care. Increases opportunities for relatives to step in when children are removed from their parents and placed in foster care by ensuring they get notice of this removal.

State Efforts
State Legislation

- AB 12 (Bass)—Chaptered (9/10)

The California Fostering Connections to Success Act, was signed into law by Governor Schwarzenegger on September 30, 2010. Because California has 20% of the children and youth in foster care in the country, this legislation will ensure that 1 in 5 youth who “age out” nationally will receive the support of the foster care system to age 21, ending an era of neglect and providing youth in foster care with the same common-sense assistance provided to children from in-tact families. Thousands of relative care providers will participate in the new, federally-funded subsidized guardianship program, providing much needed support that promotes stability among children. CDSS, the Judicial Council (through an extensive rules and forms proposal), the Legislature (through extensive “clean-up legislation – AB 212), and many other local and statewide agencies and courts are involved in planning the implementation of AB 12 provisions for extending foster care and dependency court services to foster youth eligible to remain in the system after age 18 beginning in 2012. This bill will take effect on January 1, 2012.

- AB 212 (Beall)—Pending

Clean-up bill to AB 12; to the extent that it clarifies AB 12, it will enhance the implementation of extended foster

care to age 21, which begins in 2012.

- AB 938 (Committee on Judiciary)—Chaptered 10/09
This bill would require a social worker, when a child is removed from the home, to conduct, within 30 days, an investigation in order to identify and locate all grandparents, adult siblings, and other adult relatives of the child, in order to provide, except when that relative's history of family or domestic violence makes notification inappropriate, those persons with specified information, including that the child has been removed from the custody of his or her parents or guardians and an explanation of various options to participate in the care and placement of the child, and to report to the court at the initial petition hearing regarding that effort. The bill would require the State Department of Social Services to develop the written notice providing that information to relatives.
- AB 1852 (Portantino)—Died in committee
This bill would have revised the social study and the assessment required from the social worker at disposition to include information regarding whether the county welfare department has attempted to locate relative and nonrelative, as defined, extended family members of the child and establish permanent familial connections between the child and those persons. The bill would also have revised the statewide child welfare training program to include training in making efforts to locate extended family members of dependent children and establish permanent familial connections for those children.

Child Welfare Council

- Adopted recommendation for a statewide commitment to

	<p>increase the number of children who have permanency through the implementation of Family Finding and Engagement (FFFE) in all 58 California counties.</p> <ul style="list-style-type: none"> • With Casey Family Programs, funded family finding pilot project and evaluation in Sacramento, to begin August 2011. <p><u>Judicial Council</u></p> <ul style="list-style-type: none"> • Proposal creating new rules and forms to implement the mandates and legislative intent of AB 938 was approved by the Judicial Council on 10/29/10 and rules and forms were effective as of 1/1/11. <p><u>California CASA</u></p> <ul style="list-style-type: none"> • Working with local collaborations in a number of counties on family finding initiatives <p><i>Local Efforts</i></p> <ul style="list-style-type: none"> • CASA working with court and collaborative partners on family finding efforts in a number of counties • Several counties have scheduled long-term family finding trainings with Kevin Campbell, and a number are developing family-finding protocols • Some county probation depts. are getting title IVe training that includes family finding information on identifying a caring adult and choosing a permanent plan <p><i>Statewide Efforts</i></p> <p><u>Judicial Council</u></p> <ul style="list-style-type: none"> • Proposal to amend rule 8.416 to allow trial and appellate courts to agree to follow the expedited procedures for appeals in juvenile dependency cases that are now
<p>The Judicial Council provide an expedited process for all juvenile dependency appeals by extending the application of rule 8.416 of the California Rules of Court to all dependency appeals.</p>	

<p>The Judicial Council require the appointment of independent counsel for all children in juvenile dependency appeals.</p>	<p>followed in the Superior Courts of Orange, Imperial, and San Diego Counties was passed by the council in October 2009. The new forms took effect on July 1, 2010.</p>
<p></p>	<p><i>Statewide Efforts</i> <u>Budget Issues</u> Current budget difficulties probably preclude substantial progress on this recommendation for the near future.</p>

Recommendation 2C

Judicial officers should ensure that local court practices facilitate and promote the attendance of children, parents, and caregivers at hearings.

The Blue Ribbon Commission recommends that:

<p>Recommendation</p>	<p>Implementation Progress</p>
<p>Hearings be available at times that do not conflict with school or work or other requirements of a family's case plan.</p>	<p></p>
<p>To the extent feasible, hearings be set for a specific date and time. Delays should be minimized, and hearings should be conducted on consecutive days until completed.</p>	<p><i>Local Efforts</i></p> <ul style="list-style-type: none"> Some courts have initiatives to reduce delay in calendaring and to minimize delays in general, including a pilot project with Alameda, CFCC and the State Justice Institute.
<p>A concurrent criminal proceeding not delay a dependency case.</p>	<p></p>
<p>All parties, including children, parents, and social workers, have the opportunity to review reports and meet with their attorneys before the initial hearing and in advance of all subsequent hearings.</p>	<p></p>
<p>Hearings be timely and meet all federal and state mandated timelines. Continuances be minimized, and the reasons for systemic continuances be addressed by the local court and child welfare agency.</p>	<p></p>

<p>All participants leave court hearings with a clear understanding of what happened, why decisions were made, and, if appropriate, what actions they need to take.</p>	
<p>The Administrative Office of the Courts provide judicial officers and court participants with education and support to create courtroom environments that promote communication with, and meaningful participation of, all parties, including children, that takes into account age, development, language, and cultural issues.</p>	<p><i>Statewide Efforts</i> <u>Administrative Office of the Courts</u></p> <ul style="list-style-type: none"> • Ongoing training at local and regional sites • Juvenile court administration broadcasts in April 2010 • Beyond the Bench conference in June 2010 <p><i>Local Efforts</i></p> <ul style="list-style-type: none"> • Many local commissions are working on initiatives to promote more meaningful participation in court, including orientation materials, increasing parent participation, children’s waiting rooms, enhancing CASA participation, etc.
<p>The same judicial officer hear a case from beginning to end, when possible.</p>	<p><i>Statewide Efforts</i></p> <ul style="list-style-type: none"> • This is already happening in many courts, and seems to be a trend.
<p>Courts explore telephonic appearance policies and new technology options to ensure participation in juvenile court hearings.</p>	<p><i>Statewide Efforts</i> <u>State Legislation</u></p> <ul style="list-style-type: none"> • SB 962 (Liu)—Chaptered (9/10) This bill would provide that an incarcerated parent who has either waived the right to be physically present at the proceeding or who has not been ordered by the court to be present at the proceeding may be given the opportunity, at the discretion of the court, to participate in the proceeding by videoconference or teleconference, if that technology is available, as long as the parent’s participation otherwise complies with the law. This bill

would provide that a prisoner may only lose job placement opportunities, be removed from a court-ordered course, or be denied earned privileges if the prisoner's participation in the proceedings causes the prisoner to be absent from the custodial institution for more than 10 days. This bill would permit the Department of Corrections and Rehabilitation to establish a pilot program to facilitate the participation of incarcerated parents in dependency court hearings, provided that the project is funded by private funds, as specified.

