



JUDICIAL COUNCIL OF CALIFORNIA

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

MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

May 5, 2015

Hon. Ricardo Lara, Chair
Senate Appropriations Committee
State Capitol, Room 2206
Sacramento, California 95814

Subject: SB 238 (Mitchell), as amended April 7, 2015 – Fiscal Impact Statement
Senate Appropriations Committee, May 11, 2015

Dear Senator Lara:

SB 238, if enacted, would impose a series of additional requirements on the courts and others that have jurisdiction over the administration of psychotropic medications to foster youth to ensure that the prescriptions are appropriate, and that all entities responsible for the care of the children are aware of the means by which the medications were prescribed, the length of time they have been prescribed, the amounts of medications prescribed, and other information relative to the care of foster youth who receive psychotropic medication.

SB 238, if enacted into law, will result in costs to the trial courts and the judicial branch by adding new responsibilities as described. The three specific elements of SB 238 that will impact the workload on California's juvenile courts are as follows:

- Updating and creating rules of court and forms to update provisions related to the prescription of psychotropic medications;
- Document management associated with the "sharing," on a monthly basis, specified information regarding an individual child receiving child welfare services; and
- Training for judicial officers who are authorized to make orders regarding the administration of psychotropic medications for a dependent child or ward who has been removed from the physical custody of his or her parent.

Fiscal Impacts

SB 238, if signed into law, would require the Judicial Council, on or before July 1, 2016, to develop updates to the provisions regarding the prescription of psychotropic medication to children in the foster care system, in consultation with the State Department of Social Services, the State Department of Healthcare Services, and stakeholders. Taking into consideration the time of the staff attorneys, court services analysts, administrative support, and an editor required for the preparation of Rules of Court and Judicial Council forms, we estimate a total of 1,158 hours totaling \$76,616 would be required for these efforts.

The bill further requires county welfare agencies to “share, on a monthly basis... specified information regarding an individual child receiving child welfare services, including... psychotropic medications that have been authorized for the child.” Although the term “share” is ambiguous, it is reasonable that the county welfare agencies, in an effort to standardize the “sharing” of information, would craft a form or document that could be submitted for each child. (Even if the child welfare agency workers provide oral reports in court, it seems likely that, to manage the significant caseloads faced by social workers, a form report would be a more reliable means of capturing and recording the information than trying to find the information possibly buried inside case notes in what can often be voluminous files.) Based on the assumption that a standardized form would be a practical and reliable means of sharing information with the court, we estimate approximately 10 minutes of a court clerk’s time for receiving the information and ensuring that it is included in the child’s court file. At an average wage of \$56 per hour including benefits, ten minutes of a court clerk’s time is \$9.30.¹

The workload for this anticipated document management is estimated to be required for 23%² of the total 63,000³ children in the foster system in California. That works out to 14,156 youth for

¹ Note that if the term “share” is interpreted to mean that the case worker would read a statement in court every month for every child on his or her caseload, (as opposed to submitting a form document as presumed in the calculation, above), not only would the fiscal impact require the calculation and inclusion of the time of the judge in addition to the court clerk, the whole of the dependency court’s time would be swallowed up by oral reports on the system’s 14,000-plus children who are prescribed psychotropic medications every single month.

² There appear to be four broad categories of children in the foster system. The first three are represented in the Aid to Families with Dependent Children – Foster Care caseload numbers reported by CDSS. These include foster families (FF), foster family agencies (FFA), and group homes (GH). The fourth category includes the remainder of the children in the foster system, presumably receiving CalWorks support rather than AFDC-FC support (also as reported by CDSS). Based on a variety of investigative reports and other information, and in the absence of readily available numbers from CDSS, we have calculated different rates of administration of psychotropic medication to the children in each of the four groups as follows: 16% of FF (3,985 out of 24,919), 25% of FFA (3,342 out of 13,368), 75% of GH (4,141 out of 5,521) and 14% of CalWorks (2,688 out of 19,202) youth are on one or more psychotropic medications.

³ According to the California Department of Social Services as of January 2015.

whom information must be shared with the courts. At 10 minutes per file, the court cost per month is \$131,651. Over the course of a year, the time required for staff to manage the “shared” information for over 14,000 children is \$1,579,812. This represents revenues that courts currently spend on access to justice, for example self-help centers, counter clerks, clerks to answer telephones, filing clerks, research staff, and other court operations. Diverting this funding from court operations for document management regarding psychotropic medications in juvenile dependency cases would have significant impacts on court operations throughout the state.

