



## Judicial Council of California

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March 28, 2006

Hon. Noreen Evans, Chair  
Assembly Human Services Committee  
State Capitol, Room 6025  
Sacramento, California 95814

Subject: AB 2130 (Evans), as introduced - Oppose  
Hearing: Assembly Human Services Committee – April 4, 2006

Dear Assembly Member Evans:

I regret to inform you that the Judicial Council is opposed to AB 2130, which would require the court to consider the religious, cultural, moral, and ethnic values of a child or of his or her birth parents, if those values are known or ascertainable, before placing the child for adoption or appointing a legal guardian for the child in cases where the child is a dependent child for whom parental rights have been terminated or a child who has been placed for adoption by a licensed county adoption agency or the State Department of Social Services.

The council opposes AB 2130 because it would require the court to engage in a vague and unnecessary inquiry that could delay permanent placements for dependent children, and place the state at risk of federal financial penalties for child welfare funding. The inquiry required in AB 2130 would also occur very late in the placement process, when an adoptive placement for a child has likely already been identified. Beginning such an open ended inquiry at that point in a placement decision would be inappropriate and problematic. Moreover, the court has no reliable source to make a determination about the child or the birth parent's "religious, cultural, moral, and ethnic values." Such information is not required to be contained in the report of the caseworker to the court, and if it were required, that requirement would likely place the court in violation of the Federal Multiethnic Placement Act of 1994 and the Interethnic Adoption Provisions of 1996 (hereinafter MEPA-IEP). The MEPA-IEP provides that no child's foster care

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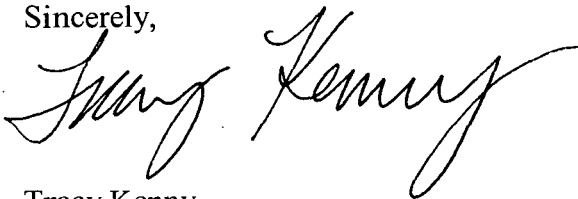
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or adoptive placement should be denied or delayed on the basis of the child's or the prospective parent's race, color, or national origin. Should the court reject or reconsider a placement because it appears that the prospective adoptive parent or guardian has values that are not consistent with the "ethnic values" of the child or more likely given the age of the children, the birth parent, not only could the state have federal child welfare funding withheld, but the prospective parent or guardian could seek relief from the state in federal court.

Welfare and Institutions Code section 205 already provides that any placement by the juvenile court be in homes of the same religious belief as the child to the extent that it is "practicable." That provision is adequate to protect the interests of the child in continuity of religious belief. The juvenile court oversees placement actions by the county child welfare agency, but assessment of placement suitability, and investigation and review of individuals and families for placement are the responsibility of the county agency. In conducting those evaluations the county agency, like the court, is guided by the best interests of the child. The considerations required by AB 2130 on the other hand are not child-centered, and focus instead upon the values of the parent. Given that the child is subject to adoption because the birth parents were found to have abused or neglected the child, and failed to demonstrate that reunification would be a safe option for the child, this inquiry appears misplaced, and has the serious potential for abuse by parents who want to stall the termination of their rights. As such it would be an impediment to achieving permanency for dependent children, which is the overriding objective of the juvenile courts in these cases.

For these reasons the Judicial Council is opposed to AB 2130.

Sincerely,

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

Tracy Kenny  
Legislative Advocate

TK/yt

cc: Members, Assembly Human Services Committee  
Hon. Chuck DeVore, Member of the Assembly  
Ms. Caitlin O'Halloran, Consultant, Assembly Human Services Committee  
Mr. Eric Cszimar, Deputy Legislative Secretary, Office of the Governor  
Ms. Sue Blake, Director of Legislation, Office of Planning and Research  
Ms. Mary Bellamy, Consultant, Assembly Republican Office of Policy