Judicial Council

- Comments were due on June 20, 2011 in response to an invitation to comment regarding amendments and the adoption of new rules and forms relating, in part, to SB 962. The proposal includes the amendment of rule 5.530 and adoption of rule 5.531 of the California Rules of Court, the revision of *Order for Prisoner's Appearance at Hearing Affecting Parental Rights* (form JV-450), and the adoption of *Prisoner's Statement Regarding Appearance at Hearing Affecting Parental Rights* (form JV-451) that would implement requirements of the Welfare and Institutions Code, including section 388(e) as amended in 2010 by Assembly Bill 12, and Penal Code section 2625, which was amended by Senate Bill 962 and governs the appearance of an incarcerated parent in juvenile court proceedings affecting his or her parental rights. The adoption of rule 5.531 would also set minimum standards for procedures governing appearances by telephone, videoconference, or other electronic means in a juvenile court proceeding.”

Recommendation 2D

The court’s ability to make fair, timely, and informed decisions requires attorneys, social workers, and Court Appointed Special Advocates (CASAs) who are well qualified and have the time and resources to present accurate and timely information to the courts.

The Blue Ribbon Commission recommends that:

Recommendation	Implementation Progress
<p>The Judicial Council advocate for the resources, including a stable funding source, necessary to implement the council’s recently adopted attorney caseload standards, to implement caseload standards for social workers, and to develop and implement caseload standards for social services agency attorneys.</p>	<p><i>Statewide Efforts</i> <u>State Legislation</u></p> <ul style="list-style-type: none"> • AB 131 (Evans)—Chaptered 10/09 Provides that parents or other persons liable for the support of a minor in the dependency court shall also be liable for the cost to the county or the court for the cost of legal services rendered to the minor and provides a mechanism for collection and deposit. <p><u>Judicial Council</u></p> <ul style="list-style-type: none"> • Allocated special funds in 2009 to maintain court-appointed counsel budget at 2008-2009 levels • Collaborative advocacy in Sacramento on child welfare and judicial branch budgets • Adopted, on June 25, 2010, the Juvenile Dependency Counsel Collection Program Guidelines to implement AB 131

<p>The Judicial Council take active steps to promote the advancement of juvenile law as a sought-after career. Accomplishing this recommendation requires:</p> <ul style="list-style-type: none"> o Fair and reasonable compensation for court-appointed attorneys; o Adoption and implementation of a methodology for determining attorney effectiveness; o Forgiveness of student loans for attorneys who commit a substantial portion of their careers to juvenile law; o That public and nonprofit law offices hire and retain attorneys based on their interest in the field and encourage them to build careers in juvenile law; and o Collaboration with State Bar of California leaders to include juvenile dependency law as a mandatory area of study for the California Bar exam and create a State Bar juvenile law section. 	<p><i>Statewide Efforts</i> <u>Administrative Office of the Courts</u></p> <ul style="list-style-type: none"> • Continuation of DRAFT program
<p>The Administrative Office of the Courts expand multidisciplinary training opportunities for court professionals and other participants, including caregivers, educational representatives, CASA volunteers, and tribal leaders. Training should include conferences as well as distance learning opportunities.</p>	<p><i>Federal Efforts</i> <u>Federal Fostering Connections to Success Act (10/08):</u></p> <ul style="list-style-type: none"> • Expands the availability of federal training dollars, on a phased-in basis, to reach more of those caring for and working with children in the child welfare system, including relative guardians, staff of private child welfare agencies, court personnel, attorneys, guardian ad litem, and court appointed special advocates. <p><i>Statewide Efforts</i> <u>State Legislation</u></p> <ul style="list-style-type: none"> • <u>AB 12 (Bass)—Chaptered (9/10)</u> The California Fostering Connections to Success Act, was signed into law by Governor Schwarzenegger on September 30, 2010. Because California has 20% of the children and youth in foster care in the country, this legislation will ensure that 1 in 5 youth who “age out”

<p>The Judicial Council continue to support the development and expansion of CASA programs and to help make available CASA volunteers for all foster children in the dependency system. State funding for CASA programs should be expanded to allow for appointments in all cases.</p>	<p>nationally will receive the support of the foster care system to age 21, ending an era of neglect and providing youth in foster care with the same common-sense assistance provided to children from in-tact families. Thousands of relative care providers will participate in the new, federally-funded subsidized guardianship program, providing much needed support that promotes stability among children. CDS, the Judicial Council (through an extensive rules and forms proposal), the Legislature (through extensive “clean-up legislation – AB 212), and many other local and statewide agencies and courts are involved in planning the implementation of AB 12 provisions for extending foster care and dependency court services to foster youth eligible to remain in the system after age 18 beginning in 2012. This bill will take effect on January 1, 2012.</p> <ul style="list-style-type: none"> • <u>AB 212 (Beall)—Pending</u> Clean-up bill to AB 12; to the extent that it clarifies AB 12, it will enhance the implementation of extended foster care to age 21, which begins in 2012. <p><u>Administrative Office of the Courts</u></p> <ul style="list-style-type: none"> • Expanded Juvenile Court Assistance Team trainings • Creation of AOC Tribal Projects Unit • Beyond the Bench conference—June 2010 <p><u>Statewide Efforts</u></p> <p><u>Administrative Office of the Courts</u></p> <ul style="list-style-type: none"> • Continuing provision of technical assistance to CASA programs • New CASA programs have opened and others are
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<p>Local or regional legal advocacy resource centers be established to ensure that the nondependency legal needs of dependent children and their parents are appropriately addressed. This includes education, immigration, tribal enrollment or other requirements to receive the benefits of tribal membership, tort issues, and other issues.</p>	<p>developing</p> <p>Local Efforts</p> <ul style="list-style-type: none"> • Expansion of CASA programs into four new counties
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Recommendation 2E

All courts should have nonadversarial programs available as early as possible and whenever necessary for children and families to use to resolve legal and social issues when appropriate.

