

**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  
AND ACTION PLAN  
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 of California 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. This report contains the commission's recommendations for improving California's juvenile dependency courts and foster care system and the commission's action plan for implementation.

The commission includes members from 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 establishment of the commission builds on recent Judicial Council efforts to improve California's juvenile courts and is consistent with goals and objectives recently adopted by the Judicial Council.

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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Judicial Council of California  
Administrative Office of the Courts  
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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](http://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 final report from the California Blue Ribbon Commission on Children in Foster Care. The report includes the commission’s recommendations and action plan, which are the result of an unprecedented three-year collaborative effort to help California’s overstressed juvenile dependency courts do a better job of safeguarding children, reducing the need for foster care, and improving the foster care system.

As a relative caregiver and foster parent myself, I know from my own family’s experience how important it is to provide children in foster care with the love, stability, and security that all children need. Fostering the success of our state’s most vulnerable young people is vital to planning for the future of our state.

Our commission is California’s first statewide effort 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 the three-year process.

Our recommendations promise to significantly change the lives of our 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.

I invite you to read this full report—our recommendations, our action plan, and about implementation efforts that are already underway. In particular, I invite you to read the “stories” at the end of the report where we describe what we hope will be brighter futures for California’s children, youth, and families. The true measure of our commission’s success will be the real difference we make in their lives.

On behalf of the commission, I thank all of the individuals and organizations that advised us throughout our process. I also extend a heartfelt thanks to each of our commissioners for their invaluable contributions and extraordinary commitment to improving the lives of California’s children and families. And I thank, too, our talented and dedicated staff whose tireless efforts significantly eased the burden of our challenge as a commission at every step.

Finally, I thank Chief Justice Ronald M. George; William C. Vickrey, the Administrative Director of the Courts; and the Judicial Council for giving us the extraordinary opportunity to present our blueprint for significant reform of the juvenile dependency courts and the child welfare system and for making that reform a high priority for California’s judicial branch.

A handwritten signature in black ink, appearing to read 'Carlos R. Moreno'. The signature is fluid and cursive, written in a professional style.

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



## Introduction: Our Children Deserve Better

The courts are often the unseen partners in child welfare, but every child and parent in the foster-care system knows that the courts are where critical decisions are made, including such life-changing issues as where and with whom a child will live. When dependency court judges and attorneys are not acquainted with “100 percent” of the child, when there is inadequate time or not enough information to make informed decisions, hearings are likely to be rushed or delayed. Children and families suffer.

The courts and their child welfare partners share responsibility for the safety and well-being of children while they are in foster care, in effect, serving as their “parent” until a child either safely returns home, moves to another permanent home, or becomes an adult and leaves the system. Dependency court judges, attorneys, and child welfare workers work collaboratively so the judge can make the best decision for each child and family. They share a belief that *all* children are entitled to a safe, permanent family that will love, nurture, protect, and guide them. The courts and their partners agree that even when children must be removed from their homes, foster care should be a short-term refuge, not a long-term saga. Timely reunification with their family or placement in another permanent home is *always* the goal.

But time moves slowly through the eyes of children, especially those who have been removed from their homes, through no fault of their own, and placed into the mysterious world of dependency courts. Finding a permanent home for a child sometimes takes years. Youth who grow up in foster care too often “age out” of the system ill-prepared to live as adults. These young people face increased risk of dropping out of school, unemployment, homelessness, mental illness, substance abuse, and involvement with the criminal justice system.

There are more than 75,000 children in foster care in California, more than in any other state in the nation. Most – almost 80 percent – have been removed for neglect. Nearly half – 45 percent – have been in care for more than two years; 17 percent of them for more than three years. 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.

*When I was 12 years old—in a court hearing I was not invited to, and that I did not even know about—a decision was made that I was not appropriate for a foster family but needed to be in group homes.*

*That decision was made in only a few minutes, with most of the people in the room having never met me, not knowing my hopes and dreams, only knowing one or two of the facts that represented 1 percent of the 100 percent child I was.*

—Jennifer Rodriguez  
Staff attorney,  
Youth Law Center;  
Former member,  
California Blue Ribbon  
Commission on Children  
in Foster Care

## The State of the Courts

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

Overwhelming caseloads and crowded dockets in the courts sometimes prevent even the best of judges and attorneys from addressing the whole of each child and family member who come before their courts. In addition, the courts do not work in isolation. Communication between juvenile dependency courts and the other agencies charged with helping families is inconsistent and often ineffective. All of these factors taken together means the system is not always a very good "parent" to these children.

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

After an unparalleled three-year collaborative effort, we submit this final report with our recommendations for improving California's juvenile dependency courts and child welfare system, and our action plan for

implementing these recommendations. We believe our recommendations and action plan represent a blueprint to fundamentally change a system that too often fails our state's children and their families despite the efforts of hardworking and dedicated professionals.

## Background on the Blue Ribbon Commission

The Blue Ribbon Commission is a multidisciplinary, statewide body providing leadership on issues that face foster children and their families and the courts and agencies that serve them. The commission includes judges, legislators, child welfare administrators, foster youth, caregivers, philanthropists, tribal leaders, advocates for children and parents, and more. A roster of commission members is included at the front of this report.

The establishment of the commission builds on other Judicial Council efforts to improve California's juvenile courts and is consistent with the goals and objectives recently adopted by the Judicial Council. These efforts include a number of programs that are designed to improve the operations of the juvenile dependency courts, including 1) expansion of the Court Improvement Project to increase the number of training programs and to enhance development of data exchanges to improve communication between the courts and child welfare agencies; 2) expansion of the Judicial Review and Technical Assistance (JRTA) program to include specific projects related to improving compliance with the Indian Child Welfare Act and increasing the number of permanent placements for children in foster care; and 3) establishment of the Dependency Representation, Administration, Funding, and Training (DRAFT) program relating to attorney representation of parents and children in juvenile dependency court.

There was national impetus behind our formation as well, including the Pew Commission on Children in Foster Care, which was established in 2003. The Pew Commission was charged with developing nationally focused recommendations to improve outcomes for children in foster care. Former U.S. Representatives Bill Frenzel and William H. Gray III served as chair and vice-chair respectively. William C. Vickrey, California's Administrative Director of the Courts, was one of 18 members representing a broad cross-section of organizations involved in foster care issues.

In 2004, the Pew Commission issued its recommendations, which focused on federal child welfare funding mechanisms and improving court oversight of child welfare cases. The recommendations called for the courts and public agencies to collaborate more effectively by establishing multidisciplinary, broad-based state commissions on children in foster care. In 2006, the Chief Justice of California established the California Blue Ribbon Commission on Children in Foster Care.

## Commission's Mandate

The commission's charge was to develop recommendations focused on four areas:

1. 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 among courts and child welfare agencies and others, including the development of permanent local county commissions that support ongoing efforts; and
4. Greater public awareness of the court's role in the foster-care system and the need for adequate and flexible funding.

## Principles and Values

Our commission was guided by a set of overarching principles, which we adopted early in our deliberations:

- ✓ All children are equal and deserve safe and permanent homes;
- ✓ Efforts to improve the foster care system must focus on improving safety, permanency, well-being, and fairness outcomes for children, and services should be integrated and comprehensive;
- ✓ Collaboration is essential for achieving the best possible outcomes for children and families;
- ✓ Courts play an important statutory role in overseeing children, families, and services in the dependency system;
- ✓ Children and families should have a say in decisions that affect their lives; and
- ✓ Government agencies need adequate and flexible funding to provide the best outcomes for children in the foster care system.

A set of values informed our work throughout. We believe in:

- ✓ Collaboration;
- ✓ Shared responsibility;
- ✓ Accountability;
- ✓ Leadership;
- ✓ Children and families;
- ✓ Child safety;
- ✓ Inclusion;
- ✓ Permanency; and
- ✓ Youth voice.

## The Process of Developing Our Recommendations

We deliberated over the course of two years, holding public meetings, hearings, focus groups and other activities. We attended site visits to see programs and courtrooms firsthand. We heard from a variety of juvenile court and child welfare experts and from social workers, families, children, and youth who have been in the child welfare system. Their experiences and their suggestions for reform proved invaluable as we developed our recommendations and action plan.

We also drew from significant research provided by the County Welfare Directors Association of California; the Center for Social Services Research at the University of California at Berkeley; Chapin Hall Center for Children at the University of Chicago; Child Trends; the U.S. Department of Health and Human Services, Administration for Children and Families; and the Urban Institute.

After nearly two years of information gathering, we developed draft recommendations for public comment in March 2008. We held public hearings on the proposed recommendations in Los Angeles and San Francisco. In response to the public comment and testimony, we reviewed the recommendations at a June 2008 commission meeting.

Our final 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.

The full set of recommendations can be found in Chapter 1 of this report. They include our four overall recommendations and 79 specific recommendations. Of the specific recommendations, 26 of them are within the purview of the Judicial Council and can be accomplished within our judicial branch of government. The remaining recommendations require collaboration with child welfare and other agency partners.



## Highlights of the Commission's Recommendations

### 1. Reasonable Efforts To Prevent Removal and Achieve Permanency

- **Increasing the Number of Placements With Relatives (Kinship)**  
That child welfare agencies engage family members as early as possible in each case, and the Judicial Council work with state and federal leaders to develop greater flexibility in approving placements with relatives when necessary.
- **Reducing the Disproportionate Representation of African-American and American Indians in the Child Welfare System**  
That the courts and child welfare agencies reduce the disproportionate number of African-American and American Indian children who are in the child welfare system.
- **Providing Extended Support for Transitioning Youth**  
That the Judicial Council urge the California Legislature to extend the age for children to receive foster-care assistance from 18 to 21.

### 2. Court Reform

- **Reducing the Caseloads of Judicial Officers, Attorneys, and Social Workers**  
That the Judicial Council work to 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.
- **Ensuring a Voice in Court and Meaningful Hearings**  
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.
- **Ensuring That All Attorneys, Social Workers, and Court-Appointed Special Advocates (CASA) Are Adequately Trained and Resourced**  
That the Judicial Council advocate for sufficient resources to implement caseload standards, and the Administrative Office of the Courts expand multidisciplinary training and opportunities.

### 3. Collaboration Among Courts and Child Welfare Partners

- **Facilitating Data and Information Exchange**  
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 should implement court-performance measures to improve foster-care outcomes as mandated by state law.

- **Establishing Local Foster Care Commissions**  
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 commission's recommendations and related reforms.
- **Improving Indian Child Welfare**  
That the courts, child welfare agencies and other partner agencies collaborate with Indian tribes and tribal courts to ensure that Indian children and families receive the services for which they are eligible.

#### **4. Resources and Funding**

- **Prioritizing Foster Care**  
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.
- **Advocating for Flexible Funding for Child-Abuse Prevention and Services**  
That the Judicial Council work with state and federal leaders to allow greater flexibility in the use of funds for child-abuse prevention and eliminate barriers to coordinating funds for child-abuse prevention and services.
- **Expanding Educational Services**  
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.

### **Implementing the Recommendations**

On August 15, 2008, the Judicial Council unanimously accepted our final recommendations and directed the Administrative Director of the Courts to refer to the appropriate advisory committee 26 of the recommendations that could be acted on by the judicial branch alone.<sup>1</sup> Work on implementing those recommendations has begun. The Judicial Council also directed that we develop an action plan for recommendations that require collaboration with court partners, including child welfare and other agencies and organizations that serve children and families.

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<sup>1</sup> See Appendix E for a list of the 26 recommendations within the sole purview of the judicial branch.

The commission met again in October 2008 to prioritize the recommendations and adopt an action plan to implement them. While our commission is strongly committed to ensuring that each one of our 79 recommendations becomes a reality, we focused our initial action plan on a practical set of recommendations that are fiscally responsible, realistic first steps that will lay a critical foundation for implementing the remaining recommendations.

In December 2008, we brought together teams from 50 counties to a summit meeting to begin the process of developing local foster care commissions to take the work home. The commission is aware of the current fiscal realities in our state and the nation. However, we strongly believe that our abused and neglected children must be given the same priority in state and federal budget deliberations that responsible California families give their own children.

More than half of our recommendations are cost neutral and call for using existing resources differently, implementing policies that are already in place, or phasing in proposals over time in order to reduce reliance on new funds. Some recommendations have little fiscal impact, focusing on structural issues within the courts. Other recommendations call on Congress to give states more flexibility in how they use federal child welfare funds.

Most of all, we must remember that when our recommended changes are implemented successfully, there will likely be fewer children in foster care or in other more costly out-of-home placements. Money saved on placements can be reinvested in the child welfare system to more effectively serve children and families who need supportive prevention and reunification services.

It is not enough, however, to just use current funds more effectively and efficiently and reinvest the money that is saved. We know that additional resources will be required to fully implement our recommendations. Current budget restraints may affect the timing of securing additional resources, but we believe that improving the lives of our foster children must remain a priority.

The bottom line is that our recommendations represent the changes, both short-term and long-term, that must be made to improve the juvenile dependency court and child welfare systems and to ensure a better future for our most vulnerable children and families.

## Chapter 1: California Blue Ribbon Commission on Children in Foster Care Final Recommendations

*Ours has been an unprecedented effort to focus attention on the central role that the courts play in foster care. We have an absolute obligation to do right by the children and families who come into our court rooms.*

*With these recommendations, we propose changing the way that juvenile dependency courts do business, and we identify the ways in which courts and agencies can more effectively collaborate to meet the needs of foster children and their families.*

—Diane Nunn  
Director, Center for  
Families, Children & the  
Courts, Administrative  
Office of the Courts;  
Member, California Blue  
Ribbon Commission on  
Children in Foster Care

The Blue Ribbon Commission believes that all children in California deserve a safe, nurturing, and permanent family where they can grow up and learn to become productive adults. We drafted these recommendations as a blueprint for achieving that goal.

In developing our recommendations, we sought to build on the momentum for child welfare reform that is already changing how the courts, the state, and counties serve children and families. We recognize that California is in the midst of a statewide effort to improve child welfare practices across the board, with an end goal of safer and more stable families and fewer children in foster care. We see this as an opportunity for real change in the systems that serve our state’s most vulnerable children and families.

None of the efforts to improve child welfare practices thus far have focused on the courts. We believe that it is essential for the courts to play a leadership role in building a better system for children and families given the courts’ critical role in the child welfare system.

As a legal “parent” to children in foster care, the courts share with their child welfare partners responsibility for the welfare of our state’s children. Every day judges make decisions that are often life-changing for children and their parents. But, the courts, like the rest of the child welfare system, are overwhelmed and underresourced.

### Four Overall Recommendations

Our final recommendations point to what the courts, child welfare agencies, and other partners can do to help children grow up in safe, nurturing, and permanent homes. The recommendations cover four key areas:

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

In the rest of this chapter we have organized our recommendations as follows: within each of our four overall recommendations, we include 1) a summary of some of the main issues that speak to the reforms needed, 2) our principal recommendations, and 3) specific recommendations that flow from each principal recommendation.

## Recommendation 1: Reasonable Efforts to Prevent Removal and Achieve Permanency

As the commission met during the last three years, we learned much about the various stakeholders in the child welfare system and the realities they face every day. We know that the courts and their child welfare partners are unified in a fundamental belief that all children deserve a safe, stable family in which to grow up and thrive. And there is a universal acknowledgment that interrupting a child’s bond to a parent, even when necessary and temporary, is a destabilizing event.

But while child welfare agencies aspire to offer more services to prevent placement in foster care, funds to support preventive services have not been given a priority at the local, state, or federal level. A recent national study sponsored by the nonprofit organization Kids Are Waiting found that states are allowed to use only 10 percent of federal child welfare funding for prevention or reunification services. This means dependency court officials, faced with serious gaps in necessary services, are often forced to advocate for more funding for services to support vulnerable children and families.

We know that every one of the children in foster care in California has multiple hearings before a juvenile court. Yet we found that despite the efforts of judicial officers doing their best to make the right decision for each of these children, placement does not necessarily ensure an improved situation for them or for their families, even when removal is required. Far too many of these foster children experience multiple placements; changes in schools; and separation from siblings, friends, and other family members.

We found that African-American and American Indian children are disproportionately in the system. They are more likely than other children to be reported for abuse, more likely to be removed, and less likely to be reunified or adopted.

And we learned that as many as 5,000 youth in California reach the age of 18 every year without reunifying with their own families or being placed in another permanent family. National research shows that young people who “age out” of the system are more likely to drop out of school, to have serious mental health needs, to experience homelessness and unemployment, and to end up in the criminal justice system. These are the children who have all too often languished in a foster care limbo.

This first set of recommendations is the commission’s road map to respond to the challenge posed by these problems.

### Recommendation 1

Because families who need assistance should receive necessary services to keep children safely at home whenever possible, the Blue Ribbon Commission recommends that the Judicial Council, the California Department of Social Services, and local courts and child welfare

*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

agencies implement improvements to ensure immediate, continuous, and appropriate services and timely, thorough review for all families in the system.

### **Recommendation 1A**

Children and families need access to a range of services to prevent removal whenever possible. All reasonable efforts should be made to maintain children at home in safe and stable families. The courts should make an informed finding as to whether these efforts actually have been made.

The Blue Ribbon Commission recommends that:

- The courts and partnering agencies tailor resources to make sure they have sufficient information and time to establish that all reasonable efforts have been made to prevent removal.
- All children and families receive timely and appropriate mental health, health care, education, substance abuse, and other services, whether children reside with their own parents or with relatives, foster parents, guardians, or adoptive parents or are in another setting.
- At the earliest possible point in their involvement with the family, child welfare agencies engage family members, including extended family wherever they may live, to support the family and children in order to prevent placement whenever possible. Child welfare systems should develop and improve internal protocols for finding family members.
- The courts and partnering agencies work to reduce the disproportionate number of African-American and American Indian children in the child welfare system.
- Judicial officers, attorneys, social workers, and other professionals who serve foster children and their families increase the diversity and cultural competence of the workforce.
- The Judicial Council work with local, state, and federal leaders to advocate for greater flexibility in the use of federal, state, and local funding for preventive services.

