



Judicial Council of California
455 Golden Gate Avenue
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California Blue Ribbon Commission on
Children in Foster Care

FOSTERING
A NEW
FUTURE FOR
CALIFORNIA'S
CHILDREN

Ensuring Every Child
a Safe, Secure, and
Permanent Home



FINAL REPORT
EXECUTIVE SUMMARY
MAY 2009



ADMINISTRATIVE OFFICE
OF THE COURTS

CENTER FOR FAMILIES, CHILDREN
& THE COURTS

About the Blue Ribbon Commission on Children in Foster Care

On March 9, 2006, Chief Justice Ronald M. George established the California Blue Ribbon Commission on Children in Foster Care and appointed Supreme Court Associate Justice Carlos R. Moreno as its chair. The commission was charged with providing recommendations to the Judicial Council of California on the ways in which the courts and their partners can improve safety, permanency, well-being, and fairness for children and families who find themselves in the child welfare system.

Members represent a variety of disciplines, including judges, legislators, child welfare administrators, foster youth, caregivers, philanthropists, tribal leaders, advocates for children and parents, and others providing leadership on the issues that face foster children and their families and the courts and agencies that serve them.

The California Blue Ribbon Commission on Children in Foster Care seeks to achieve four results:

- 1) A comprehensive set of achievable recommendations for how courts and their partners can improve the child welfare system, including an implementation plan;
- 2) Improved court performance and accountability in achieving safety, permanency, well-being, and fairness for all children and families in the child welfare system;
- 3) Improved collaboration and communication between courts and child welfare agencies and other stakeholders, and the development of permanent local county commissions that support ongoing efforts involving foster care; and
- 4) Greater public awareness of the court's role in the foster-care system and the need for adequate and flexible funding.

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and Permanent Home**

**FINAL REPORT AND ACTION PLAN
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For more information on the California Blue Ribbon Commission on Children in Foster Care or to view the report and its supporting documents online, please visit www.courtinfo.ca.gov/blueribbon. To order copies of the report, please call 415-865-7739.

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Message From the Chair

I am pleased to present this executive summary of the California Blue Ribbon Commission on Children in Foster Care’s full report and action plan. The summary includes the highlights of the commission’s recommendations and action plan, the result of an unprecedented three-year collaborative effort to help California’s overstressed juvenile dependency courts do a better job of safeguarding children, reduce the need for foster care, and improve the foster care system.



Our commission is California’s first statewide body to look at the role of the courts in child welfare reform. The courts, along with their child welfare partners, have legal responsibility for the safety and well-being of children in foster care, in effect serving as their “parent.” The weight of that responsibility informed our work as a commission throughout a three-year process.

Our recommendations point to what the courts, child welfare agencies, and our other partners can do to make sure children in the child welfare system grow up in safe, nurturing, and permanent homes.

The recommendations, when put into place, promise to significantly change the lives of this state’s children and youth. Under the system we envision, there will be fewer children in foster care, leading to substantial savings for the child welfare system that can be reinvested to continue strengthening this state’s most vulnerable families.

A handwritten signature in black ink, appearing to read 'Carlos R. Moreno', written on a light-colored background.

Carlos R. Moreno
Associate Justice, Supreme Court of California
Chair, California Blue Ribbon Commission
on Children in Foster Care

California Blue Ribbon Commission on Children in Foster Care

Background

I was in foster care for eight years. I was removed from my mother when I was ten years old. I was placed in seven different foster homes during that first year. When I turned 11, I was placed in a group home. When I first moved in, the director toured me around the place and said, “I’m not here to be your mother. I’m here to get you through the system.”

It was a wake-up call for me to realize that in the foster care system you do not have a parent. You do not have somebody who you can count on, who is there for you when you fall off your skateboard – you know, somebody to hug you and say, “Are you OK?”

Tony Thompson
Former foster youth

The courts and child welfare agencies share “parental” responsibility for the more than 75,000 children in foster care in California, more than any other state in the nation. Nearly half – 45 percent – of these children are in care for two years or more, 17 percent of them for more than three years. These children too often find themselves in a foster-care limbo, shifted from placement to placement, separated from siblings, friends, and schools. We know that the longer children remain in care, the less likelihood they have of reunifying with their parents. We also know that African-American and American Indian children are disproportionately represented in the system.