The Blue Ribbon Commission recommends that:

Recommendation	Implementation Progress
<p>Mediation and other forms of alternative dispute resolution be available in all courts at any time in the proceedings.</p> <p>Families in all counties have access to other types of court proceedings—drug, mental health, and unified courts, for example—that can help them remain together or, if the children are removed, to stabilize and reunify the family as soon as possible.</p>	<p>Statewide Efforts <u>Administrative Office of the Courts</u></p> <ul style="list-style-type: none"> • Providing training and technical assistance to 28 courts with current or developing dependency mediation programs <p>Statewide Efforts <u>AOC Collaborative Courts Project</u></p> <ul style="list-style-type: none"> • Collaborating with CDSS and Dept. of Alcohol and Drug Programs on a project with the National Ctr. on Substance Abuse and Child Welfare to identify effective models for

<p>Presiding judges work with agencies to ensure that families in all counties have access to specific nonadversarial child welfare-based practices such as family group conferencing, team decision-making, and family team meetings.</p>	<p>Dependency Drug Courts (DDCs) statewide, as well as current and potential caseloads, funding, and outcomes;</p> <ul style="list-style-type: none"> • Visited most DDCs in state and developed an instrument to capture data related to the focus of the work; • Will be providing technical assistance and other follow up activities to increase caseloads, document results, and identify funding; • Spearheading another project funded by the State Justice Institute that is focused on DDC outcome performance measures; creating a mechanism to track DDC outcomes statewide; • Beginning a project aimed at tracking mentally ill court users in dependency to determine effective practices; • Launched a reentry court program as part of a joint project with BANCRO that includes family reunification; • Engaged in efforts to link drug and mental health courts with family court and child support proceedings to develop effective methods of supervision and compliance with court orders that address underlying problems of substance abuse or mental health; • Supporting efforts in the courts to establish family preservation courts that are similar to DDCs, but focus on cases that are in family court or for which a dependency filing has not occurred. <p>Statewide Efforts <u>Administrative Office of the Courts</u></p> <ul style="list-style-type: none"> • Providing training and technical assistance to develop such programs in most counties, as requested
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Recommendation 2F

The Judicial Council should establish and implement a comprehensive set of court performance measures as required by state law (Welf. & Inst. Code, § 16545).

The Blue Ribbon Commission recommends that:

Recommendation	Implementation Progress
<p>The Judicial Council adopt and direct the Administrative Office of the Courts to work with local courts and state agencies to implement a rule of court that embodies the commission's following recommendations:</p> <ul style="list-style-type: none"> • Court performance measures include those for safety, permanency, timeliness of court hearings, due process, and child well-being; • Court performance measures align with and promote the federal and California Child and Family Services Review outcome measures and indicators; • The California Court Case Management System collect uniform court performance data and have the capability to produce management reports on performance measures; <p>and</p> <ul style="list-style-type: none"> • Trial court performance measures be included in a separate Judicial Council-approved Administrative Office of the Courts Implementation Guide to Juvenile Dependency Court Performance Measures. 	<p>Statewide Efforts Judicial Council</p> <ul style="list-style-type: none"> • Adoption of Cal. Rules of Court, rule 5.505 (Juvenile Dependency Court Performance Measures), effective January 1, 2009
<p>These performance measures and management reports be used for the following:</p> <ul style="list-style-type: none"> • To promote court accountability for ensuring fair and timely hearings and to inform improvements in local case processing; • To provide stakeholders and the public with an aggregate picture of the outcomes for children before the court and to increase the public's understanding of the court's role in the child welfare system; and • To measure compliance with statutory mandates and 	<p>Statewide Efforts Judicial Council</p> <ul style="list-style-type: none"> • In conjunction with the UC Berkeley Center for Social Services Research (CSSR), prepared court-focused outcome measure reports specific to the county and distributed to each juvenile dependency court. Training on using the reports provided through a series of webinars and court visits with the Juvenile Court Assistant Team (JCAT) liaisons.

<p>effective practices.</p>	<ul style="list-style-type: none"> • Adoption of Cal. Rules of Court, rule 5.505 (Juvenile Dependency Court Performance Measures), effective January 1, 2009 [to be implemented after CCMS is operational] • Analyzed pilot data from courts to test and refine the performance measures, and disseminate preliminary data. Made well-received presentations to pilot courts on their performance measure data.
<p>The Judicial Council work with the Child Welfare Council and local courts and state agencies to develop uniform child wellbeing performance measures. Based on these measures, the Administrative Office of the Courts, Center for Families, Children & the Courts should work with local courts to develop and implement educational tools that help courts improve child well-being outcomes.</p>	<ul style="list-style-type: none"> • Statewide Efforts <u>Judicial Council</u> • Adoption of Cal. Rules of Court, rule 5.505 (Juvenile Dependency Court Performance Measures), effective January 1, 2009 [Initial step]. • BRC staff participating in national effort led by the National Center for State Courts to define well-being measures. • BRC staff have also developed, with funding from the State Justice Institute, uniform performance measures for juvenile dependency drug courts.
<p>The Judicial Council and other stakeholders advocate at the federal, state, and local levels for the funding necessary to implement recommended court performance measures.</p>	<ul style="list-style-type: none"> • Statewide Efforts <u>Judicial Council & Other Stakeholders</u> • Ongoing advocacy

Recommendation 3: Collaboration Between Courts and Their Child Welfare Partners

Because the courts share responsibility with child welfare agencies and other partners for the well-being of children in foster care, the courts, child welfare, and other partnering agencies must work together to prioritize the needs of children and families in each system and remove barriers that keep stakeholders from working together effectively.

Recommendation 3A

The Judicial Council, trial courts, and California Department of Social Services should work cooperatively with all departments, agencies, and other stakeholders to ensure optimal sharing of information to promote decision-making that supports the well-being of children and families in the child welfare system.

The Blue Ribbon Commission recommends that:

Recommendation	Implementation Progress
<p>The Judicial Council continue its efforts to fully develop and implement the California Court Case Management System and other data exchange protocols, so that the judicial branch, the California Department of Social Services, and other trusted partners will be able to exchange essential information about the children and families they are mandated to serve.</p>	<p>Statewide Efforts Judicial Council</p> <ul style="list-style-type: none"> • BRC and Department of Social Services recommendations for data exchange are incorporated into the current development version of CCMS and are being tested. • Ongoing efforts to finish developing and implement CCMS and other data exchange protocols
<p>California Case Management System permit judicial officers in dependency courts to access information about children and families who are involved in cases in other courts.</p>	<p>Statewide Efforts Judicial Council</p> <ul style="list-style-type: none"> • BRC recommendations for judicial officer case management information are incorporated into the current development version of CCMS and have been tested. • Ongoing efforts to finish developing and implement CCMS and other data exchange protocols
<p>California Case Management System and the state Child Welfare Services/Case Management System promote coordinated data collection, data exchange, and filing of documents, including electronic filing, between the courts, social service agencies, and other key partners and track data that permits them to measure their performance.</p>	<p>Statewide Efforts Judicial Council & Partner Stakeholders</p> <ul style="list-style-type: none"> • BRC and Department of Social Services recommendations for data exchange are incorporated into the current development version of CCMS and are being tested. • Ongoing efforts to finish developing and implement CCMS and other data exchange protocols • CWS/Web procurement has been postponed due to the budget issues • AOC/CHHS collaboration underway • AOC County counsel roundtable