### **Recommendation 1B**

If foster care placement is necessary, children, families, and caregivers should have access to appropriate services and timely court reviews that lead to permanency as quickly as possible. Service delivery and court review should ensure that all reasonable efforts are made to return children home, to make sure families and workers comply with case plans, and to achieve timely and stable transitions home or, if necessary, to place with relatives or in another permanent, stable family.

The Blue Ribbon Commission recommends that:

- The Judicial Council work with state and federal leaders to advocate for changes in law and practice to increase and encourage more relative placements, including:
  - Addressing funding disparities;
  - Developing greater flexibility in approving relative placements whereby relatives would not, by virtue of federal law, be held to the same standard as nonrelatives; and
  - Formulating protocols to facilitate swift home assessments and placement with family members when appropriate.
- The courts and child welfare agencies expedite services for families and ensure that foster children maintain a relationship with all family members and other important people in their lives.
- The courts ensure that children who cannot return home receive services and court reviews to enable them to successfully transition into a permanent home and into adulthood. This includes paying attention to each child's language, development, and cultural needs in making decisions about home and school placements, visitation, education, and mental health needs. It also means making sure they have consistent community ties and help from supportive adults, such as mentors, as they grow up.
- All court participants continuously review and make extraordinary efforts to preserve and promote sibling connections and co-placement.
- Children and families receive continuous and comprehensive services if a child enters the delinquency system from foster care.
- The Judicial Council and the state Department of Social Services work together to urge Congress, the state Legislature, and state and local agencies to ensure that THP-Plus programs for transitional housing sustain a level of funding sufficient to maintain and expand program capacity to meet the demonstrated need of youth aging out of the foster care system.
- The Judicial Council work with federal and state leaders to support or sponsor legislation to extend the age when children receive foster care assistance from age 18 to age 21. This change should apply to those children who at age 18 cannot be returned home safely, who are not in a permanent home, and who choose to remain under the jurisdiction of the court. If the court terminates jurisdiction before a youth's 21st birthday, the youth should have the right to reinstatement of jurisdiction and services.
- The Judicial Council work with local, state, and federal leaders to develop practices, protocols, and enhanced services to promote both placement and placement stability of children and youth in family-like, rather than institutional, settings.

## Recommendation 2: Court Reform

*Overwhelming caseloads, crowded dockets, and inadequate information mean that the best of judges and attorneys struggle to meet the needs of each child and parent who come before the bench.*

*Because of these challenges, children and parents do not always participate meaningfully in court, and we are often not able to meet our federal and state mandates for timely hearings.*

—Hon. Leonard P.  
Edwards  
Retired Judge  
of the Superior Court  
of California,  
County of Santa Clara;  
Member, California  
Blue Ribbon Commission  
on Children in Foster Care

We know that California’s dependency court system is overstressed and underresourced. Because of staggering caseloads, judicial officers, attorneys, and social workers are often forced to limit the time and attention they give to each child. Even if they do give each case a thorough review, we learned they often cannot meet the statutory timeline for the case.<sup>2</sup> Either way, children and their families lose.

Dependency cases represent the most intrusive form of governmental intervention into the lives of families, so we believe that it is essential for the court system to have sufficient resources to appropriately oversee these cases. It is also essential that the local trial courts make these cases a priority and allocate the resources that are needed.

We learned that many families and children appear at the courthouse but wait for hours before their hearing, only to receive a few minutes with the court and with their attorneys. In fact, the median time for a juvenile dependency hearing in California is just 10–15 minutes, far short of the recommended 30–60 minutes needed to give appropriate attention to a case.

Dependency court attorneys, who represent foster children and their families, and social workers, suffer from similar time and caseload pressures. These systemic problems inhibit the courts’ ability to meet their statutory requirements, as well as their obligation to ensure that all participants in the hearings understand their rights and responsibilities and the decisions made in court.

We found that dependency courts are able to gather only limited data on their ability to meet statutory timelines for hearings and requirements regarding safety, permanency, and well-being. Currently, uniform statewide court data is limited to the number of filings and dispositions. Without more advanced data systems and court performance measures, the courts are not able to track children’s progress, measure compliance with statutes, and identify sources of delay and other areas of reform needed in juvenile dependency court cases.

After hearing from many stakeholders through testimony, focus groups, written comments, and other means of communication, the commission crafted the following blueprint for reform of the court system. We believe that implementation of these recommendations will bring fundamental change to a court system charged with serving our state’s most vulnerable children and families.

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<sup>2</sup> See Appendix I, Backgrounder: California Dependency Courts and the Hearing Process



## **Recommendation 2**

Because the courts are responsible for ensuring that a child's rights to safety, permanency, and well-being are met in a timely and comprehensive manner and that all parties are treated fairly in the process, the Blue Ribbon Commission recommends that the Judicial Council and the trial and appellate courts make children in foster care and their families a priority when making decisions about the allocation of resources and administrative support.

### **Recommendation 2A**

The trial and appellate courts must have sufficient resources to meet their obligations to children and families in the child welfare system.

The Blue Ribbon Commission recommends that:

- Consistent with Judicial Council policy, judges—not subordinate judicial officers—hear dependency and delinquency cases. Pending a full transition from subordinate judicial officers to judges (through reassignment or conversion of subordinate judicial officer positions to judgeships), presiding judges should continue the assignment of well-qualified and experienced subordinate judicial officers to juvenile court.
- The Judicial Council work with bar organizations, the Governor's office, and state and local leadership to ensure that juvenile law experience is given favorable consideration during the judicial appointment and assignment process and well-qualified subordinate judicial officers and attorneys with juvenile law experience are encouraged to apply for vacant judicial positions.
- Presiding judges follow standard 5.40 of the California Standards of Judicial Administration and assign judges to juvenile court for a minimum of three years and give priority to judges who are actively interested in juvenile law as an assignment.
- The Judicial Council undertake a new judicial caseload study focused specifically on juvenile dependency courts. The study should take into account the court's unique oversight and case management responsibilities and address the use of case managers to support judges in meeting their workloads.
- Pending completion of the study, presiding judges evaluate their current allocation of judgeships and resources and make adjustments as necessary. If reallocation of existing resources is not sufficient, the Judicial Council should seek additional funding to ensure full implementation of the standards and statutory requirements.
- The Administrative Office of the Courts helps courts comply with the judicial standard outlining the knowledge, commitment,

and leadership role required of judicial officers who make decisions about children in foster care (see standard 5.40 of the California Standards of Judicial Administration). Presiding judges of the superior courts should receive training in the role and duties of juvenile court judicial officers as outlined in the standard.

## **Recommendation 2B**

All participants in dependency hearings and subsequent appeals, including children and families, should have an opportunity to be heard and meaningfully participate in court.

The Blue Ribbon Commission recommends that:

- Judicial officers identify and engage all parties in each case as early as possible. A particular emphasis should be placed on finding fathers and identifying Indian tribes where applicable.
- Judicial officers and other stakeholders remove barriers that prevent children, parents, and caregivers from attending hearings. This includes addressing transportation and scheduling difficulties, as well as exploring telephonic appearances and other technological options.
- The Judicial Council and other stakeholders develop and implement laws and policies to promote relative finding, funding, assessment, placement, and connections.
- The Judicial Council provide an expedited process for all juvenile dependency appeals by extending the application of rule 8.416 of the California Rules of Court to all dependency appeals.
- The Judicial Council require the appointment of independent counsel for all children in juvenile dependency appeals.

## **Recommendation 2C**

Judicial officers should ensure that local court practices facilitate and promote the attendance of children, parents, and caregivers at hearings.

The Blue Ribbon Commission recommends that:

- Hearings be available at times that do not conflict with school or work or other requirements of a family's case plan.
- To the extent feasible, hearings be set for a specific date and time. Delays should be minimized, and hearings should be conducted on consecutive days until completed.
- A concurrent criminal proceeding not delay a dependency case.
- All parties, including children, parents, and social workers, have the opportunity to review reports and meet with their attorneys before the initial hearing and in advance of all subsequent hearings.

- Hearings be timely and meet all federal and state mandated timelines. Continuances be minimized, and the reasons for systemic continuances be addressed by the local court and child welfare agency.
- All participants leave court hearings with a clear understanding of what happened, why decisions were made, and, if appropriate, what actions they need to take.
- The Administrative Office of the Courts provide judicial officers and court participants with education and support to create courtroom environments that promote communication with, and meaningful participation of, all parties, including children, that takes into account age, development, language, and cultural issues.
- The same judicial officer hear a case from beginning to end, when possible.
- Courts explore telephonic appearance policies and new technology options to ensure participation in juvenile court hearings.

## **Recommendation 2D**

The court's ability to make fair, timely, and informed decisions requires attorneys, social workers, and Court Appointed Special Advocates (CASAs) who are well qualified and have the time and resources to present accurate and timely information to the courts.

The Blue Ribbon Commission recommends that:

- The Judicial Council advocate for the resources, including a stable funding source, necessary to implement the council's recently adopted attorney caseload standards, to implement caseload standards for social workers, and to develop and implement caseload standards for social services agency attorneys.
- The Judicial Council take active steps to promote the advancement of juvenile law as a sought-after career. Accomplishing this recommendation requires:
  - Fair and reasonable compensation for court-appointed attorneys;
  - Adoption and implementation of a methodology for determining attorney effectiveness;
  - Forgiveness of student loans for attorneys who commit a substantial portion of their careers to juvenile law;
  - That public and nonprofit law offices hire and retain attorneys based on their interest in the field and encourage them to build careers in juvenile law; and
  - Collaboration with State Bar of California leaders to include juvenile dependency law as a mandatory area of

study for the California Bar exam and create a State Bar juvenile law section.

- The Administrative Office of the Courts expand multidisciplinary training opportunities for court professionals and other participants, including caregivers, educational representatives, CASA volunteers, and tribal leaders. Training should include conferences as well as distance learning opportunities.
- The Judicial Council continue to support the development and expansion of CASA programs and to help make available CASA volunteers for all foster children in the dependency system. State funding for CASA programs should be expanded to allow for appointments in all cases.
- Local or regional legal advocacy resource centers be established to ensure that the nondependency legal needs of dependent children and their parents are appropriately addressed. This includes education, immigration, tribal enrollment or other requirements to receive the benefits of tribal membership, tort issues, and other issues.

## **Recommendation 2E**

All courts should have nonadversarial programs available as early as possible and whenever necessary for children and families to use to resolve legal and social issues when appropriate.

The Blue Ribbon Commission recommends that:

- Mediation and other forms of alternative dispute resolution be available in all courts at any time in the proceedings.
- Families in all counties have access to other types of court proceedings—drug, mental health, and unified courts, for example—that can help them remain together or, if the children are removed, to stabilize and reunify the family as soon as possible.
- Presiding judges work with agencies to ensure that families in all counties have access to specific nonadversarial child welfare–based practices such as family group conferencing, team decision-making, and family team meetings.

## Recommendation 2F

The Judicial Council should establish and implement a comprehensive set of court performance measures as required by state law (Welf. & Inst. Code, § 16545).

The Blue Ribbon Commission recommends that:

- The Judicial Council adopt and direct the Administrative Office of the Courts to work with local courts and state agencies to implement a rule of court that embodies the commission's following recommendations:
  - Court performance measures include those for safety, permanency, timeliness of court hearings, due process, and child well-being;
  - Court performance measures align with and promote the federal and California Child and Family Services Review outcome measures and indicators;
  - The California Court Case Management System collect uniform court performance data and have the capability to produce management reports on performance measures; and
  - Trial court performance measures be included in a separate Judicial Council-approved Administrative Office of the Courts Implementation Guide to Juvenile Dependency Court Performance Measures.
- These performance measures and management reports be used for the following:
  - To promote court accountability for ensuring fair and timely hearings and to inform improvements in local case processing;
  - To provide stakeholders and the public with an aggregate picture of the outcomes for children before the court and to increase the public's understanding of the court's role in the child welfare system; and
  - To measure compliance with statutory mandates and effective practices.
- The Judicial Council work with the Child Welfare Council and local courts and state agencies to develop uniform child well-being performance measures. Based on these measures, the Administrative Office of the Courts, Center for Families, Children & the Courts should work with local courts to develop and implement educational tools that help courts improve child well-being outcomes.
- The Judicial Council and other stakeholders advocate at the federal, state, and local levels for the funding necessary to implement recommended court performance measures.

### **Recommendation 3: Collaboration Between Courts and Their Child Welfare Partners**

*Collaboration can be very difficult. There are such different cultures across state and county departments and agencies, and there is such a scarcity of resources that collaboration alone is not enough. We need real transformation. That will mean forming meaningful partnerships and looking at things in new ways.*

—Phillip Crandall  
Director of Health and  
Human Services,  
Humboldt County

In California, the courts share responsibility for the safety and well-being of children and youth in foster care with a range of agencies, including child welfare, education, alcohol and drug treatment, mental health, public health, and Indian tribal councils.

This means that families are often involved with more than one agency at a time. These agencies have independent and sometimes conflicting policies and regulations that inhibit communication and sharing of data and information. We learned that because of this problem, judges and attorneys sometimes lack full knowledge of a child’s health, mental health, education, language, or citizenship. This means the courts must sometimes make decisions without a complete or accurate picture of the child and his or her family.

We found that this leads to a situation where court-ordered services to benefit families and children sometimes conflict with other court orders or mandated services from other agencies. And the courts and child welfare agencies do not always know what services exist in the community. Often there is limited availability of essential services.

The commission adopted the following recommendations to solve this problem. We believe that collaboration is a critical piece of the foster care puzzle. We know that together we can serve children and families more effectively.

#### **Recommendation 3**

Because the courts share responsibility with child welfare agencies and other partners for the well-being of children in foster care, the courts, child welfare, and other partnering agencies must work together to prioritize the needs of children and families in each system and remove barriers that keep stakeholders from working together effectively.

#### **Recommendation 3A**

The Judicial Council, trial courts, and California Department of Social Services should work cooperatively with all departments, agencies, and other stakeholders to ensure optimal sharing of information to promote decision-making that supports the well-being of children and families in the child welfare system.

The Blue Ribbon Commission recommends that:

- The Judicial Council continue its efforts to fully develop and implement the California Court Case Management System and other data exchange protocols, so that the judicial branch, the California Department of Social Services, and other trusted

partners will be able to exchange essential information about the children and families they are mandated to serve.

- California Case Management System permit judicial officers in dependency courts to access information about children and families who are involved in cases in other courts.
- California Case Management System and the state Child Welfare Services/Case Management System promote coordinated data collection, data exchange, and filing of documents, including electronic filing, between the courts, social service agencies, and other key partners and track data that permits them to measure their performance.
- The Child Welfare Council prioritize solutions to federal and state statutory and regulatory policy barriers that prevent information sharing between the courts and their partners and that cause delays in the delivery of services and, hence, delays in permanency for children.
- Data systems in the various agencies evolve to capture the growing complexity of California demographics, including issues such as limited English proficiency, use of psychotropic medications, and disabilities.

### **Recommendation 3B**

The presiding judge of the juvenile court and the county social services or human services director should convene multidisciplinary commissions at the local level to identify and resolve local system concerns, address the recommendations of the Blue Ribbon Commission, and build the capacity to provide a continuum of services.

The Blue Ribbon Commission recommends that:

- These multidisciplinary local commissions include participation from the courts; local government officials; public and private agencies and organizations that support children and families; children, parents, and families with experience in the system; caregivers; and all other appropriate parties to the process.
- These commissions focus on key areas of local concern and activities, including:
  - Undertaking a comprehensive assessment of existing services available in the community; encouraging development of appropriate services that are not available; coordinating services with tribal services and transitional services; and ensuring that children and families receive the support they need for reunification and permanency;
  - Identifying and resolving barriers to sharing information among the courts, agencies, and schools;
  - Communicating local needs and concerns to the Child Welfare Council; and

- Raising the visibility and public understanding of foster care issues in their communities.
- The Administrative Office of the Courts support local commissions in their efforts to collaborate and to avoid duplication with other efforts to achieve positive child welfare outcomes (including county efforts to develop system improvement plans as required by state law).
- All participating agencies prioritize children in foster care, and their families, when providing services.

### **Recommendation 3C**

Courts, child welfare agencies, and other agencies should collaborate with Indian tribes and tribal courts to ensure that the rights of children, families, and tribes are protected and that Indian children and families have access to all appropriate services for which they are eligible.

The Blue Ribbon Commission recommends that:

- The Administrative Office of the Courts work with state trial courts and tribal courts to establish protocols for identifying and sharing jurisdiction between state and tribal courts and for sharing services, case management, and data among superior courts, tribal courts, and county and tribal service agencies. The protocols established should encourage a mutual understanding of and respect for the procedures in both the state and tribal courts and the challenges that all communities face in providing services for children and families. The Administrative Office of the Courts collaborate with the state to develop and offer judicial education and technical assistance opportunities to tribal court officers and staff and legal education to tribal attorneys, lay advocates, and service providers.
- The Administrative Office of the Courts work with the California Department of Social Services to offer ongoing multidisciplinary training and technical assistance to judges, court staff, attorneys, social workers, and other service providers on all of the requirements of the Indian Child Welfare Act.
- Indian children and families have access to the same services as other families and children regardless of whether their cases are heard in state court or tribal court.



