

IMPLEMENTATION
PROGRESS REPORT

California Blue Ribbon Commission on
Children in Foster Care

BUILDING A
BRIGHTER
FUTURE FOR
CALIFORNIA'S
CHILDREN

Making Progress in
Tough Economic
Times



AUGUST 2010



ADMINISTRATIVE OFFICE
OF THE COURTS

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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 as its chair Associate Justice Carlos R. Moreno of the Supreme Court of California. 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 in the child welfare system.

The commission developed sweeping recommendations to reform the juvenile dependency court and foster care systems, and the Judicial Council unanimously accepted them in August 2008. The commission released to the public its recommendations and an action plan for their implementation in May 2009. In June 2009, the Chief Justice extended the commission for three years and added implementation activities to its charge.

The commission consists of members from a variety of disciplines, including judges, legislators, child welfare administrators, former 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 and its ongoing work builds on ongoing Judicial Council efforts to improve California's juvenile courts and is consistent with goals and objectives adopted by the Judicial Council.

This is the commission's first implementation progress report, documenting the efforts of local and statewide collaborations to advance the commission's recommendations and to begin the process of implementing sweeping reforms to the juvenile dependency court and child welfare systems in California.

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Message from the Chair

I am pleased to present the first implementation progress report from the California Blue Ribbon Commission on Children in Foster Care. The report documents, through June 30, 2010, statewide and local efforts to implement the commission's comprehensive recommendations 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.

Last June, Chief Justice Ronald M. George extended our charge to include implementation activities and reappointed most of the commissioners. We, along with many statewide and local partners, have been actively working on implementation for the past year.

I am impressed by how much has been accomplished at the federal, state, and local levels that significantly advances our goals of changing the way juvenile courts do business and reforming the foster care system in California—accomplishments that have occurred despite the serious budgetary and economic challenges. I believe that this progress demonstrates the transformative power of collaboration, as all of the state's child welfare partners—courts, social services, education, health, mental health, philanthropic organizations, CASA, tribes, collaborative advisory bodies, and others—both statewide and locally, have taken up the challenge of making a difference for our children in foster care.

The Public Policy Institute of California recently released its report, *Foster Care in California: Achievements and Challenges*, which noted that California's foster care system "has made some remarkable advances in the last decade." Specifically it documented great progress in moving children out of foster care. In fact, California has seen a 45 percent drop in share of children in the system, mainly by shortening the time that most children spend in foster care. But the report noted significant challenges that remain; we have our work cut out for us as we move forward into another year of implementation. Though we are having some success at the backend of the foster care process—reducing the length of stay and the number of placement changes, we still have much to do at the front end—preventing placements when possible and finding permanent placements when removal cannot be avoided.

On behalf of the commission, I thank all of our statewide and local partners in this effort to build a brighter future for California's children—your work has been remarkable. Thanks also to our commissioners for their continued unflinching commitment to improving the lives of California's children and families.

Finally, thanks to Chief Justice Ronald M. George; William C. Vickrey, the Administrative Director of the Courts; and the Judicial Council for making significant reform of the juvenile dependency courts and the child welfare system a high priority for California's judicial branch and for offering continued support of this extraordinary attempt to make a real difference in the lives of this state's most vulnerable children and families.

A handwritten signature in black ink that reads "Carlos R. Moreno". The signature is written in a cursive, flowing style.

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

Introduction: Making Progress in Tough Economic Times

After an unparalleled three-year collaborative effort, the California Blue Ribbon Commission on Children in Foster Care submitted to the Judicial Council, in August 2008, a comprehensive set of recommendations for improving California's juvenile dependency courts and child welfare system. In May 2009, the commission released its final report on the recommendations, along with an action plan for implementing them.¹

At the commission's meeting in San Francisco on June 30, 2009, Chief Justice George announced that he was extending the work of the commission until 2012 to help ensure implementation of the commission's recommendations for reform of the state's juvenile dependency courts and foster care system. He was taking that step, as he noted, because the stakes were so high for children and youth who have suffered abuse and neglect, particularly in these difficult economic times when families stand to suffer even more challenges than usual.

This document describes statewide and local implementation efforts to advance the commission's recommendations, and provides a point-in-time progress report on those efforts. The commission anticipates releasing annual implementation progress reports during the remainder of its tenure.

This report highlights the following:

- Legislation, passed and pending, that advances the commission's recommendations;
- Statewide initiatives and collaborative efforts focused on improving the juvenile dependency court and child welfare systems; and
- Local county collaborative efforts to respond to the needs of vulnerable children and their families.

¹ See www.courtinfo.ca.gov/jc/tflists/documents/brc-finalreport.pdf. See also Appendix A, for more information on the Blue Ribbon Commission on Children in Foster Care, and see Appendix B for the Commission's final set of recommendations.

Why We Needed the Blue Ribbon Commission

When Chief Justice Ronald M. George established the California Blue Ribbon Commission on Children in Foster Care on March 9, 2006, the foster care system and dependency courts were underresourced and overstressed.

- California had more than 80,000 children in foster care.
- Most of those—almost 80 percent—had been removed for neglect.
- Nearly half—45 percent—had been in care for more than two years, 17 percent for more than three years.
- African-American and American Indian children were disproportionately represented in the system.
- Fewer than 150 full-time and part-time judicial officers presided over the entire dependency court system.
- Full-time juvenile dependency judges carried an average caseload of 1000, directly affecting the amount of time and attention that could be given to any one case.
- Juvenile dependency court attorneys, who represent children and parents in court, had an average caseload of 273—in some counties caseloads rose to 500 or 600—far exceeding the recommended maximum caseload of 188 adopted by the Judicial Council.
- Children and parents sometimes did not meet their attorneys until moments before their hearings, which limited their opportunity to speak in court, and meant that their attorneys often had inadequate information about a child’s life.
- The median time for a hearing was only 10 to 15 minutes, far less than the recommended 30 to 60 minutes.
- Judges were often assigned to juvenile court for short rotations instead of the recommended three years.
- Families were often involved with more than one system, but courts and other agencies did not easily share data or information that might be critical to a family’s circumstances.

Concerned that the courts and their child welfare partners, who share responsibility for the safety and well-being of children while they are in foster care, were not always being a very good “parent” to these children, Chief Justice George appointed as commission chair Associate Justice Carlos R. Moreno of the California Supreme Court and charged the commission with providing recommendations to the Judicial Council 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.

Principles and Values that Guided the Commission's Process

The Blue Ribbon Commission was guided by a set of overarching principles, which were adopted early in its deliberations. Those principles and values have continued to inform its work on implementation:

- 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 the commission's work throughout. Those values were:

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

The overarching value was that the voices of the children and youth who were or had been in California's foster care system should be consistently heard and should inform decision-making at all levels. Those voices became the engine that drove the commission's work on developing its recommendations and continues to drive its efforts to implement those recommendations.

The Commission's Action Plan and Priorities for Implementation

Commissioners kept implementation in mind throughout their deliberations. They were determined from the beginning that their 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 the commission's final recommendations on August 15, 2008, it directed that implementation of the 26 specific recommendations under its purview get underway immediately. It also directed the commission to develop an action plan in keeping with its principles and values for those recommendations requiring collaboration with court partners. The commission released its action plan for implementation in May 2009.

The commission endorses each of its recommendations as being important and indispensable to the sweeping reform of the foster care and dependency court systems that it envisions. But for its initial action plan the commission took a pragmatic approach, identifying practical first steps that it believed were fiscally responsible and realistically achievable. It also believed that the initial reforms would provide an important and improved foundation for the remaining recommendations and reforms that would follow. Chapter 1 of this report contains the commission's blueprint for foster care reform in California: its action plan highlights and priorities.

Implementation Progress Highlights and Challenges

The commission has been pleased and impressed by how much has been accomplished at the federal, state, and local levels that significantly advances its goals of changing the way juvenile courts do business and reforming the foster care system in California—accomplishments that have occurred despite serious budgetary and economic challenges. Early indications suggest that active court oversight and better representation in the juvenile dependency courts makes a significant difference for the children and families who enter the child welfare system. Members believe that this progress demonstrates the transformative power of collaboration, as all of the state's child welfare partners—courts, social services, education, health, mental health, court-appointed special advocates (CASA), tribes, philanthropic organizations, and

others—both statewide and locally, have taken up the challenge of making a difference for our children in foster care. Nevertheless, challenges remain, and the commission will redouble its efforts in the coming years to make progress on some of the more difficult challenges.

Highlights

Some highlights of implementation progress include the following:

Drop in number of children in foster care is encouraging.

Numbers of children in foster care in California have dropped dramatically over the last decade, attributed in part to a “more intense focus by local and state policymakers on the problems of foster care, which in turn led to innovations in child welfare policies and practices.” In fact, California has seen a 45 percent drop in share of children in the system, mainly by shortening the time that most children spend in foster care. That decline is “most pronounced among black children, who have long been overrepresented in the child welfare system.” Only 2.7 percent of African-American children were in foster care in 2009, compared to 5.4 percent in 2000—certainly still too high a percentage, but encouraging.²

Boost from federal Fostering Connections to Success Act initiates implementation. The federal Fostering Connections to Success and Increasing Adoptions Act of 2008, which is directly responsive to 20 of the Blue Ribbon Commission’s recommendations, gave an early boost to implementation efforts. Offering increased supports for relative caregivers, improved family finding support, more flexibility in the use of federal funds, and support for foster youth until age 21, the legislation provides matching funds to states that opt into its provisions. Some state legislation to implement these provisions has already been passed and chaptered in California, while other legislation is still pending, most notably AB 12, which would provide federally subsidized relative guardianships and extend foster care jurisdiction to age 21. The federal legislation will facilitate the expansion of California’s Kin-GAP program and also gives support for expanded title IV-E waiver projects in the state.

² See Public Policy Institute of California, *Foster Care in California: Achievements and Challenges*, (May 12, 2010), at p.1; available at www.ppic.org/content/pubs/report/R_510CDR.pdf.

“I believe that this progress demonstrates the transformative power of collaboration, as all of the state’s child welfare partners—courts, social services, education, health, mental health, philanthropic organizations, CASA, tribes, collaborative advisory bodies, and others—both statewide and locally, have taken up the challenge of making a difference for our children in foster care.”

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

Successful statewide collaborative work is underway. Statewide collaborative efforts to reform the foster care system and reduce the number of children in foster care have been impressive. The Blue Ribbon Commission has worked closely with the Child Welfare Council (co-chaired by Justice Carlos R. Moreno, who also chairs the Blue Ribbon Commission, and Kimberly Belshé, Secretary of the California Health and Human Services Agency), the Administrative Office of the Courts, the Co-Investment Partnership, the Statewide Interagency Team, and the California Department of Social Services to prioritize children and families in the foster care system in the allocation of resources and services.

Local foster care commissions are active. There are now more than forty counties with active local foster care commissions, which formed or expanded in response to the Blue Ribbon Commission’s recommendation encouraging their formation. Those local commissions are working in their communities to identify and resolve local systemic concerns, to address the Commission’s recommendations, and to build the capacity to provide a continuum of services to children and families in the foster care system. The Administrative Office of the Courts (AOC) hosted two summits (in 2008 and 2010) to support the work of these local commissions, and is providing ongoing support through its Juvenile Court Assistance Team (JCAT).