<p>The Child Welfare Council prioritize solutions to federal and state statutory and regulatory policy barriers that prevent information sharing between the courts and their partners and that cause delays in the delivery of services and, hence, delays in permanency for children.</p>	<p>Statewide Efforts <u>Administrative Office of the Courts</u></p> <ul style="list-style-type: none"> • BRC and AOC staff are working with Stewards of Change, a national consulting group, to convene a symposium of stakeholders at the state and county level to plan information sharing and discuss resolving barriers to exchange. • BRC and AOC liaison staff are preparing county and court visits to train on data exchange and facilitate strategic planning for exchange. <p><u>Child Welfare Council</u></p> <ul style="list-style-type: none"> • Adopted data and information sharing recommendations in March 2010, including a policy statement on data sharing. • Briefs on legal issues in information sharing prepared and circulated • Focus group of county counsel held to discuss barriers to information sharing
<p>Data systems in the various agencies evolve to capture the growing complexity of California demographics, including issues such as limited English proficiency, use of psychotropic medications, and disabilities.</p>	<p>Statewide Efforts <u>Administrative Office of the Courts</u></p> <ul style="list-style-type: none"> • BRC staff are working with Stewards of Change, a national consulting group, to convene a symposium of stakeholders at the state and county level to plan information sharing and discuss resolving barriers to exchange. <p><u>Judicial Council & Partner Stakeholders</u></p> <ul style="list-style-type: none"> • Efforts are ongoing • CDSS has data sharing MOUs with sister agencies

	<ul style="list-style-type: none"> • Collaborative work on interoperable systems ongoing
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Recommendation 3B

The presiding judge of the juvenile court and the county social services or human services director should convene multidisciplinary commissions at the local level to identify and resolve local system concerns, address the recommendations of the Blue Ribbon Commission, and build the capacity to provide a continuum of services.

The Blue Ribbon Commission recommends that:

Recommendation	Implementation Progress
<p>These multidisciplinary local commissions include participation from the courts; local government officials; public and private agencies and organizations that support children and families; children, parents, and families with experience in the system; caregivers; and all other appropriate parties to the process.</p>	<p>Statewide Efforts <u>Administrative Office of the Courts</u></p> <ul style="list-style-type: none"> • Technical assistance and training available to local collaborations through assigned JCAT liaisons • Active local collaborations in more than 40 counties
<p>These commissions focus on key areas of local concern and activities, including:</p> <ul style="list-style-type: none"> • Undertaking a comprehensive assessment of existing services available in the community; encouraging development of appropriate services that are not available; coordinating services with tribal services and transitional services; and ensuring that children and families receive the support they need for reunification and permanency; • Identifying and resolving barriers to sharing information among the courts, agencies, and schools; • Communicating local needs and concerns to the Child Welfare Council; and • Raising the visibility and public understanding of foster care issues in their communities. 	<p>Statewide Efforts <u>Administrative Office of the Courts</u></p> <ul style="list-style-type: none"> • 2008 Summit began planning local collaborations and foster care priorities • 2010 Summit followed up and planned next steps • Individual local collaborative set priorities according to the needs of their county
<p>The Administrative Office of the Courts support local commissions in their efforts to collaborate and to avoid duplication with other efforts to achieve positive child welfare</p>	<p>Statewide Efforts <u>Administrative Office of the Courts</u></p> <ul style="list-style-type: none"> • Technical assistance and training available to local

<p>outcomes (including county efforts to develop system improvement plans as required by state law).</p> <p>All participating agencies prioritize children in foster care, and their families, when providing services.</p>	<p>collaborations through assigned JCAT liaisons</p> <ul style="list-style-type: none"> • BRC <i>Foster Care Reform Update</i> newsletter <p>Statewide Efforts <u>Child Welfare Council</u></p> <ul style="list-style-type: none"> • Ongoing discussions on prioritizing foster care
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Recommendation 3C

Courts, child welfare agencies, and other agencies should collaborate with Indian tribes and tribal courts to ensure that the rights of children, families, and tribes are protected and that Indian children and families have access to all appropriate services for which they are eligible.

The Blue Ribbon Commission recommends that:

<p>Recommendation</p>	<p>Implementation Progress</p>
<p>The Administrative Office of the Courts work with state trial courts and tribal courts to establish protocols for identifying and sharing jurisdiction between state and tribal courts and for sharing services, case management, and data among superior courts, tribal courts, and county and tribal service agencies. The protocols established should encourage a mutual understanding of and respect for the procedures in both the state and tribal courts and the challenges that all communities face in providing services for children and families. The Administrative Office of the Courts collaborate with the state to develop and offer judicial education and technical assistance opportunities to tribal court officers and staff and legal education to tribal attorneys, lay advocates, and service providers.</p>	<p>Federal Efforts <u>Federal Fostering Connections to Success Act (10/08):</u></p> <ul style="list-style-type: none"> • Requires HHS to provide technical assistance and implementation services dedicated to improving services and permanency outcomes for Indian children and their families. <p>State Efforts <u>State Legislation</u></p> <ul style="list-style-type: none"> • <u>AB 770 (Torres)—Chaptered 8/09</u> This bill makes it the policy of the state to maximize the opportunities for Indian tribes to operate foster care programs for Indian children pursuant to the federal Fostering Connections to Success and Increasing Adoptions Act of 2008. This bill would require the State Department of Social Services to negotiate in good faith with the Indian tribe, organization, or consortium in the state that requests development of an agreement with the

state to administer all or part of the programs under specified provisions of federal law relating to foster care and adoption assistance, on behalf of the Indian children who are under the authority of the tribe, organization, or consortium.

- AB 1325 (Cook)—Chaptered 10/09
Existing federal law, the Indian Child Welfare Act, and state law govern the placement of children who are or who may be Indian children, as specified. This bill would revise those provisions to require the juvenile court and social workers to consider and recommend tribal customary adoption, as defined, as an additional permanent placement option, without termination of parental rights, for a dependent child. The bill would provide that a tribal customary adoption order would have the same force and effect as an order of adoption.

AOC Tribal Projects Unit

- Maintains a clearinghouse of resources including (1) a calendar of AOC educational events for tribal and state courts; a directory of Native American family resources in California; a listing of tribal justice grant opportunities; information on California tribal courts; and resources relating to compliance with ICWA in juvenile, family, and probate cases;
- Promotes communication and information sharing among tribal and state court systems, bringing together state and tribal court judges, as well as tribal and state/local agencies, to improve the administration of justice in cases relating to ICWA, domestic violence, dating violence,

<p>The Administrative Office of the Courts work with the California Department of Social Services to offer ongoing multidisciplinary training and technical assistance to judges, court staff, attorneys, social workers, and other service providers on all of the requirements of the Indian Child Welfare Act.</p>	
<p><i>Federal Efforts</i> <u>Federal Fostering Connections to Success Act (10/08):</u></p> <ul style="list-style-type: none"> Requires HHS to provide technical assistance and implementation services dedicated to improving services and permanency outcomes for Indian children and their families. <p><i>State Efforts</i></p>	<ul style="list-style-type: none"> sexual assault, and stalking; Develops curricula on civil and criminal jurisdiction and the Indian Child Welfare Act for state court judges; Provides technical assistance to tribal court judges interested in applying problem-solving, collaborative court principles and starting or enhancing a supervised visitation program <p><u>Judicial Council</u></p> <ul style="list-style-type: none"> Chief Justice Ronald M. George established the California Tribal Court/State Court Coalition to work on areas of mutual concern, the first organization of its kind in the state, and appointed Justice Richard D. Huffman, along with Judge Richard Blake, Chief Judge of the Hoopa Tribal Court and Presiding Judge of the Smith River Rancheria Tribal Court, to co-chair it. Proposal creating new rules and forms to implement the mandates and legislative intent of AB 1325 (Tribal Customary Adoptions) was approved and new rules and forms are in effect.