## Recommendation 4: Resources and Funding

During our three-year investigation, we found that financial support for children and families in the child welfare system is built on a patchwork of funding streams, each with its own rules and restrictions. In addition to state and county funding, child welfare dollars come from at least a half-dozen federal sources, some of which require matching funds from state, county, and local agencies. Delays in services result when providers, social service agencies, and the courts struggle to determine the pertinent funding source for services. Delays are compounded when a child is moved to a new county or state.

Even when services are available, agencies and the courts do not always give priority to foster children and their families in the delivery of these services. For example, children have a right to certain educational and transition-to-independent-living services but often are not able to benefit from these services because there are no resources or funding supports to help these children access the services. This lack of prioritization of, and accountability to, children and families in the delivery of services deprives them of the comprehensive and concentrated services that are critical to family reunification and permanency.

The commission offers the following recommendations to respond to the challenge of resources and funding.

### Recommendation 4

In order to meet the needs of children and families in the foster care system, the Judicial Council, Congress, the Legislature, the courts, and partnering agencies should give priority to children and their families in the child welfare system in the allocation and administration of resources, including public funding – federal, state, and local – and private funds from foundations that support children’s issues.

#### Recommendation 4A

The Judicial Council should urge Congress, the state Legislature, and state and local agencies – including agencies and organizations that provide health, mental health, education, substance abuse, domestic violence, housing, employment, and child care services – to prioritize the delivery and availability of services to children and families in the child welfare system.

The Blue Ribbon Commission recommends that:

- Congress and the state Legislature fund dissemination of evidence-based or promising practices that lead to improved outcomes for foster children and their parents. Examples include therapeutic foster care and drug courts.

*Simply put, current federal funding mechanisms for child welfare encourage an over-reliance on foster care at the expense of other services to keep families safely together and to move children swiftly and safely from foster care to permanent families, whether their birth families or a new adoptive family or legal guardian.*

—Pew Commission on Children in Foster Care

## **Recommendation 4B**

States and counties should be given permission to use federal funding more flexibly. Flexible funding should be used to address the needs of children and families in a timely manner that recognizes the child's developmental needs and relationship with his or her parents, guardian, and extended family. The commission supports key financial recommendations of the Pew Commission on Children in Foster Care and encourages innovative funding strategies at the federal, state, and local levels of government.

The Blue Ribbon Commission recommends that:

- The Judicial Council urge Congress to adopt the following federal financing reform recommendations, based on those advocated in 2004 by the Pew Commission on Children in Foster Care, a national panel of experts that issued proposals around financing child welfare and court reforms:
  - Creation of an incentive model for permanency. Based on the adoption incentive, this model would encompass all forms of permanency, including reunification and guardianship, and would offer equal payment levels;
  - Federal adoption assistance for all children adopted from foster care;
  - Federal guardianship assistance for all children who leave foster care to live with a permanent, legal guardian;
  - Elimination of the income limit for eligibility for federal foster care funding;
  - Flexibility for states and counties to use federal funds to serve children from Indian tribes and children living within U.S. territories;
  - Extension of federal title IV-E funding to children in Indian tribes and the U.S. territories;
  - Reinvestment of local, state, and federal dollars saved from reduced foster care placements into services for children and families in the child welfare system;
  - Reinvestment of penalties levied in the federal Child and Family Services Review process into program improvement activities; and
  - Bonuses when the state demonstrates improved worker competence and lighter caseloads.

## **Recommendation 4C**

No child or family should be denied services because it is unclear who should pay for them. Funding limitations that prohibit or delay the delivery of services to children and families should be addressed through coordinated and more flexible funding.

The Blue Ribbon Commission recommends that:

- The Judicial Council work with other branches of federal, state, and local governments to identify barriers to funding for services and to develop solutions.
- The Judicial Council should urge Congress to change any federal law that prevents federal funds from being coordinated among several agencies to support specific services.

#### **Recommendation 4D**

The Judicial Council, along with other stakeholders, should work to improve the foster care system by supporting those who provide care to dependent children.

The Blue Ribbon Commission recommends that:

- The Judicial Council and other stakeholders advocate for increasing foster care rates and supports to enable foster parents to care for their foster children.
- The Judicial Council and other stakeholders advocate for funding and other resources to provide statewide legal and informational support for caregivers so they understand the dependency process and know what to expect in court.

#### **Recommendation 4E**

The Judicial Council, the executive and legislative branches of federal and state government, local courts, businesses, foundations, and community service organizations should work together to establish a fund to provide foster youth with the money and resources they need to participate in extracurricular activities and programs to help make positive transitions into adulthood.

The Blue Ribbon Commission recommends that:

- Children in foster care and partnering agencies have access to reliable funding to support their access to extracurricular activities and transitional programs. These activities should include music and dance lessons, sports, school events, and independent living activities.
- Systemic barriers that prevent foster children from participating in the above events be eliminated, including transportation, licensing restrictions, and confusion regarding waivers and consents.

## **Recommendation 4F**

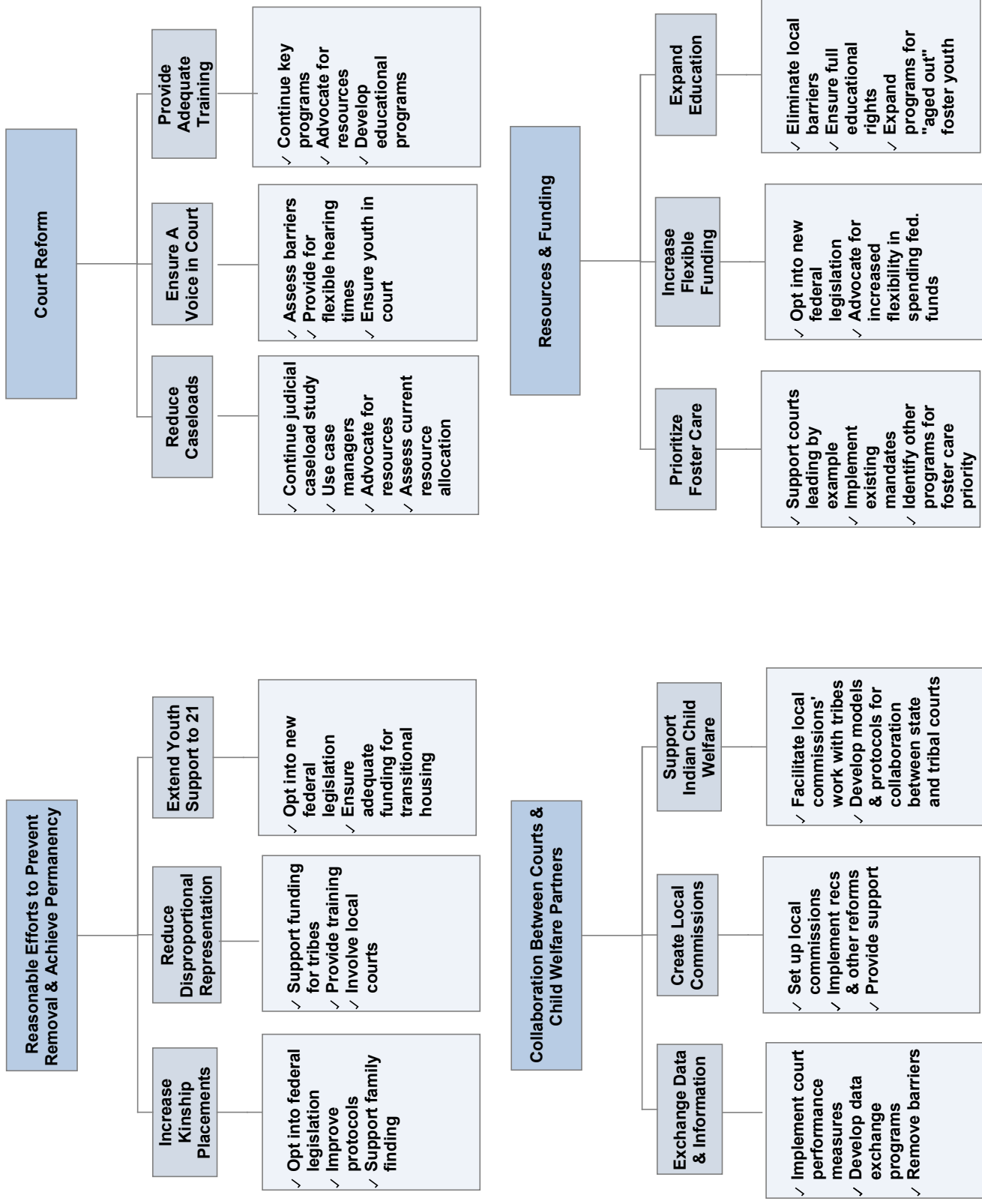
Educational services for foster youth and former foster youth should be expanded to increase access to education and to improve the quality of those services.

The Blue Ribbon Commission recommends that:

- Courts and partnering agencies ensure that foster children receive the full education they are entitled to, including the support they need to graduate from high school. This includes tutoring and participation in extracurricular activities. The courts should require other agencies to justify any denial of such services to foster youth in school.
- The Judicial Council urge Congress and the state Legislature to strengthen current education laws to explicitly include all foster children and to fill funding gaps, such as the lack of support for transportation to maintain school stability.
- The Child Welfare Council prioritize foster children's educational rights and work with educators to establish categorical program monitoring to oversee compliance with education laws and regulations that support foster youth in school.
- The California Department of Education designate foster youth as "at-risk" students to recognize that foster care creates challenges and obstacles to a child's education that other children do not experience and to increase the access of foster youth to local education programs.
- Foster Youth Services grants be expanded to include all children age five or older, including those in kinship placements, because close to half of foster children are placed with kin and Foster Youth Services is not currently funded to serve those children.
- The Judicial Council urge legislative bodies and higher education officials to expand programs, such as the Guardian Scholars, statewide to ensure that all current and former foster youth who attend college have access to housing and other support services and to waive tuition and other educational fees for current and former foster youth.



# BLUE RIBBON COMMISSION RECOMMENDATIONS & ACTION PLAN HIGHLIGHTS



## Chapter 2: A Roadmap to Reform: The Blue Ribbon Commission's Action Plan

Commissioners kept implementation in mind throughout our deliberations. We were determined from the beginning that our recommendations not sit on a shelf gathering dust, but be implemented as soon as possible in the hope of improving the lives of children and families, and bringing some relief to the state's chronically overstressed juvenile court and child welfare systems.

When the Judicial Council unanimously accepted our final recommendations on August 15, 2008, it directed that work get underway immediately on the 26 specific recommendations that are under its purview. It also directed us to develop an action plan in keeping with our principles and values for those recommendations that required collaboration with court partners. We met in San Francisco on October 21, 2008 to begin work on the action plan that is included in this chapter.

The commission believes that 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 this initial action plan, we took a pragmatic approach, identifying practical first steps that we believe are fiscally responsible and realistically achievable. We also believe that these initial reforms will provide an important and improved foundation for the remaining recommendations and reforms that will follow.

We organized our action plan around the key recommendations in each of the four overall categories of recommendations:

1. Reasonable efforts to prevent removal and achieve permanency;
2. Court reform;
3. Collaboration between the courts and their child welfare partners; and
4. Resources and funding.

We have highlighted key recommendations within each of these categories and outlined our action steps to make them a reality.

*We realize that our recommendations have financial implications. That goes without saying. And we acknowledge that our state is experiencing difficult financial times. But not everything needs to happen at once. We are taking the long view.*

*These recommendations, when implemented, will bring significant change to our juvenile court and child welfare system, to the benefit of California's most vulnerable children and families.*

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

## REASONABLE EFFORTS TO PREVENT REMOVAL AND ACHIEVE PERMANENCY

### Increasing the Number of Relative Placements (Kinship)

*I was placed in foster care when I was six years old and had multiple placements in the first three years. Growing up, it was really difficult because you would have to make family trees in school, and on my family tree it was just me and my brother. I had no idea who my parents were. I had no idea of any genetics or any family history. I had no idea of who I was until I was 17.*

*With the limited information I had, I searched on the internet for my family and was able to locate my grandmother who said she had not been contacted when I was placed in foster care.*

—Sean Guthrie  
Former foster youth

Nearly half of the children in foster care have been in care for over two years, 17 percent for three years or more. Too often these children are in foster care limbo, shifted from placement to placement, separated from siblings, friends, and schools. Often they could be placed with relatives if the system knew who and where the relatives were.

#### **Key Recommendations**

- That, at the earliest possible point in their involvement with the family, child welfare agencies engage family members, including extended family wherever they may live, to support the family and children in order to prevent placement whenever possible. Child welfare systems should develop and improve internal protocols for finding family members.
- The Judicial Council work with state and federal leaders to advocate changes in law and practice to increase and encourage more relative placements, including:
  - Addressing funding disparities;
  - Developing greater flexibility in approving relative placements whereby relatives would not, by virtue of federal law, be held to the same standard as nonrelatives; and
  - Formulating protocols to facilitate swift home assessments and placement with family members when appropriate.
- That all court participants continuously review and make extraordinary efforts to preserve and promote sibling connections and co-placement.

#### **Action Steps**

To facilitate the implementation of these recommendations, we urge that the following steps be taken to improve the availability of relatives to care for foster children:

- That the Judicial Council work with the Administrative Office of the Courts, the California Department of Social Services, and other appropriate partnering agencies to evaluate and determine whether California should opt into the kinship provisions of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008 (hereinafter “Fostering Connections to Success Act”). These provisions would provide more support for relative caregivers. If it is determined that California should opt in, the Judicial Council should support appropriate legislation.
- That local and statewide child welfare agencies develop and improve internal protocols for finding, engaging, and supporting family relationships. The efforts and forthcoming recommendations of the Child Welfare Council Permanency



Committee and the implementation of California's Program Improvement Plan will support this work.

- That local foster care commissions support the expansion of family finding in their counties by developing information-sharing protocols among public and private agencies to enhance the ability of the child welfare agency to locate family members. The Blue Ribbon Commission's local teams committee and Administrative Office of the Courts staff will provide support for this effort.

## **Reducing the Disproportionate Representation of African Americans and American Indians in Foster Care**

African-American children constitute 6% of the state's child population, but represent more than 26% of the children in foster care. More than three times as many American Indian children are in the foster care system compared to the state's population of American Indian children. These statistics sharply profile the enormity of the problem of disproportionality in California's foster care system. We recommend a strong, determined response to this systemic inequity.

### ***Key Recommendations***

- That the courts and partnering agencies work to reduce the disproportionate number of African-American and American Indian children in the child welfare system, and
- That judicial officers, attorneys, social workers, and other professionals who serve foster children and their families increase the diversity and cultural competence of the workforce.

### ***Action Steps***

We recommend addressing the problem on multiple fronts through the following steps:

- That the Judicial Council and partnering agencies support as appropriate Indian tribes opting into the provisions of the Fostering Connections to Success Act to get federal title IV-E funds and to access grants.
- That the Administrative Office of the Courts provide training and support to trial courts on how these courts may contribute to the disproportionate representation of African-American and American Indian children and provide tools for eliminating this effect.
- That the Administrative Office of the Courts and other statewide stakeholders, including Casey Family Programs, set up a task force to develop the basics of a training template to reduce disproportionality that can be provided to each county.
- That the Judicial Council, partnering agencies, and local commissions work collaboratively to develop a strategy to increase the diversity and cultural competence of the workforce at every level.

- That the California Department of Social Services and county child welfare agencies develop and improve internal protocols for finding family members to help avoid nonrelative placement whenever possible.
- That courts and partnering agencies identify how policies and practices interact to create disproportionality and work to ameliorate this effect.
- That the Judicial Council support efforts to involve courts in local collaborations to reduce disproportionality, including in counties that are participating in Casey Family Programs’ California Disproportionality Project.
- That the Judicial Council, California Department of Social Services, trial courts, and county child welfare agencies develop a statewide dependency court standard for determining predetention reasonable efforts to find alternative placements or provide intensive services to prevent detention.

### **Providing Extended Support for Transitioning Youth**

*I started my work in child welfare services over 20 years ago, providing group care to neglected teenagers. And I have to say that the most troubling aspect of that experience was 18th birthdays. I watched far too many young people celebrate their 18th birthday with nowhere to go because their funding for foster care services was terminated on that day.*

—Professor Mark Courtney  
Ballmer Chair in Child Well-Being, School of Social Work, University of Washington;  
Former social worker

The fact that more than 5,000 of our youth in foster care “age out” of the system every year without reunifying with their own families or being placed in other permanent families is an enormous problem for this state. We know that these young people are more likely to drop out of school, have serious mental health needs, experience homelessness and unemployment, and end up in the criminal justice system. We recommend aggressive action to provide needed support for transitioning youth.

#### ***Key Recommendation***

- That the Judicial Council work with federal and state leaders to support or sponsor legislation to extend the age when children receive foster care assistance from age 18 to age 21. This change should apply to those children who at age 18 cannot be returned home safely, who are not in a permanent home, and who choose to remain under the jurisdiction of the court. If the court terminates jurisdiction before a youth’s 21st birthday, the youth should have the right to reinstatement of jurisdiction and services.

#### ***Action Steps***

Implementation of this recommendation is imminently possible because the federal Fostering Connections to Success Act, passed in 2008, now permits states to use federal funding to extend foster care assistance to age 21. We urge that the following steps be taken to ensure that California opts in to the provisions in this act that would permit federal funding for foster care through age 21:

- That the Judicial Council work with the Administrative Office of the Courts, California Department of Social Services, and the

Legislature to ensure that California is able to secure federal funding to extend foster care to age 21.