Tribal court/state court forum has been established. In May 2010, Chief Justice Ronald M. George established the California Tribal Court/State Court Coalition (now called the California Tribal Court/State Court Forum), the first organization of its kind in the state, to work on areas of mutual concern. Under the leadership of co-chairs Judge Richard Blake, Chief Judge of the Hoopa, Smith River Rancheria, and Redding Rancheria Tribal Courts; and Justice Richard D. Huffman, Associate Justice of the Court of Appeal, Fourth Appellate District, Division One, the coalition will develop measures to improve the working relationship between California’s tribal and state courts. There are already promising tribal court/state court collaborations in a number of counties.

Rapidly expanding educational services give immediate benefit. There has been significant implementation activity in the area of expanding educational services, including a state legislative requirement that college campuses in California give priority for housing to current and former foster youth and remain open for occupation during school breaks; expansion of the California Department of Education, Foster Youth Services Program to 57

counties; and continued statewide collaboration on educational issues through the Foster Youth Education Task Force.

Training for court-appointed counsel is making a difference.

The AOC has continued the work of providing support and training for court-appointed counsel representing parents and children in the juvenile dependency system. Recently, the Judicial Council adopted a competitive solicitation policy applicable to courts participating in the Dependency Representation, Administration, Funding, and Training program, with a goal of maximizing the funding for the court-appointed counsel program and providing transparency and objectivity to the process. The AOC also provides ongoing support and resources through the California Dependency Online Guide, which is offered for free by subscription to attorneys, judicial officers, and other child welfare professionals.

Initial design for court/child welfare data exchange has been completed.

The AOC, working closely with the California Department of Social Services (CDSS) and the Department of Child Support Services (DCSS), has completed the initial design of the California Court Case Management System (CCMS) to ensure that information used in both the court and child welfare systems will be exchanged in real time and accessible to all authorized users. CDSS has incorporated the same data exchange and integration rules into its guidelines for the new Child Welfare Services Web design (CWS/Web). CWS/Web will also incorporate relevant exchanges with other systems, including health and education providers. Although these systems are still some years from full implementation, this level of collaboration in the design of information systems is extremely promising and almost unprecedented, either in California or nationally.

Challenges

Despite this encouraging progress, there are challenges to address before it will be possible to fully implement the commission's recommendations. Some of the most pressing challenges include the following:

Caseload improvements are stalled due to economy. Even with a drop in the number of children in foster care, caseloads for judicial officers, attorneys, and social workers remain unacceptably high in most counties. Economic conditions and budget challenges have slowed progress on lowering these caseloads. The Administrative Office of the Courts will launch its

trial court staffing study in October 2010, which will estimate both judicial and staffing needs for each major case type, including juvenile. The caseload study for attorneys representing parents and children is complete and standards have been set. When resources do become available, there will need to be a strategic targeting of some of those resources to begin a significant reduction of caseloads for the benefit of the children and families in the system.

“We have our work cut out for us as we move forward into another year of implementation. Though we are having some success at the backend of the foster care process—reducing the length of stay and the number of placement changes, we still have much to do at the front end—preventing placements when possible and finding permanent placements when removal cannot be avoided.”

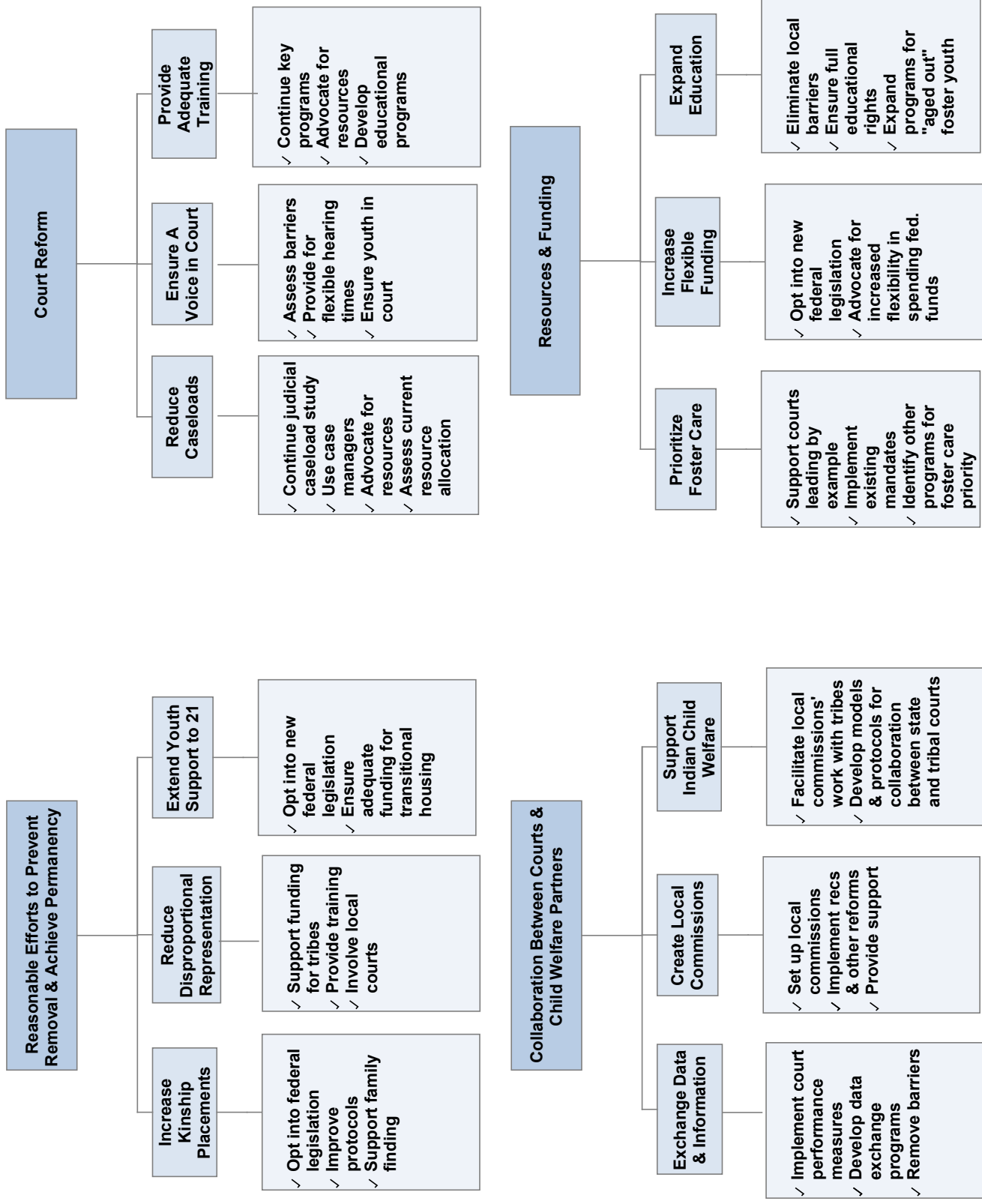
—Hon. Carlos R. Moreno

Data and information exchange systems are years from full capability. Although the initial design of the juvenile dependency/child welfare CCMS module is complete and CDSS has adopted the same design for CWS/Web, it will be years before the courts and their child welfare partners in social services, health, mental health, education, and other fields will be able to fully and effectively exchange critical data about the children in their care. This presents continuing challenges to the courts and agencies serving children and parents in the foster care system: juvenile courts unaware of a family’s involvement with other courts or agencies; court orders meant to benefit families and children in conflict with other court orders or mandated services from other agencies; courts and child welfare agencies unaware of services in the community; and dependency courts unable to gather key data on their ability to meet statutory timelines and other requirements. These challenges will gradually abate as the CCMS and CWS/Web systems become fully functional.

Reduction in numbers of foster children may produce complacency. Although, as noted in the Highlights section, California has seen a 45 percent drop of share of children in the foster care system, mainly by decreasing their time in foster care, it is important that this movement out of care not be seen as a victory negating the need for further work. In fact, the courts, social workers, and attorneys in the system are still staggering under the weight of high caseloads, ensuring that the issues leading to the Blue Ribbon Commission’s recommendations will not be easily resolved by a drop in numbers of children in foster care. As foster care caseloads decrease, one challenge will be to effectively reinvest those savings into ensuring more meaningful hearings and services for the children and families remaining in the system.

The following chapters summarize the commission’s initial action plan for implementation (in blue), document significant progress and challenges in each of its areas of focus, and provide an updated action plan for the coming year.

BLUE RIBBON COMMISSION RECOMMENDATIONS & ACTION PLAN HIGHLIGHTS



Reasonable Efforts to Prevent Removal & Achieve Permanency

Increase Kinship Placements

- ✓ Opt into federal legislation
- ✓ Improve protocols
- ✓ Support family finding

Reduce Disproportional Representation

- ✓ Support funding for tribes
- ✓ Provide training
- ✓ Involve local courts

Extend Youth Support to 21

- ✓ Opt into new federal legislation
- ✓ Ensure adequate funding for transitional housing

Court Reform

Reduce Caseloads

- ✓ Continue judicial caseload study
- ✓ Use case managers
- ✓ Advocate for resources
- ✓ Assess current resource allocation

Ensure A Voice in Court

- ✓ Assess barriers
- ✓ Provide for flexible hearing times
- ✓ Ensure youth in court

Provide Adequate Training

- ✓ Continue key programs
- ✓ Advocate for resources
- ✓ Develop educational programs

Collaboration Between Courts & Child Welfare Partners

Exchange Data & Information

- ✓ Implement performance measures
- ✓ Develop data exchange programs
- ✓ Remove barriers

Create Local Commissions

- ✓ Set up local commissions
- ✓ Implement recs & other reforms
- ✓ Provide support

Support Indian Child Welfare

- ✓ Facilitate local commissions' work with tribes
- ✓ Develop models & protocols for collaboration between state and tribal courts

Resources & Funding

Prioritize Foster Care

- ✓ Support courts leading by example
- ✓ Implement existing mandates
- ✓ Identify other programs for foster care priority

Increase Flexible Funding

- ✓ Opt into new federal legislation
- ✓ Advocate for flexibility in spending fed. funds

Expand Education

- ✓ Eliminate local barriers
- ✓ Ensure full educational rights
- ✓ Expand programs for "aged out" foster youth

Chapter 1: Action Plan Highlights and Priorities, 2009— 2010

Listed below are the commission's four overall 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, see www.courtinfo.ca.gov/blueribbon. The recommendations are also in the Appendices to this report.

Reasonable Efforts to Prevent Removal and Achieve Permanency

- **Increasing the Number of Placements With Relatives (Kinship Placements)**

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 federal Fostering Connections for Success and Increasing Adoptions Act of 2008 (Pub. L. No. 110-351) (hereinafter "Fostering Connections to Success Act").
- 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 protocols for information sharing 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 to assist in eliminating 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.

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 to develop caseload standards 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 Advocate (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 Projects 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 that every child over age 10 has the opportunity to attend hearings in his or her case and to address the court.

- **Ensuring that All Attorneys, Social Workers, and Court-Appointed Special Advocates 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.

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 accessible to 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 information sharing.

- **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.

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 study.
 - Local foster care commissions and partnering agencies will identify any additional programs in which 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 that increase the 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 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 to benefit all foster and former foster children.