<p>Indian children and families have access to the same services as other families and children regardless of whether their cases are heard in state court or tribal court.</p>	<p><u>AOC Tribal Projects Unit</u></p> <ul style="list-style-type: none"> • Providing intensive training and technical assistance throughout the state on all aspects of the Indian Child Welfare Act through the ongoing AOC ICWA Initiative (in partnership with CDSS) <p>Local Efforts Local Collaboratives Work with Tribes</p>
<p>In order to meet the needs of children and families in the foster care system, the Judicial Council, Congress, the Legislature, the courts, and partnering agencies should give priority to children and their families in the child welfare system in the allocation and administration of resources, including public funding – federal, state, and local – and private funds from foundations that support children’s issues.</p>	<p>Federal Efforts <u>Federal Fostering Connections to Success Act (10/08):</u></p> <ul style="list-style-type: none"> • Direct access to federal support for Indian tribes. Offers, for the first time, many American Indian and Alaska Native children federal assistance and protections through the federal foster care and adoption assistance programs (title IV-E) that other children already enjoy.

Recommendation 4: Resources and Funding

In order to meet the needs of children and families in the foster care system, the Judicial Council, Congress, the Legislature, the courts, and partnering agencies should give priority to children and their families in the child welfare system in the allocation and administration of resources, including public funding – federal, state, and local – and private funds from foundations that support children’s issues.

Recommendation 4A

The Judicial Council should urge Congress, the state Legislature, and state and local agencies – including agencies and organizations that provide health, mental health, education, substance abuse, domestic violence, housing, employment, and child care services – to prioritize the delivery and availability of services to children and families in the child welfare system.

The Blue Ribbon Commission recommends that:

<p>Recommendation</p> <p>Congress and the state Legislature fund dissemination of</p>	<p>Implementation Progress</p> <p><i>Federal Efforts</i></p>
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evidence-based or promising practices that lead to improved outcomes for foster children and their parents. Examples include therapeutic foster care and drug courts.

2010 Office of Juvenile Justice and Delinquency Prevention (OJJDP) Family Drug Court Grants

- \$500K/yr for up to 3 yrs for new programs
- \$350K/yr for up to 3 yrs for existing programs

Statewide Efforts

California Partners for Permanency (CAPP)

- California Partners for Permanency (CAPP) is a new (2011) federally funded five year project to reduce the number of children in long term foster care specifically focusing on African American and Native American children who are overrepresented in the child welfare system. The \$14.5 Million collaborative project is being administered by CDSS and includes an impressive array of collaborative partners, including 14 California counties, the California Child Welfare Co-Investment Partnership (which includes the Administrative Office of the Courts), the Child and Family Policy Institute of California, University of California Berkeley, Center for Social Services Research, the California Regional Training Academies, California Youth Connection, and the Center for the Study of Social Policy. The project will pilot a new child welfare practice model in four counties and then replicate the model in ten additional counties during the life of the project. The CAPP initiative involves implementing a Child and Family Practice Model that includes:
 - Culturally-sensitive engagement
 - Empowerment of family, Tribal, and community networks
 - Use of culturally-based healing practices and practice adaptations
- An institutional analysis to determine individual county needs has been completed in three counties to date: Los



Angeles (Pomona and Torrance), Fresno, and Santa Clara.

AOC Collaborative Courts Project

- Collaborating with CDSS and Dept. of Alcohol and Drug Programs on a project with the National Ctr. on Substance Abuse and Child Welfare to identify Dependency Drug Courts (DDCs) statewide, as well as current and potential caseloads, funding, and outcomes;
- Visited most DDCs in state and developed an instrument to capture data related to the focus of the work;
- Will be providing technical assistance and other follow up activities to increase caseloads, document results, and identify funding;
- Spearheading another project funded by the State Justice Institute that is focused on DDC outcome performance measures; creating a mechanism to track DDC outcomes statewide;
- Beginning a project aimed at tracking mentally ill court users in dependency to determine effective practices;
- Launched a reentry court program as part of a joint project with BANCRO that includes family reunification;
- Engaged in efforts to link drug and mental health courts with family court and child support proceedings to develop effective methods of supervision and compliance with court orders that address underlying problems of substance abuse or mental health;
- Supporting efforts in the courts to establish family preservation courts that are similar to DDCs, but focus on cases that are in family court or for which a dependency filing has not occurred.

Recommendation 4B

States and counties should be given permission to use federal funding more flexibly. Flexible funding should be used to address the needs of children and families in a timely manner that recognizes the child's developmental needs and relationship with his or her parents, guardian, and extended family. The commission supports key financial recommendations of the Pew Commission on Children in Foster Care and encourages innovative funding strategies at the federal, state, and local levels of government.

The Blue Ribbon Commission recommends that:

Recommendation	Implementation Progress
<p>The Judicial Council urge Congress to adopt the following federal financing reform recommendations, based on those advocated in 2004 by the Pew Commission on Children in Foster Care, a national panel of experts that issued proposals around financing child welfare and court reforms:</p> <ul style="list-style-type: none"> • Creation of an incentive model for permanency. Based on the adoption incentive, this model would encompass all forms of permanency, including reunification and guardianship, and would offer equal payment levels; • Federal adoption assistance for all children adopted from foster care; • Federal guardianship assistance for all children who leave foster care to live with a permanent, legal guardian; • Elimination of the income limit for eligibility for federal foster care funding; • Flexibility for states and counties to use federal funds to serve children from Indian tribes and children living within U.S. territories; • Extension of federal title IV-E funding to children in Indian tribes and the U.S. territories; • Reinvestment of local, state, and federal dollars saved from reduced foster care placements into services for children and families in the child welfare system; • Reinvestment of penalties levied in the federal Child and Family Services Review process into program improvement activities; and • Bonuses when the state demonstrates improved worker competence and lighter caseloads. 	<p>Federal Efforts</p> <p><u>Federal Fostering Connections to Success Act (10/08):</u></p> <ul style="list-style-type: none"> • Provides incentives for adoption. Increases incentives to states to find adoptive families for children in foster care, especially those with disabilities or other special needs and older youth. • Provides subsidized guardianship payments for relatives to provide permanent homes for children when they cannot be returned home. • Direct access to federal support for Indian tribes. Offers, for the first time, many American Indian and Alaska Native children federal assistance and protections through the federal foster care and adoption assistance programs (title IV-E) that other children already enjoy. <p>Statewide Efforts</p> <p><u>State Legislation</u></p> <ul style="list-style-type: none"> • <u>AB 12 (Bass)—Chaptered (9/10)</u> <p>The California Fostering Connections to Success Act, was signed into law by Governor Schwarzenegger on September 30, 2010. Because California has 20% of the children and youth in foster care in the country, this legislation will ensure that 1 in 5 youth who “age out” nationally will receive the support of the foster care system to age 21, ending an era of neglect and providing youth in foster care with the same common-sense</p>

assistance provided to children from in-tact families. Thousands of relative care providers will participate in the new, federally-funded subsidized guardianship program, providing much needed support that promotes stability among children. CDSS, the Judicial Council (through an extensive rules and forms proposal), the Legislature (through extensive “clean-up” legislation – AB 212), and many other local and statewide agencies and courts are involved in planning the implementation of AB 12 provisions for extending foster care and dependency court services to foster youth eligible to remain in the system after age 18 beginning in 2012. This bill will take effect on January 1, 2012.