- That the Judicial Council develop rules of court as necessary to implement the federal and/or state legislation, and provide continuing court oversight for youth transitioning to adulthood.
- That the California Department of Social Services and county child welfare agencies develop protocols for working with transitioning youth who may want continued services beyond age 18.
- That the Judicial Council and trial courts develop protocols to address any changes to caseloads for the courts and attorneys that are created by extending juvenile court jurisdiction to age 21.
- That the Judicial Council and partnering agencies work with state and federal leadership to ensure adequate funding for transitional housing.
- That the Administrative Office of the Courts, in the absence of new legislation, provide training to trial courts on the authority of courts to order services to youth to age 21 under current law.

*Hailed as the most significant federal legislation for foster youth in more than a decade, the Fostering Connections to Success Act provides important new resources for foster youth and the families who care for them.*

### **Spotlight on Early Implementation: Fostering Connections to Success Act**

Late in 2008, Congress passed the Fostering Connections to Success and Increasing Adoptions Act (P.L. 110-351). Hailed as the most significant federal legislation for foster youth in more than a decade, the new law provides important new resources for foster youth and the families who care for them.

The new law is directly responsive to 20 of the Blue Ribbon Commission's recommendations, which were shared with members of Congress prior to the new law's passage.

Commission recommendations addressed by the new law include:

- Increased supports for relative caregivers (kin);
- Improved outreach and communication with relatives who may be able to assist with care for foster youth;
- More flexible use of federal funds to support child abuse prevention efforts;
- Supports for foster youth until age 21, including housing and other transitional services;
- Requirements that siblings be placed together;
- Requirements that child welfare agencies coordinate with educational agencies to ensure that children are enrolled in school full-time and can remain in the same school whenever possible;
- Extension of federal funding for foster care to tribal governments; and
- Use of federal child welfare training funds for court personnel, attorneys, relative caregivers and others working with children in the child welfare system.

State legislation to implement a number of these provisions has already been introduced in California. Commission members are helping to support these efforts under the auspices of the Judicial Council. Once enacted in state statute, local foster care commissions will be able to assist with implementation.

## COURT REFORM

### Reducing Caseloads for Judicial Officers, Attorneys, and Social Workers

Staggering caseloads for attorneys and judicial officers in juvenile dependency court sharply limit the time and attention that either an attorney or the court can give to any one case. When the average hearing time devoted to each case is 10 to 15 minutes instead of the recommended 30 to 60 minutes, it is no wonder that parents and children consistently report that they did not understand what happened in court. We believe that lowering caseloads is a necessary first step towards implementing our recommendations for more meaningful hearings. (This section discusses judicial caseloads. Attorney and social worker caseloads are addressed later in the section on Resources and Funding.)

#### *Key Recommendations*

- That the Judicial Council undertake a new judicial caseload study focused specifically on juvenile dependency courts. The study should take into account the court's unique oversight and case management responsibilities and address the use of case managers to support judges in meeting their workloads.
- That, pending completion of the study, presiding judges evaluate their current allocation of judgeships and resources and make adjustments as necessary. If reallocation of existing resources is not sufficient, the Judicial Council should seek additional funding to ensure full implementation of the standards and statutory requirements.

#### *Action Steps*

The first step in addressing judicial caseloads is to determine the appropriate caseload for judicial officers. This determination will then enable the courts to determine the appropriate allocation of judicial resources to juvenile courts and will give the judicial branch the ability to advocate more effectively for additional resources. We recommend the following implementation steps:

- That the Judicial Council continue its ongoing statewide assessment of judicial needs based on caseload data and continue to seek the resources to implement recommendations from the study.
- That the Judicial Council, in conjunction with the trial courts, undertake a judicial juvenile court caseload study tailored to take into account the court's unique oversight, case management and community responsibilities.
- That the Judicial Council explore the use of case managers to support judges with their caseloads and consider the effect of case managers when determining the appropriate caseload.

*The dependency system is blessed with many caring and dedicated social workers, attorneys, and judicial officers. However, no one, no matter how dedicated and caring, can do a complete and thorough job if they have four times as many cases as they should.*

*Clear standards for each of these professions and a source for funding to ensure that there are enough social workers, attorneys, and judicial officers are essential.*

—Hon. Margaret Henry  
Judge of the  
Superior Court,  
County of Los Angeles

## Ensuring a Voice in Court and Meaningful Hearings

### Spotlight on Early Implementation: Youth Participation in Hearings that Affect Their Lives

Ensuring that foster youth have a voice in court – a key commission recommendation – was the impetus behind recently signed state legislation.

Assembly Bill 3051 requires courts to ensure that children over age 10 have the opportunity to attend hearings on their dependency case (including provision of transportation, if necessary) and that they are permitted to address the court when they are present at a hearing. Some counties, most notably Los Angeles, have already made great strides in this area. And, several of the newly forming local foster care commissions have targeted getting children to court as one of their top priorities.

Our commission frequently heard from foster youth who expressed a sincere and real desire to be present when decisions are made regarding their young lives. Often youth are not aware of hearings, and even if they are, transportation and scheduling issues can present major roadblocks.

Related commission recommendations call for removing other barriers that prevent both youth and parent participation in hearings, including scheduling hearings that do not conflict with school and work, setting hearings for specific dates and times, and exploring telephonic and other new technology options to ensure full participation.

As we studied the juvenile court process, we sought first-hand accounts from participants about their experiences in dependency court through a variety of settings: focus groups, public forums, formal testimony at commission meetings, public hearings, youth summits, and social worker symposia. We learned that participants have an earnest desire to be heard and understood by the judge and to offer their personal perspectives to the court on the issues that could have a profound impact on their future. Whether they appear in person at a hearing, submit written information, or are effectively represented by an attorney, participants want to tell their side of the story. The desire to share their *own* voice -- their concerns, aspirations, and personal perspectives -- was echoed by all participants in the legal process. This finding echoed a 2005 Survey of Trust and Confidence in the California Courts and identified the opportunity to be heard as a critical component of procedural fairness.

In response to the legislation and the clear message we heard about the desire for meaningful participation in court hearings, we prioritized the following recommendations for early action.

### *Key Recommendations*

- That judicial officers and other stakeholders identify and remove barriers that prevent children, parents, and caregivers from attending hearings.
- That the Judicial Council provide judicial officers and court participants with education and support to create courtroom environments that promote communication with, and meaningful participation of, all parties, including children, and that this take into account age, development, language, and cultural issues.
- That the Judicial Council require the appointment of independent counsel for all children in juvenile dependency appeals.
- That the Judicial Council provide an expedited process for all juvenile dependency appeals by extending the application of rule 8.416 of the California Rules of Court to all dependency appeals.

### *Action Steps*

To implement these recommendations, we must engage the Judicial Council, trial courts, local foster care commissions, appellate courts, local child welfare agencies, appellate representation projects, attorneys representing parents, children and agencies and other partnering agencies. The Judicial Council has already referred appellate counsel and expedited appeal recommendations to appropriate internal committees for the development of rules of court. We believe the following additional steps should be taken to ensure dependency court participants a voice in court:

- That local foster care commissions identify and assess county barriers to parties' attendance at hearings and tailor local strategies to overcome these barriers. This is one of the four

priority areas that the Blue Ribbon Commission asked local commissions to consider at the local summit meeting in December 2008. The Administrative Office of the Courts staff will provide support for these efforts.

- That state level child welfare stakeholders develop strategies to reduce barriers to participation, including legislation as necessary, and support local foster care commission efforts to remove the barriers to attendance and participation at hearings. The Child Welfare Council should provide leadership and support in this area.
- That trial courts make use of established procedures to increase parties' attendance and participation at hearings, including the setting of time certain hearings that are available at times that do not conflict with school, employment or other case plan or court obligations. Trial courts should also act to reduce unnecessary delays and cancellations of hearings.
- That the Judicial Council adopt a rule of court implementing the Assembly Bill 3051 (Jones) to facilitate attendance of children at hearings. The rule of court will include information on implementation steps that will ensure meaningful participation.
- That the Judicial Council adopt a rule of court providing for alternative ways for parties to participate in court, such as telephonic appearances, and standards by which these alternatives may be used. This step has already been referred to the Judicial Council's Rules and Projects Committee.

### **Ensuring Adequately Trained and Resourced Attorneys, Social Workers, and Court-Appointed Special Advocates (CASA)**

Making sure that parties can attend hearings is only the first step toward meaningful hearings. Once in court, participants in dependency court are mystified by the process – they often feel frustrated, overwhelmed or rushed as they attempt to navigate the court system, to understand their rights, and to participate in a meaningful way in court. The commission saw these issues as crucial and slated for initial action recommendations to increase resources to reduce caseloads and expand training.

#### ***Key Recommendations***

- That the Judicial Council advocate for the resources, including stable funding, to implement caseload standards for attorneys and social workers, and to develop and implement caseload standards for social services agency attorneys.
- That the Administrative Office of the Courts expand multidisciplinary training and opportunities for court professionals and other participants, including caregivers, educational representatives, CASA volunteers, and tribal leaders. training should include conferences as well as distance learning opportunities.

*I didn't know that we could write a letter to the judge. I didn't know that we could do something to let our voice be heard and let the judge see that there was a family...approved and waiting for him.*

—Foster parent and focus group participant  
San Francisco

**Spotlight on Early Implementation:  
New Training Resource for Courts, Attorneys, & Social Workers**

In line with Blue Ribbon Commission recommendations calling for improved training for the courts, juvenile dependency attorneys, and social workers, the Administrative Office of the Courts' Center for Families, Children & 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.

This new training resource provides a variety of legal and educational resources including a searchable dependency case law database, a conference calendar, sample briefs, motions and writs, county-by-county listings of service providers and experts, and a large number of publications and training materials.

The Blue Ribbon Commission recommended improved training for court and other personnel because the court's ability to make fair, timely, and informed decisions requires well qualified attorneys, social workers, and other child welfare professionals who can present accurate and timely information to the courts about the children and families in the child welfare system.

Those wishing to subscribe to this important new resource should visit [www.courtinfo.ca.gov/dependencyonlineguide](http://www.courtinfo.ca.gov/dependencyonlineguide).

Contact:  
dependencyguide@jud.ca.gov, or  
call AOC Center for Families,  
Children & the Courts, 415-865-4563.

***Action Steps***

To implement these recommendations we need the help of the Judicial Council, trial courts, tribes and/or tribal courts, state legislative leadership, local child welfare agencies, dependency court attorneys, CASA, and other partnering agencies or organizations. We urge the following steps be taken to implement our recommendations:

- That the Administrative Office of the Courts continue its Court Appointed Counsel Study and Dependency Representation, Administration, Funding & Training (DRAFT) project to reduce caseloads and provide training for attorneys representing parents and children in juvenile dependency proceedings.
- That the Judicial Council work with partnering agencies and other state leadership to advocate for resources to implement existing caseload standards for all attorneys who provide representation in juvenile court and for social workers.
- That the Judicial Council work with trial courts, partnering agencies, and local foster care commissions to determine what type of multidisciplinary training and support is needed in local jurisdictions and the opportunities that exist to provide the training and support.
- That the Administrative Office of the Courts develop educational programs and technical support for judicial officers that address the efficient and optimal use of existing resources.
- That the Judicial Council establish pilot projects in small, medium, and large courts to test various approaches to making hearings more meaningful and use the lessons learned to develop policies and practices that can be implemented statewide.



### **Spotlight on Early Implementation: Early Support for Court Performance Measures**

Early in the commission’s three-year process, we embraced the collection and reporting of performance measures in juvenile dependency court and developed draft court performance measures that were adopted in 2008. Several factors contributed to our momentum:

- The courts were already in the process of developing a California Case Management System and were beginning to design the juvenile dependency court module.
- The California Department of Social Services was about to redesign and upgrade their statewide Child Welfare Services automated case management system.
- The California Legislature also expressed its support for court-based performance measurement through passage of the Child Welfare Leadership and Performance Accountability Act of 2006, Assembly Bill 2216. This bill directed the Judicial Council to adopt performance measures that enable the courts to establish benchmarks and track their progress “in improving safety, permanency, timeliness and well-being of children and to inform decisions about the allocation of court resources.”<sup>3</sup>

In one of our first actions, the commission drafted a resolution about the need for gathering better and more complete data related to dependency cases and for the electronic sharing of appropriate information between the courts and child welfare agencies. This resolution was adopted by the Judicial Council at its October 20, 2006 meeting. (See the resolution in Appendix B.)

Two of our committees then developed draft court performance measures, which were incorporated into a draft rule of court, which was circulated for comment as part of the Judicial Council’s rule making process. On October 24, 2008, the Judicial Council adopted rule 5.505 of the California Rules of Court and its companion guide: *Implementation Guide to Juvenile Dependency Court Performance Measures*, with an effective date of January 1, 2009.

With the adoption of performance measures for California, the Judicial Council took a significant step to implement our recommendation calling for the Judicial Council to “establish and implement a comprehensive set of court performance measures.” When the California Case Management System goes online with its family and juvenile law case module, the performance measures will begin to help the courts improve outcomes for the state’s most vulnerable families.

*The implementation of performance measures will help California’s courts improve outcomes for our most vulnerable families.*

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<sup>3</sup> CAL. WELF. & INST. CODE § 16545 (West 2008).

## COLLABORATION BETWEEN COURTS AND THEIR CHILD WELFARE PARTNERS

### Facilitating Data and Information Exchange

*If attorneys are not trained in everything from child development to understanding children's' linguistic stages to special education to mental health to health to substance abuse to domestic violence – all of those things – they cannot do a good job as attorneys in dependency court.*

*There is a lot more that you need besides a Bar card to really represent children well in this system. And very little of it is taught in law school.*

—Leslie Heimov  
Executive Director,  
Children's Law Center  
of Los Angeles

One of the greatest challenges to reforming the juvenile dependency and foster care systems is the difficulty of exchanging data and information among courts and their partner agencies. The difficulty results from a variety of factors, including confidentiality laws, and in many instances the way in which they are interpreted and implemented; automated case management systems that are unable to communicate with each other; and a lack of communication and collaboration among agencies and between agencies and the courts.

#### **Key Recommendation**

- The Judicial Council, trial courts, and the California Department of Social Services should work cooperatively with all departments, agencies, and other stakeholders to ensure optimal sharing of information to promote decision-making that supports the well-being of children and families in the child welfare system.

#### **Action Steps**

To achieve that goal, we focused on the following implementation steps:

- That the Judicial Council continue to develop and implement the California Case Management System, which will include information-sharing capabilities with other partners' data systems.
- That statewide stakeholders work to reduce or remove barriers to sharing information, through Memoranda of Understanding or through legislation, where needed. Support is being provided for this work through the ongoing efforts of the Child Welfare Council Data Linkage Committee.
- That the Judicial Council and partnering agencies, in conjunction with the Child Welfare Council, hold a summit of agency and county counsel to identify and resolve barriers to sharing information.
- That local commissions develop tailored strategies to reduce or remove local barriers to sharing information.
- When information-sharing capabilities have progressed sufficiently to warrant coordinated implementation, that the Judicial Council adopt a rule of court addressing information and data sharing and provide support with an implementation guide.

## **Collaboration in Action: Helping Foster Youth through Data-sharing**

One of the Blue Ribbon Commission’s central recommendations focuses on sharing information and data among the courts and agencies that serve foster children and their families.

The commission heard repeatedly about the problems, delays and other consequences of agency systems not communicating with one another, whether it was a judge not having all of the relevant information about a youth in order to make informed decisions on his or her behalf, foster youths’ educational records not following them from one school to another, or a foster parent encountering repeated roadblocks when trying to ensure adequate medical care for a young person who is in their charge.

We also heard about several good examples of local agencies and officials tearing down administrative barriers to information and data-sharing, and applaud the efforts of those who are “just making it happen.”

One good example at the local level is in San Diego County, where the Office of Education spearheaded the collaboration of nine agencies and the juvenile court to set up a system to share foster youths’ education and health records. They created an interagency agreement that permits participant agencies to access foster youth information on a web-based secure database.

The database receives daily and weekly downloads from child welfare and education offices, including all 42 of San Diego’s school districts, ensuring that the information is current for those who need access to it. Data include foster youths’ grades, attendance, unofficial transcripts, immunization records, school placement history, and various test scores and other data.

Strong leadership from the county’s juvenile court paved the way for this level of information and data sharing, which enables all stakeholders to have the information necessary to comply with legislative mandates that require a foster child’s health and educational records follow the child when there are school transfers or foster care placement changes.

Collaborative partners in San Diego include health and human services, child welfare services, the juvenile court, probation, CASA, the public defender, the alternate public defender, education, and the county school districts.

*The issue of sharing information as a barrier is self-imposed. There are no real barriers to the sharing of information. Honestly, it is a little tiny fence that can be kicked over. Make it work.*

—Hon. Colleen Nichols  
Judge of the Superior Court,  
County of Placer

## Establishing Local Foster Care Commissions

Though we are a statewide commission, we realize that change for children and families in the foster care system will take place only if there are changes at the county level and in the local juvenile courts.

*The courts can no longer afford to be silent partners, or unheard partners in the child welfare system. The court can and should be a moving force in collaboration... we all jointly share responsibility for making the system better.*

—Frank Ospino  
Supervising Attorney,  
Public Defender's Office,  
Orange County

### **Key Recommendation**

- That the presiding judge of the juvenile court and the county social services or human services director should convene multidisciplinary commissions at the local level to identify and address local systemic concerns, address the recommendations of the Blue Ribbon Commission, and build the capacity to provide a continuum of services.