Chapter 2: A New Focus on Prevention and Permanency

When, after more than two years, the Blue Ribbon Commission completed its information-gathering and began drafting sweeping recommendations to reform the juvenile dependency and foster care systems in California, it faced gaping systemic holes in need of immediate attention. Some prime areas demanding action were embedded in the commission's first overarching recommendation: the need for reasonable efforts to prevent removal and achieve permanency.

First, commissioners knew that the courts and their child welfare partners were unified in a fundamental belief that all children deserve a safe, stable family in which to grow up and thrive. There is universal acknowledgment that interrupting a child's bond to a parent, even when necessary and temporary, is a destabilizing event. Yet the commission found that while child welfare agencies wanted to offer more services to at-risk families to prevent placement in foster care, funds to support preventive services had not been given priority at the local, state, or federal level. The historical use of federal child welfare funding for prevention or reunification services has been restricted to only about 10 percent. This put dependency court officials and child welfare professionals in the untenable position of not being able to provide key preventive support at the front end to vulnerable children and families.

Second, commissioners learned that despite the best efforts of juvenile dependency judicial officers, when removal from the home was necessary, placement in a foster home did not necessarily improve the situation for children or their families. Foster children were experiencing multiple placements; changes in schools; and separation from their siblings, friends, and other family members. They found that 50 percent of the children were in foster care for two years or more and 17 percent for three years or more.

Third, they found that African-American and American Indian children were disproportionately represented in the child welfare system. They were more likely than other children to be reported for abuse, more likely to be removed, and less likely to be reunified or adopted.

“Two key conditions have shaped the legislative climate in this 2009-10 legislative session: first, the many fiscal challenges; and second, passage of the federal Fostering Connections to Success Act. The federal legislation has resulted in some encouraging activity that we probably would not have seen without it.”

—Curt Child
Director, Administrative
Office of the Courts, Office
of Governmental Affairs

And finally, they discovered that as many as 5,000 youth in California “age out” of the system every year without reunifying with their own families or being placed in another permanent family. They knew from national research that those young people who transition out of the system at age 18 without a permanent home or adequate support 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.

The commission showed its concern about these conditions by targeting them for early action. It focused on three recommendations to begin turning things around. First, increasing the number of relative placements; second, reducing the disproportionate representation of African-Americans and American Indian children in foster care; and, third, providing extended support for transitioning youth.

The commission’s action steps for each of the targeted recommendations can be found in Chapter 1 (blue pages). The following is a point-in-time (as of June 30, 2010) implementation progress report for each of these recommendations.

Implementation Progress

Early boost from federal legislation

An early boost for the possibility of progress on these recommendations came in the form of the federal Fostering Connections to Success Act, which was signed into law in October 2008. Hailed as the most significant federal legislation for foster youth in more than a decade, the legislation 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.

The Fostering Connections to Success Act advances specific recommendations in the commission’s initial prevention and permanency action plan by offering:

- Increased supports for relative caregivers (kinship placements);
- Improved outreach and communication with relatives who may be able to assist with care of 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; and
- Requirements that siblings be placed together.

Some state legislation to implement these provisions has already been passed and chaptered in California, while other legislation is still pending. That legislation will be discussed below.

Celebrating Reunification

With support from the National Project to Improve Representation for Parents Involved in the Child Welfare System,¹ organizations from around the country planned National Reunification Day activities. The project promoted June 19, 2010 as the first National Reunification Day, with a goal of celebrating families and communities coming together, while raising awareness about the importance of family reunification to children in foster care.

In California, Judge Michael Nash, Presiding Judge of the Los Angeles County Juvenile Court; the Los Angeles County Department of Children and Family Services (DCFS); and other child welfare partners planned a reunification celebration week for March 1–7, 2010, which included the following activities:

- The Board of Supervisors recognized seven “reunification heroes” at a breakfast and reception celebrating their accomplishments.
- Each of five DCFS offices hosted a celebration highlighting a program key to reunification (for example, one celebration highlighted the Parents in Partnership Program that provides peer parent mentors to parents new to the child welfare system).
- A community mental health center and a church visitation center held open house receptions.

In the future, each reunified family will receive a certificate to acknowledge their accomplishment. Judge Nash is an enthusiastic proponent of this new focus on reunification. “We need to place greater emphasis on reunification, perhaps through offering incentives, much like those provided for adoption,” he stated.

The Blue Ribbon Commission, at Judge Nash’s urging, decided at their meeting in May 2010 to put renewed focus on reunifying families.

¹ See www.abanet.org/child/parentrepresentation or contact Mimi Laver at (202) 662-1736 or laverm@staff.abanet.org. The project is a collaboration between the American Bar Association Center on Children and the Law, Casey Family Programs, Annie E. Casey Foundation, Child Welfare Fund, and the Steering Committee for the National Parents’ Counsel Organization.

Increasing the number of relative placements

Too often children who have been removed from their homes find themselves shifted from placement to placement, separated from siblings, friends, and schools, in a kind of foster care limbo. Often they can be placed with relatives if the system knows who and where the relatives are. Significant activity, both statewide and locally, has been undertaken to promote and implement the recommendation to increase the number of relative placements through three strategies: engaging family members, advocating changes in law to address funding disparities and developing greater flexibility to approve relative placements; and making extraordinary efforts to preserve and promote sibling connections and co-placement.

Engaging family members

Statewide Efforts

State Legislation—Chaptered

- ***AB 938 (Comm. on Judiciary; Stats. 2009, ch. 261) Relative caregivers and foster parents.***

Requires social workers and probation officers to immediately investigate the identities and location of all grandparents and other adult relatives of a child after the child is detained, and to notify the relatives that the child has been removed from his or her parents, and inform them of the means by which they might participate in the child's care.

State Legislation—Pending

- ***AB 12 (Beall & Bass) California Fostering Connections to Success Act***

Status: As of 6/30/10, Sen. Appropriations Com.

Implements federal foster care reform legislation to provide federally subsidized relative guardianships, and extend foster care jurisdiction to age 21. The bill would also expand the jurisdiction of the juvenile court by allowing it to adjudicate a child placed voluntarily in an approved home of a relative a dependent of the court for not more than 180 days, if prescribed conditions are met.

Judicial Council

- As of April 2010, submitted for public comment proposal creating new rules and forms to implement the mandates and legislative intent of AB 938.

California Department of Social Services

- Implemented the notice requirements of AB 938 that all counties must follow in notifying and engaging relatives; created a reader-friendly letter with FAQ for relatives to encourage them to get involved with the child in foster care.

Child Welfare Council

- Adopted a recommendation for a statewide commitment to increase the number of children in all 58 California counties who have achieved permanency through implementation of Family Finding and Engagement (FFE).

California CASA

- Working on family finding initiatives with local collaborations in a number of counties.

Casey Family Programs/Administrative Office of the Courts

- Piloting a local commission project in Sacramento County to initiate an FFE program and to prioritize foster care at the community level.

California Co-Investment Partnership

- Supports, through its Integration Team, local family engagement efforts, including FFE and Team and Family Group Decision Making.

Local Efforts

A number of counties are engaged in local collaborative family finding initiatives, including the following:

- Several counties have scheduled long-term family finding trainings with Kevin Campbell, an internationally known youth permanency expert and founder of the Center for Family Finding and Youth Connectedness, and a number are developing family finding protocols.
- Some county probation departments are receiving title IV-E training that includes family finding information on identifying a caring adult as a potential caregiver and choosing a permanent plan.
- Local commissions in several counties are working with their local CASA organization on family finding efforts.

California's foster care system has made remarkable advances in the last decade.

Public Policy Institute Report on Foster Care in California Notes Remarkable Advances in Last Decade

In March 2010, the Public Policy Institute of California released its report, *Foster Care in California: Achievements and Challenges*.¹ The report noted that California's foster care system "has made some remarkable advances in the last decade."² Specifically it noted that the state has made great progress in moving children out of foster care. In fact, California has seen a 45 percent drop in share of children in the system, mainly by shortening the time that most children spend in foster care. That decline is "most pronounced among black children, who have long been overrepresented in the child welfare system." In 2009, 2.7 percent of African-American children were in foster care, compared to 5.4 percent in 2000—certainly still too high a percentage but encouraging. The report also noted that more children were remaining in their first out-of-home placement, rather than experiencing multiple placements, and more children are eventually being placed with relatives.³

The institute attributed these reductions, "which far outpaced those across the rest of the country," in part to a "more intense focus by local and state policymakers on the problems of foster care, which in turn led to innovations in child welfare policies and practices."⁴ Thus, the collaborative efforts of the courts and their child welfare partners through the Blue Ribbon Commission, the Child Welfare Council, philanthropic efforts, and the work of the local county foster care commissions are all paying off.

But the report notes the significant challenges that remain:

- Payments to foster families and other out-of-home care providers have not kept up with inflation.
- Despite the reduction in the proportion of black children in the system, they are still substantially overrepresented.
- The number of children who enter foster care more than once during their childhoods has increased.
- And, despite significant reductions, the number of children who age out of the system into an uncertain future, often with little adult guidance, has actually risen since the beginning of the decade.⁵

What this all seems to indicate is that we are having some success at the backend of the foster care process—reducing the length of stay and the number of placement changes, but we still have much to do at the front end—preventing placements when possible and finding permanent placements when removal cannot be avoided. Efforts must also continue toward reducing the length of time in care, particularly for specific populations, including African-American and American Indian children and children with complex needs.

¹ Available at www.ppic.org/content/pubs/report/R_510CDR.pdf.

² *Id.* at 1.

³ *Ibid.*

⁴ *Id.* at 2.

⁵ *Ibid.*

Advocating changes in law to address funding disparities and develop greater flexibility to approve relative placements

Statewide Efforts

State Legislation—Pending

- ***AB 12 (Beall & Bass) California Fostering Connections to Success Act.***

Status: As of 6/30/10, Sen. Appropriations Com.

Opting into provisions of the federal Fostering Connections to Success Act that allow states to waive nonsafety-related licensing standards for relatives on a case-by-case basis. (The federal legislation also requires the Department of Health and Human Services (HHS) to report to Congress on ways to further eliminate licensing barriers so that more children can be placed with relatives in foster care and become eligible for federal support.)

CDSS/Casey Family Programs/Co-Investment Partnership

- Participating in a joint initiative to create and lead the Federal Financing Reform and Waiver Extension Workgroup to advocate for more flexibility in the use of federal funding.

Making extraordinary efforts to preserve and promote sibling connections and co-placement

Statewide Efforts

State Legislation—Pending

- ***AB 743 (Portantino) Foster care: sibling placement.***

Status: As of 6/30/10, Sen. Appropriations Com.

Would require any order placing a dependent child in foster care and ordering reunification services to provide for visitation between the child and any sibling unless the court finds by clear and convincing evidence that the interaction is contrary to the safety or well-being of either child. If siblings have not been placed together, the social worker would be required to explain why those efforts are contrary to the safety or well-being of any sibling. Would also require reasonable efforts to be made to provide for ongoing and frequent sibling interaction; would require placing agency to make a specified notification to the child's attorney and the child's sibling's attorney when a planned change of placement will result in the separation of siblings currently placed together.

There has been a 50 percent drop in African-American children in foster care in California in the last decade, but the share of African-American children in the foster care system in the state is still too high.

