



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

STEVEN JAHR
Administrative Director of the Courts

CORY T. JASPERSON
Director, Office of Governmental Affairs

May 20, 2013

Hon. Tom Ammiano
Member of the Assembly
State Capitol, Room 3146
Sacramento, CA 95814

Subject: AB 868 (Ammiano), as introduced – No position

Dear Assembly Member Ammiano:

The Judicial Council has no position on AB 868, which would require training on cultural competency for lesbian, gay, bisexual, and transgender (LGBT) youth for judges, attorneys for children in dependency cases, and Court Appointed Special Advocates, since the council currently trains juvenile court judges on these issues. However, we wish to alert you to our concern about the potential for interference with the independence of the judicial branch that future attempts at statutory training mandates may pose.

Under the principle of separation of powers of the three co-equal branches, it is critical that each branch refrain from unnecessary interference with the independent operation of the others. The California judicial branch has an exemplary training program overseen by the Center for Judiciary Education and Research, with the active involvement of scores of judges and justices who devise curricula and training programs to ensure that all judges have access to the training they need to be effective and unbiased jurists.

Because there was recognition within the branch that LGBT youth who come before the juvenile courts have unique needs and concerns, a reference tool was developed for juvenile court judges

Hon. Tom Ammiano

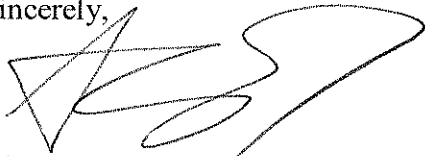
May 20, 2013

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to advise them as they address the placement needs of these youth, and this information has been incorporated into the juvenile court training curriculum. Thus, the requirements intended by AB 868 would not require the branch to institute new training programs or rearrange its training priorities in this instance. However, future legislation requiring training on a particular topic might cost the branch its ability to deploy limited training resources in the manner that the branch determines is most appropriate and effective.

It is important that the council's decision to not take a position on AB 868 should not be perceived as indifference to statutory training mandates generally. Given the current fiscal situation of the branch, difficult choices must be made about what training can be offered. As a general rule, the council believes it is best and most appropriate for those decisions to be made within the branch, and not dictated by the Legislature. In addition, we would note that the current drafting of AB 868 does not include juvenile dependency court judges, but rather places the training requirement on family court judges. We understand your intent to be focused on the unique concerns facing LGBT youth in the foster care system. To accomplish that objective, we recommend that the training requirement be deleted from Government Code section 68553 which concerns training for family court judges, and be inserted instead in Welfare and Institutions Code section 304.7 which requires the establishment of training standards for juvenile dependency judges.

Sincerely,

A handwritten signature in black ink, appearing to read 'Alan Herzfeld', with a large, sweeping flourish extending to the right.

Alan Herzfeld

Associate Attorney

AH/yc-s

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



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May 20, 2013

Hon. Noreen Evans, Chair
Senate Judiciary Committee
State Capitol, Room 4085
Sacramento, CA 95814

Subject: AB 868 (Ammiano), as introduced – No position

Dear Senator Evans:

The Judicial Council has no position on AB 868, which would require training on cultural competency for lesbian, gay, bisexual, and transgender (LGBT) youth for judges, attorneys for children in dependency cases, and Court Appointed Special Advocates, since the council currently trains juvenile court judges on these issues. However, we wish to alert the Legislature to our concern about the potential for interference with the independence of the judicial branch that future attempts at statutory training mandates may pose.

Under the principle of separation of powers of the three co-equal branches, it is critical that each branch refrain from unnecessary interference with the independent operation of the others. The California judicial branch has an exemplary training program overseen by the Center for Judiciary Education and Research, with the active involvement of scores of judges and justices who devise curricula and training programs to ensure that all judges have access to the training they need to be effective and unbiased jurists.

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Sincerely,

A handwritten signature in black ink, appearing to read 'Alan Herzfeld', written over a large, stylized, and somewhat abstract scribble or flourish.

Alan Herzfeld
Associate Attorney

AH/yc-s

cc: Members, Senate Judiciary Committee
Hon. Tom Ammiano, Member of the Assembly
Ms. Nichole Rapier, Counsel, Senate Judiciary Committee
Ms. June Clark, Deputy Legislative Secretary, Office of the Governor
Mr. Mike Petersen, Consultant, Senate Republican Office of Policy