### **Action Steps**

The local commissions are designed to provide leadership on foster care issues in their communities. They will also be a forum for addressing systemic barriers to improving the lives of foster children and for establishing communication protocols among individuals, agencies, and courts. We agreed on the following implementation steps to get the local commissions up and running:

- That the Judicial Council will convene a summit of county teams to start the process of establishing local commissions. (This step is complete. The summit, held in December 2008, is discussed on page 43.)
- That county teams develop concrete steps to set up local commissions or identify existing committees or workgroups that could be expanded to become local commissions and adopt action plans to address local concerns and Blue Ribbon Commission recommendations. (This step is underway. See page 43 for more information.)
- That local commissions assess, develop, and coordinate the delivery of services; identify barriers to information sharing; communicate with the California Child Welfare Council; and, raise public awareness of foster care issues and the needs of children in foster care.
- That the Administrative Office of the Courts provide support to local commissions.

These local foster care commissions will likely be the keystones to statewide implementation of our recommendations. We see them as crucial partners in meeting the challenge of better safeguarding our children, reducing the need for foster care, and improving the foster care system.

**Spotlight on Early Implementation:  
Summit Launches Local Foster Care Commissions**

The Blue Ribbon Commission believes that the key to effective implementation of our recommendations lays in the counties, where families live, where our judges preside in dependency courts, where services are delivered and major decisions made. We know that bringing our recommendations to life requires teamwork and collaboration between the courts and the local public and private agencies that serve foster children and their families. That's why the creation of local foster care commissions is one of our central recommendations.

To encourage the quick formation of these local commissions, we hosted a summit on December 10, 2008 and invited the presiding judge and the child welfare director from each county in the state to send a team. More than 400 participants from 50 counties enthusiastically rose to the challenge of developing local foster care commissions focused on identifying and addressing local child welfare systemic concerns, addressing and implementing the recommendations of the Blue Ribbon Commission, and building the capacity to provide a continuum of services. (A copy of the county team workbook used to focus team discussions is attached as Appendix C.)

The summit's success was exciting. With nearly all California counties and juvenile courts participating, there was consensus among the courts and their partner agencies that foster children and their families deserve better services from the courts and the agencies that serve them.

Following the summit, most county teams have now taken concrete steps to create their own local commissions or retool existing collaborations to address foster care issues. These newly formed local commissions have targeted a number of Blue Ribbon Commission recommendations to focus on, including: access to services, visibility of foster care as an issue, getting children to court, information sharing, disproportionate representation of minorities, and educational opportunities.

Formation of these local foster care commissions is a critical step in implementing many of our recommendations and making reform of the juvenile court and foster care systems a reality. Our children, our families, and our communities will all benefit from the dedication and hard work of these new local commissions.

*Formation of local foster care commissions is a critical step in implementing many of the Blue Ribbon Commission's recommendations and making reform of the juvenile court and foster care systems a reality.*

## Improving Indian Child Welfare

As noted earlier, there is a significant disparity between the percentages of American Indian children in foster care compared to the percentage of American Indians in the general population in California. In addition, there is often a chasm in terms of resources, policies, trust, and communication between tribes or tribal courts and the state trial courts. Hon. William Thorne, the Associate Presiding Judge of the Utah Court of Appeal and a tribal court judge, noted in testimony before the commission that “[t]he only children in the country who are not covered by title IV-E are Indian children in tribal court custody, so that there is a tremendous difference in resources, especially for the poor tribes, about what services are available...”

In many counties there is an historic distrust between tribes and child welfare agencies and trial courts. Much of this distrust is due to a lack of understanding or mutual respect for each other’s cultures and institutions. American Indian children and their families suffer because of the lack of resources and the lack of trust and coordination between tribes and counties and state courts.

The recent passage of the Fostering Connections to Success Act provides a timely boost of resources in this area by offering Indian tribes, for the first time, direct access to title IV-E funds, which provide federal assistance through the federal foster care and adoption assistance programs; hundreds of thousands of other children have had access to these federal funds for years. The act also requires the United States Department of Health and Human Services to provide technical assistance and implementation services to help tribes set up child welfare services that qualify for title IV-E funding.

### ***Key Recommendation***

The commission selected the following recommendation for early action in this area:

- That the Administrative Office of the Courts work with state trial courts and tribal courts to establish protocols for identifying and sharing jurisdiction between state and tribal courts and for sharing services, case management, and data among superior courts, tribal courts, and county and tribal service agencies. The protocols established should encourage a mutual understanding of and respect for the procedures in both the state and tribal courts and the challenges that all communities face in providing services for children and families. The Administrative Office of the Courts should collaborate with the state to develop and offer judicial education and technical assistance opportunities to tribal court officers and staff and legal education to tribal attorneys, lay advocates, and service providers.

*One key to collaboration is real participation – not just consultation, but culturally appropriate partnerships. And for Indian communities that means equality. You cannot do it on a big brother, little brother basis – that simply will not work. You build a history of working together in a way that each person at the table knows that they are valued.*

—Hon. William Thorne  
Associate Presiding Judge,  
Utah Court of Appeal;  
Tribal court judge

### ***Action Steps***

We identified the following implementation steps to improve communication and collaboration between tribal courts and state trial courts:

- That local foster care commissions 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.
- That teams, both local and statewide, work together to develop models and protocols for sharing jurisdiction, data, and services.
- That the Judicial Council evaluate current projects in the judicial branch for opportunities to address Blue Ribbon Commission recommendations related to tribal issues.
- That the Administrative Office of the Courts provide education on Indian child welfare issues where needed.

## **RESOURCES AND FUNDING**

### **Prioritizing Foster Care**

One of the most compelling values that drove our work as a commission was the strong, powerful voice of the children and youth whose lives have been shaped by California’s foster care system. Those individual voices were convincing and cannot be ignored. The commission believes that foster children and youth in this state must be able to count on our courts, child welfare agencies, and other stakeholders to care for them as they would be cared for in any loving family. We must take early action.

#### ***Key Recommendation***

- In order to meet the needs of children and families in the foster care system, the Judicial Council, Congress, the Legislature, the courts, and partnering agencies should give priority to children and their families in the child welfare system in the allocation and administration of resources, including public funding – federal, state, and local – and private funds from foundations that support children’s issues.

#### ***Action Steps***

Implementation of this recommendation can be accomplished by the following steps:

- That the Judicial Council and trial courts lead by example, by
  - Assigning judges (not subordinate judicial officers) to hear dependency cases,
  - Setting 3-year minimum judge’s rotations in dependency courts,

*I learned that I just could not expect a nurturing home while I was in the system. Social workers are overloaded, attorneys have too many clients, the judges are getting tired at the end of the day, and it feels like there is really no time for anyone to talk to the child about how it’s going.*

—Lanette Scott  
Former foster youth

- Implementing performance measures and using them to determine resource allocation to juvenile dependency court,
  - Implementing the California Case Management System for dependency court, and
  - Conducting a judicial juvenile court workload study and setting caseload standards for judges based on the workload study.
- That partnering agencies identify existing mandates where services to families in dependency are already prioritized and ensure that they are being followed.
  - That local foster care commissions and partnering agencies identify additional programs where foster youth and families should be given priority for services.

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

*Under what circumstance is any expenditure deserving of higher priority than the care of the court's own children, for whom they are legally and morally responsible?*

—Children's Advocacy  
Institute  
May 13, 2008

Financial support for children and families in the child welfare system is built on a patchwork of funding streams, each with its own rules and restrictions. In addition to state and county funding, child welfare dollars come from at least a half-dozen federal sources, some of which require matching funds from state, county, and local agencies. Delays in services result when providers, social service agencies, and the courts struggle to determine the pertinent funding source for services.

#### ***Key Recommendations***

- That the Judicial Council work with other branches of federal, state, and local governments to identify barriers to funding for services and to develop solutions.
- That the Judicial Council urge Congress to change any federal law that prevents federal funds from being coordinated among several agencies to support specific services.

#### ***Action Steps***

The passage of the Fostering Connections to Success Act carries with it some options for changing the way federal funds are used. In light of this new legislation, we identified the following implementation steps:

- That the Judicial Council join the Child Welfare Council and partnering agencies to continue to assess the Fostering Connections to Success Act and identify which Blue Ribbon Commission recommendations should be met by implementation of the legislation in California.
- That the Judicial Council, California Department of Social Services, Child Welfare Council and other stakeholders work with the executive branch and state legislative leadership to enact appropriate provisions of the Fostering Connections to Success Act.



- That the Judicial Council continue to work with statewide stakeholders to advocate for increased flexibility in the use of federal funds.

When we can successfully coordinate federal funding among our local and statewide agencies and can appropriately target our federal foster care funds for maximum impact, we will be well on the way to successfully implementing many of the commission’s service and funding-related recommendations.

## Expanding Educational Services

We know that too many of our children who “age out” of foster care drop out of school, struggle with serious mental health needs, experience homelessness and unemployment, and end up in the criminal justice system. Education of our foster children and youth is critical to ensure a bright future for them. For that reason, our education recommendations are a top priority for early action.

### Key Recommendations

- That courts and partnering agencies ensure that foster children receive the full education they are entitled to, including the support they need to graduate from high school. This includes tutoring and participation in extracurricular activities. The courts should require other agencies to justify any denial of such services to foster youth in school.
- That the Judicial Council urge Congress and the state Legislature to strengthen current education laws to explicitly include all foster children and to fill funding gaps, such as the lack of support for transportation to maintain school stability.
- That the Child Welfare Council prioritize foster children’s educational rights and work with educators to establish categorical program monitoring to oversee compliance with education laws and regulations that support foster youth in school.
- That the California Department of Education designate foster youth as “at-risk” students to recognize that foster care creates challenges and obstacles to a child’s education that other children do not experience and to increase the access to local education programs for foster youth.
- That Foster Youth Services grants be expanded to include all foster children age five or older, including those in kinship placements. Close to one third of foster children are placed with kin, and the Foster Youth Services program is not currently funded to serve those children.
- That the Judicial Council urge legislative bodies and higher education officials to expand programs, such as Guardian Scholars, statewide to ensure that all current and former foster youth who attend college have access to housing and other

*In order to improve academic outcomes and level the playing field for our students in foster care, we must focus on their education once we have ensured that they are safe and free from harm.*

—Michelle Lustig  
Foster Youth  
Services Coordinator,  
San Diego Office  
of Education

support services and to waive tuition and other educational fees for current and former foster youth.

***Action Steps***

These recommendations can be implemented through the following steps:

- That trial courts, local foster care commissions, local education agencies, and other stakeholders collaborate to assess and eliminate barriers to ensuring full educational opportunities for foster children.
- That the Judicial Council, together with other stakeholders, 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.
- That the Judicial Council work with stakeholders, including the California Child Welfare Council and educators, to ensure compliance with laws and regulations supporting foster youth in school.
- That the Judicial Council work with the Child Welfare Council and other stakeholders to develop a plan to implement each individual recommendation in this area where work has not already begun.

Successful implementation of these recommendations will have a profound effect on both foster and former foster children. When our foster children can be assured that they will receive the type of education to which they are entitled, we will have taken major steps toward making sure that foster children have the same opportunities as our own children to become self-sufficient and productive members of our communities.

## Chapter 4: Conclusion: Looking to the Future

In his opening speech at the first Blue Ribbon Commission meeting in March 2006, our chair, Associate Justice Carlos R. Moreno, reminded us that California was one of the first states in the country to take on child abuse, some 150 years ago. The first documented case of court intervention, in a case that would be considered child abuse today, involved three girls from the Marquesas Islands in French Polynesia, who were lured onto a schooner bound for San Francisco. They were held against their will and treated with “great cruelty” on the voyage. They continued to be held after arriving in San Francisco. After they made an unsuccessful attempt to escape, a deckhand filed a writ of habeas corpus petition on their behalf. The girls and the captain were brought before the California Supreme Court. The court freed the girls and sent them back to their home in the Marquesas.

California’s history of support for abused children and youth progressed over the years, and we have often been a leader in the country in child welfare reform. But we know that too many children are still at risk of abuse and neglect in our state, and that families sometimes do not get the services they need to provide safe and stable homes for them. We also know that too many children languish in our foster care system for years, separated from siblings and relatives, schools and communities. And we know that our juvenile dependency courts and child welfare agencies do not always have the resources to do the jobs they are charged to do. That’s why Chief Justice Ronald M. George established the commission.

Now, three years later, we have our recommendations, our action plan, a much stronger understanding of the needs of this state’s foster children and their families, and an even stronger commitment to make the needed changes to our overstressed juvenile dependency courts and child welfare system. We have been gratified by the enthusiasm that has greeted our recommendations.

As we prepare to cease our formal existence as a commission, 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 commission to develop an action plan for our remaining recommendations that require collaboration with court partners, which we have done and included in this report.

*Our foster care system clearly needs improvement. We must provide the courts with the tools necessary to ensure that the best interests of abused and neglected children are served by our child welfare system.*

*The state assumes parental responsibility for these children when they enter the foster care system, and the courts are charged with overseeing their care. Children are our future. Reform is a matter not only of legal obligation, but of moral obligation as well.*

—Chief Justice  
Ronald M. George  
State of the Judiciary  
Address to the  
California Legislature,  
March 10, 2009

*Many of the commission's recommendations are already being implemented, bringing needed relief to California's overstressed juvenile dependency courts and child welfare system.*

- The Judicial Council made implementation of the commission's recommendations on foster care one of its top four legislative 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– 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 will be 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.

When the Blue Ribbon Commission began our work, we made a promise to the children and families in our state’s foster care system. We were inspired by the hundreds of people – foster youth, parents, caregivers, social workers, judges, attorneys, CASAs, and many more – who shared their stories and their suggestions for improvement. We pledged to develop fiscally responsible, realistically achievable recommendations to improve outcomes related to safety, permanency, well-being, and fairness. We believe we have done that. Our recommendations offer a coordinated plan for reform that ties together state and federal foster care initiatives with local commissions to implement them. Our action plan offers a blueprint for collaborative success.

Formally, as a commission, we now turn our work over to the Judicial Council and its chair, Chief Justice Ronald M. George who appointed us. The Judicial Council has ongoing responsibility for our recommendations and specifically is overseeing implementation of the commission’s 26 recommendations that are under its purview. The Council also has oversight for the commission’s other recommendations that involve collaboration with court partners and will receive annual updates on the status of these recommendations.

We also turn a portion of our work over to the Child Welfare Council, which was created after the inception of the Blue Ribbon Commission and has important ongoing responsibility for ensuring collaboration among the state agencies that serve children and their families. The Council is in a powerful and unique position to help coordinate many of the reforms we are recommending. Under the shared leadership of Blue Ribbon Commission Chair Carlos R. Moreno and California Health and Human Services Agency Secretary Kimberly S. Belshé, we know and trust that our recommendations will move forward. We also take heart in the fact that many of our commissioners sit on the Council and will continue to press for these and other needed reforms.

Finally, we also turn our work over to the local foster care commissions that are forming in counties across California. We know that it will be at the local level – with courts and child welfare agencies and other stakeholders working together – where much of our commission’s true reform will occur. We are excited about early efforts to form local commissions and eager to hear about their progress in fostering a new future for California’s children.

Our commissioners will stay engaged. Many of us in our individual roles will continue to assist with implementation efforts. We feel confident that California can continue to be a national leader when it comes to child welfare reform in general and most particularly when it comes to reform of our juvenile dependency courts.

*The Judicial Council has ongoing responsibility for the commission’s recommendations and will continue to monitor their implementation status.*

## **EPILOGUE:**

### **BRIGHTER FUTURES**

The Blue Ribbon Commission believes in our recommendations and in their ability to bring about significant change in the lives of children and families served by our courts and child welfare system. The real measure of our success, however, will be the changes that they do, in fact, bring about once they are implemented.

Here are three stories that we believe demonstrate the impact of our recommendations once they are implemented:

#### **Jimmy's Story**

**Jimmy** was placed in foster care at age 2. His father was incarcerated. Jimmy had been physically abused by his mother, a substance abuser with mental health challenges, who told social workers that all of his relatives were deceased. Apparently no one asked the father. But Jimmy had an uncle who had been close to him as an infant. This uncle, his father's brother, did not even know Jimmy was in foster care for almost five years. When he found out, he and his wife brought the boy into their home, where he has lived for close to ten years. But Jimmy is still struggling with problems that developed when he was removed from his mother.

#### **Our Recommendations**

The Blue Ribbon Commission believes that every child deserves a permanent, safe and nurturing family in which to grow and thrive. When our recommendations are fully implemented, Jimmy would be assured of a well qualified attorney and a CASA to help him make his way through the system. He could be assured that his mother would receive services at the front end in an attempt to prevent Jimmy's removal from her home, and there would be immediate and intense family finding efforts so that if removal was necessary Jimmy's uncle would have been identified as a potential placement. The recommendations, when implemented, ensure a brighter future for children who face problems similar to Jimmy's.

#### **Maria's Story**

**Maria**, an American Indian woman, tested positive for marijuana and methamphetamine while breastfeeding her baby, a significant danger to the infant's health and well-being. Maria was brought before the Hoopa tribal court for child neglect. Although Maria lived on the Hoopa reservation, she was not from that tribe, so the Hoopa tribal court judge could not order Maria into a Hoopa social services plan and, because Maria's tribe did not have a tribal court or social services, he had to transfer the case to the county superior court, 70 miles from the reservation. Because of a lack of communication between the state court

system and the tribal court, the county child welfare agency did not understand that it had jurisdiction, so it refused to take Maria's case. In the meantime, the mother and her baby failed to receive badly needed services. Only when the Hoopa judge took the initiative to contact the superior court judge and iron out the jurisdictional complications did the family get help.