Reducing the disproportionate representation of African-American and American Indians in foster care

When the Blue Ribbon Commission began its work, African-American children represented more than 26 percent of the children in foster care, but only 6 percent of the state's child population. The proportion of American Indian children in the foster care system was more than three times their total population in California.

Recognizing that this issue required early and determined action, the commission addressed the problem on multiple fronts, focusing on its recommendations to reduce the disproportionate number of African-American and American Indian children in the child welfare system and to improve the diversity and cultural competence of professionals who serve foster children and their families. In its recent report on foster care in California (see box on page 24), the Public Policy Institute of California noted a 50 percent drop in African-American children in foster care over the last decade, attributing it in part to the collaborative efforts of local and state policymakers, including the Blue Ribbon Commission and the Child Welfare Council.

However, despite active and enthusiastic efforts to reduce disproportionality, this issue will remain a significant challenge in this state for years to come. Budget limitations have severely hampered movement on improving the diversity and cultural competence of child welfare and court professionals; and even with a 50 percent drop in African-American children in foster care, the share of African-American children in foster care in California remains disproportionately high.

Statewide Efforts

California Co-Investment Partnership

- The California Disproportionality Project/Breakthrough Series Collaborative on Disproportionality Initiative involving 13 local county child welfare agencies with the aim of sharing ideas, raising awareness and developing solutions to the problem of disproportionality and disparities for children and families of color in the child welfare system. A study found that a similar national project effectively mobilized child welfare agencies in improvement efforts to reduce the number of children of color in the foster care system. In addition, it helped agencies test and implement strategies to equalize how the system treats these children and their families. Sponsored by the Co-Investment Partnership, the project's principal funders include the Annie E. Casey Foundation, California

Department of Social Services, Casey Family Programs, and the Stuart Foundation.

State Interagency Team Workgroup to Eliminate Disparities

- Participating in the California Disproportionality Project is one of the Workgroup's strategies to decrease racial disproportionality and disparities in outcomes across systems; workgroup members have initiated "courageous conversations" about disproportionality in each of their departments.
- Strengthening collaboration across state agencies is another strategy to address disproportionality.

American Indian Enhancement Team

With active participation from the AOC Tribal Projects Unit, the American Indian Enhancement Team, an effort of the California Disproportionality Project (CDP), provides technical assistance and support for five county teams focusing on improving outcomes for American Indian children and families and eliminating racial disproportionality and disparities in child welfare. The initial phase of the American Indian Enhancement effort will be completed September 30, 2010, and will have:

- Provided technical assistance to counties to assist them with their plans for reducing disproportionality, focusing particularly in helping enhance working relationships among tribes, courts, and county child welfare services;
- Provided technical assistance for the Bay Area Collaborative of American Indian Resources (BACAIR) to further collaborations among probation, social services, and Native agencies; and
- Created tools to form an online accessible toolkit that will assist in addressing disproportionality within the dependency system.

Local Efforts

- Several counties participated in the Breakthrough Series Collaborative on Disproportionality.

Providing extended support for transitioning youth

With more than 10 percent of our youth in foster care "aging out" of the system every year without reunifying with their own families or being placed in other permanent families, this state faces an enormous problem. 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. That is why the Blue Ribbon Commission targeted for early action its recommendation to support or sponsor legislation to extend foster care assistance from age 18 to age 21. As noted at the beginning of this chapter, that recommendation got a tremendous boost when the federal Fostering Connections to Success Act was signed into law in October 2008.

Federal Efforts

Federal Legislation—Chaptered

- ***Patient Protection and Affordable Care Act of 2010 (P.L. No. 111-148)***
Allows the state to extend Medicaid health care to former foster youth through age 26.

Statewide Efforts

State Legislation—Pending

- ***AB 12 (Beall & Bass) California Fostering Connections to Success Act***
Status: As of 6/30/10, Sen. Appropriations Com.
Opting into provisions of the federal Fostering Connections to Success Act extending services for older youth. Helps youth who turn 18 in foster care without permanent families to remain in care to age 21 with continued state and federal support to improve their opportunities for success as they transition to adulthood.

State Legislation—Chaptered

- ***AB 719 (Lowenthal, Bonnie; Stats. 2009, ch. 371), Transitional food stamps for foster youth***
Advanced by the California Department of Social Services (CDSS), the legislation requires CDSS to propose a Transitional Food Stamps for Foster Youth demonstration project, effective July 1, 2010. The demonstration project would make independent foster care adolescents, who are not eligible for CalWORKs or SSI benefits, eligible for food stamps without regard to income or resources.

“The extension of foster care services to age 21 needs to be combined with a stronger move to achieve permanence before age 18, not just moving the cliff to 21.”

—Hon. Michael
Nash

California Department of Social Services

- Submitted, in May 2010, its official request to the U.S. Department of Agriculture for the demonstration Transitional Food Stamps for Foster Youth project provided for in AB 719.
- Worked with the federal Social Security Administration (SSA) to seek a solution to helping disabled foster youth apply for disability (SSI) benefits before transitioning out of foster care at age 18 so that they would have some income after leaving the system. The proposal became law through AB 1331 (Evans) in October 2007, adding section 13757 to the Welfare and Institutions Code. As a result of the CDSS efforts, California became the first state in the nation to obtain federal approval of a new way to treat disabled foster youth in applying for SSI benefits. SSA rolled the process out nationwide in January 2010.

Chapter 3: A New Focus on Court Reform

Because this was California’s first statewide effort to look at the role of the courts in child welfare reform, commissioners were particularly interested in gauging the effectiveness of the courts and their child welfare partners in carrying out their legal responsibility for the safety and well-being of children in foster care—in effect, how they were “parenting” this state’s most vulnerable children.

What the commissioners found was an overstressed and underresourced dependency court characterized by staggering caseloads that often forced judicial officers, attorneys, and social workers to limit the time and attention they could give to each child. Even in those cases that were given a thorough review, statutory timelines were often not being met. Children and their families were suffering from an overburdened system unable to meet their needs.

Children and families appeared at the courthouse and had to wait hours for hearings that often lasted only 10 to 15 minutes—far short of the recommended 30 to 60 minutes—giving them little time with the court or their attorneys. Parents and children consistently reported that they did not understand what happened in court.

The commission set three court reform priorities for urgent action: first, reducing caseloads for judicial officers, attorneys, and social workers; second, ensuring a voice in court and meaningful hearings; and, third, providing adequate training for attorneys, social workers, and CASA volunteers.

The commission’s action steps for each priority can be found in Chapter 1 (blue pages). The following is a report on implementation progress as of June 30, 2010.

Implementation Progress

Current economic and budget challenges have severely hampered progress on court reform recommendations; nevertheless, commissioners have been pleased to see some significant movement in this area.

Reducing caseloads

One of the first serious conditions of which the Blue Ribbon Commission became aware during its three-year review was the staggering caseloads of attorneys and judicial officers in juvenile dependency court. Those caseloads sharply limited the time devoted to each case, so commissioners believed that lowering caseloads was a necessary first step towards implementing their recommendations for more meaningful hearings. Though budget cuts have affected the timing of progress on this recommendation, it has been encouraging to see a reduction in the numbers of children in foster care.¹ As foster care caseloads decrease one challenge will be to effectively reinvest those savings into ensuring more meaningful hearings. There has not been a similar decline in court workload, in part because there has not been a significant drop in entries into the juvenile dependency system.

As foster care caseloads decrease one challenge will be to effectively reinvest those savings into ensuring more meaningful hearings.

Statewide Efforts

Administrative Office of the Courts

- Initiated collaboration between AOC Center for Families, Children & the Courts (CFCC) and Office of Court Research (OCR) to develop juvenile sections of the new AOC Trial Court Workload Study, which estimates both judicial and staffing needs for each of the major case types. The judicial needs study ran from early May to early June 2010 and the consultant is presently analyzing the results in preparation for a preliminary presentation for the working group meeting in late August. The staffing study is tentatively scheduled to begin in October 2010; CFCC, OCR, and court operations staff are developing and refining the data collection instruments to ensure that all relevant staff tasks are captured in the study.

¹ See information on PPIC report, page 24.

- Continued work of the DRAFT (Dependency Representation, Administration, Funding and Training) program that launched after the Court Appointed Counsel study, completed in June 2004, which identified performance and caseload standards for attorneys appointed to represent parents and children in juvenile dependency cases. The identification and implementation of court-appointed counsel caseload standards will help ensure quality attorney service for both children and parents subject to the state’s dependency adjudication process.

Ensuring a voice in court

The Blue Ribbon Commission heard loudly and clearly—from focus groups, public forums and hearing, formal testimony at commission meetings, youth summits, and social worker symposia that participants in juvenile dependency proceedings 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—they want to tell their side of the story. The work of ensuring a voice in court and meaningful participation in court hearings has seen much implementation activity over the past year, both at the statewide and local levels, despite challenging economic conditions. One reason is that many procedural changes can be implemented with few or no new resources.

Statewide Efforts

State Legislation—Pending

- ***AB 12 (Beall & Bass) California Fostering Connections to Success Act***
Status: As of 6/30/10, Sen. Appropriations Com.
 Implements federal foster care reform legislation to expand the availability of federal training dollars, on a phased-in basis, to reach more of those caring for and working with children in the child welfare system, including relative guardians, staff of private child welfare agencies, court personnel, attorneys, guardian ad litem, and CASAs.
- ***SB 962 (Liu) Prisoners: adjudication of parental rights: participation***
Status: As of 6/30/10, Assem. Appropriations Com.
 Would provide that an incarcerated parent who has either waived the right to be physically present at the proceeding or who has not been ordered by the court to be present at the proceeding may be given the opportunity, at the discretion of the court, to participate in the proceeding by videoconference

or teleconference, if that technology is available, as long as the parent's participation otherwise complies with the law. This bill would provide that a prisoner may lose job placement opportunities, be removed from a court-ordered course, or be denied earned privileges only if the prisoner's participation in the proceedings causes the prisoner to be absent from the custodial institution for more than 10 days. The bill would permit the Department of Corrections and Rehabilitation to establish a pilot program to facilitate the participation of incarcerated parents in dependency court hearings, provided that the project is funded by private funds, as specified.

Judicial Council

- Amended rule 5.534(p) of the California Rules of Court to bring it into compliance with Welfare and Institutions Code section 349, which includes revised provisions regarding a child's presence at and participation in a juvenile court hearing if the child is the subject of that hearing. (Assem. Bill 3051 [Jones]; Stats. 2008, ch. 166.) Section 349(c) states that if the child is present at the hearing, the court must allow the child to address the court and participate in the hearing if the child desires to do so.

Administrative Office of the Courts

- Created Juvenile Delinquency Court Orientation video and posted it on the California Courts Self-Help Center (June 2010) to help youth, including youth in the foster care system, and their parents understand the delinquency court process. The video is also available on the California Dependency Online Guide website, and courts and justice partners may obtain copies of the DVD by mail.
- Developing Juvenile Dependency Court Orientation video. Like the delinquency video, it will assist parents and children in understanding the purpose of the juvenile court and their role in the process.
- Continuing support and provision of technical assistance to CASA programs with a goal of making CASA volunteers available for all foster children in the dependency system.

