



Judicial Council of California

ADMINISTRATIVE OFFICE OF THE COURTS

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Chair of the Judicial Council

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Chief Deputy Director

CURTIS L. CHILD
Director, Office of Governmental Affairs

May 5, 2009

Hon. Noreen Evans
Member of the Assembly
State Capitol, Room 6026
Sacramento, California 95814

Subject: AB 82 (Evans), as amended April 14, 2009 - Support

Dear Assembly Member Evans:

The Judicial Council supports AB 82, which would strengthen the existing oversight by juvenile courts of psychotropic medication requests, because it would ensure that the juvenile court has the necessary authority to effectively exercise its responsibility to oversee the administration of psychotropic medications to children in foster care. We note that many of the new provisions in AB 82 are consistent with California Rule of Court 5.640, the current rule of court that governs these requests and orders, which became effective January 1, 2008.

That rule, and the forms that are required to be used to make a request for an order for psychotropic medication, already require that the physician prescribing the medication provide all of the information required by AB 82, except that the current rule does not specifically require a plan for ongoing monitoring of the medication. The inclusion of such a plan in the request is good practice, and will enhance the ability of the court to consider these requests.

AB 82 also strengthens the right of a child to be present at any hearing regarding a request for medication. Currently, there is a requirement that youth and/or their attorneys receive notice of the request and an opportunity to request a hearing. AB 82 requires that the child be present at

Hon. Noreen Evans

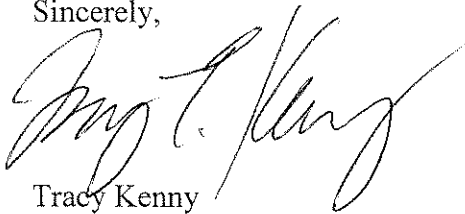
May 5, 2009

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the hearing unless the child waives that appearance or the court finds good cause for the absence of the child. This provision is consistent with the principles set forth in the final recommendations of the California Blue Ribbon Commission on Children in Foster Care, which call for courts to make every effort to ensure that children are in attendance at dependency court proceedings. This concern is especially acute with regard to orders for medication, given that the issue is expressly focused on the mental and physical well being of the child.

For these reasons, the Judicial Council supports AB 82.

Sincerely,

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

Tracy Kenny
Attorney

TK/yt

cc: Children's Law Center of Los Angeles
Mr. Michael Prosio, 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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September 24, 2009

Hon. Arnold Schwarzenegger
Governor of California
State Capitol, First Floor
Sacramento, California 95814

Subject: AB 82 (Evans) – Request for Signature

Dear Governor Schwarzenegger:

The Judicial Council supports AB 82, which would pilot in three courts an enhanced process for review and oversight of psychotropic medication requests, because it would ensure that the juvenile court has the necessary authority to effectively exercise its responsibility to oversee the administration of psychotropic medications to children in foster care. The pilot courts would receive more information from the physician requesting the order for psychotropic medication on the child's medical history and the side effects of the drugs than is required under current law. In addition, the court would be required to make certain findings about the information provided to the child and his or her caregiver regarding the medication and to ensure that there is a plan for ongoing monitoring of the medication. The inclusion of such a plan in the request is good practice, and will enhance the ability of the court to consider these requests.

AB 82 will also pilot a strengthened right of a child to be present at any hearing regarding a request for medication. Currently, there is a requirement that children and/or their attorneys receive notice of the request and an opportunity to request a hearing. AB 82 requires that the child be present at the hearing unless the child waives that appearance or the court finds good cause for the absence of the child. This provision is consistent with the principles set forth in the final recommendations of the California Blue Ribbon Commission on Children in Foster Care, which call for courts to make every effort to ensure that children are in attendance at dependency court proceedings. This concern is especially acute with regard to orders for medication, given

Hon. Arnold Schwarzenegger
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that the issue is expressly focused on the mental and physical well being of the child. The court is entrusted with oversight of psychotropic medication for these children because it is a serious and critical issue and AB 82 will improve the state of our knowledge regarding the best means to ensure that use of these medications is judicious.

For these reasons, the Judicial Council requests your signature on AB 82.

Sincerely,

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

Tracy Kenny
Attorney

TK/yt

cc: Children's Law Center of Los Angeles

Hon. Noreen Evans, Member of the Assembly

Mr. Michael Proso, Legislative Affairs Secretary, Office of the Governor

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