- AB 194 (Beall)—Pending
Provides that former foster youth are to be given priority in enrollment and registration at UC, CSU, and community colleges.
- AB 154 (Evans)—Chaptered 10/09
To conform state statutes with federal Fostering Connections to Success Act provisions on adoption assistance and to spend resulting savings from changes in eligibility for adoption assistance on specified services.
- AB 665 (Torrico)—Chaptered 10/09
Requires state to reinvest adoption incentive payments received through the implementation of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (Public Law 110-351) into the child welfare system, in order to provide legal permanency outcomes for older children, including, but not limited to, adoption, guardianship, and reunification of children whose reunification services were previously terminated.

	<p><u>Judicial Council</u></p> <ul style="list-style-type: none"> • Initiating coordination efforts with Casey Family Programs Trustees on federal advocacy in this area. <p><u>California Department of Social Services</u></p> <ul style="list-style-type: none"> • Working with National Association of Public Child Welfare Administrators (NAPCWA) on a proposal that would address several of these recommendations • Issued, on July 10, 2010, instructions on how to report and claim eligible costs for Adoption Incentive Payments as provided in AB 665 for increasing permanency outcomes for older children. Counties and CDSS district offices receive monetary incentives for all three types of legal permanence for older children. The monetary incentives are used to fund activities to improve legal permanency outcomes for foster youth ages nine or older, including post adoption services, resolving barriers to adoption, intensive family finding, permanency support services, recruitment of adoptive parents, and reunification with family members whose services were previously terminated.
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Recommendation 4C
 No child or family should be denied services because it is unclear who should pay for them. Funding limitations that prohibit or delay the delivery of services to children and families should be addressed through coordinated and more flexible funding.

The Blue Ribbon Commission recommends that:

<p>Recommendation</p> <p>The Judicial Council work with other branches of federal, state, and local governments to identify barriers to funding for services and to develop solutions.</p>	<p>Implementation Progress</p> <p><u>Statewide Efforts</u></p> <ul style="list-style-type: none"> • Child Welfare Collaborations • Child Welfare Council, Judicial Council, Blue Ribbon
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<p>The Judicial Council should urge Congress to change any federal law that prevents federal funds from being coordinated among several agencies to support specific services.</p>	<p>Commission, Co-Investment Partnership, State Interagency Team, and others are working collaboratively on this recommendation.</p>
<p>The Judicial Council should urge Congress to change any federal law that prevents federal funds from being coordinated among several agencies to support specific services.</p>	<p>Statewide Efforts <u>Child Welfare Collaborations</u> Child Welfare Council, Judicial Council, Blue Ribbon Commission, Co-Investment Partnership, State Interagency Team, and others are working collaboratively on this recommendation.</p>

Recommendation 4D

The Judicial Council, along with other stakeholders, should work to improve the foster care system by supporting those who provide care to dependent children.

The Blue Ribbon Commission recommends that:

<p>Recommendation</p>	
<p>The Judicial Council and other stakeholders advocate for increasing foster care rates and supports to enable foster parents to care for their foster children.</p>	<p>Implementation Progress</p> <p>Statewide Efforts <u>State Legislation</u></p> <ul style="list-style-type: none"> • SB 84 (Committee on Budget and Fiscal Review. Human Services.)—Chaptered 8/07 <p>Increased foster care provider rates by 5% under the AFDC-FC program.</p>
<p>The Judicial Council and other stakeholders advocate for funding and other resources to provide statewide legal and informational support for caregivers so they understand the dependency process and know what to expect in court.</p>	

Recommendation 4E

The Judicial Council, the executive and legislative branches of federal and state government, local courts, businesses, foundations, and

community service organizations should work together to establish a fund to provide foster youth with the money and resources they need to participate in extracurricular activities and programs to help make positive transitions into adulthood.

The Blue Ribbon Commission recommends that:

Recommendation	Implementation Progress
<p>Children in foster care and partnering agencies have access to reliable funding to support their access to extracurricular activities and transitional programs. These activities should include music and dance lessons, sports, school events, and independent living activities.</p>	
<p>Systemic barriers that prevent foster children from participating in the above events be eliminated, including transportation, licensing restrictions, and confusion regarding waivers and consents.</p>	<p>Statewide Efforts <u>State Legislation</u></p> <ul style="list-style-type: none"> • AB 81 (Strickland, Audra)—Chaptered 08/09 Requires that a foster child who changes residences pursuant to a court order or decision of a child welfare worker be immediately deemed to meet all residence requirements for participation in interscholastic sports or other extracurricular activities. <p><u>California Dept. of Social Services</u></p> <ul style="list-style-type: none"> • In 2010, new CDSS regulations took effect specifying that decisions to allow foster children’s participation in athletics and other extracurricular activities should be made consistent with that of a “reasonable and prudent parent.”

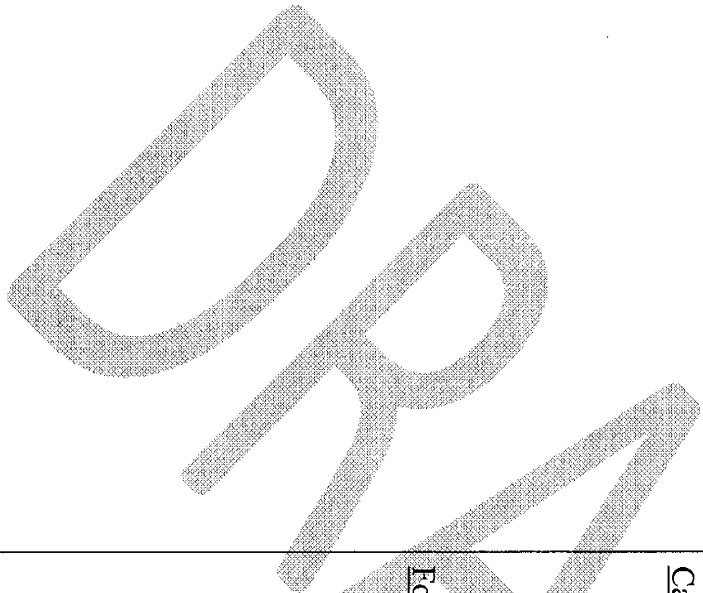
Recommendation 4F

Educational services for foster youth and former foster youth should be expanded to increase access to education and to improve the quality of those services.