### **Our Recommendations**

When the commission's recommendations are implemented, tribal courts and state courts all over the state will collaborate to solve such jurisdictional issues and will develop formal protocols for sharing jurisdiction in cases like Maria's. This process is already beginning in some counties through their newly formed local foster care commissions. As communication gaps are filled through greater understanding of the two systems, both the tribal courts and the state courts will work effectively together to coordinate services for Indian families and children.

### **Rochelle's Story**

**Rochelle** was only two when she was removed from her mother and placed in care. She was also separated from her older sister. The court ordered parenting, anger management, and substance abuse services for the mother, but the wait for services was more than five months. By this time, Rochelle was already in her third placement. One of her foster parents had physically abused her, and she began to exhibit serious behavioral problems. The mother was unsuccessful in her reunification plan, and the agency was unsuccessful in finding a potential adoptive family. By the time Rochelle "aged out" of the foster care system at 18, she had been in 31 different placements over 16 years. She was reading at a fifth grade level. She had no job and became homeless. She had no contact with her birth family, nor did she have a close relationship with any of her foster families.

### **Our Recommendations**

The commission is committed to preventing the dismaying outcomes that Rochelle experienced in her long history with foster care and her difficult transition to adulthood. We believe families should not have to wait for services. Our recommendations call for greater flexibility in funding to help parents like Rochelle's mother get needed services quickly. We also recommend keeping siblings together whenever possible and maintaining family relationships while children are in care. Finally, we know that few teenagers are prepared to live productively on their own at age 18. Thus under our recommendations, Rochelle would be able to continue receiving foster care assistance until age 21.

\* \* \*

As the commission comes to an end, we look ahead to a brighter future – a new future – for California's children in foster care.





# APPENDICES





# APPENDIX A

## JUDICIAL COUNCIL OF CALIFORNIA ADMINISTRATIVE OFFICE OF THE COURTS

### Resolution *Blue Ribbon Commission on Children in Foster Care*

*Whereas* all children need safe, permanent families that love, nurture, protect, and guide them;

*Whereas*, although foster care is absolutely critical to protecting children who cannot stay safely in their own homes, it is intended to be a short-term refuge rather than a long-term saga;

*Whereas*, on an average day, California has approximately 97,000 children in foster care;

*Whereas*, although the number of all children in California account for approximately 13 percent of all children in the United States, California children in foster care comprise approximately 19 percent of the total United States foster care population;

*Whereas* in California, of the more than 491,000 referrals to social services of child abuse or neglect, approximately 110,000 or 22 percent, were substantiated by child welfare staff;

*Whereas* youth who leave the foster care system are often ill prepared for what follows—more than half are unemployed, almost a third become homeless, and one in five will be incarcerated within two years;

*Whereas* the California Judicial Council recognizes that the safety, permanency, and well-being of children under court supervision is paramount;

*Whereas* the Judicial Branch is dedicated to improving the quality of justice and services to meet the diverse needs of children, youth, and families in California by building partnerships with other local and statewide agencies and professions that work with children and families throughout our state;

*Whereas*, although there have been individual efforts to see that children are safe in foster care, and efforts to improve the judicial process, systemic improvements are needed to meet the needs of children in foster care and in the child welfare system, and these improvements can best be achieved through collaboration between the courts, child welfare, education, medical, and mental health partners, and other public and private agencies and individuals;

*Whereas* institutionalization of this collaboration will ensure that systemic improvements are sought and achieved beyond the terms of office of individual members of the judiciary, agency directors, and elected officials;

*Whereas* the state's ability to respond to the needs of vulnerable children is primarily financially supported by federal funding and whereas federal guidelines on the use of funds limits California's ability to invest those limited resources in smarter and more effective ways to benefit children and families;

*Now, therefore*, be it resolved

That a Blue Ribbon Commission on Children in Foster Care is established as a high-level, multidisciplinary body to provide leadership and recommendations to improve the ability of the federal government, California's state and local agencies, and the courts to protect children in California by helping them to become part of a permanent family that will provide a safe, stable, and secure home;

That, in its deliberations, the Commission shall develop recommendations


- Creating a set of comprehensive strategies and effective approaches to reduce the number of children in foster care by reducing the number of children entering foster care and reducing the length of time in foster care while ensuring they have safe, secure, and stable homes
- Successfully implementing the Judicial Council's goals and objectives, including those on ensuring appropriate judicial and staff resources and establishing stable funding for juvenile courts
- Successfully implementing the recommendations of the Pew Commission on Children in Foster Care, as adopted by the Judicial Council, including those on strengthening court oversight, improving collaboration, and ensuring flexible funding
- Advocating effective approaches to secure greater flexibility for federal funding so that California can meet the critical objective of permanency through prevention, early intervention, reunification, guardianship, and adoption
- Ensuring that all children receive sufficient mental health, health care, education, and other services whether they reside with family, foster parents, relatives, adoptive parents, or in other placements
- Institutionalizing a permanent collaborative model that will ensure that systemic improvements are sought and achieved beyond the tenure of this Commission
- Proposing other initiatives it deems appropriate;


That the Commission, led by Justice Carlos R. Moreno of the California Supreme Court, shall conduct its inquiry in a manner that broadens public awareness of and support for meeting the needs of vulnerable children and families;

That at the conclusion of the Commission's investigation and deliberations, the Commission will host a statewide conference for multidisciplinary teams from each county for the purpose of establishing permanent foster care commissions in each county; and

That the Commission shall file an interim and final report with the California Judicial Council, recommending appropriate action to serve and meet the needs of children and families in California's foster care and child welfare system.

*Signed at San Francisco, California, this ninth day of March, 2006*

  
RONALD M. GEORGE  
Chief Justice of California and  
Chair of the Judicial Council of California

  
WILLIAM C. VICKREY  
Administrative Director of the Courts

# APPENDIX B

## Judicial Council Resolution on Data Sharing

**Whereas** the Pew Commission on Children in Foster Care recognized that in order for courts to fulfill their responsibility to secure safety, permanence and well-being for foster children they must be able to track children's progress, identify groups of children in need of attention, and identify sources of delay in court proceedings, and that state judicial leadership should use data to ensure accountability by every court for improved outcomes for children and to inform decisions about allocating resources across the court system;

**Whereas** the California Judicial Council, as well as the National Conference of Chief Justices, the National Council of Juvenile and Family Court Judges, the American Bar Association and others have all embraced the Pew Commission court reform recommendations and committed to bring about their implementation;

**Whereas** the California Juvenile Dependency Court Improvement Program Reassessment recommended that the Judicial Council encourage the development and use of case management systems that collect and analyze standardized information on the dependency caseload, generate performance measures, and interface with other stakeholders' case management systems;

**Whereas** the Pew Commission on Children in Foster Care endorsed the use of longitudinal child-tracking data and recommended the adoption of the court performance measures created and pilot-tested by the three leading legal/judicial organizations - the American Bar Association Center on Children and Law, National Center for State Courts, and the National Council of Juvenile and Family Court Judges; and that said organizations stated in their joint publication, *Building a Better Court*, that to achieve long-term court improvement, courts must have the capacity to engage in ongoing performance measurement and judicial workload assessments;

**Whereas** the Resource Guidelines issued by the National Council of Juvenile and Family Court Judges and endorsed by the Judicial Council in section 24.5 of the California Standards of Judicial Administration state that the courts should operate a computerized data system capable of spotting serious delays in dependency cases and of measuring court progress in case flow management;

**Whereas** the statewide court data currently available regarding dependency cases in California is limited to the number of filings and dispositions and does not permit analysis of patterns in timeliness and outcomes of court proceedings;

**Whereas** the Administrative Office of the Courts is currently engaged in the development of the California Case Management System, a statewide data collection and case management system for the courts;

**Whereas** the information collected by the California Child Welfare Services/Case Management System has not previously been accessible to judicial officers and does not specifically address the impact of court procedures or policies;

**Whereas** the California Department of Social Services is currently redesigning and updating its Child Welfare Services/Case Management System;

**Whereas** Congress recently allocated additional fiscal support through new grants available to the courts that will help support the creation and development of dependency court data tracking and case management systems;

**Whereas** the simultaneous information-systems design processes within the judicial branch and child welfare agencies afford the unique opportunity for data-sharing;

**Whereas** the courts cannot institute performance-based outcome measures or make informed decisions regarding improvements to and resource allocations within the juvenile courts without reliable data regarding dependency case management processes;

**Whereas** dependency cases differ significantly from other case types in the court system and therefore present unique requirements for data gathering and analysis;

**Now, therefore,** be it resolved

That the California Blue Ribbon Commission on Children in Foster Care strongly endorses the need for better and more complete data gathering in dependency cases and recommends that the Judicial Council and other government and child welfare leaders work together to ensure

That the California Case Management System incorporate data gathering mechanisms specifically designed to allow analysis of court procedures, any court-based delays, and child and family outcomes in dependency cases consistent with the national standards established by NCJFCJ, the ABA, and NCSC in *Building a Better Court*, and

That the development of the dependency component of the California Case Management System and the redesign of the California Child Welfare Services/Case Management System, to the extent possible, be jointly developed to allow for appropriate data exchange that maximizes the information available regarding how the courts and the child welfare system are serving children and families and meeting the federal outcome measures specified in the Child and Family Services Reviews and the California Child Welfare Outcomes and Accountability System.

***Executed at San Francisco, California, this \_\_\_\_\_ day of \_\_\_\_\_, 2006***



## APPENDIX C

### BLUE RIBBON COMMISSION

### LOCAL TEAM PLANNING WORKBOOK

**DECEMBER 10, 2008  
SAN FRANCISCO**

County →

Recorder →

Check if recorder's copy

Recommendation 3B of the final recommendations of California's Blue Ribbon Commission on Children in Foster Care reads:

*The presiding judge of the juvenile court and the county social services or human services director should convene multidisciplinary commissions at the local level to identify and resolve local system concerns, address the recommendations of the Blue Ribbon Commission, and build the capacity to provide a continuum of services.*

*The Blue Ribbon Commission recommends that:*

- *These multidisciplinary local commissions include participation from the courts; local government officials; public and private agencies and organizations that support children and families; children, parents, and families in the system; caregivers; and all other appropriate parties to the process.*
- *These commissions focus on key areas of local concern and activities, including:*
  - *Undertaking a comprehensive assessment of existing services available in the community; encouraging development of appropriate services that are not available; coordinating services with tribal services and transitional services; and ensuring that children and families receive the support they need for reunification and permanency;*
  - *Identifying and resolving barriers to sharing information among the courts, agencies, and schools;*
  - *Communication of local needs and concerns to the Child Welfare Council; and*
  - *Raising the visibility and public understanding of foster care issues in their communities.*
- *The AOC support local commissions in their efforts to collaborate and to avoid duplication with other efforts to achieve positive child welfare outcomes (including county efforts to develop system improvement plans as required by state law).*
- *All participating agencies prioritize children in foster care, and their families, when providing services.*

# USING THIS WORKBOOK

This workbook is designed to help you leave today’s Summit with a plan for the first meeting of your local county team, including:

- Who is on the team
- Who is responsible for convening and staffing the first post-summit team meeting
- What are the key topics for the team to address

This workbook leads you through the following discussions and decisions:

<b>Time</b>	<b>Task</b>	<b>Page</b>
12:45 – 1:00	Review the workbook and choose a recorder	3
1:00 – 1:15	Review the recommendations of the Blue Ribbon Commission for local county teams and choose 2 or 3 key topics to address	4
1:15 – 2:00	Review and brainstorm approaches to at least two of the key topics you chose <ul style="list-style-type: none"> <li>▪ Meaningful participation in court</li> <li>▪ Exchanging data and information</li> <li>▪ Raising the visibility of foster care</li> <li>▪ Availability of necessary services</li> <li>▪ Other topics</li> </ul>	6 8 10 12 14
2:00 – 2:15	Break	
2:15 – 3:00	Create a meeting agenda from the topics you discussed	16
3:00 – 3:30	Choose the membership and structure for the team	18
3:30 – 3:45	Create a plan for holding the first local meeting	20

12:45 - 1:00 pm





# FOCUS OF THE LOCAL TEAM

*The Blue Ribbon Commission identified a set of systemic issues that local teams are especially well placed to address. Review those issues, listed below, and the other issues in your community to identify broadly the issues the local team will begin to address.*

*These are systemic issues whose resolutions require a commitment to collaboration and the time necessary to make changes. Do not hesitate to choose or identify just one or two issues at this time.*

- Fostering the meaningful participation of children, parents, caregivers and others in court**
- Exchanging data and information among courts, agencies and others**
- Raising the visibility and public understanding of foster care issues in the community**
- Ensuring that necessary services are available in the community**
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

1:00 - 1:15 pm



# FOCUS OF THE LOCAL TEAM

## Creating Approaches

Now use the following section of the workbook to review and brainstorm approaches to at least one of the key topics you chose.

- Meaningful participation in court 6
- Exchanging data and information 8
- Raising the visibility of foster care 10
- Availability of necessary services 12
- Other topics 14

1:15 - 2:00 pm



# FOSTERING THE MEANINGFUL PARTICIPATION OF CHILDREN, PARENTS, CAREGIVERS AND OTHERS IN COURT

*The Blue Ribbon Commission recommends:*

*(2B) Judicial officers and other stakeholders remove barriers that prevent children, parents, and caretakers from attending hearings. This includes addressing transportation and scheduling difficulties, as well as exploring telephonic appearances and other technological options.*

**Review and identify the challenges to attendance and participation in your county:**

# Review

- Children not transported to court
- Incarcerated parents not transported to court
- Relatives and caregivers reside out-of-state or out-of-country
- Problems providing notice
- Hearing times conflict with school, jobs, and case plan requirements
- Lack of time for adequate preparation of court participants
- Lack of time for adequate participation of court participants
- Lack of time for explanation of court process and orders

List other challenges:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

1:15 - 2:00 pm



# FOSTERING THE MEANINGFUL PARTICIPATION OF CHILDREN, PARENTS, CAREGIVERS AND OTHERS IN COURT

## Approaches for local team to address meaningful participation

- ✓ Non-traditional (evening or weekend) court hours
- ✓ Time-certain hearings
- ✓ Educational videos for parents and children on the court process
- ✓ Plain language in court proceedings
- ✓ Time and space available for attorneys to meet with clients before hearings
- ✓ Collaborative agreements with county sheriff for transportation of incarcerated parents
- ✓ Telephonic appearances
- ✓ Children's waiting rooms

### Brainstorming (add your own approaches):

- ✓ \_\_\_\_\_
- ✓ \_\_\_\_\_
- ✓ \_\_\_\_\_
- ✓ \_\_\_\_\_
- ✓ \_\_\_\_\_

**Brainstorm**

1:15 - 2:00 pm



# EXCHANGING DATA AND OTHER INFORMATION AMONG COURTS, AGENCIES AND OTHERS

*The Blue Ribbon Commission recommends:*

*(3A) The Judicial Council, trial courts, and state Department of Social Services should work cooperatively with all departments, agencies, and other stakeholders to ensure optimal sharing of information to promote decisionmaking that supports the well-being of children and families in the child welfare system.*

**Review and identify the challenges to information sharing in your county:**

- Court reports and case plans are incomplete because partners will not share information
- Children experience health and education problems because key information is not shared
- Local partners do not share information and exchange data because of concerns about confidentiality
- Lack of information on legal provisions addressing information sharing and data exchange
- Court and other agency case management systems do not support data exchange
- Lack of infrastructure to support information sharing – no agreements about the who, what, when, where, and how of information sharing

List other challenges:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

# Review

1:15 - 2:00 pm



# EXCHANGING DATA AND OTHER INFORMATION AMONG COURTS, AGENCIES AND OTHERS

## Approaches for local team to address information exchange

- ✓ Daily electronic exchange of petition and calendar information between court and child welfare
- ✓ Data warehouse in county for information on children involved in juvenile court
- ✓ Local rules facilitating sharing of information
- ✓ County statistical reports covering all agencies involved with children in foster care
- ✓ Interagency agreements addressing releases of information and barriers to information sharing
- ✓ Multidisciplinary education on legal provisions that address information sharing

### Brainstorming (add your own approaches):

- ✓ \_\_\_\_\_
- ✓ \_\_\_\_\_
- ✓ \_\_\_\_\_
- ✓ \_\_\_\_\_
- ✓ \_\_\_\_\_

**Brainstorm**

1:15 - 2:00 pm



# RAISING THE VISIBILITY AND PUBLIC UNDERSTANDING OF FOSTER CARE ISSUES IN THE COMMUNITY

*The Blue Ribbon Commission recommends that local commissions focus on key areas of local concern and activities, including ... Raising the visibility and public understanding of foster care issues in their communities.*

## Review and identify the challenges to raising the visibility and public understanding of foster care in your county

# Review

- Lack of participation of court and other stakeholders on policy making bodies
- Lack of quality information and statistics on foster children to distribute to policy makers, the press and the public
- Lack of partnerships with non-profit agencies and foundations
- Lack of community participants to serve as foster parents, CASAs, mentors and in other roles

List other challenges:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

1:15 - 2:00 pm



# RAISING THE VISIBILITY AND PUBLIC UNDERSTANDING OF FOSTER CARE ISSUES IN THE COMMUNITY

## Approaches for local team to address foster care issues visibility

- ✓ Use materials from the Administrative Office of the Courts (such as the Adoption and Permanency Guide) or Department of Social Services (technical assistance for System Improvement Programs) to guide raising visibility
- ✓ Hold Adoption Saturday or Foster Care Awareness Month
- ✓ Form or support a local foster youth council
- ✓ Form alliances with community foundations and service clubs to broaden community commitment to children in foster care
- ✓ Hold a media training for stakeholders

