



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 1240 • Sacramento, California 95814-3368
Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

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

JODY PATEL
Interim Administrative Director of the Courts

CURT SODERLUND
Interim Chief Deputy Director

CURTIS L. CHILD
Director, Office of Governmental Affairs

May 23, 2012

Hon. Felipe Fuentes, Chair.
Assembly Appropriations Committee
State Capitol, Room 2114
Sacramento, California 95814

Subject: AB 1712 (Beall), as amended April 26, 2012 – Support
Hearing: Assembly Appropriations Committee – May 25, 2012

Dear Assembly Member Fuentes:

The Judicial Council supports AB 1712, which contains numerous technical and clarifying amendments to implement the provisions of AB 12 (Beall and Bass, Ch. 559, Stats. of 2010). The council supports AB 1712 because it will clarify and enhance the implementation of the significant policy changes enacted by AB 12 in 2010. As a co-sponsor of AB 12, the Judicial Council works closely with other child welfare system stakeholders to ensure that its changes are implemented fairly and effectively.

In addition to the technical and clarifying provisions in AB 1712, it will also remedy a critical gap in the original legislation and ensure that our courts can effectively assist foster youth in their successful transition to adulthood. As originally drafted, AB 12 eligibility was phased in by age group, moving in 18-year-olds as of January 2012, 19-year-olds as of January 2013; and 20-year-olds as of January 2014 if funds allow.

In our courts we are finding that some youth who are already participating in AB 12 extended care are turning 19 during calendar year 2012, and are not able to remain in their placements, depending on their case circumstances and county that they live in. While some courts and counties have been able to allow some of their youth to remain in care, not every county has

Hon. Felipe Fuentes

May 23, 2012

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been able to provide this extension because they do not have the resources to provide this support without federal matching funds. This leaves juvenile court judges in the untenable position of having to dismiss these youth from the support they are receiving because they turn 19 and inform those youth that they can re-enter the system in January when the eligibility age increases to 20. We can all see that such an approach is counter-productive and will likely set these youth back substantially in their efforts to become independent adults.

We understand that this provision has a small one-time cost associated with it. However, the bill also achieves savings in a number of ways that offset the small cost associated with allowing these youth to remain in care for a few extra months before the January 2013 phase-in to age 20 takes effect. We were very heartened to see that the Brown Administration is proposing in the May Revision to extend care to age 21 on the regular phase-in schedule and build this funding into the county realignment base over the next three years which shows that even in these fiscally challenging times the Governor can see the need to support these youth.

The youth that AB 1712 would aid have chosen to remain in foster care and are participating in education or work in order to maintain their eligibility for these placements. Making those youth subject to a significant disruption in their lives may well result in negative outcomes for these youth that undermine the intent of AB 12.

For these reasons, the Judicial Council supports AB 1712 and strongly urges your support for this bill to move off of the suspense file.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy Kenny", written in a cursive style.

Tracy Kenny
Attorney

TK/yc

cc: Members, Assembly Appropriations Committee

Hon. Jim Beall, Jr., Member of the Assembly

Ms. Julie Salley-Gray, Principal Consultant, Assembly Appropriations Committee

Mr. Allan Cooper, Fiscal Consultant, Assembly Republican Fiscal Office

Mr. Gareth Elliott, Legislative Affairs Secretary, Office of the Governor

Ms. Madelynn McClain, Budget Analyst, Department of Finance



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Director, Office of Governmental Affairs

June 21, 2012

Hon. Carol Liu, Chair
Senate Human Services Committee
State Capitol, Room 5061
Sacramento, California 95814

Subject: AB 1712 (Beall), as amended April 26, 2012 – Support
Hearing: Senate Human Services Committee – June 26, 2012

Dear Senator Liu:

The Judicial Council supports AB 1712, which contains numerous technical and clarifying amendments to implement the provisions of AB 12 (Beall and Bass, Ch. 559, Stats. of 2010). The council supports AB 1712 because it will clarify and enhance the implementation of the significant policy changes enacted by AB 12 in 2010. As a co-sponsor of AB 12, the Judicial Council works closely with other child welfare system stakeholders to ensure that its changes are implemented fairly and effectively.