To many, the courts are the unseen partners in the lives of foster children. Yet every child and parent in the system knows that the courts are where life-changing decisions are made – where a child will live and with whom, when and if a family can be reunited.

The State of the Courts

California's dependency courts are overstressed and under-resourced, burdened by crowded dockets and inadequate information. For example:

- Fewer than 150 full-time and part-time judicial officers preside over the entire dependency court system.
- Full-time juvenile dependency court judges carry an average caseload of 1,000, which directly affects the amount of time and attention given to any one case.
- Juvenile dependency court attorneys, who represent children and parents in court, have an average caseload of 273, which far exceeds the recommended caseload standard of 188 recently adopted by the Judicial Council. In some counties, attorney caseloads rise to 500 or 600.
- Children and parents sometimes do not meet their attorneys until moments before their hearings, which not only limits their opportunity to speak in court, but means attorneys often have inadequate information about a child's life.
- The median time for a hearing is only 10-15 minutes, far less than the recommended 30-60 minutes.
- Judges are often assigned to juvenile court for short rotations, instead of the recommended minimum assignment of three years.

- Families are often involved with more than one system, yet the courts and other agencies do not easily share data or information that may be critical to the families' circumstances.

The Work of the California Blue Ribbon Commission

With these problems in mind – and with the goal of better serving children and families in the foster-care system – California Chief Justice Ronald M. George appointed a multidisciplinary, statewide panel in March 2006 to make recommendations to the Judicial Council, the policymaking body for the California court system.

The commission's charge was to develop realistic and fiscally responsible recommendations focused on outcomes related to safety, permanency, well-being, and fairness for children and their families. In doing so, we joined forces with the legislative and executive branches and with philanthropic organizations to continue to build momentum for child welfare reform.

The commission is the state's first body to focus on the courts' leadership role in child welfare. Its members know the system well. We are judges and attorneys, legislators and child welfare directors, community leaders and academics, tribal leaders and philanthropists, foster youth, caregivers, and child advocates.

The Blue Ribbon Commission issued draft recommendations for public comment on March 14, 2008. After hearing from stakeholders over two months, we finalized the recommendations, which were submitted to the Judicial Council on August 15 and unanimously accepted. We met again in October of that year to develop an action plan for implementation.

The bottom line of our commission's work over the last three years was, and remains, a commitment to the principle that *all* children deserve safe, nurturing, and permanent homes.

Within that framework, our proposals were guided by a set of values and beliefs that included:

- All children are equal and deserve safe and permanent homes.
- The need for timely court decisions to ensure quick reunification whenever possible and to deliver appropriate services to children and families.
- The importance of collaboration between the courts and the other agencies that serve vulnerable families and children in the child welfare system.
- Increased accountability on the part of the courts and partner agencies.
- The opportunity for parents, caretakers, and children to have a meaningful voice in court.
- The availability of adequate and flexible funding, even in the midst of tight fiscal times.

Recommendations and Action Plan

Highlights

Our commission's recommendations fall under four broad categories:

- 1) Reasonable efforts to prevent removal and achieve permanency;
- 2) Court reform;
- 3) Collaboration among courts and partnering agencies; and
- 4) Resources and funding.

Included within these four categorical recommendations are 79 specific recommendations – 26 of which are under the direct purview of the Judicial Council. The remaining recommendations require collaboration with child welfare and other agency partners.

Each one of our recommendations is important and indispensable to the sweeping reform of the foster care and dependency court systems that we envision. For our initial action plan, we took a pragmatic approach, identifying practical first steps that we believe are fiscally responsible and realistically achievable. Highlights include:

1) Reasonable Efforts to Prevent Removal and Achieve Permanency

- **Increasing the Number of Placements with Relatives (Kinship)**
Recommendation:

That child welfare agencies engage family members as early as possible in each case and that the Judicial Council work with state and federal leaders to develop greater flexibility in approving placements with relatives when removal from the home is necessary.