### Brainstorming (add your own approaches):

- ✓ \_\_\_\_\_
- ✓ \_\_\_\_\_
- ✓ \_\_\_\_\_
- ✓ \_\_\_\_\_
- ✓ \_\_\_\_\_

**Brainstorm**

1:15 - 2:00 pm





# ENSURING THAT NECESSARY SERVICES ARE AVAILABLE IN THE COMMUNITY

*The Blue Ribbon Commission recommends that local commissions focus on key areas of local concern and activities, including ... undertaking a comprehensive assessment of existing services available in the community; encouraging development of appropriate services that are not available; coordinating services with tribal services and transitional services; and ensuring that children and families receive the support they need for reunification and permanency.*

## Review and identify the challenges to increasing service availability:

# Review

- Funding restrictions and caps on in-home services
- Lack of coordination among agencies, including tribes, assessing and providing services for foster children
- Lack of communication with local funders, including board of supervisors and philanthropic community
- Inefficient information sharing on new and existing service providers
- Lack of research on which services are evidence-based practice
- Continual turnover of service providers

List other challenges:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

1:15 - 2:00 pm



# ENSURING THAT NECESSARY SERVICES ARE AVAILABLE IN THE COMMUNITY

## Approaches for local team to address service availability

- ✓ Identify services available in the community
- ✓ Make assessment information available to team participants to support reasonable efforts, reasonable services and case plan development.
- ✓ Establish service information kiosk or electronic bulletin board
- ✓ Develop appropriate services not currently available. Identify 2-3 areas of concerns in your county that require development of services.
- ✓ Coordinate local service needs with available tribal services and transitional services
- ✓ Develop infrastructure for the timely identification and explanation of service needs and requirements at all stages of proceedings

### Brainstorming (add your own approaches):

- ✓ \_\_\_\_\_
- ✓ \_\_\_\_\_
- ✓ \_\_\_\_\_
- ✓ \_\_\_\_\_
- ✓ \_\_\_\_\_

# Brainstorm

1:15 - 2:00 pm



## SECTION FOR ADDITIONAL TOPICS

Name the topic: \_\_\_\_\_

Review and identify the challenges:

- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_
- \_\_\_\_\_

# Review

1:15 - 2:00 pm



## SECTION FOR ADDITIONAL TOPICS

Name the topic: \_\_\_\_\_

Approaches for local teams:

- ✓ \_\_\_\_\_
- ✓ \_\_\_\_\_
- ✓ \_\_\_\_\_
- ✓ \_\_\_\_\_
- ✓ \_\_\_\_\_
- ✓ \_\_\_\_\_
- ✓ \_\_\_\_\_
- ✓ \_\_\_\_\_
- ✓ \_\_\_\_\_
- ✓ \_\_\_\_\_

# Brainstorm

1:15 - 2:00 pm



# PLANNING THE DISCUSSION AT THE FIRST COUNTY TEAM MEETING

*Use the table below to create concrete agenda items for your first county team meeting, addressing the topics you have identified*

	<b>EXAMPLE</b>	<b>TOPIC I</b>
Blue Ribbon recommendation:	<i>Meaningful participation</i>	
Specific topic:	<i>Ensuring the participation of incarcerated parents at hearings</i>	
Subject matter experts and key stakeholders to invite:	<i>Juvenile Presiding Judge County sheriff County counsel Child protective services Department of corrections</i>	
Presenter at meeting:	<i>Juvenile Presiding Judge</i>	
Suggested outcomes:	<i>MOU with sheriff, CPS and court detailing responsibilities in notice and transportation of parents</i>	
Background material:	<i>Rules of court Current notice forms Statistics on hearing delays</i>	

2:15 - 3:00 pm



## PLANNING THE DISCUSSION (continued)

	TOPIC II	TOPIC III
Blue Ribbon recommendation:		
Specific topic:		
Subject matter experts and key stakeholders to invite:		
Presenter at meeting:		
Suggested outcomes:		
Background material:		

2:15 - 3:00 pm



# YOUR LOCAL TEAM

*Your local team can be a newly formed commission, or an existing commission (see next page). In either case, the members of the team should be the decisionmakers in the court, agencies and other bodies who have the ability to bring stakeholders to the table and break down barriers to collaboration. Use this checklist to identify who should be on your local team.*

## From the court:

- Presiding judge
- Presiding juvenile judge
- Judges and commissioners
- Other \_\_\_\_\_

## From health and human services:

- Agency director
- Child welfare director
- Other \_\_\_\_\_

## From local government

- County supervisors
- City council
- Other \_\_\_\_\_

## Stakeholders:

- Youth in foster care
- Parents or parents' advocates
- Caregivers or advocates
- Other \_\_\_\_\_

## Legal representatives

- County Counsel
- Parent's counsel
- Child's counsel
- Other \_\_\_\_\_

## Other key participants

- Tribes
- CASA
- Probation
- Community foundations
- School boards
- Other \_\_\_\_\_

3:00 - 3:30 pm



# IDENTIFY EXISTING PARTNERSHIPS

*Most counties have existing teams and commissions working on issues related to children. Courts and agencies may also have effective committees and working groups. Identify the existing partnerships that will have a role on local team – either through coordination or through taking on the role of your local team.*

<b>Name of group</b>	<b>Check all that apply</b>		
	Should coordinate with this group	May use this group as local team	Need more information
<b>System Improvement (AB 636) Team</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Child Abuse Prevention Council</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>First 5 Commission</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Citizens Review Panel</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Juvenile Justice Commission</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Juvenile Court Systems groups</b>	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
<b>Other (list below)</b>			
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>
_____	<input type="checkbox"/>	<input type="checkbox"/>	<input type="checkbox"/>

**3:00 - 3:30 pm**





# CONVENING THE LOCAL TEAM

*Challenge yourselves to make a concrete plan for the first meeting of the local team. Take a minute to review the steps to form your team and hold the first meeting.*

**Who will convene the meeting?**

- Presiding judge
- Presiding juvenile judge
- County Human Services Director
- Other: \_\_\_\_\_

**Target date for the first meeting:** \_\_\_\_\_

**Where will the meeting be held?** \_\_\_\_\_

**Who can staff the local team?** \_\_\_\_\_

- Keep membership contact information
- Invite members and other participants to meetings
- Provide information to the public and press
- Keep and distribute the minutes

**Other points on team structure and logistics**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

**What is the proposed agenda for the first meeting:**

\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_  
\_\_\_\_\_

3:30 - 3:45 pm



# APPENDIX D

## Summit Statistics from 50 Local County Teams

On December 10, 2008, local teams representing 50 California counties came to San Francisco for the local Blue Ribbon Commission Summit. Over 400 participants met in teams and began planning their local responses to the Commission recommendations. The tables that follow present some key statistics collected at the meeting on the new local teams and the topics they intend to address.

Table 1. Composition of the typical local team will include:

	Percent of teams	(Number of teams)
Judicial officers	100%	(40)
Human services and child welfare directors	98%	(39)
Attorneys	90%	(36)
Chief Probation officers	85%	(34)
Youth	78%	(31)
Court Appointed Special Advocates	70%	(28)
Foundations	40%	(16)
Other	78%	(31)

Table 2. At the Summit, local teams reported that their plan for the first meeting was:

	Percent of teams	(Number of teams)
Complete or nearly complete	75%	(33)
Needed more work	20%	(9)
Needed much more work	5%	(2)

Table 3. The main topics local teams chose to address were:

	Percent of teams	(Number of teams)
Exchanging data among partners	65%	(26)
Improving the availability of necessary services	62%	(25)
Raising the visibility of foster care issues	55%	(22)
Meaningful participation in court	52%	(21)
Other	15%	(6)

Table 4. Local teams planned to have their first local meeting in:

	Percent of teams	(Number of teams)
January 2009	49%	(21)
February 2009	30%	(13)
March 2009	6%	(6)
Other	3%	(3)



## APPENDIX E

### **26 Recommendations Within the Purview of the Judicial Branch To Implement without Collaboration with Partner Agencies**

#### **Recommendation 2: Court Reforms**

1. Consistent with Judicial Council policy, judges—not subordinate judicial officers—hear dependency and delinquency cases. Pending a full transition from subordinate judicial officers to judges (through reassignment or conversion of subordinate judicial officer positions to judgeships), presiding judges should continue the assignment of well-qualified and experienced subordinate judicial officers to juvenile court.
2. Presiding judges follow standard 5.40 of the California Standards of Judicial Administration and assign judges to juvenile court for a minimum of three years and give priority to judges who are actively interested in juvenile law as an assignment.
3. The Judicial Council undertake a new judicial caseload study focused specifically on juvenile dependency courts. The study should take into account the court's unique oversight and case management responsibilities and address the use of case managers to support judges in meeting their workloads.
4. Pending completion of the study, presiding judges evaluate their current allocation of judgeships and resources and make adjustments as necessary. If reallocation of existing resources is not sufficient, the Judicial Council should seek additional funding to ensure full implementation of the standards and statutory requirements.
5. The Administrative Office of the Courts (AOC) help courts comply with the judicial standard outlining the knowledge, commitment, and leadership role required of judicial officers who make decisions about children in foster care (see standard 5.40 of the California Standards of Judicial Administration). Presiding judges of the superior courts should receive training in the role and duties of juvenile court judicial officers as outlined in the standard.
6. Judicial officers identify and engage all parties in each case as early as possible. A particular emphasis should be placed on finding fathers and identifying Indian tribes where applicable.
7. The Judicial Council provide an expedited process for all juvenile dependency appeals by extending the application of rule 8.416 of the California Rules of Court to all dependency appeals.

8. The Judicial Council require the appointment of independent counsel for all children in juvenile dependency appeals.
9. Hearings be available at times that do not conflict with school or work or other requirements of a family's case plan.
10. To the extent feasible, hearings be set for a specific date and time. Delays should be minimized, and hearings should be conducted on consecutive days until completed.
11. A concurrent criminal proceeding should not mean delay of a dependency case.
12. All parties, including children, parents, and social workers, have the opportunity to review reports and meet with their attorneys before the initial hearing and in advance of all subsequent hearings.
13. Hearings be timely and meet all federal and state mandated timelines. Continuances should be minimized, and the reasons for systemic continuances should be addressed by the local court and child welfare agency.
14. All participants leave court hearings with a clear understanding of what happened, why decisions were made, and, if appropriate, what actions they need to take.
15. The AOC provide judicial officers and court participants with education and support to create courtroom environments that promote communication with, and meaningful participation of, all parties, including children, that takes into account age, development, language, and cultural issues.
16. The same judicial officer hear a case from beginning to end, when possible.
17. Courts explore telephonic appearance policies and new technology options to ensure participation in juvenile court hearings.
18. The Judicial Council advocate for the resources, including a stable funding source, necessary to implement the council's recently adopted attorney caseload standards, to implement caseload standards for social workers, and to develop and implement caseload standards for social services agency attorneys.
19. The Administrative Office of the Courts expand multidisciplinary training opportunities for court professionals and other participants, including caregivers, educational representatives, CASA volunteers, and tribal leaders. Training should include conferences as well as distance learning opportunities.
20. The Judicial Council continue to support the development and expansion of CASA programs and to help make available CASA volunteers for all foster children in the dependency system. State funding for CASA programs should be expanded to allow for appointments in all cases.
21. Mediation and other forms of alternative dispute resolution be available in all courts at any time in the proceedings.
22. Families in all counties have access to other types of court proceedings—drug, mental health, and unified courts, for example—that can help them remain together or, if the children are removed, to stabilize and reunify the family as soon as possible.

23. The Judicial Council adopt and direct the AOC to work with local courts and state agencies to implement a rule of court that embodies the commission's following recommendations:
- Court performance measures include those for safety, permanency, timeliness of court hearings, due process, and child well-being;
  - Court performance measures align with and promote the federal and California Child and Family Services Review outcome measures and indicators;
  - The California Court Case Management System (CCMS) collect uniform court performance data and have the capability to produce management reports on performance measures; and
  - Trial court performance measures be included in a separate Judicial Council–approved AOC Implementation Guide to Juvenile Dependency Court Performance Measures.
24. These performance measures and management reports be used for the following:
- To promote court accountability for ensuring fair and timely hearings and to inform improvements in local case processing;
  - To provide stakeholders and the public with an aggregate picture of the outcomes for children before the court and to increase the public's understanding of the court's role in the child welfare system; and
  - To measure compliance with statutory mandates and effective practices.

### **Recommendation 3: Collaboration Between Courts and Partnering Agencies**

25. The Judicial Council continue its efforts to fully develop and implement the California Court Case Management System, as well as other data exchange protocols, so that the judicial branch, the California Department of Social Services, and other trusted partners will be able to exchange essential information about the children and families they are mandated to serve.
26. CCMS permit judicial officers in dependency courts to access information about children and families who are involved in cases in other courts.



## APPENDIX F

### **OPERATIONAL FRAMEWORK**

#### **California Blue Ribbon Commission on Children in Foster Care**

##### **Summary of Commission Charge**

The charge of the California Blue Ribbon Commission on Children in Foster Care is to provide 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 outcomes for children and families.

The commission focused its recommendations in three key areas:

- The role of the courts in achieving improved outcomes for children and families
- Court collaboration with partner organizations and agencies
- Funding and resource options for child welfare services and the courts

##### **Commission Outcomes**

The commission seeks to achieve the following outcomes as a result of its work:

- A comprehensive set of politically viable recommendations for how courts and their partners can improve child welfare outcomes, including an implementation plan with key milestones
- Improved court performance and accountability in achieving child welfare outcomes of safety, permanency, well-being and fairness
- Improved collaboration and communication between courts, child welfare agencies, and others, including the institutionalization of county commissions that support ongoing efforts
- Increased awareness of the role of the courts in the foster-care system and the need for adequate and flexible funding

##### **Commission Principles and Values**

The commission believes that:

- All children are equal and deserve a safe and permanent home
- Efforts to improve the foster-care system must focus on improving safety, permanency, well-being, and fairness outcomes for children, and services should be integrated and comprehensive
- Collaboration is essential for achieving the best possible outcomes for children and families
- Courts play an important statutory role in overseeing children, families, and services in the dependency system. Children and families should have a say in decisions that affect their lives
- Government agencies need adequate and flexible funding to provide the best outcomes for children in the foster-care system

The commission's values:

- Collaboration
- Shared responsibility
- Accountability
- Leadership
- Children and families
- Child safety
- Inclusion
- Permanency
- Youth voice

## Commission Subcommittees

Four subcommittees supported the work of the commission and helped develop recommendations for the commission's consideration. The subcommittees and their areas of focus included:

- **Court Oversight**—Issues related to policies and procedures in the trial and appellate courts and the overall role of the juvenile court in the child welfare system.
- **Funding and Resources**—Measures to ensure that adequate resources are available to reach the goals for families set by the courts, child welfare agencies, and the commission.
- **Accountability for Better Outcomes**—Current and future initiatives to ensure accountability by courts and agencies throughout the foster-care system on both the local and state levels.
- **Case Management and Data Exchange Systems**—Case management and data needs in courts and agencies and effective communication and sharing of data between systems.



## APPENDIX G

### OVERVIEW

#### California Blue Ribbon Commission on Children in Foster Care

More than 75,000 children live in foster care in California, removed from their parents for reasons of abuse or neglect. For these children, the State of California in effect functions as their “parent” and is legally responsible for their safety, permanency, and well-being. Courts, child welfare and other government agencies share responsibility for these youth, all of whom deserve a permanent family and a system that deals with them fairly.

#### The Need for Court Reform

In California, every child who enters or leaves foster care must come before a dependency court judge. Courts and the legal process oversee critical and often life-changing decisions in that child’s life. Yet judges and lawyers face numerous obstacles in a system that does not always receive adequate support to allow for the best decisions for children and families. For example:

- Courts are understaffed and dockets are overcrowded. As a result, hearings may be rushed and courts may have only a matter of minutes to consider key decisions that impact children and families. Delays and continuances occur too often.
- Every child is assigned legal counsel, but due to high caseloads children and parents may not be routinely involved in decisions that affect them. Foster youth sometimes do not meet their attorneys until the day of their hearing.
- Communication and information sharing with child welfare and other agencies working with families is challenging. Judges sometimes do not receive adequate information to make informed decisions.

#### Doing Better By California’s Children in Foster Care

In 2006, Chief Justice Ronald M. George appointed a high-level Blue Ribbon Commission on Children in Foster Care to provide recommendations on how courts and their partners can improve child welfare and fairness outcomes. Chaired by Justice Carlos R. Moreno, the commission is charged with developing recommendations and an implementation plan covering three main areas. Areas of focus include:

- **Improved Court Performance and Accountability**
  - ✓ Manageable caseloads, allowing sufficient time for more substantive hearings.
  - ✓ Greater involvement of youth and families in decisions that affect their lives.
  - ✓ More training for judges and attorneys.
  - ✓ Better measures of progress around safety, permanency, well-being, and fairness.
- **Improved Collaboration among Agencies that Work with Families**
  - ✓ Streamlined communication and enhanced information-sharing between courts, child welfare, and other relevant agencies, including education, public health, mental health, and juvenile justice.
- **The Need for Adequate and Flexible Funding**
  - ✓ Flexible use of funds so that money can be used to support the services that families need when they need them.
  - ✓ More funds for preventive services to help parents keep children in the home safely.

To learn more about the Blue Ribbon Commission and to read its recommendations for reform, visit [www.courtinfo.ca/blueribbon](http://www.courtinfo.ca/blueribbon).





## APPENDIX H

### FACTS-AT-A-GLANCE

#### California Dependency Courts

##### Foster Care Background<sup>i</sup>

- There are more than 75,000 children in foster care in California. This includes children whose care is overseen by both child welfare agencies (68,475) and probation departments (7,112).
- Nearly half (45%) of the children in foster care have been in care for more than two years.
- African-American and Native American children are more likely than children of other races to be reported for abuse, more likely to be removed from their homes, and less likely to be reunified or adopted than children of other races. African-American children constitute 6% of the state's child population, but represent 26% of the children in foster care. Native American children are .47% of the state's child population, but represent 1.52% of the children in foster care.