San Luis Obispo Superior Court Judge Garrett Gives Up Chambers for Children's Waiting Room

When the San Luis Obispo County local foster care commission decided the court needed a children's waiting room where attorneys, judges, and CASA advocates could interview young children in a non-intimidating environment, it found a shortage of appropriate space in the court building. That is, until Judge Ginger Garrett offered up her personal chambers for the project. According to Judge Garrett, she "wanted to create a child-friendly space to reduce stress for children who come to court." The room has been painted in a calming underwater theme by a local muralist and filled with educational toys and books. The waiting room, the local commission's first project, opened in May 2009.

The local commission chose to focus on two key Blue Ribbon Commission recommendations for its initial work: meaningful participation in court and exchanging data. Other projects to increase meaningful participation in court, in addition to the children's waiting room (which garnered front page coverage in the local paper), include an informational parent orientation DVD.

Local Efforts

Many of the local foster care commissions are working on projects to ensure a voice in court and more meaningful hearings. Some local commissions are developing orientation videos or packets for parents, while others are setting up voluntary parent mentors. Several counties have developed children's waiting rooms.

Providing adequate training

Making sure that parents and children can attend hearings is only the first step toward meaningful hearings. Often participants at dependency court hearings are mystified by the process—they commonly feel frustrated, overwhelmed, or rushed as they attempt to navigate the system, to understand their rights, and to participate in a meaningful way in court. This recommendation, too, has seen significant implementation efforts.

Administrative Office of the Courts

- Conducting ongoing training for judicial officers and court participants on creating courtroom environments that promote communication with, and meaningful participation of, all parties, including children, at local and regional sites.
- Ran juvenile court administration broadcasts targeted at judicial officers on this issue in April 2010.
- Expanded Juvenile Court Assistance Team (JCAT) trainings in many counties.
- Offered many training opportunities at Beyond the Bench conference in June 2010.
- Created the Tribal Projects Unit to assist the state judicial branch with the development of policies, positions, and programs to ensure the highest quality of justice and service for California's Native American communities, including curriculum development and training for state court judges and making available existing AOC training to tribal court judges and personnel.
- Continued building of online training resources on the California Dependency Online Guide website.

Chapter 4: A New Focus on Collaboration

The courts' partners in California's foster care system span a wide range of agencies and entities, including child welfare, education, alcohol and drug treatment, mental health, public health, Indian tribes, and tribal agencies. All share with the courts responsibility for the safety and well-being of the state's children and youth in foster care. Families are often involved with more than one agency at a time and might have cases in both dependency court and family court or dependency court and delinquency court. These state, local, and tribal governments and agencies have independent and often conflicting policies and regulations that inhibit communication and the sharing of critical data and information.

The Blue Ribbon Commission learned that this problem sometimes leads to judges and attorneys lacking full information about a child's health, mental health, education, language, or citizenship, with the result that the state or tribal courts have to make decisions without a complete or accurate picture of the needs of the child and his or her family. Lack of information can also cause situations where court-ordered services meant to benefit families and children conflict with other court orders or mandated services from other agencies. Moreover, courts and child welfare agencies do not always know what services exist in the community and often the availability of essential services is limited.

There also has been a historical lack of trust, coordination, and collaboration between Indian tribes or tribal courts and the state trial courts and other child welfare partners. That condition has been harmful to American Indian children and their families.

A further complication is that courts have been unable to gather key data on their ability to meet statutory timelines for hearings and requirements regarding safety, permanency, and well-being. Uniform statewide data has been limited to the number of filings and dispositions. It was clear to the commission that the courts needed more advanced data systems and court performance measures to track children's progress, measure compliance with statutes, and identify sources of delay and other areas of needed reform.

Recognizing these impediments helped the commission focus its action plan on collaboration between courts and their child welfare partners. The commission chose three recommendations for early

implementation efforts: first, facilitating data and information exchange; second, establishing local foster care commissions; and, third, improving Indian child welfare.

The proposed action steps for these three priorities can be found in Chapter 1 (blue pages). The following represents implementation progress on those priorities as of June 30, 2010.

One of the most challenging impediments to reforming the juvenile dependency and foster care systems is the difficulty of exchanging data and information among courts and their partner agencies.

Implementation Progress

Facilitating data and information exchange

The Blue Ribbon Commission recognized early in the process that one of the most challenging impediments to reforming the juvenile dependency and foster care systems was 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. This area, too, has seen some progress despite serious economic deterrents, but it will be years before the courts and their child welfare partners in social services, health, mental health, education, and other fields will be able to fully and effectively exchange critical data about the children in their care.

Statewide Efforts

Judicial Council

- Continuing efforts to finish developing and implement the California Case Management System (CCMS) and other data exchange protocols.

Administrative Office of the Courts

- Collaborating with California Department of Social Services (CDSS) and Center for Social Services Research (CSSR) at University of California, Berkeley: Pending completion of CCMS—while the courts continue to rely on the Child Welfare Services/Case Management System (CWS/CMS) child welfare data—providing data reports with frequently requested statistics to meet the data needs of all local courts.
- Collaborated with CDSS and CSSR to develop a data tool to provide courts with county-specific aggregate statistics on child welfare (using publicly available data from the CSSR archive) from their foster care and family maintenance

caseload. The tool will be accessible to courts along with training on its use.

- Drafted briefs on the challenge and promise of confidentiality law and policy in the areas of education, health care, substance abuse, and mental health.
- Hosted focus groups of county counsel from across the state to review the confidentiality briefs and to discuss issues of confidentiality and information sharing in dependency cases. The AOC is planning to conduct expanded focus groups including state and county agency staff regarding confidentiality and information sharing. The goal is to find effective strategies to increase collaboration among stakeholders, while still preserving and protecting the confidentiality that is so important for children in the foster care system.
- Through its AOC Judge-in-Residence, Leonard Edwards, providing training across the state on Judicial Ethics in data exchange and information sharing—issues that often are a barrier for local efforts.

California Department of Social Services

- Conducting CWS/Web procurement, which will lead to implementation of a web services based technical architecture for CWS/CMS that meets county and state business requirements, including data management and reporting solutions consistent with federal Statewide Automated Child Welfare Information System (SACWIS) requirements. This system is meant to enhance the safety, well-being and permanent placement of at-risk children by improving the ability of CWS staff to provide services in an effective and efficient manner.

Child Welfare Council

- Created the Data Linkage and Information Sharing Committee, chaired by John Wagner, Director, California Department of Social Services, which recommended and has worked on making the CWS/Web statewide automated child welfare information systems (SACWIS) procurement as integrated with other child-serving systems as possible, building on the Blue Ribbon Commission's recommendation for CCMS.
- Adopted data and information sharing recommendations in March 2010, including a policy statement on data sharing. (See recommendations:
www.chhs.ca.gov/initiatives/CAChildWelfareCouncil/Pages/CommitteeDraftRecommendations.aspx)

Local Efforts

Some counties have informal protocols or more formal memoranda of understanding to allow data sharing for the benefit of children in the foster care system. For example, in San Diego County, the Office of Education spearheaded the collaboration of nine agencies and the juvenile court to set up a system to share foster youth's education and health records. An interagency agreement permits participant agencies to access foster youth information on a web-based secure database, allowing judicial officers to access the children's education records from their desks. Collaborative partners in this endeavor 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.

Work in this area is still in the fledgling stages in most counties, but there does seem to be interest in tearing down administrative information sharing barriers to better serve children and families in the child welfare system, while still providing critical protection for the confidentiality rights of each child and family.

“Leadership is more meaningful than money in forming these local collaborations.”

—Hon. Gary T. Ichikawa
Presiding Juvenile Court Judge, Solano County

Establishing local foster care commissions

The Blue Ribbon Commission knows that change for children and families in the foster care system will take place only if changes occur at the county level and in the local juvenile courts.

Establishing local multidisciplinary commissions 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 thus was the commission's lynchpin recommendation.

The Blue Ribbon Commission's vision of local commissions was that they would provide leadership on foster care issues in their communities and also serve as forums for addressing systemic barriers to improving the lives of foster children and for establishing communication protocols among individuals, agencies, and courts. The work in this area over the last year and a half has been both gratifying and deeply encouraging.

Statewide Efforts

Administrative Office of the Courts

- Hosted the 2008 summit for local county teams, where teams from 50 counties began planning local collaborations or

expanding those already in existence and started to set foster care priorities based on local needs.

- Hosted the 2010 summit for both local county juvenile and family court teams to continue foster care work plans initiated at the 2008 Summit and to collaborate on crossover child safety issues.
- Providing ongoing technical assistance and training to local collaborations through assigned Juvenile Court Assistance Team liaisons assigned to each county.
- Providing ongoing support through publication of the *Foster Care Reform Update*, an online bi-monthly briefing for statewide and local collaborations featuring news, resources, and other information with a foster care focus.
- Launched a local commission website in June 2010 to provide support to local collaborations by providing them with an online location to share information with their members, as well as a means to collaborate and share information with local collaborations in other counties. The website is free and available to all local commission members.

“California’s juvenile court judges have taken the Blue Ribbon Commission recommendations to heart—they have truly taken the lead in improving outcomes for California’s abused and neglected children.”

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

Child Welfare Council

- Providing ongoing statewide support for improving the collaboration and processes of the multiple agencies and courts that serve children and youth in the child welfare and foster care systems and for prioritizing foster care in the allocation and administration of resources.

Local Efforts

As of the 2010 summit, close to 50 active local collaborations were working to implement the Blue Ribbon Commission’s recommendations at the county level. Some have been working collaboratively for many years while others are new to county-level collaboration. All have plans for meeting locally on a regular basis and have made it a priority to focus on their community foster care needs as they work on implementing the Blue Ribbon Commission recommendations.

Improving Indian child welfare

As discussed in the section on disproportionality, a significant disparity exists between the percentage of American Indian children in foster care compared to the percentage of American Indians in the general California population. There has also been an historical chasm in terms of resources, policies, trust, and communication between tribes or tribal courts and the state trial courts. And, in many parts of the state, there is distrust between

tribes and child welfare agencies and state trial courts—often because of a lack of understanding or mutual respect for each other’s cultures and institutions. This distrust, together with a lack of resources and coordination, can cause suffering for American Indian children and their families.

“We have much to learn from tribal traditions.”

—Hon. Juan Ulloa
Presiding Juvenile
Court Judge, Imperial
County

Passage of the federal Fostering Connections to Success Act took a step in the right direction to help balance the resource equities: the act offered Indian tribes, for the first time, direct access to title IV-E funds that provide federal assistance through the federal foster care and adoption assistance programs; and the act required the U.S. 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. Those same Congressional initiatives advance the Blue Ribbon Commission’s recommendations in this area. This support, together with a commitment by the Blue Ribbon Commission and other statewide and local partners to improve communication and collaboration between tribes or tribal courts and state trial courts, has resulted in significant activity toward making the commission’s recommendations a reality.