Finally, SB 238 requires the Judicial Council to develop and participate in the delivery of specialized training for judges related to the authorization, uses, risks, benefits, administration, oversight, and monitoring of psychotropic medications. These requirements are consistent with an existing and current training video that our Center for Judiciary Education and Research (CJER) produced several years ago; fortunately, most of the areas of required training (we estimate 10 out of the 11 areas) are currently covered by the video already in existence. The one that is new, and amends W&I Section 304.7 relates to the component “...including how to access those treatments.” (SB 328, page 12, line 27-28). We are concerned that it would be very difficult for us to provide this information to our court leaders since it would vary from community to community and thus from court to court. Because we believe this information would need to be provided locally, any statewide training of judges by CJER would be limited to alerting the courts’ juvenile dependency and delinquency divisions (or judges in smaller courts) that this information needs to be identified and provided. Consistent with this, to satisfy the requirements of SB 238 should it become law, our professional education team would allocate resources to expand and improve the content in the existing video which we would then publicize as a statewide online resource. We would also have ongoing training expenses for judges and staff who rotate into assignments in which the issues related to SB 238 would be pertinent. We estimate our costs for this component to be approximately \$6,000.

For the reasons stated here, the Judicial Council believes that the costs to the judicial branch, and to the trial courts most especially, associated with SB 238 should it be enacted must be considered in analyzing this legislation. Please note that the information contained in this request does not constitute a position in favor of or against the proposed legislation by the Judicial Council of California, and sets forth only the considerations related to the fiscal burdens that would be faced by the branch and branch entities should the bill be enacted into law.

Hon. Ricardo Lara
May 4, 2015
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Please contact me if you have questions about the information contained in this letter.

Sincerely,



Andi Liebenbaum
Senior Governmental Affairs Analyst

AL/ka

cc: Members, Senate Appropriations Committee
Hon. Holly Mitchell, Member of the Senate
Ms. Jolie Onodera, Chief Consultant, Senate Appropriations Committee
Mr. Matt Osterli, Fiscal Consultant, Senate Republican Fiscal Office
Ms. Nichole Rapiet, Counsel, Senate Judiciary Committee
Mr. Mike Petersen, Consultant, Senate Republican Office of Policy
Ms. June Clark, Deputy Legislative Affairs Secretary, Office of the Governor
Ms. Tiffany Garcia, Budget Analyst, Department of Finance
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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Director, Governmental Affairs

May 28, 2015

Hon. Ricardo Lara, Chair
Senate Appropriations Committee
State Capitol, Room 2206
Sacramento, California 95814

Subject: SB 238 (Mitchell), as proposed to be amended – Fiscal Impact Statement
REVISED/REMOVED

Dear Senator Lara:

SB 238, if amended as proposed, would address the court's role in the administration of psychotropic medications to foster youth to ensure that the prescriptions are appropriate, and that all entities responsible for the care of the children are aware of the means by which the medications were prescribed, the length of time they have been prescribed, the amounts of medications prescribed, and other information relative to the care of foster youth who receive psychotropic medication.

The proposed author amendments would address an area of significant concern to the trial courts related to the management of additional technical information related to each foster youth for whom psychotropic medication is prescribed. The amendments specify that the periodic oversight by the court of orders regarding the administration of psychotropic medications "shall be conducted in conjunction with other regularly scheduled court hearings and reports provided to the court." The amendments further specify that information required by the terms of SB 238 to be reviewed by the court for orders determining the appropriateness of prescriptions of psychotropic medication for foster youth "shall be shared in conjunction with reports prepared for each regularly scheduled court hearing." With these amendments, the Judicial Council would remove the previously articulated fiscal impacts related to document management associated

Hon. Ricardo Lara

May 28, 2015

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with the “sharing,” on a monthly basis, specified information regarding an individual child receiving child welfare services. In our fiscal impact statement dated May 5, 2015, these costs were estimated at nearly \$1.6 million annually.

The only remaining fiscal impacts should SB 238 be enacted, as proposed to be amended, pertain to updating and creating rules of court and forms to update provisions related to the prescription of psychotropic medications for an estimated cost of \$76,600, and updating current/existing training modules for judicial officers who are authorized to make orders regarding the administration of psychotropic medications for a dependent child or ward who has been removed from the physical custody of his or her parent at an estimated cost of \$6,000. Combined, the estimated fiscal impacts to the judicial branch, should SB 238 be amended as proposed, total \$82,600, and are minor and absorbable.