##### Dependency Court Hearings

- All children who enter or leave foster care come before a dependency court to determine if they will be removed from their home and placed in foster care, if they will reunify with their parents, and where and when they will have a permanent home.
- The case of each child in foster care is before a judge at least four times. Children in foster care for longer than a year experience at least two more appearances for each year they are in care.
- In 2004, the average time spent in a single hearing was approximately 10 to 15 minutes per case, well below recommended guidelines.<sup>ii</sup>
- Courts struggle to meet statutory hearing timelines: in a recent study, fewer than 25% of cases completed the jurisdictional hearing within 15 days of the detention hearing.<sup>iii</sup>

##### Judges, Attorneys, and Caseloads

- There are less than 150 full and part-time judicial officers presiding over California's entire dependency court system.<sup>iv</sup>
- The average caseload per full-time dependency judicial officer is approximately 1,000.<sup>v</sup>
- Many judicial officers serve a relatively short period in dependency court. The median length of service for judges is 2.8 years.<sup>vi</sup>
- Nearly 75% of judicial officers have prior professional experience in juvenile matters, usually as attorneys in juvenile court.<sup>vii</sup>
- Attorney caseloads in California counties range from a low of 131 to a high of 616.<sup>viii</sup> The average caseload statewide is 273, far exceeding the recommended 188 clients per attorney for attorneys who have appropriate support staff. The optimal caseload is 76.<sup>ix</sup>

##### Court Programs and Facilities

- Several state programs assist children and families through the court process.
  - ✓ About 10% of the children in foster care have a Court Appointed Special Advocate (CASA) who provides critical information about a specific child to a judge, enhancing the decision-making process.<sup>x</sup>
  - ✓ Courts in 22 counties have juvenile dependency mediation programs that help resolve contested issues in a non-adversarial way.<sup>xi</sup>

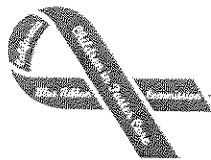
There are dependency drug courts in 26 counties to assist substance abusing parents in reunifying and/or maintaining custody of their children at home.<sup>xii</sup>

- Most California dependency courts do not have a designated place where children and families can meet with their attorneys or wait for their hearings.

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Sources:

- <sup>i</sup> Needell, B., Webster, D., et. al., (2009). *Child Welfare Services Reports for California*. Retrieved [January 2, 2009], from University of California at Berkeley Center for Social Services Research Web site. URL: [http://cssr.berkeley.edu/ucb\\_childwelfare](http://cssr.berkeley.edu/ucb_childwelfare). Children in child welfare and probation supervised placements on July 1, 2008. This number may be inflated due to data quality issues surrounding the probation counts.
- <sup>ii</sup> *California Juvenile Dependency Court Improvement Program Reassessment*, Administrative office of the Courts, Center for Families, Children and the Courts, June 2005 (does not include trials).
- <sup>iii</sup> *California Juvenile Dependency Court Improvement Program Reassessment*, Administrative office of the Courts, Center for Families, Children and the Courts, June 2005.
- <sup>iv</sup> <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/Delinq-ResUpdJO2006.pdf>.
- <sup>v</sup> Private Communication, Administrative Office of the Courts, Center for Families, Children and the Courts, Court Improvement Project, March 2007.
- <sup>vi</sup> <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/Delinq-ResUpdJO2006.pdf>.
- <sup>vii</sup> *California Juvenile Dependency Court Improvement Program Reassessment*, Administrative Office of the Courts, Center for Families.
- <sup>viii</sup> *Dependency Counsel Caseload Study and Service Delivery Model Analysis*, June 2004, prepared for the Administrative Office of the Courts, by The American Humane Association, Denver, Colorado, the Spangenberg Group, West Newton, Massachusetts.
- <sup>ix</sup> *Dependency Representation, Administration, Funding, and Training (DRAFT) Pilot Program*, Administrative office of the Courts, Center for Families, Children and the Courts, October 2007 report to the Judicial Council.
- <sup>x</sup> Private Communication, Administrative Office of the Courts, Center for Families, Children and the Courts, Court Improvement Project, March 2007.
- <sup>xi</sup> *Ibid.*
- <sup>xii</sup> *Ibid.*



# APPENDIX I

## BACKGROUND

### California Dependency Courts and the Hearing Process

#### DEPENDENCY COURT

- Decides allegations of abuse and neglect.
- Seeks safety, well-being, and permanence for children and families who come before the court.
- Orders services for every child who enters or leaves foster care, including placement, education, medication, and visitation.
- Is a department of the Superior Court of California in each county.
- Is one of two branches of Juvenile Court; the other is Delinquency Court.

If the court removes a child from the home, the court will:

- Order services for the family to improve the home conditions so the child can return home.
- Ensure that someone has custody of the child and that the child gets the care and structure needed to be safe and protected.

#### THE HEARING PROCESS

Dependency court judges and officials preside over at least four hearings in the course of an average case. Other hearings are also involved, depending on the nature of the case. The various hearings include:

##### Initial/Detention Hearing

This hearing takes place after a petition is filed following an investigation by a social worker which indicates the child's safety is jeopardized. The worker files the petition to declare the child a dependent of the court. If the child is removed from parents or guardians, the hearing takes place the day after the petition is filed. The court must decide if:

- The child can stay safely at home or should live somewhere else temporarily.

##### Jurisdictional Hearing

If the child is removed, the court must decide within 15 days if the allegations of abuse or neglect are true. The county child welfare agency must prove the allegations are true. If the parents or guardians dispute or contest the allegations, the court holds a trial.

##### Dispositional Hearing

Within 10 days of the Jurisdictional Hearing, the court must decide what should happen with the child. The judge can:

- Dismiss the case and the child will remain at or return home.
- Let the child live with a parent on "family maintenance," which means a social worker and the court supervise the child.
- Place the child with a nonoffending parent while offering the offending parent "family reunification" services.
- Remove the child from the parents' care and place with a relative, foster parent, or group home, while offering the parents "family reunification" services.
- Not order reunification services and set a permanency hearing to determine the most appropriate permanent plan for the child.

The court may decide not to offer the parents family reunification services in a number of circumstances, including:

- The child or a brother or sister has been seriously abused or killed.
- The parent had another child taken away by the court.
- The parents tried family reunification services previously and they were unsuccessful.
- The parents have serious drug problems that are not being treated.

### **Six-Month Review Hearing**

The court must review all cases every six months to see:

- How the child is doing.
- How the parents are doing with court-ordered services.
- If the child lives with a parent, the court can:
  - 1) Dismiss the case.
  - 2) Keep supervising the child with family maintenance.
- If the child does not live at home, the court can:
  - 1) Reunify the family while continuing family maintenance services or dismiss the case.
  - 2) Keep the child in placement and order continued family reunification services.

### **Permanency Hearing**

Within 12 months of the date the child enters foster care, there must be a hearing in which the court decides:

- If the child will be able to return home safely in the near future or to continue reunification services for another six months.
- If the court determines the child cannot return home, reunification services will be terminated and a hearing will be set to determine the most appropriate permanent plan for the child, which may be adoption, legal guardianship, or another planned, permanent living arrangement.

### **Selection and Implementation Hearing**

- If reunification services have been terminated, a selection and implementation hearing must be held within 120 days. This includes an assessment of whether the child is likely to be adopted and identifies any prospective adoptive parent or guardians.
- At this hearing, the court can terminate parental rights if the child is likely to be adopted.

### **Ongoing Review Hearings**

The court must continue to review all open cases at least every six months to monitor the child's progress and needs. This continues until the child is adopted, legal guardianship is established, or the case is dismissed for some other reason.

*The information for this fact sheet was adapted from "Caregivers and the Courts: A Primer on Juvenile Dependency Proceedings for California Foster Parents and Relative Caregivers," published by the Center for Families, Children and the Courts, Administrative office of the Courts, Judicial Council of California Web site: <http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/caregive.pdf> and from the Superior Court of California County of Santa Clara Self Service Center's Web site: [www.scselselfservice.org/juvdep/nature.htm](http://www.scselselfservice.org/juvdep/nature.htm).*



## APPENDIX J

### CHRONOLOGY

#### California Dependency Courts

California has a rich history of judicial support for children and families dating back to 1903 when the state's juvenile court was first established. This reverse chronology highlights key court events, laws, and activities around issues of child welfare. It also relates California milestones to laws and funding from the U.S. Congress.

- 2009      The California Blue Ribbon Commission on Children in Foster Care issues its final report and action plan. The final report builds on the success of a statewide summit that launches the formation of local foster care commissions in counties throughout the state and details action steps for implementation of the commission's key recommendations. The report also notes areas where early implementation efforts are already underway.
  
- 2008      Congress passes the "Fostering Connections to Success and Increasing Adoptions Act," (Public Law 110-351) which is hailed as the most significant foster care legislation in more than a decade. The Act will assist hundreds of thousands of children and youth in foster care by promoting permanent families for them through relative guardianship and adoption and improving education and health care. The Act also extends federal support for youth to age 21 and offers important federal protections and support to American Indian children.
  
- 2008      The California Blue Ribbon Commission on Children in Foster Care releases sweeping recommendations for "changing the way juvenile dependency courts do business" and improving collaboration among courts and agencies that serve children and families. The Judicial Council unanimously accepts the recommendations and directs the commission to develop an implementation plan.
  
- 2008      Assembly Bill 3051 requires courts to ensure that youth age 10 and older have the opportunity to attend and speak at hearings that affect their lives.
  
- 2007      The California Child Welfare Council holds its first meeting. The Council is a high-level advisory body of leaders from all branches of government and other stakeholders who will focus on coordination across agencies and government systems.
  
- 2006      Assembly Bill 2480 requires the Judicial Council to specify when attorneys should be appointed for children on appeal. Assembly Bill 2216 requires the Judicial Council to establish performance measures for juvenile courts.
  
- 2006      Chief Justice Ronald M. George appoints a high-level California Blue Ribbon Commission on Children in Foster Care to provide recommendations on how courts and their partners can improve child welfare and fairness outcomes. The commission is California's first-ever examination of the courts' role in foster care and is chaired by Supreme Court Associate Justice Carlos R. Moreno, a relative caregiver and foster parent.

- 2006 Congress establishes two new grants available for each state's Court Improvement Project. The first grant must be used to enhance data collection and analysis. The second grant must provide multidisciplinary training for judges, attorneys, and child welfare staff. These grants are given to the states for projects that improve juvenile courts.
- 2005 The Judicial Council's Center for Families, Children & the Courts (CFCC) Court Improvement Project releases its Reassessment Report, which provides a comprehensive review of California's dependency courts and makes recommendations for further improvements. The Reassessment Report is a follow-up report to the first Court Improvement Project report that was issued in 1997.
- 2005 In collaboration with the California Department of Social Services, CFCC initiates the Indian Child Welfare Act (ICWA) Project and its Permanency Project to provide education and technical assistance to local courts, child welfare agencies, attorneys and others on ICWA compliance and expanding approaches to permanency for dependent children.
- 2004 The Judicial Council creates the Dependency Representation, Administration, Funding, and Training (DRAFT) pilot program, which focuses on improving the quality of attorney representation for parents and children in dependency cases by testing caseload standards, providing attorney training, adopting attorney performance standards, and improving attorney compensation.
- 2004 The Pew Commission on Children in Foster Care, a national, bipartisan panel of experts, issues a report with recommendations for improving the nation's foster care system, including expanding federal court improvement grants and strengthening court oversight of juvenile cases.
- 2001 Assembly Bill 636 requires the California Department of Social Services and the counties to measure and improve outcomes for children in California's child welfare system.
- 2001 The Judicial Council adopts a rule of court that specifies that an attorney should be appointed for a child in dependency court unless the court finds that a child would not benefit. In those few cases in which an attorney is not appointed a Court Appointed Special Advocate (CASA) must be appointed as the child's *Guardian Ad Litem*.
- 2000 Senate Bill 2160 directs the Judicial Council to adopt a rule of court that specifies when an attorney should be appointed to be a child's *Guardian Ad Litem* in juvenile dependency cases.
- 2000 The Administrative Office of the Courts (AOC) creates the Center for Families Children & the Courts (CFCC) through a merger of the AOC's Statewide Office of Family Court Services and its Center for Children and the Courts.
- 1998 Assembly Bill 2773 directs California to implement the federal Adoption and Safe Families Act and shortens timeframes for reunification.
- 1997 The Administrative Office of the Courts creates the Center for Children and the Courts. Juvenile court projects, including the Court Improvement Project and the Juvenile Review and Technical Assistance (JRTA) project, are part of the center.
- 1997 U.S. Congress adopts the Adoption and Safe Families Act which emphasizes child safety and provides financial incentives to states to promote permanency planning and adoption.

- 1997 The Administrative Office of the Courts releases the Court Improvement Project Report based on California's initial court improvement assessment that took place in 1995-1996. The report includes recommendations to improve California's juvenile court system. An improvement plan is created to implement the recommendations.
- 1995 U.S. Department of Health and Human Services (HHS) establishes the Court Improvement Project. Congress created a grant program in 1994 in recognition of the expanded role of courts in achieving stable, permanent homes for children in foster care. Grants are made available directly to courts for court improvement programs.
- 1995 In collaboration with the California Department of Social Services, the Administrative Office of the Courts creates the Judicial Review and Technical Assistance (JRTA) project in response to California's failure of the 1992 Title IV-E audit. The JRTA team provides training and technical assistance to judicial officers, court staff, attorneys, and child welfare department staff to improve compliance with Title IV-E requirements. California passes the subsequent Title IV E federal audit and the report cites the work of the JRTA project as a strength that contributed to the state's compliance.
- 1994 The 1994 Amendments to the Social Security Act authorizes HHS to establish Child and Family Services Reviews (CFSRs).
- 1992 California does not pass the Title IV-E federal audit of foster care cases. Federal auditors determine that 39 percent of the cases reviewed were not eligible for Title IV-E funding, and California faces a potential sanction of \$51.7 million.
- 1988 Legislation is enacted encouraging the development of Court Appointed Special Advocate programs (CASA) in all counties. The Judicial Council is directed to provide grant funds to these programs.
- 1987 Senate Bill 243 implements recommendations from the Senate Select Committee on Children and Youth including providing for termination of parental rights in juvenile dependency proceedings. The legislation also establishes specific jurisdictional definition for court intervention. SB 243 was double-joined to a trial court funding bill, which made court appointed counsel for parents and children a court cost rather than a county cost.
- 1982 Senate Bill 14 requires the state, through the California Department of Social Services and county welfare departments, to establish a statewide system of child welfare services.
- 1980 Federal Adoption Assistance and Child Welfare Act provides funding stream for out-of-home care and establishes a preference to maintain and reunify families.
- 1978 The Los Angeles Superior Court establishes the first Court Appointed Special Advocate (CASA) program in California. CASA provides volunteers to work with children in the dependency system and provide reports back to the court.
- 1974 Federal Child Abuse Prevention and Treatment Act (CAPTA) mandates states to establish child abuse reporting laws, defines child abuse and neglect, and defines when juvenile courts can take custody of a child.
- 1961 Congress establishes foster care payment under the Aid to Families with Dependent Children Program (AFDC) to help states pay for children who live in foster care.

- 1937 Prior California juvenile court law is rolled into the newly created Welfare and Institutions Code, creating a more fully developed mechanism for declaring a child free from the custody and control of his or her parents.
- 1930 California Supreme Court holds that the juvenile court cannot withhold the custody of a child from the parents without a specific finding of abuse or neglect as required by the relevant statutes.
- 1909 Laws establish that a child has a right to a private hearing in dependency and delinquency matters, and a child cannot be taken from a parent or guardian without consent, unless the court makes a finding that the custodian is incapable, or has failed or neglected to provide for the child properly.
- 1903 California establishes its juvenile court. The law applies to children under 16 and defines dependent and delinquent children.





## APPENDIX K

### HIGHLIGHTS

#### Blue Ribbon Commission Recommendations & Action Plan

The California Blue Ribbon Commission on Children in Foster Care has issued recommendations that call for sweeping reforms of the state's juvenile dependency courts. Included are four overall recommendations and 79 specific recommendations. Twenty-six of the specific recommendations are under the purview of the judicial branch of government and the remaining recommendations require collaboration with court partners.

The Judicial Council unanimously accepted the commission's recommendations on August 15, 2008, and directed that efforts get underway immediately to implement those recommendations that are under the courts' purview. The Council also directed the commission to develop an action plan for the remaining recommendations, which the commission has done and included in its final report to the Council.

Listed below are the commission's four categorical recommendations, along with highlights of specific recommendations targeted for early implementation and a summary of action steps recommended by the commission. To read the full set of recommendations and the commission's final report to the Judicial Council, visit [www.courtinfo.ca.gov/blueribbon](http://www.courtinfo.ca.gov/blueribbon).

#### 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 and 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 Hearings**

***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 multidisciplinary training and opportunities.

***Action Steps:***

- ✓ The Administrative Office of the Courts will continue its Court-Appointed Counsel Study and DRAFT (Dependency Representation, Administration, and Funding & Training) 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:***

- ✓ The 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 1) assigning judges (as opposed to subordinate judicial officers) to hear dependency cases, 2) setting 3-year minimum rotations in dependency courts, 3) implementing performance measures and using them to determine resource allocation to juvenile dependency court, 4) implementing the California Case Management System for dependency court, and 5) 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.