Statewide Efforts

State Legislation—Chaptered

- ***AB 770 (Torres; Stats. 2009, ch. 124), Indian tribes: foster care and adoption programs***
Makes it the policy of the state to maximize the opportunities for Indian tribes to operate foster care programs for Indian children pursuant to the federal Fostering Connections to Success Act. It requires the California Department of Social Services to negotiate in good faith with the Indian tribe, organization, or consortium in the state that requests development of an agreement with the state to administer all or part of the programs under specified provisions of federal law relating to foster care and adoption assistance, on behalf of the Indian children who are under the authority of the tribe, organization, or consortium.
- ***AB 1325 (Cook & Beall; Stats. 2009, ch. 287), Tribal customary adoption***
Requires the juvenile court and social workers to consider and recommend tribal customary adoption, as defined, as an additional permanent placement option, without termination of parental rights, for a dependent child. It provides that a tribal

customary adoption order would have the same force and effect as an order of adoption, and requires the juvenile court and social workers to consider and recommend tribal customary adoption, as defined, as an additional permanent placement option, without termination of parental rights, for a dependent child. The bill provides that a tribal customary adoption order would have the same force and effect as an order of adoption. The bill revises existing federal law, the Indian Child Welfare Act, and state law governing the placement of children who are or who may be Indian children, as specified.

Judicial Council

- Established, by order of Chief Justice Ronald M. George, the California Tribal Court/State Court Coalition, the first organization of its kind in the state, to work on areas of mutual concern, and appointed as co-chairs Justice Richard D. Huffman, Associate Justice of the Court of Appeal, Fourth Appellate District, Division One, and Judge Richard Blake, Chief Judge of the Hoopa, Smith River Rancheria, and Redding Rancheria Tribal Courts. Both Justice Huffman and Judge Blake are members of the Blue Ribbon Commission. The group is now called the California Tribal Court/State Court Forum.

AOC Tribal Projects Unit

- Provides intensive training and technical assistance throughout the state on all aspects of ICWA through the ongoing AOC ICWA Initiative (in partnership with CDSS);
- Conducts community outreach to California's American Indian citizens who reside on reservations or rancherias and in urban communities to provide information about the judicial branch—the state courts and court-connected services;
- Collaborates with tribes in California and California's American Indian communities, organizations, and service providers to gather information about the justice-related needs of California's American Indian citizens;
- Provides education and technical assistance to state courts and court-connected services on Public Law 280, Indian law issues relating to domestic violence, dating violence, sexual assault and stalking, the Indian Child Welfare Act, and indigenous justice systems;
- Acts as a liaison between the state and tribal courts to build professional relationships and to improve access by tribal courts to education, technical assistance, and other resources;

- Serves on the American Indian Enhancement Team, providing support to five counties as they collaborate to improve outcomes for American Indian children and families; and
- Maintains a clearinghouse of AOC and other resources to assist state courts in handling child welfare and other cases involving Native Americans (for example, a directory of Native American family resources in California; information on California tribal courts; and resources relating to compliance with the Indian Child Welfare Act (ICWA) in juvenile, family, and probate cases) and to support tribal justice development (a listing of tribal justice grants and making available educational and other resources available to state courts).

Local Efforts

At the county level, a number of local foster care commissions include tribal members and some are working collaboratively with the tribes or tribal courts to set up protocols on handling child welfare cases.

Chapter 5: A New Focus on Resources and Funding

California's financial support for children and families in the child welfare system, like that of most states, 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. Courts, social service agencies, and other providers must struggle to determine the funding sources for crucial services, resulting in delayed services for children and families in crisis. Those delays are compounded when a child is moved to a new county or state. As noted by the Pew Commission on Children in Foster Care in 2004, when it issued nationally focused recommendations to improve outcomes for children in foster care, "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."

The Blue Ribbon Commission found that even when services were available, children and families in the child welfare system were not always given priority access to them. For example, it discovered that no resources or funding supports were available to help foster children access certain educational and transition-to-independence services that they were entitled to receive. This failure to prioritize foster children and their families in the delivery of crucial services deprives them of the comprehensive and concentrated services that are critical to family reunification and permanency.

Faced with this demanding challenge, commissioners took steps to focus on prioritizing foster care and increasing the flexibility of funding in their early implementation efforts. Specifically, they chose the following recommendations for early action: first, prioritizing children and families in foster care; second, advocating for flexible funding for child abuse prevention and services; and, third, expanding educational services.

The commission's proposed action steps for each of the targeted recommendations are listed in Chapter 1 (blue pages). The following documents progress on the targeted recommendations as of June 30, 2010.

Foster children and youth in this state must be able to count on the courts, child welfare agencies, and other partners in child welfare to care for them as thoughtfully as they would be cared for in any loving family.

Implementation Progress

Prioritizing foster care

During its work of developing recommendations to reform this state's juvenile dependency court and child welfare systems, the Blue Ribbon Commission embraced as one of its most compelling values the need to give children and youth whose lives have been shaped by California's foster system a strong, powerful voice in reshaping the system and determining their futures. The commission believed, while setting its priorities, that foster children and youth in this state must be able to count on the courts, child welfare agencies, and other partners in child welfare to care for them as thoughtfully as they would be cared for in any loving family. The commission was cognizant of the fact that, when a child is removed from his or her home, the courts and their child welfare partners are the responsible "parents" for that child. Living up to that responsibility required early and concerted action. The commission looked to 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. And it expected the Judicial Council to implement performance measures and use them to determine resource allocation to the juvenile dependency court.

Federal Efforts

Office of Juvenile Justice and Delinquency Prevention (OJJDP)

- Issued a 2010 Request for Proposals for Family Drug Court Grants: \$500,000 per year for up to three years for new programs, and \$350,000 per year for existing programs.

Statewide Efforts

Judicial Council

- Adopted Cal. Rules of Court, rule 5.505 (Juvenile Dependency Court Performance Measures), effective January 1, 2009, and approved a companion implementation guide.

Administrative Office of the Courts

- Analyzing pilot data from courts to test and refine the performance measures; disseminating preliminary data.
- Collaborating with the Child Welfare Council and Casey Family Programs to develop data and procedures to facilitate

inter-departmental prioritization of child welfare children and their families.

AOC Collaborative Courts Project

- Collaborating with CDSS and Department of Alcohol and Drug Programs on a project with the National Center on Substance Abuse and Child Welfare to identify Dependency Drug Courts (DDCs) statewide as well as current and potential caseloads, funding, and outcomes.
- Visited most DDCs in California and developed an instrument to capture data related to the project's focus.
- Will be providing technical assistance and other follow-up activities to increase caseloads, document results, and identify funding.
- Spearheading a project funded by the State Justice Institute focused on DDC outcome performance measures; creating a mechanism to track DDC outcomes statewide.
- Beginning a project aimed at tracking mentally ill court users in dependency to determine effective practices.
- Engaged in efforts to link drug and mental health courts with family court and child support proceedings to develop effective methods of supervision and compliance with court orders that address underlying problems of substance abuse or mental health.
- Supporting efforts in the courts to establish family preservation courts that are similar to DDCs, but that focus on cases that are in family court or for which a dependency filing has not occurred.

Local Efforts

Many of the local commissions are working on prioritizing foster care in the allocation of resources, including in some instances development of dependency drug courts. Others are identifying services, determining gaps, and similar efforts. There is widespread determination among the local collaborations to find the resources necessary to give families in crisis a fighting chance.

Advocating for flexible funding for child abuse prevention and services

The Blue Ribbon Commission believed that bringing some sense to the patchwork of child welfare funding streams would require the Judicial Council to work with other branches of federal, state, and local governments to identify barriers to funding and develop solutions. It wanted the Judicial Council to urge Congress to

“Ultimately, all children should enjoy the security and comfort of a safe, nurturing and permanent family. Now is the time for comprehensive federal finance reform that supports vulnerable children in achieving this goal.”

—Casey Family
Programs
*Ensuring, Nurturing and
Permanent Families for
Children: The Need for
Federal Finance Reform;*
May 2010

change any federal law that prevented federal funds from being coordinated among several agencies to support specific services. The commission knew that 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, which advocated for the flexibility to put funding into prevention at the front end and encouraged innovative funding strategies at the federal, state, and local levels of government. This area, too, received a boost from passage of the federal Fostering Connections to Success Act.

Statewide Efforts

State Legislation—Chaptered

- ***AB 154 (Evans; Stats. 2009, ch. 222), Adoption assistance: federal law***
Conforms state statutes with federal Fostering Connections to Success Act provisions on adoption assistance and directs resulting savings from changes in eligibility for adoption assistance to specified services.
- ***AB 665 (Torrico; Stats. 2009, ch. 250), State adoption services: investment***
Requires state to reinvest adoption incentive payments received through the federal Fostering Connections to Success Act into the child welfare system to provide legal permanency outcomes for older children, including, but not limited to, adoption, guardianship, and reunification of children whose reunification services were previously terminated.

State Legislation—Pending

- ***AB 12 (Beall & Bass) California Fostering Connections to Success Act***
Status: As of 6/30/10, Sen. Appropriations Com.
Would implement federal foster care reform legislation subsidizing guardianship payments to relatives who provide permanent homes for children when they cannot be returned home; and provide direct access to federal support for Indian tribes.

Judicial Council

- Initiating coordination efforts with Casey Family Programs trustees on federal advocacy in this area.

California Department of Social Services

- Working with National Association of Public Child Welfare Administrators (NAPCWA) on a proposal that would address several of the recommendations advocated by the Pew Commission in 2004.
- Participating in title IV-E waiver project with Alameda and Los Angeles Counties since 2007.

Child Welfare Collaborations

- Identifying barriers to funding for services, developing solutions, and, as appropriate, urging Congress to change any federal law that prevents federal funds from being coordinated among several agencies to support specific services, including concerted efforts to expand and reauthorize title IV-E waivers. Participants include the Child Welfare Council, Judicial Council, Blue Ribbon Commission, Co-Investment Partnership, State Interagency Team, and others.

Expanding educational services

Because 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, the Blue Ribbon Commission made it an early action priority to focus on access to education for California’s foster children and youth. This area, too, benefited from the federal Fostering Connections to Success Act. Significant implementation activity occurred in this area over the last year.

Federal Efforts

- ***Federal Fostering Connections to Success Act (Passed 10/08): Educational stability.***
Helps children and youth in foster care, guardianship and adoption achieve their educational goals by requiring that states ensure that they attend school and, when placed in foster care, they remain in their same school where appropriate, or, when a move is necessary, get help transferring promptly to a new school; also provides increased federal support to assist with school-related transportation costs.

- ***Federal Fostering Success in Education (S 2801-Franken)-Pending***
Further defines the responsibilities of education agencies to support the educational achievement of children in foster care.

Statewide Efforts

State Legislation—Chaptered

“It is important to provide youth with the right tools when they transition out of foster care . . . by improving their access to education and providing them with resources to be successful as independent adults.”

—Hon. Arnold Schwarzenegger
Governor of California

- ***AB 81 (Strickland, Audra; Stats. 2009, ch. 76), Interscholastic athletics: pupils in foster care***
Requires that a foster child who changes residences pursuant to a court order or decision of a child welfare worker be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities.
- ***AB 167 (Adams; Stats. 2009, ch. 223), High school graduation: local requirements: foster children***
Requires a school district to exempt a pupil in foster care from coursework adopted by the local governing board of the district that is in addition to statewide coursework requirements if the pupil, while he or she is in 11th or 12th grade, transfers from another school district or between high schools within the district, unless the district makes a finding that the pupil is reasonably able to complete the additional requirements in time to graduate from high school while he or she remains eligible for foster care benefits.
- ***AB 1393 (Skinner; Stats. 2009, ch. 391), Foster youth***
Requests or requires community college, state university, and University of California campuses to give priority for housing to current and former foster youth. The bill also requests or requires campuses that maintain student housing facilities open for occupation during school breaks, or on a year-round basis, to give first priority to current and former foster youth for residence in the housing facilities that are open for uninterrupted year-round occupation, and for housing that is open for occupation during the most days in the calendar year.
- Attempt to expand Foster Youth Services to youth in kinship and guardianship placements (***AB 1259***) failed because of budget constraints.