Please contact me if you have questions about the information contained in this letter.

Sincerely,



Andi Liebenbaum

Senior Governmental Affairs Analyst

AL/ka

cc: Members, Senate Appropriations Committee
Hon. Holly Mitchell, Member of the Senate
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MARTIN HOSHINO
Administrative Director

CORY T. JASPERSON
Director, Governmental Affairs

August 14, 2015

Hon. Holly J. Mitchell
Member of the Senate
State Capitol, Room 5080
Sacramento, California 95814

Hon. Jim Beall
Member of the Senate
State Capitol, Room 5066
Sacramento, California 95814

Subject: SB 238 (Mitchell), as amended July 1, 2015 – Support
Hearing: Assembly Appropriations Committee – August 19, 2015

Dear Senator Mitchell and Senator Beall:

The Judicial Council is pleased to support SB 238, which, along with SB 253, updates and alters the way that the use of psychotropic medications in foster children is authorized and monitored by the juvenile court. By allowing a minor, either directly or through his or her caregiver and Court Appointed Special Advocate a meaningful opportunity to participate in hearings, as well as streamlining the way information collected by state agencies and departments is transmitted to counties and courts, SB 238 will help courts and state agencies respond to the problems that have faced the current authorization and oversight system.

Hon. Holly Mitchell
Hon. Jim Beall
August 14, 2015
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The Judicial Council thanks you for the open, active discussions that you, your staff, and the bill's sponsors have held throughout the year. The council believes that the amendments taken have improved the bill, and allow the bill to be implemented should it be enacted. SB 238 will improve the quality of information that juvenile court officers will receive, thereby aiding those judges and subordinate judicial officers in making decisions that are in the best interests of children in foster care.

For these reasons, the Judicial Council supports SB 238.

Sincerely,



Alan Herzfeld
Associate Attorney

ANH/yc-s

cc: Hon. David S. Chiu, Member of the Assembly, Coauthor
Hon. Mike Gatto, Member of the Assembly, Coauthor
Hon. Richard S. Gordon, Member of the Assembly, Coauthor
Hon. Freddie Rodriguez, Member of the Assembly, Coauthor
Mr. Bill Grimm, National Center for Youth Law
Ms. Anna Johnson, National Center for Youth Law
Ms. Cathy Senderling, County Welfare Directors Association of California
Ms. June Clark, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California



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MARTIN HOSHINO
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CORY T. JASPERSON
Director, Governmental Affairs

September 17, 2015

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

Subject: SB 238 (Mitchell) – Request for Signature

Dear Governor Brown:

The Judicial Council respectfully requests your signature on SB 238, which updates and alters the way that the use of psychotropic medications in foster children is authorized and monitored by the juvenile court. By allowing a minor, either directly or through his or her caregiver and Court Appointed Special Advocate a meaningful opportunity to participate in hearings, as well as streamlining the way information collected by state agencies and departments is transmitted to counties and courts, SB 238 will help courts and state agencies respond to the problems that have faced the current authorization and oversight system. For the courts, this is primarily focused on the improvements in the quality of information that juvenile court officers will receive, thereby aiding those judges and subordinate judicial officers in making decisions that are in the best interests of children in foster care.

Hon. Edmund G. Brown, Jr.
September 17, 2015
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For these reasons, the Judicial Council requests your signature on SB 238.

Sincerely,



Cory T. Jasperson
Director, Governmental Affairs

CTJ/ANH/yc-s

cc: Hon. Holly Mitchell, Member of the Senate
Hon. Jim Beall, Member of the Senate
Hon. David S. Chiu, Member of the Assembly, Coauthor
Hon. Mike Gatto, Member of the Assembly, Coauthor
Hon. Richard S. Gordon, Member of the Assembly, Coauthor
Hon. Freddie Rodriguez, Member of the Assembly, Coauthor
Mr. Bill Grimm, National Center for Youth Law
Ms. Anna Johnson, National Center for Youth Law
Ms. Cathy Senderling, County Welfare Directors Association of California
Ms. June Clark, Deputy Legislative Affairs Secretary, Office of the Governor
Mr. Martin Hoshino, Administrative Director, Judicial Council of California