Action Steps:

- ✓ Key stakeholders, including the Judicial Council, are working to support appropriate legislation to opt into new federal benefits to support kinship placements available in the 2008 federal Fostering Connections for Success and Increasing Adoptions Act (Public Law 110-351).
 - ✓ Local and statewide child welfare agencies will develop and improve internal protocols for finding, engaging, and supporting family relationships.
 - ✓ Local foster care commissions will support the expansion of family finding in their counties by developing information-sharing protocols among public and private agencies.
- **Reducing the Disproportionate Representation of African American American Indians in the Child Welfare System**

Recommendation:

That courts and child welfare agencies reduce the disproportionate number of African-American and American Indian children who are in the child welfare system.

Action Steps:

- ✓ The Judicial Council and partnering agencies will support Indian tribes opting into funding and grants available under the Fostering Connections to Success Act.
- ✓ The Administrative Office of the Courts will provide training and support to trial courts on how to eliminate the disproportionate representation of African-American and American Indian children.

- ✓ The Judicial Council will support efforts to involve courts in local collaborations to reduce disproportionality.

- **Providing Extended Support for Transitioning Youth**
Recommendation:

That the age for children to receive foster-care assistance be extended from 18 to 21.

Action Steps:

- ✓ The Judicial Council is working with the Administrative Office of the Courts, California Department of Social Services, and the Legislature to ensure that California is able to secure the federal funding to extend foster care to age 21, as authorized in the 2008 federal Fostering Connections to Success Act.
- ✓ The Judicial Council and partnering agencies are working with state and federal leadership to ensure adequate funding for transitional housing.

2) Court Reform

- **Reducing the Caseloads of Judicial Officers, Attorneys, and Social Workers**

Recommendation:

That the Judicial Council reduce the high caseloads of judicial officers and attorneys and work with state and county child welfare agencies to reduce the caseloads of social workers.

Action Steps:

- ✓ The Judicial Council will assess judicial needs based on caseload data and seek resources to implement recommendations from this study.
- ✓ In conjunction with the trial courts, the Judicial Council will undertake a judicial juvenile court caseload study.
- ✓ The Judicial Council will work with partnering agencies and other state leaders to advocate for resources to implement existing caseload standards for all attorneys who provide representation in juvenile court and for social workers.

- **Ensuring a Voice in Court and Meaningful Hearing**

Recommendation:

That the courts ensure that all participants in dependency proceedings, including children and parents, have an opportunity to be present and heard in court. Court-Appointed Special Advocates (CASA) programs should be expanded to make CASA volunteers available in every case.

Action Steps:

- ✓ Local foster care commissions and state child welfare stakeholders will identify and assess barriers to parties' attendance at hearings and tailor local strategies to overcome these barriers.
 - ✓ The Judicial Council has referred a rule of court providing for alternative ways of participation in court, such as telephonic appearances, to the Judicial Council's Rules and Procedures committee.
 - ✓ The Judicial Council and many local foster care commissions are working to implement the mandates of Assembly Bill 3051, which requires trial courts to ensure every child over 10 has the opportunity to attend hearings in his or her case, and has the opportunity to address the court.
- **Ensuring that All Attorneys, Social Workers, and Court-Appointed Special Advocates (CASA) Are Adequately Trained and Resourced**

Recommendation:

That the Judicial Council advocate for sufficient resources to implement caseload standards and that the Administrative Office of the Courts expand multi-disciplinary training and opportunities.

Action Steps:

- ✓ The Administrative Office of the Courts will continue its Court-Appointed Counsel Study and Dependency Representation, Administration, and Funding & Training (DRAFT) project to reduce caseloads and provide training for attorneys representing parents and children in juvenile dependency proceedings.

3) Collaboration Among Courts and Child Welfare Partners

- **Facilitating Data and Information Exchange**

Recommendation:

That the Judicial Council support the courts and all partners in the child welfare system in eliminating barriers to the exchange of essential information and data about the children and families they serve. The Judicial Council will implement court-performance measures to improve foster-care outcomes as mandated by state law.