Foster Youth Education Task Force

- Working with 57 counties' Foster Youth Services and numerous other organizations focused on local and statewide practice and policy improvements that support improved educational outcomes, increased collaboration, and accountability.

California Department of Education, Foster Youth Services (FYS)

- Expanded to 57 County Offices of Education serving more than 40,000 students.

Child Welfare Council

- Supporting the education of foster youth through its Child Development and Successful Youth Transitions committee, which is developing a strategy to provide technical assistance to school districts in awarding partial credits.

California Department of Education

- In process of developing a “categorical program monitoring (CPM)” tool to ensure successful educational outcomes for California’s foster youth, but project has been slightly delayed because of current budget constraints.

California State University System

- On March 16, 2010, the CSU Board of Trustees unanimously supported the Title 5 revision in the Education Code granting housing priority to current and former foster youth during the academic year, as well as during critical transitional periods such as school breaks; and establishing reasonable systems for determining priority housing when implementing the Assembly Bill 1393 (Skinner).

California College Pathways

- Working to increase the number of foster youth in California who pursue higher education and help them achieve a positive academic outcome by expanding access to campus support programs, such as the Guardian Scholars Program, the Renaissance Scholars Program and other successful approaches to supporting former foster youth on campus. California College Pathways is a partnership of the California State University Office of the Chancellor, the California Community College System Office and the John Burton Foundation. It is funded by the Stuart Foundation and the Walter S. Johnson Foundation.

Campus Support Programs and Services for Foster Youth

- Providing support services (e.g., financial assistance, housing, academic advising) for former foster youth on 21 CSU, 9 UC, and 110 community college campuses. Programs supporting foster youth in higher education are called by various names including Foster Youth Success Initiative (FYSI), Guardian Scholars, Renaissance Scholars, CME (Connect Motivate and Educate) Society, Resilient Scholars, Court Scholars, ACE Scholars Services and EOP/EOPS (Extended Opportunity Programs and Services).
- Currently 51 comprehensive support programs at UC, CSU and community colleges are serving students from foster care.

Local Efforts

Foster Youth Services Programs

Representatives from FYS programs have become key members of local foster care commissions in a number of counties that have a strong focus on education. These local collaborations have created an elevated level of awareness about the Pre-K– higher education pipeline.

Foster Youth to College Days Aging Out of Foster Care . . . Into College

Almost nine years ago, AOC Judge-in Residence, Leonard Edwards (retired Presiding Juvenile Court Judge from Santa Clara County), organized a luncheon for foster youth in Santa Clara County who were about to age out of the child welfare system. Funded by Philanthropic Ventures Foundation and supported by court personnel, attorneys, child advocates, and social workers, the luncheon featured foster youth who were in college and people who could inform them about educational opportunities. The luncheon was a success and has been held every year since then. Five years ago San Jose State University agreed to host the luncheon on its campus, then embraced the idea of helping foster youth move to higher education. The university created CME (Connect/Motivate/Educate), a program to support foster youth interested in college. Bringing together all segments of the university, San Jose State has been able to help foster youth apply for admission, find on-campus housing, assist with financial aid, and even provide mentors. The luncheon continues, now with Judge Katherine Lucero leading the juvenile court efforts to ensure better outcomes for our foster youth. Ideas for expansion are being considered so that community and junior colleges can be a part of the program.

That was only a beginning. Judges around the state have taken the initiative to improve outcomes for foster youth aging out of the child welfare system.

- In Siskiyou County, Judge Bill Davis has held two Foster Youth to College Days and a third is scheduled for this fall.
- Judge Joyce Hinrichs held a Foster Youth Higher Education event in 2008 and recently held a second event on June 29, 2009, with the presidents of Humboldt State and College of the Redwoods both present.
- Commissioner Charlotte Wittig brought the community together in Tulare County and held Access to Higher Education days each of the last two years, with another planned for this fall featuring Dr. David Arredondo as a speaker.
- Judge Jane Cardoza visited the Tulare County event two years ago and then went back to her home in Fresno and brought the community together to create an Access to Higher Education event for foster youth in Fresno County. This year's event attracted more than 200 foster youth.
- Judge Tamara Mosbarger convened her community and Butte Community College to hold a foster youth to college day in Butte County last year and this October there were more than 200 foster youth in attendance.
- Judge Marsha Slough convened her community in San Bernardino for a College Fair in August. Representatives from the University of Redlands, UCLA, UC Merced, UC Riverside, San Bernardino Chaffey College, Cal Poly, and local colleges attended, as did more than 60 foster youth.
- The Orange County local blue ribbon commission, with Judge Carolyn Kirkwood at the helm, sponsored a College Fair for Foster Youth at the end of September at Orange Coast College. It attracted 111 youth, 61 caregivers, and over 90 volunteers.

These events demonstrate that communities and institutions of higher learning are ready to work with the juvenile court to improve educational outcomes for foster youth. Juvenile court judges have shown once again that they can convene their communities on behalf of our most vulnerable young people.

Chapter 6: Other Efforts Advancing Recommendations

In addition to the recommendations targeted by the Blue Ribbon Commission for early action, progress occurred on the implementation of other recommendations.

The following efforts are notable:

Statewide Efforts Advancing Prevention and Permanency

State Legislation—Chaptered

- ***AB 295 (Ammiano; Stats. 2009, ch. 427), Children: adoption services***
Extending to June 30, 2010, a four-county pilot project providing funding for preadoption and postadoption services to ensure successful adoption of a targeted population, children who have been in foster care for 18 months or more.
- ***SB 597 (Liu; Stats. 2009, ch. 339), Child welfare services, foster care services, and adoption assistance***
Includes provisions for licensed foster family agencies; requires court, when considering termination of parental rights, to consider barriers to a parent's ability to remain in contact with the child as a result of the parent's incarceration or institutionalization; requires CDSS to develop a plan for the ongoing oversight and coordination of health care for a child in foster care; requires additional information in a transitioning foster child's case plan that will help the child prepare for the transition from foster care to independent living.

State Legislation—Pending

- ***AB 1758 (Ammiano), County wraparound services program***
Status: As of 6/30/10, Sen. Appropriations Com.
Would remove the designation of this program as a pilot project and make conforming changes. Under existing law, the State Department of Social Services administers a pilot project that authorizes a county to develop and implement a plan for providing wraparound services designed to enable children who would otherwise be placed in a group home setting to remain in the least restrictive, most family-like setting possible.

The pilot project also imposes specified evaluation and reporting requirements for participating counties and training requirements for their staff.

- ***AB 2342 (Evans), Foster youth: outreach programs***
Status: As of 6/30/10, Sen. Appropriations Com.
Would require CDSS to develop a resource guide for foster youth that outlines available statewide programs and services and their eligibility standards, including, but not limited to, programs and services associated with education, housing, mental health services, independent living programs, and career and job opportunities. The bill would require the department to make the resource guide available on its website as well as in a printed format.
- ***SB 654 (Leno) Independent Living Program***
Status: As of 6/30/10, Assem. Appropriations Com.
Would require services available under the Independent Living Program to be provided to former dependent children of the juvenile court meeting prescribed requirements.
Existing law requires the State Department of Social Services to develop statewide standards for the Independent Living Program for emancipated foster youth established and funded pursuant to federal law, to assist these individuals in making the transition to self-sufficiency. Under existing law, a child in receipt of Kinship Guardianship Assistance Payment (Kin-GAP) Program benefits is also entitled to request and receive these independent living services.
- ***SB 945 (Liu), Juvenile court jurisdiction: services and benefits***
Status: As of 6/30/10, scheduled for Assem. 3d reading
Would require a probation officer or parole officer, whenever the juvenile court terminates jurisdiction over a ward or upon release of a ward from a facility that is not a foster care facility, to provide to the ward a written notice stating that he or she is a former foster child and may be eligible for the services and benefits that are available to former foster children through public and private programs, as well as information on federal and state programs that provide independent living services and benefits to former foster children for which the ward is or may be eligible.

California Independent Living Program Transformation Breakthrough Series Collaborative

- Initiated by participation in National Governor’s Association Policy Academy on Youth Transitioning Out of Foster Care in conjunction with CDSS and Casey Family Programs.
- Broadly represents, with nine county teams, state leadership, partners, and advocacy organizations.
- Changing practice to improve outcomes in permanency, education, and employment.

Statewide Efforts Advancing Court Reform

State Legislation—Chaptered

- ***AB 131 (Evans; Stats. 2009, ch. 413), Juvenile proceedings: costs***
Would provide that parents or other persons liable for the support of a minor in the dependency court shall also be liable for the cost to the county or the court for the cost of legal services rendered to the minor and provides a mechanism for collection and deposit. This could lead to a reduction of caseloads by increasing the funds available for appointed counsel in dependency cases.

Judicial Council

- Amended, in October 2009, California Rules of Court, rule 8.416 to allow trial and appellate courts to agree to follow expedited procedures for appeals in juvenile dependency cases that are now followed in the Superior Courts of Orange, Imperial, and San Diego Counties was passed by the council in October 2009. The new forms took effect on July 1, 2010.
- Allocated special funds in 2009 to maintain court-appointed counsel budget at fiscal year 2008–2009 levels.
- Engaged in collaborative advocacy in Sacramento on child welfare and judicial branch budgets.
- Adopted, in June 2010, a competitive solicitation policy applicable to Dependency Representation, Administration, Funding, and Training (DRAFT) program courts; directed staff to work with the Trial Court Budget Working Group, the Trial Court Presiding Judges Advisory Committee, and the Court Executives Advisory Committee to develop recommendations regarding whether such a policy should be adopted for non-DRAFT courts. Implementation of a standardized and universal competitive solicitation policy will enable funding of the court-appointed counsel program to be maximized and will provide

transparency and objectivity to a process that currently has the potential to be viewed as arbitrary.

Administrative Office of the Courts

- Completed, in May 2010, a statewide survey of dependency attorneys that assesses and prioritizes the non-dependency legal needs of parents and children in California’s child welfare system.
- Providing training and technical assistance to 28 courts with current or developing mediation programs.
- Providing training and technical assistance to most counties on developing nonadversarial child welfare-based practices such as family group conferencing, team decision-making, and family team meetings.

Statewide Efforts Advancing Collaboration

Judicial Council and Partner Stakeholders

- Data-sharing Memoranda of Understanding between CDSS and sister agencies.
- Continuing significant collaborative work on interoperable systems.

Statewide Efforts Advancing Resources and Funding

California Department of Social Services

- Will release regulations regarding caregiver decisions under the “reasonable and prudent parent” standard.

Conclusion: Reaching for a Brighter Future

When the commission began its work almost five years ago, it made a promise to the children and families in California's foster care system. Inspired by the hundreds of people—foster youth, parents, caregivers, social workers, judges, attorneys, CASAs, and others—who shared their stories and their suggestions for improvement, it pledged to develop fiscally responsible, realistically achievable recommendations to improve outcomes related to safety, permanency, well-being, and fairness in this state's overstressed juvenile dependency and child welfare systems.