In addition to the technical and clarifying provisions in AB 1712, it will also remedy a critical gap in the original legislation and ensure that our courts can effectively assist foster youth in their successful transition to adulthood. As originally drafted, AB 12 eligibility was phased in by age group, moving in 18-year-olds as of January 2012, 19-year-olds as of January 2013; and 20-year-olds as of January 2014 if funds allow.

In our courts we are finding that some youth who are already participating in AB 12 extended care are turning 19 during calendar year 2012, and are not able to remain in their placements, depending on their case circumstances and county that they live in. While some courts and counties have been able to allow some of their youth to remain in care, not every county has

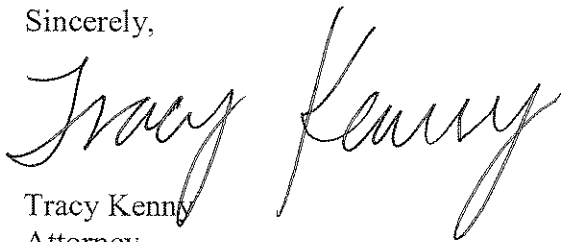
been able to provide this extension because they do not have the resources to provide this support without federal matching funds. This leaves juvenile court judges in the untenable position of having to dismiss these youth from the support they are receiving because they turn 19 and inform those youth that they can re-enter the system in January when the eligibility age increases to 20. We can all see that such an approach is counter-productive and will likely set these youth back substantially in their efforts to become independent adults.

We understand that this provision has a small one-time cost associated with it. However, the bill also achieves savings in a number of ways that offset the small cost associated with allowing these youth to remain in care for a few extra months before the January 2013 phase-in to age 20 takes effect. We were very heartened to see that the Brown Administration is proposing in the May Revise to extend care to age 21 on the regular phase-in schedule and build this funding into the county realignment base over the next three years which shows that even in these fiscally challenging times the Governor can see the need to support these youth.

The youth that AB 1712 would aid have chosen to remain in foster care and are participating in education or work in order to maintain their eligibility for these placements. Making those youth subject to a significant disruption in their lives may well result in negative outcomes for these youth that undermine the intent of AB 12.

For these reasons, the Judicial Council supports AB 1712 and strongly urges your support.

Sincerely,

A handwritten signature in black ink, reading "Tracy Kenney". The signature is fluid and cursive, with the first name "Tracy" and last name "Kenney" clearly distinguishable.

Tracy Kenney
Attorney

TK/yc

cc: Members, Senate Human Services Committee

Hon. Jim Beall, Jr., Member of the Assembly

Ms. Mareva Brown, Chief Consultant, Senate Human Services Committee

Mr. Joe Parra, Consultant, Senate Republican Office of Policy

Ms. June Clark, Deputy Legislative Affairs Secretary, Office of the Governor



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June 26, 2012

Hon. Noreen Evans, Chair
Senate Judiciary Committee
State Capitol, Room 4032
Sacramento, California 95814

Subject: AB 1712 (Beall), as amended June 21, 2012 – Support
Hearing: Senate Judiciary Committee – July 3, 2012

Dear Senator Evans:

The Judicial Council is pleased to support AB 1712, which contains numerous technical and clarifying amendments to implement the provisions of AB 12 (Beall and Bass, Ch. 559, Stats. of 2010). The council supports AB 1712 because it will clarify and enhance the implementation of the significant policy changes enacted by AB 12 in 2010. As a co-sponsor of AB 12, the Judicial Council works closely with other child welfare system stakeholders to ensure that its changes are implemented fairly and effectively.