Action Steps:

- ✓ Court performance measures are being implemented in courts across the state.
- ✓ The Judicial Council will continue to develop and implement the California Case Management System, which will include information sharing capabilities with our partners' data systems.
- ✓ Statewide stakeholders, including the Judicial Council, California Department of Social Services, and the trial courts, will work to reduce or remove barriers to sharing information.

- **Establishing Local Foster Care Commissions**

Recommendation:

That the courts and child welfare agencies jointly convene multidisciplinary commissions at the county level to identify and resolve local child-welfare concerns and to help implement the Blue Ribbon Commission's recommendations and related reforms.

Action Steps:

- ✓ In December 2008, the Blue Ribbon Commission convened a summit of teams from 50 counties to start the process of establishing local foster care commissions. Those teams returned home with concrete steps to set up local commissions or identify existing committees or workgroups that could be expanded to become local commissions.
- ✓ These local foster care commissions will adopt their own action plans to address local concerns and enact the Blue Ribbon Commission's recommendations.

• **Improving Indian Child Welfare**

Recommendation:

That the courts, child welfare agencies, and other partner agencies collaborate with Indian tribes and tribal courts to ensure that Indian children and families get the services for which they are eligible.

Action Steps:

- ✓ Local foster care commissions will work with tribes, tribal courts, and tribal service agencies in their jurisdictions to determine the needs of tribal children and families and the resources available to meet their needs.
- ✓ Teams, representing both local foster care commissions and statewide agencies and leadership, will work together to develop models and protocols for sharing jurisdiction, data, and services.

4) Resources and Funding

- **Prioritizing Foster Care**

Recommendation:

That all agencies and the courts make children in foster care and their families a top priority when providing services and when allocating and administering public and private resources.

Action Steps:

- ✓ The Judicial Council and trial courts will lead by example, by:
 - Assigning judges (as opposed to subordinate judicial officers) to hear dependency cases;
 - Setting 3-year minimum rotations in dependency courts,
 - Implementing performance measures and using them to determine resource allocations to juvenile dependency courts,
 - Implementing the California Case Management System for dependency courts, and
 - Conducting a judicial juvenile court workload study and setting caseload standards for judges based on that workload study.
- ✓ Local foster care commissions and partnering agencies will identify any additional programs where foster youth and families should be given priority for services.

- **Advocating for Flexible Funding for Child-Abuse Prevention and Services**

Recommendation:

That the Judicial Council work with state and federal leaders to allow greater flexibility in the use of funds for child-abuse prevention and to eliminate barriers to coordinating funds for child-abuse prevention and services.

Action Steps:

- ✓ The Judicial Council, California Department of Social Services, the Child Welfare Council and other stakeholders are working with the executive branch and state legislative leadership to opt into appropriate provisions of the Fostering Connections to Success Act to increase flexibility of federal funding.
 - ✓ The Judicial Council and other stakeholders will continue to advocate for increased flexibility to use federal funds for preventive services.
- **Expanding Educational Services**