The Blue Ribbon Commission recommends that:

Recommendation	Implementation Progress
<p>Courts and partnering agencies ensure that foster children receive the full education they are entitled to, including the support they need to graduate from high school. This includes tutoring and participation in extracurricular activities. The courts should require other agencies to justify any denial of such services to foster youth in school.</p>	<p>Federal Efforts <u>Federal Fostering Connections to Success Act (10/08):</u></p> <ul style="list-style-type: none"> • Educational stability. Helps children and youth in foster care, guardianship and adoption achieve their educational goals by requiring that states ensure that they attend school and, when placed in foster care, they remain in their same school where appropriate, or, when a move is necessary, get help transferring promptly to a new school; also provides increased federal support to assist with school-related transportation costs. <p>State Efforts <u>State Legislation</u></p> <ul style="list-style-type: none"> • <u>AB 12 (Bass) –Chaptered (9/10)</u> The California Fostering Connections to Success Act, was signed into law by Governor Schwarzenegger on September 30, 2010. Because California has 20% of the children and youth in foster care in the country, this legislation will ensure that 1 in 5 youth who “age out” nationally will receive the support of the foster care system to age 21, ending an era of neglect and providing youth in foster care with the same common-sense assistance provided to children from in-tact families. Thousands of relative care providers will participate in the new, federally-funded subsidized guardianship program, providing much needed support that promotes stability among children. CDSS, the Judicial Council (through an extensive rules and forms proposal), the Legislature

<p>(through extensive “clean-up legislation – AB 212), and many other local and statewide agencies and courts are involved in planning the implementation of AB 12 provisions for extending foster care and dependency court services to foster youth eligible to remain in the system after age 18 beginning in 2012. This bill will take effect on January 1, 2012.</p> <p><u>AB 194 (Beall)—Pending</u></p> <p>Provides that former foster youth are to be given priority in enrollment and registration at UC, CSU, and community colleges.</p> <p><u>California Department of Social Services</u></p> <ul style="list-style-type: none">• In 2010, new CDSS regulations took effect specifying that decisions to allow foster children’s participation in athletics and other extracurricular activities should be made consistent with that of a “reasonable and prudent parent.”	<p><u>Foster Youth Education Task Force</u></p> <ul style="list-style-type: none">• Continuing statewide collaboration and encouraging local practices that support increased collaboration and accountability.• The task force sponsored the 4th Statewide Foster Youth Education Summit in Sacramento in February, 2011. Over 500 legal, child welfare, education, mental health and other professionals attended as well as many current and former foster youth. A contingent from Washington State also attended to observe how California is collaboratively addressing the educational needs of children in foster care.• The task force, in collaboration with the National Center for Youth Law and the Stuart Foundation, recently developed a new online resource on education of foster



<p>The Judicial Council urge Congress and the state Legislature to strengthen current education laws to explicitly include all foster children and to fill funding gaps, such as the lack of support for transportation to maintain school stability.</p>	<p>youth. www.fosteredconnect.org is an online community connecting and supporting California's foster youth liaisons, foster youth advocates, and all professionals working to improve the educational outcomes of foster youth.</p> <p><u>California Department of Education, Foster Youth Services (FYS)</u></p> <ul style="list-style-type: none">• Expanded to 57 County Offices of Education serving over 40,000 students. <p><u>California College Pathways</u></p> <ul style="list-style-type: none">• Continuing to work with the higher education intersegmental entities to continue collaboration and to provide more support and technical assistance in creating comprehensive student assistance programs for foster youth in the higher education communities. <p>Local Efforts</p> <p><u>Foster Youth Services Programs</u></p> <p>FYS programs have become key members of local foster care commissions in a number of counties that have a strong focus on education. These local collaboratives have created an elevated level of awareness about the pre-k- higher education pipeline.</p> <p>Federal Efforts</p> <p><u>Federal Fostering Connections to Success Act (10/08):</u></p> <ul style="list-style-type: none">• Educational stability. Helps children and youth in foster care, guardianship and adoption achieve their educational goals by requiring that states ensure that they attend school and, when placed in foster care, they remain in their same school where appropriate, or, when a move is necessary, get help transferring promptly to a new school; also provides increased federal support to assist with
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			<p>school-related transportation costs.</p> <p><u>Federal Fostering Success in Education (S 2801-Franken)-Died in committee</u></p> <ul style="list-style-type: none">• Further defined the responsibilities of education agencies to support the educational achievement of children in foster care. <p><i>Statewide Efforts</i> <u>State Legislation</u></p> <ul style="list-style-type: none">• AB 81 (Strickland, Andra)—Chaptered 08/09 Would require that a foster child who changes residences pursuant to a court order or decision of a child welfare worker be immediately deemed to meet all residence requirements for participation in interscholastic sports or other extracurricular activities.• AB 167 (Adams)—Chaptered 10/09 Requires a school district to exempt a pupil in foster care from coursework adopted by the local governing board of the district that is in addition to the statewide coursework requirements if the pupil, while he or she is in 11th or 12th grade, transfers from another school district or between high schools within the district, unless the district makes a finding that the pupil is reasonably able to complete the additional requirements in time to graduate from high school while he or she remains eligible for foster care benefits.• AB 1393 (Skinner)—Chaptered 10/09 This bill requests or requires community college, state university, and University of California campuses to give priority for housing to current and former foster youth. The bill also requests or requires campuses that maintain student housing facilities open for occupation during school breaks, or on a year-round basis, to give first
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	<p>priority to current and former foster youth for residence in the housing facilities that are open for uninterrupted year-round occupation, and for housing that is open for occupation during the most days in the calendar year.</p>
<p>The Child Welfare Council prioritize foster children’s educational rights and work with educators to establish categorical program monitoring to oversee compliance with education laws and regulations that support foster youth in school.</p>	<p><i>Statewide Efforts</i> <u>Child Welfare Council</u></p> <ul style="list-style-type: none"> • Child Development and Successful Youth Transitions committee has a strong focus on supporting the education of foster youth, first focusing on developing a strategy to provide technical assistance to the district in awarding partial credits. <p><u>California Dept. of Education</u></p> <ul style="list-style-type: none"> • In process of developing a Categorical Program Monitoring tool, but project has been slightly delayed due to current budget constrictions.
<p>The California Department of Education designate foster youth as “at-risk” students to recognize that foster care creates challenges and obstacles to a child’s education that other children do not experience and to increase the access of foster youth to local education programs.</p>	<p><i>Statewide Efforts</i> <u>State Legislation</u></p> <ul style="list-style-type: none"> • AB 167 (Adams)—Chaptered 10/09 Would require a school district to exempt a pupil in foster care from coursework adopted by the local governing board of the district that is in addition to the statewide coursework requirements if the pupil, while he or she is in 11th or 12th grade, transfers from another school district or between high schools within the district, unless the district makes a finding that the pupil is reasonably able to complete the additional requirements in time to graduate from high school while he or she remains eligible for foster care benefits.
<p>Foster Youth Services grants be expanded to include all children</p>	<p><i>Statewide Efforts</i></p>