Two key provisions in AB 1712 that will assist the court in implementing the requirements of AB 12 are the clarifications regarding the court files for non-minor dependents (NMD), and the provisions clarifying how reunification services can be provided for the parents or guardians of NMDs. Because youth participating in extended foster care via AB 12 are legal adults, it is necessary to recognize their rights to privacy and agency over their permanent plans. The file related statutory provision would result in a new court file being created for NMDs that would not be accessible to their parents or guardians unless those individuals were still receiving reunification services, and therefore parties to the case. The reunification services changes would clarify that parents of NMDs may receive such services if the NMD and the parent agrees that they are beneficial and the court finds that reunification services are in the NMDs best interests


and there is a substantial probability that the NMD will be able to safely reside in the parent's home by the time of the next required review hearing. By targeting reunification services to these cases the decision-making authority of the NMD will be respected, while supporting the goal of family reunification in appropriate cases.

In addition, AB 1712 will create a new statute outlining the requirements for court review hearings involving NMDs. This framework is consistent with the intent of AB 12, but sets forth clear guidance for the court on how to proceed. It also takes into account the need to proceed differently depending on whether reunification services are ongoing or not. Courts who are currently struggling to determine what the implications of extended foster care are for current practices will be aided in their implementation of the legislation by these clarifying provisions.

For these reasons, the Judicial Council supports AB 1712 and strongly urges your aye vote

Sincerely,


Tracy Kenny
Attorney



TK/yc

cc: Members, Senate Judiciary Committee

Hon. Jim Beall, Jr., Member of the Assembly

Ms. Nichole Rapiere, Counsel, Senate Judiciary Committee

Mr. Mike Petersen, Consultant, Senate Republican Office of Policy

Ms. June Clark, Deputy Legislative Affairs Secretary, Office of the Governor



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Director, Office of Governmental Affairs

September 17, 2012

Hon. Edmund G. Brown, Jr.
Governor of California
State Capitol, First Floor
Sacramento, California 95814

Subject: AB 1712 (Beall) – Request for Signature

Dear Governor Brown:

The Judicial Council is pleased to support AB 1712, which contains numerous technical and clarifying amendments to implement the provisions of AB 12 (Beall and Bass, Ch. 559, Stats. of 2010). The council supports AB 1712 because it will clarify and enhance the implementation of the significant policy changes enacted by AB 12 in 2010. As a co-sponsor of AB 12, the Judicial Council works closely with other child welfare system stakeholders to ensure that its changes are implemented fairly and effectively.

Two key provisions in AB 1712 that will assist the court in implementing the requirements of AB 12 are the clarifications regarding the court files for non-minor dependents (NMD), and the provisions clarifying how reunification services can be provided for the parents or guardians of NMDs. Because youth participating in extended foster care via AB 12 are legal adults, it is necessary to recognize their rights to privacy and agency over their permanent plans. The file related statutory provision would result in a new court file being created for NMDs that would not be accessible to their parents or guardians unless those individuals were still receiving reunification services, and therefore parties to the case. The reunification services changes would clarify that parents of NMDs may receive such services if the NMD and the parent agrees that they are beneficial and the court finds that reunification services are in the NMDs best interests and there is a substantial probability that the NMD will be able to safely reside in the parent's

home by the time of the next required review hearing. By targeting reunification services to these cases the decision-making authority of the NMD will be respected, while supporting the goal of family reunification in appropriate cases.

In addition, AB 1712 will create a new statute outlining the requirements for court review hearings involving NMDs. This framework is consistent with the intent of AB 12, but sets forth clear guidance for the court on how to proceed. It also takes into account the need to proceed differently depending on whether reunification services are ongoing or not. Courts who are currently struggling to determine what the implications of extended foster care are for current practices will be aided in their implementation of the legislation by these clarifying provisions.

For these reasons, the Judicial Council requests your signature on AB 1712.

Sincerely,

A handwritten signature in cursive script, appearing to read "Tracy Kenny".

Tracy Kenny
Attorney

TK/yc

cc: Hon. Jim Beall, Jr., Member of the Assembly
Ms. June Clark, Deputy Legislative Affairs Secretary, Office of the Governor