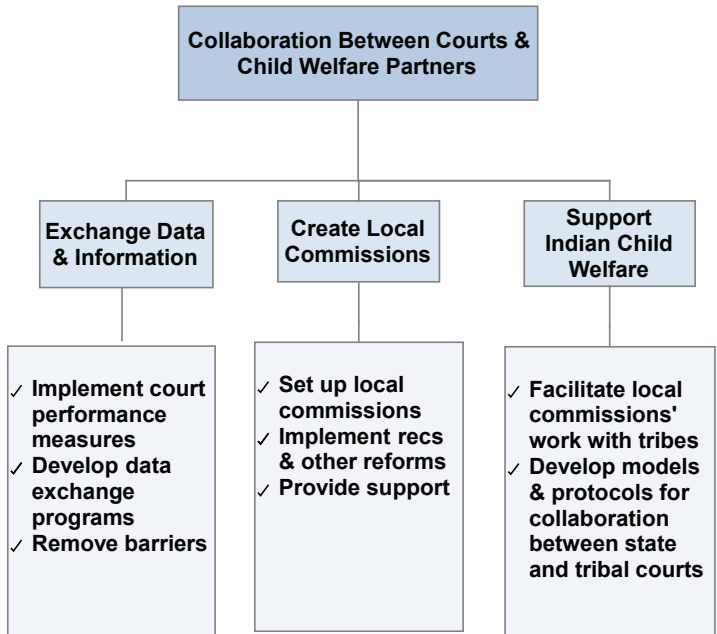
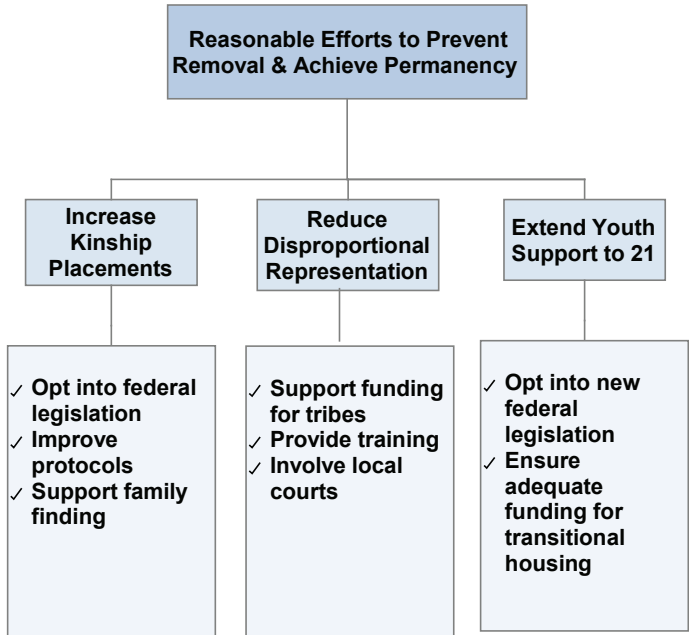
Recommendation:

That all agencies and the courts make access to education and all of its related services a top priority when working with foster children and youth.

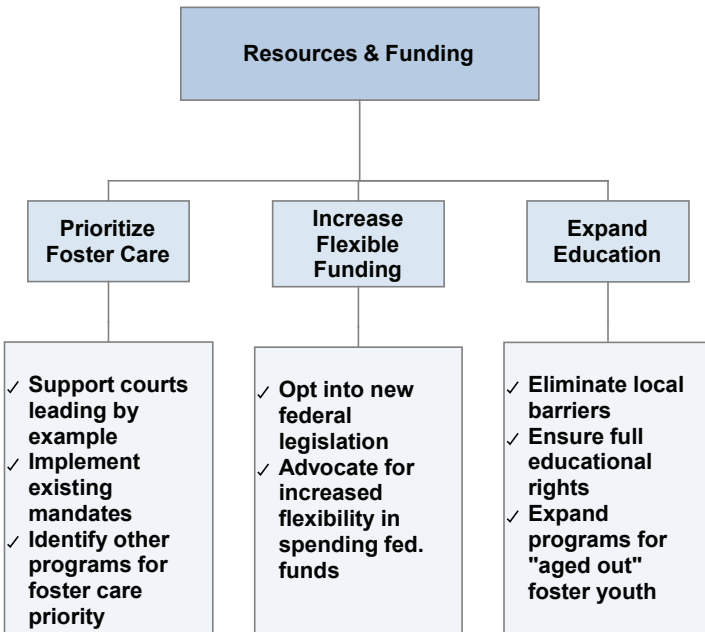
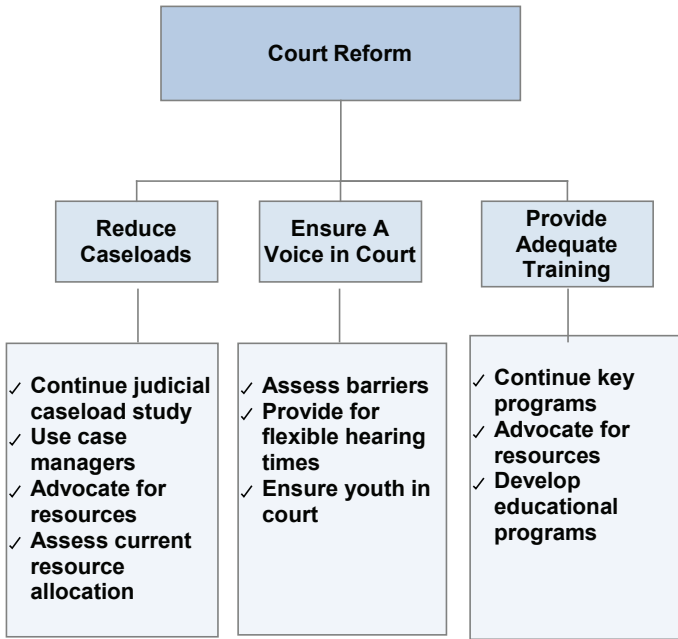
Action Steps:

- ✓ Trial courts, local foster care commissions, local education agencies, and other stakeholders will collaborate to assess and eliminate local barriers to ensuring full educational opportunities for foster children.
- ✓ The Judicial Council, together with other stakeholders, will advocate with state and federal leaders to strengthen the educational rights of foster children and secure resources for implementation of existing education laws for all foster and former foster children.

BLUE RIBBON COMMISSION RECOMMENDATIONS



FOUNDATIONS & ACTION PLAN HIGHLIGHTS



Change Is Already Underway

As our commission prepares to cease its formal existence, we are heartened by the work that we have helped to bring about as a commission and pleased to report the work that has occurred since our recommendations were unanimously accepted by the Judicial Council in August 2008:

- The Judicial Council directed that work begin and/or continue on implementing the commission's recommendations that are within the purview of the judicial branch to implement. The Council also directed the Blue Ribbon Commission to develop an action plan for the remaining recommendations which require collaboration with court partners, which we have done and included in our final report and action plan.
- The Judicial Council made foster care legislation one of its top four priorities for 2009, signaling its commitment to supporting key reforms and mobilizing the judiciary to help implement our recommendations. The Judicial Council also appointed several commissioners to its legislative workgroup to help advance foster care legislation in line with the commission's recommendations.
- Federal legislation – the Fostering Connections to Success Act and Increasing Adoptions Act – has been passed that directly advances 20 of the commission's recommendations, including increased support for relative caregivers, continued supports for foster youth until age 21, and increased educational and other supports.
- A key commission recommendation – ensuring youth participation in court – has begun to be addressed through passage of AB 3051 and a number of local foster care commissions are working to support its implementation.

- Court performance measures, another of the commission's key recommendations, have been approved and are being implemented in courts across the state.
- The Administrative Office of the Courts recently launched the California Dependency Online Guide, a free technical assistance Web site for juvenile dependency judicial officers, attorneys, social workers, and other professionals working in child welfare or related fields.
- Local foster care commissions are forming in counties throughout the state to implement the Blue Ribbon Commission's recommendations and other related reforms at the county level. To begin the process of formation, more than 50 counties attended a December summit to get planning and formation efforts underway.
- The Blue Ribbon Commission formed a public education committee to give support as needed, including a speaker's bureau, to the newly forming local foster care commissions.
- The Child Welfare Council has discussed the implementation of many of the commission's recommendations. Blue Ribbon Commission Chair Justice Carlos R. Moreno, co-chairs the Council with Kimberly S. Belshé, Secretary of the California Health and Human Services Agency, which will help to ensure that the commission's recommendations are addressed by the Council.
- The Judicial Council will continue to monitor the status of all commission recommendations.

For More Information

Learn more about the Blue Ribbon Commission's recommendations for reform – and about implementation efforts that are underway to improve the lives of California's children and families.

Visit the commission's Web site for the full report, *"Fostering a New Future for California's Children: Ensuring Every Child a Safe, Secure and Permanent Home."*

www.courtinfo.ca.gov/blueribbon