



## Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

OFFICE OF GOVERNMENTAL AFFAIRS

770 L Street, Suite 700 • Sacramento, California 95814-3393

Telephone 916-323-3121 • Fax 916-323-4347 • TDD 415-865-4272

TANI CANTIL-SAKAUYE

*Chief Justice of California  
Chair of the Judicial Council*

WILLIAM C. VICKREY  
*Administrative Director of the Courts*

RONALD G. OVERHOLT  
*Chief Deputy Director*

CURTIS L. CHILD  
*Director, Office of Governmental Affairs*

March 14, 2011

Hon. Mike Feuer  
Member of the Assembly  
State Capitol, Room 2013  
Sacramento, California 95814

Subject: AB 73 (Feuer), as introduced - Support

Dear Assembly Member Feuer:

The Judicial Council is pleased to support AB 73, which states the intent of the Legislature to enact legislation providing that juvenile court hearings in juvenile dependency matters be presumptively open to the public unless the court finds that admitting the public would not be in a child's best interest.

The Judicial Council believes the bill would enhance public trust and confidence in the juvenile court by promoting transparency and accountability while preserving the ability of the court to protect the interests of abused and neglected children in individual cases. The council has historically supported this principle in prior legislation, and since the last time the council took a position on such legislation, additional states have opted to open their juvenile dependency courts with no reports that such openness has been detrimental to the children in those courts.

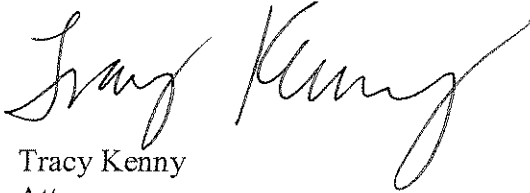
The work of juvenile dependency courts is of critical importance to the public as it involves significant involvement by the state in the lives of children and their families. The current lack of public access can only foster a lack of trust and understanding of this vitally important system. Opening the courts presumptively, while providing courts with the authority to close them when circumstances dictate, will bring more attention to the needs of California's child welfare system,

Hon. Mike Feuer  
March 14, 2011  
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and ensure that all of its decision makers, including judges, can be held accountable for their actions.

For these reasons, the Judicial Council supports AB 73.

Sincerely,

A handwritten signature in black ink, appearing to read "Tracy Kenny". The signature is fluid and cursive, with the first name "Tracy" and last name "Kenny" clearly distinguishable.

Tracy Kenny  
Attorney

TK/yt

cc: Mr. Aaron Maguire, Deputy Legislative Affairs Secretary, Office of the Governor  
Ms. Kirsten Kolpitzke, Deputy Director of Legislation, Governor's Office of Planning and Research



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April 11, 2011

Hon. Jim Beall, Jr.  
Member of the Assembly  
State Capitol, Room 5016  
Sacramento, California 95814

Subject: AB 73 (Feuer), as amended March 31, 2011 – Support  
Hearing: Assembly Human Services Committee – April 26, 2011

Dear Assembly Member Beall:

The Judicial Council is pleased to support AB 73, which would establish a pilot project in three volunteer courts to provide that juvenile court hearings in juvenile dependency matters be presumptively open to the public unless the court finds that admitting the public would not be in a child's best interest.

The Judicial Council believes the bill would enhance public trust and confidence in the juvenile court by promoting transparency and accountability while preserving the ability of the court to protect the interests of abused and neglected children in individual cases. The council has historically supported this principle in prior legislation, and since the last time the council took a position on such legislation, additional states have opted to open their juvenile dependency courts with no reports that such openness has been detrimental to the children in those courts.

The work of juvenile dependency courts is of critical importance to the public as it involves significant involvement by the state in the lives of children and their families. Dependency courts not only make critical decisions about whether to remove a child from his or her parents, and where to place removed children, they also have the authority to terminate the legal rights and status of parents. The current lack of public access can only foster a lack of trust and

understanding of this vitally important system. Opening the courts presumptively, while providing courts with the authority to close them when circumstances dictate, will bring more attention to the needs of California's child welfare system, and ensure that all of its decision makers, including judges, can be held accountable for their actions.

AB 73 provides critical protections for the children and families whose cases are before the court. It would require the court to protect the identity of the parties, and admonish those participating in the proceedings from disclosing information that would identify these parties. Moreover, it requires the court to ensure that children in these cases are advised by their attorneys about the presumptive openness, and make them aware of their right to request the closure of individual proceedings. Finally, it vests the court with the authority to close the proceedings whenever the court finds that open proceedings would be contrary to the child's best interests. Every decision that juvenile courts make regarding dependent children is grounded in this best interest standard, and courts are well prepared to apply it in these circumstances as well.

AB 73 will allow California to study and evaluate the impact of presumptively open courts so that the Legislature can make an informed decision on whether to continue the current practice of closed proceedings in these important cases. Because closure of any court proceedings runs contrary to the general principle that the work of the courts be open to the public, it is appropriate to closely examine whether presumptive closure is necessary in dependency matters before we assume that the status quo best serves the needs of the children and families in our courts. We believe that the system would benefit from openness and transparency so that the public can better understand the tremendous work that is being done in our child welfare system, as well as the enormous challenges that the system faces. More public interest and attention can yield great benefits for all of the children and families that are touched by these courts.

For these reasons, the Judicial Council supports AB 73.

Sincerely,

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

Tracy Kenny  
Attorney

TK/lp

cc: Members, Assembly Human Services Committee

Hon. Mike Feuer, Member of the Assembly

Ms. Michelle Cabrera, Consultant, Assembly Human Services Committee

Mr. Aaron Maguire, Deputy Legislative Affairs Secretary, Office of the Governor

Ms. Kirsten Kolpitcke, Deputy Director of Legislation, Governor's Office of Planning and Research

Ms. Mary Bellamy, Consultant, Senate Republican Office of Policy