<p>age five or older, including those in kinship placements, because close to half of foster children are placed with kin and Foster Youth Services is not currently funded to serve those children.</p>	<p><u>State Legislation</u></p> <ul style="list-style-type: none"> Attempt to expand Foster Youth Services to youth in kinship and guardianship placements (AB 1259) was killed due to budget constraints.
<p>The Judicial Council urge legislative bodies and higher education officials to expand programs, such as the Guardian Scholars, statewide to ensure that all current and former foster youth who attend college have access to housing and other support services and to waive tuition and other educational fees for current and former foster youth.</p>	<p><u>Statewide Efforts</u> <u>State Legislation</u></p> <ul style="list-style-type: none"> AB 1393 (Skinner)—Chaptered 10/09 This bill would request or require community college, state university, and University of California campuses to give priority for housing to current and former foster youth. The bill would also request or require campuses that maintain student housing facilities open for occupation during school breaks, or on a year-round basis, to give first priority to current and former foster youth for residence in the housing facilities that are open for uninterrupted year-round occupation, and for housing that is open for occupation during the most days in the calendar year. <p><u>California State University System</u></p> <ul style="list-style-type: none"> On March 16, 2010, the CSU Board of Trustee unanimously supported the Title 5 revision in the Education Code granting housing priority to current and former foster youth during the academic year, as well as during critical transitional periods such as school breaks; and establishing reasonable systems for determining priority housing when implementing the Assembly Bill 1393 (Skinner). <p><u>California College Pathways</u></p> <ul style="list-style-type: none"> Continuing to work with the higher education intersegmental entities to continue collaboration and to

	<p>provide more support and technical assistance in creating comprehensive student assistance programs for foster youth in the higher education communities.</p> <p><u>Expansion of Campus Support Programs and Services for Foster Youth</u></p> <ul style="list-style-type: none">• Currently 21 CSU, 9 UC and 110 community college campuses that have in place support services (e.g. financial assistance, housing, academic advising) for former foster youth. Some of the programs supporting foster youth in higher education are called by various names including Foster Youth Success Initiative (FYSI), Guardian Scholars, Renaissance Scholars, CME Society, Resilient Scholars, Court Scholars, ACE Scholars Services and EOP/EOPS.• Currently 51 comprehensive support programs at the UC, CSU and community colleges serving students from foster care.
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Tab V

California Blue Ribbon Commission
on Children in Foster Care

As of March 1, 2012
(Expires June 30, 2014)

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Associate Justice of the Court of Appeal
Fourth Appellate District, Division One

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Executive Director
California CASA Association

Hon. Karen Bass
Member of the U.S. House of Representatives
33rd Congressional District of California

Hon. Richard C. Blake
Chief Judge
Hoopa Valley Tribal Court

Mr. Lawrence B. Bolton
California Department of Social Services

Mr. Curtis L. Child
Director
Office of Governmental Affairs
Administrative Office of the Courts

Mr. Michael S. Cunningham
Acting Director
Department of Alcohol and Drug Programs

Hon. Kathryn Doi Todd
Associate Justice of the Court of Appeal
Second Appellate District, Division Two

Ms. Jill Duerr Berrick, PhD
Professor, School of Social Welfare and
Co-Director, Center for Child and Youth
Policy
University of California, Berkeley

Hon. Leonard P. Edwards (Ret.)
Judge-in-Residence
Center for Families, Children & the Courts
Administrative Office of the Courts

Mr. Robert E. Friend
Director
National Institute for Permanent Family
Connectedness (NIPFC)

Ms. Teri Kook
Director of Child Welfare
Stuart Foundation

Ms. Miriam Aroni Krinsky
Lecturer
UCLA School of Public Affairs

Ms. Amy Lemley
Policy Director
John Burton Foundation

Mr. Will Lightbourne
Director
California Department of Social Services

Ms. Donna C. Myrow
Executive Director
L.A. Youth

California Blue Ribbon Commission
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As of March 1, 2012
(Expires June 30, 2014)

Hon. Michael Nash

Presiding Judge of the Juvenile Court
Superior Court of California,
County of Los Angeles

Ms. Diane Nunn

Division Director
Center for Families, Children & the Courts
Administrative Office of the Courts

Mr. John O'Toole

Director
National Center for Youth Law

Ms. Linda Penner

Chief Probation Officer
Fresno County Probation Department

Mr. Anthony Pico

Student

Mr. Alan Slater (Ret.)

Hon. Dean T. Stout

Presiding Judge of the Superior Court
of California, County of Inyo

Ms. Jacqueline Wong

Foster Youth Services Program
California Department of Education
Counseling, Student Support & Service
Learning Office

NEW MEMBERS:

Ms. Dana Blackwell

Senior Director
California Strategic Consultation
Casey Family Programs

Hon. Stacy Boulware Eurie

Judge of the Superior Court of California,
County of Sacramento

Hon. Noreen Evans

Member
California State Senate

Hon. Mike Feuer

Assembly Member
California State Assembly

Ms. Cathi Grams

Director
Department of Employment & Social Services

Ms. Chantel Johnson

Legislative and Policy Coordinator
California Youth Connection

California Blue Ribbon Commission
on Children in Foster Care

As of March 1, 2012
(Expires June 30, 2014)

**MEMBERS THROUGH
June 30, 2012**

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Member
Los Angeles County Board of Supervisors
Fifth Supervisorial District

Hon. Lucy Armendariz
Judge of the State Bar Court of California

Ms. Mary L. Ault (Ret.)

Hon. John Burton
Former President pro Tempore of the
California State Senate
John Burton Foundation for
Children Without Homes

Ms. Miryam J. Choca
Senior Director
California Strategic Consultation
Casey Family Programs

Mr. Joseph W. Cotchett
Attorney
Law Offices of Cotchett, Pitre, Simon &
McCarthy, LLP

Mr. Raul A. Escatel
Tax Counsel
California Franchise Tax Board

Ms. Deborah Escobedo
Staff Attorney
Youth Law Center

Hon. Terry B. Friedman (Ret.)

Hon. Susan D. Huguenor
Judge of the Superior Court of California,
County of San Diego
Family Law Court

Hon. Bill Maze
Former Member
California State Assembly

Mr. David Neilsen
Deputy Director
Department of Alcohol and Drug Programs
Program Services Division

Mr. Derek Peake

Mr. Jonathan Pearson

Ms. Patricia S. Ploehn
Assistant Chief Executive Officer
County of Los Angeles

Maria D. Robles, RN

Hon. Darrell S. Steinberg
President proTempore
California State Senate
Sixth Senate District

Mr. John Wagner
Interim Director
Department of Community Services
and Development

California Blue Ribbon Commission
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As of March 1, 2012
(Expires June 30, 2014)

AOC STAFF TO THE COMMISSION

Mr. Christopher Wu

Executive Director
California Blue Ribbon Commission on
Children in Foster Care
Center for Families, Children & the Courts
Administrative Office of the Courts

Ms.Carolynn C. Bernabe

Senior Administrative Coordinator
Center for Families, Children & the Courts
Administrative Office of the Courts

Ms. Christine Cleary

Attorney
Center for Families, Children & the Courts
Administrative Office of the Courts