After an unprecedented three-year collaborative effort, it did just that. Its recommendations offer a coordinated plan for reform that ties together state and federal foster care initiatives with local commissions to implement them. Its action plan offers a blueprint for collaborative success that, when fully implemented, promises to help ensure every child a safe, secure, and permanent home by:

- Keeping children and families together whenever it is safe and possible to do so;
- Changing the way juvenile dependency courts do business;
- Increasing collaboration among the courts and their child welfare partners; and
- Finding the resources to get the job done.

And, after more than a year of implementation activity, much has been accomplished at the federal, state, and local levels that significantly advances the commission's recommendations to reform the juvenile dependency court and child welfare systems in California—accomplishments that have occurred despite severe budgetary and economic challenges. Commissioners believe that this progress demonstrates the transformative power of collaboration.

The commission met in May 2010 to evaluate its progress in implementing the recommendations and to plan its priorities for the coming year. After reviewing the work of the last year and a half, the commissioners affirmed their commitment to seeing their initial action plan through until it is fully implemented. They pledged, in particular, to focus on, as a high priority, recommendations relating to prevention and permanency with a greater emphasis on reunification. The commissioners decided to

add to their 79 existing recommendations a new recommendation encouraging reunification, to include incentives for reunification and post-permanency services.

When the Blue Ribbon Commission’s term expires in two years, California has in place the Child Welfare Council, a permanent collaborative infrastructure created legislatively that is already engaged in and will carry on this important work. The Blue Ribbon Commission’s chair, Justice Carlos R. Moreno, co-chairs the Child Welfare Council with Kimberly Belshé, Secretary of the California Health and Human Services Agency. This advisory body is responsible for improving the collaboration and processes of the multiple agencies and courts that serve children and youth in the child welfare and foster care systems. It includes all three branches of California’s government and demonstrates this state’s commitment to collaboration at the highest levels.

Recently, California Chief Justice Ronald M. George announced that he would retire at the end of his term after 19 years on the California Supreme Court, 14 as Chief Justice. His legacy as an advocate on behalf of this state’s most vulnerable children and families is notable. During his tenure, he established the Center for Families, Children & the Courts as a division of the Administrative Office of the Courts—California was a pioneer in having a division dedicated to improving access to justice for children and families. He has always spoken eloquently of the importance of the work of the juvenile and family law courts. And when he realized the desperate needs of this state’s juvenile dependency court and child welfare systems, he established the Blue Ribbon Commission on Children in Foster Care. California has the largest court system in the nation, and the Blue Ribbon Commission is the first statewide body to focus on the court’s role in child welfare. The work of the commission will make a difference across the country far beyond its lifetime.

The Chief Justice put this work in perspective when he addressed the National Council of Juvenile and Family Court Judges in Monterey in 2001:

Our children and our families are our future. How we treat them says much about us as a society—and will determine what our society will look like in the future. It is safe to say that no family truly wishes to find itself before the courts—after all, marital dissolution, child custody, child neglect, delinquency, and criminal conduct typically are the

“Our children and our families are our future. How we treat them says much about us as a society—and will determine what our society will look like in the future.”

—Hon. Ronald
M. George
Chief Justice of the
Supreme Court of
California; Chair of the
Judicial Council

reasons that bring them there. What we do for these families in trouble—how we treat them and the resources we can bring to bear to assist them can have profound consequences not only for each affected individual, but also for our society as a whole.

The implementation work of the Blue Ribbon Commission will continue over the next two years, and the commission will provide annual progress reports. During those two years, commissioners will be actively engaged in fulfilling their promise to this state's most vulnerable children and their families—the promise of a brighter future and a real chance for success.

APPENDICES

About the Blue Ribbon Commission on Children in Foster Care

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. It includes judges, legislators, child welfare administrators, former 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 the commission's 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. That recommendation, together with the reality of seriously overstressed and underresourced dependency courts and a child welfare system in crisis, led the Chief Justice of California to establish the California Blue Ribbon Commission on Children in Foster Care.

Blue Ribbon Commission's mandate

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

- How courts and their partners could improve the child welfare system, including an implementation plan;
- Improved court performance and accountability in achieving safety, permanency, wellbeing, and fairness for all children and families in the child welfare system;
- 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
- Greater public awareness of the court's role in the foster-care system and the need for adequate and flexible funding.

The Commission's process of developing its recommendations

The Blue Ribbon Commission deliberated over the course of two years, holding public meetings, hearings, focus groups and other activities. Members attended site visits to see programs and courtrooms firsthand. The commission 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 the commission developed its recommendations and action plan.

The commission 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, the commission developed draft recommendations for public comment in March 2008. It held public hearings on the proposed recommendations in Los Angeles and San Francisco. In response to the public comment and testimony, the commission reviewed and revised the recommendations at a June 2008 commission meeting.

The commission's 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 the appendix to this report. They include the 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 the judicial branch of government. The remaining recommendations require collaboration with child welfare and other agency partners.

Highlights of the Commission's Recommendations

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.

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.

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.

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.

California Blue Ribbon Commission on Children in Foster Care Final Recommendations to the Judicial Council

1

Recommendation 1

Reasonable Efforts to Prevent Removal and Achieve Permanency

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

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.

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 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.

2

Recommendation 2
Court Reforms

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.

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 (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.

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 caretakers 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.

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 should not mean delay of 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 should be minimized, and the reasons for systemic continuances should 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 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.
- 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.

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.

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 decisionmaking, and family team meetings.

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 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.
- 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 AOC 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.

3

Recommendation 3 Collaboration Among Courts and Partnering Agencies

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.

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.

The Blue Ribbon Commission recommends that:

- 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.
- CCMS permit judicial officers in dependency courts to access information about children and families who are involved in cases in other courts.
- CCMS 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 prioritizes 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.

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 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 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.

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 AOC 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 AOC 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 AOC 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.

4

Recommendation 4
Resources and Funding

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.

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.

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.

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.

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.

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.

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 prioritizes 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.



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

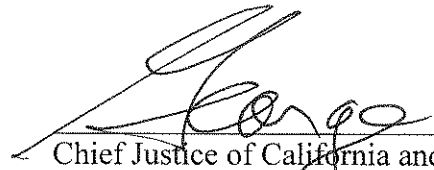

WILLIAM C. VICKREY
Administrative Director of the Courts

THE JUDICIAL COUNCIL OF CALIFORNIA

Effective June 30, 2009, the terms for the following members of the California Blue Ribbon Commission on Children in Foster Care are extended from June 30, 2009 to June 30, 2012:

Hon. Carlos R. Moreno, Chair	Ms. Robin Allen	Mr. Michael D. Antonovich
Hon. Lucy Armendariz	Ms. Mary L. Ault	Hon. Karen Bass
Hon. Richard C. Blake	Mr. Lawrence B. Bolton	Mr. Curtis L. Child
Ms. Miryam J. Choca	Mr. Joseph W. Cotchett	Mr. Michael S. Cunningham
Hon. Kathryn Doi Todd	Jill Duerr Berrick, Ph.D.	Hon. Leonard P. Edwards (Ret.)
Mr. Raul A. Escatel	Ms. Deborah Escobedo	Hon. Terry B. Friedman
Mr. Robert E. Friend	Hon. Richard D. Huffman	Hon. Susan D. Huguenor
Ms. Teri Kook	Ms. Miriam Aroni Krinsky	Ms. Amy Lemley
Mr. Will Lightbourne	Hon. William Maze	Ms. Donna C. Myrow
Hon. Michael Nash	Mr. David Neilsen	Ms. Diane Nunn
Mr. John O'Toole	Mr. Derek Peake	Mr. Jonathan Pearson
Ms. Linda Penner	Mr. Anthony Pico	Ms. Patricia S. Ploehn
Ms. Maria D. Robles	Mr. Alan Slater	Hon. Darrell S. Steinberg
Hon. Dean T. Stout	Mr. John Wagner	Ms. Jacqueline Wong

June 23, 2009


Chief Justice of California and
Chair of the Judicial Council



Judicial Council of California
Administrative Office of the Courts

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

WILLIAM C. VICKREY
Administrative Director of the Courts

RONALD G. OVERHOLT
Chief Deputy Director

June 23, 2009

Hon. Richard C. Blake
Chief Judge
Hoopa Valley Tribal Court
P.O. Box 1389
Hoopa, California 95546

Dear Chief Judge Blake:

I am pleased to extend your appointment to the California Blue Ribbon Commission on Children in Foster Care for a term ending on June 30, 2012. A copy of the order reflecting this extension is enclosed.

As you know, the Blue Ribbon Commission was originally charged with making recommendations to the Judicial Council on strategies to improve this state's foster care system and juvenile courts. To ensure implementation of the recommendations formally received by the Judicial Council on August 15, 2008, the commission's charge going forward will also include the following additional duties:

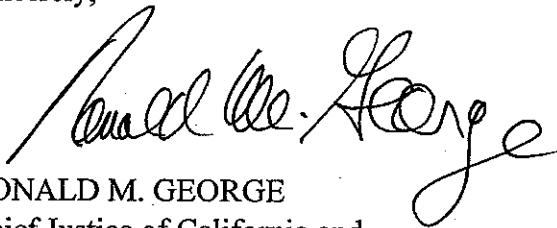
- Under the direction of the Judicial Council, implement as appropriate the recommendations of the California Blue Ribbon Commission on Children in Foster Care accepted by the Judicial Council on August 15, 2008;
- Select and refer recommendations, as appropriate, to a Judicial Council advisory committee, division of the Administrative Office of the Courts, or another entity for implementation, including for review and preparation of proposed legislation, rules, forms, or educational materials to be considered through the normal judicial branch processes;
- Provide support and assistance to county level local foster care commissions as they work to implement commission recommendations;

- Support the efforts of court's partnering agencies to implement commission's recommendations;
- Study the need for additional resources that local courts may require to implement the recommendations; and
- Report progress to the Judicial Council by June 2010.

I have reappointed California Supreme Court Associate Justice Carlos R. Moreno as chair of the commission. Mr. Christopher Wu, Supervising Attorney, AOC's Center for Families, Children & the Courts, is lead staff for the commission. Mr. Wu will contact you to schedule the first commission meeting and will send you pertinent commission information.

Please accept my personal thanks for your continuing dedication to this important commission. This extension will permit you to participate in important implementation activities. William C. Vickrey, Administrative Director of the Courts, and I look forward to receiving your progress report in June 2010.

Sincerely,



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

RMG/DN/CW/cb

Enclosure

cc: William C. Vickrey, Administrative Director of the Courts
Ronald G. Overholt, AOC Chief Deputy Director
Sheila Calabro, Regional Administrative Director, AOC Southern Region
Jody Patel, Regional Administrative Director, AOC Northern/Central Region
Christine Patton, Regional Administrative Director, AOC Bay Area/Northern Coastal Region
Curtis L. Child, Director, AOC Office of Governmental Affairs
Diane Nunn, Director, AOC Center for Families, Children & the Courts
Christopher Wu, Supervising Attorney, AOC Center for Families, Children & the Courts

Blue Ribbon Commission on Children in Foster Care
Implementation Progress Report – August 2010
**Building a Brighter Future for California’s Children:
Making Progress in Tough Economic Times**

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