Remarks of William Vickrey
California Blue Ribbon Commission on Children in Foster Care
Judicial Council of California
San Francisco
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On behalf of the Chief Justice of California, Ronald M. George and the Judicial Council of California, I am pleased to present this resolution, formally creating the California Blue Ribbon Commission on Children in Foster Care. With this resolution the Judicial Council is launching an exciting 2-year project where you will have the chance to make real changes for California's children in foster care. I want to personally welcome each one of you to the Commission and thank you so much for your willingness to serve on this crucial body. Your work will be critically important to each of California's 97,000 current foster children, to all of this state's future foster children, and to all of those who work with them, advocate for them, provide services to them, and welcome them into their homes.

The Judicial Council, as most of you may know, is the 27-member policymaking body of California's court system—the largest court system in the nation. Under the leadership of the Chief Justice, who chairs the council, it is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice. The Administrative Office of the Courts serves as the staff agency to the council. As the head of the third branch of government, the Judicial Council has a variety of other duties and responsibilities, defined by the

state constitution, and by numerous statutes and other legislation, to improve the administration of justice.

In 2000, when the Judicial Council adopted its strategic plan, *Leading Justice Into the Future,* we made a commitment to improve services to California's children and families. We agreed to look at improving resources for cases involving children and families, and to ensure appropriate allocation of those resources. We agreed to make recommendations for stable funding so that courts can appropriately adjudicate juvenile dependency matters. And we agreed to improve courts' management of dependency and delinquency cases, including shortening the time it takes to reach permanency for children in foster care. We also agreed to evaluate innovative programs, including their benefits and potential impact on judicial resources. And finally, we agreed to establish a plan to obtain adequate resources to maintain and implement innovative statewide programs and initiatives. With this Blue Ribbon Commission on Children in Foster Care we have turned to you, an incredibly diverse and distinguished group of experts in multiple fields, to provide leadership and recommendations as to how we can make these improvements for California's children and families become a reality.

As we all know, foster care is absolutely critical to protecting children who cannot stay safely in their own homes. But taking children out of a dangerous situation is only half the job. Once children are in foster care, we have to make sure we're doing everything we can to help them safely rejoin their families, or get them as quickly as possible into other safe, permanent, nurturing families.

[PRESENTATION OF RESOLUTION - POWERPOINT]

As many of you may know, I proudly served as a commissioner on the nonpartisan Pew Commission on Children in Foster Care. The Pew Commission was launched in May 2003, sponsored by the Georgetown University Public Policy Institute with grant support from the Pew Charitable Trusts and the Annie E. Casey Foundation. The panel, which included some of the nation's leading child welfare experts, was charged with developing practical, evidence-based recommendations related to federal financing and court oversight of child welfare to improve outcomes for children in foster care, particularly to expedite the movement of children from foster care to safe, permanent families and to prevent unnecessary placements in foster care. We issued a report in May 2004 with what I think are some great recommendations for both court oversight and financing improvements. Part of your work as commissioners will be to implement in California the Pew Commission's recommendations for improving outcomes for children in foster care.

Our work as a commission began and ended with one overarching principle: All children need safe, permanent families that love, nurture, protect, and guide them. Our recommendations sought to extend the promise of a safe, permanent family to every child who needs one by giving states and courts the ability to meet that promise. When fully implemented they will help safely lower

the number of children in foster care, shorten the time children have to spend there, and take better care of them while they are in foster care and after they leave.

As I mentioned, we focused specifically on federal financing and court oversight of child welfare cases. Reform in these two areas could pave the way for significant improvements in how the nation cares for children who have been abused or neglected.

The current federal financing system encourages an over-reliance on foster care at the expense of other options that might keep families safely together, reunite them safely, or move children more quickly to adoptive families or permanent legal guardians. Our financing recommendations would give states new incentives and options to focus on getting children safe, permanent families. They would realign federal dollars so that states have more freedom to tailor services to meet children's needs. They call for more money in the right places and more accountability for how public dollars are used.

First, we call for preserving federal foster care maintenance as a federal entitlement to the states, but with some improvements. We call for extending the entitlement to all children who need the protection of foster care. Currently, the federal government contributes a portion of the cost of foster care only for those children whose family income is below the 1996 AFDC (now TANF) standard. The states, in contrast, pay for every child in foster care. We would eliminate this income requirement, or "de-link" federal foster care payments from TANF—and

we recommend doing so in a way that is cost-neutral to both the federal government and the states.

When we say all children, we mean all children—so we propose treating Indian children and children who live in the U.S. territories the same as every other child in the United States who needs the protection of foster care and the help of child welfare.

Second, we recommend providing federal financial support for a subsidized guardianship program for children who leave foster care to live with a permanent legal guardian. Many states, including California, have experimented with guardianship as a permanency option, using either a federal waiver, or just state dollars. Under our proposal, this "subsidized guardianship" would become an important route to a permanent home for children in every state, with the cost shared by the federal government and the states.

Third, we call for creation of a flexible, indexed Safe Children, Strong Families Grant. It would combine what are currently Title IV-B, Title IV-E Administration and Title IV-E Training. Together, these sources represent more than half of the federal dollars in Titles IV-E and IV-B, most of which can only be used at present after a child has entered foster care. Under our proposal, this money could be used flexibly so that states could build a range of services—to protect children in their own homes, to promote safe family reunification, to move children to new families formed through adoption or guardianship, and to help those new families stay strong and stable.

Recognizing that states need additional resources in this part of their child welfare system, we recommend that $200 million be added to this grant in the first year. To reassure states that this is funding they can always count on, we recommend that the grant grow each year by and index—specifically, the Consumer Price Index plus 2 percent.

Fourth, we recommend that, when states safely reduce foster care, they be permitted to "reinvest" the federal dollars saved into their Safe Children, Strong Families Grant—so long as they also reinvest the state dollars that are saved from reducing foster care.

Fifth, to promote innovation and improved practice, we call for expanding and simplifying the child welfare waiver process. We also recommend providing incentives to states that improve their child welfare workforce and that increase all forms of safe permanence—adoption, guardianship, and reunification.

Finally, we call for stronger accountability through improvements to the current Child and Family Services Reviews process. California will have its next review in 2007 and I understand that the Department of Health & Human Services is planning to make substantial changes to the review process.

Let me turn now to the courts. Despite their critical role in children's lives, the dependency courts often lack sufficient tools, information, and accountability to move children swiftly out of foster care and into permanent homes. To address this, the Pew Commission offered four recommendations.

First, we call on every dependency court to adopt performance measures and use this information to improve their oversight of children in foster care. When judges can track and analyze their caseloads, they can identify and deal with sources of delay that keep children in foster care longer than may be necessary. They can also identify groups of children in their caseload who may require special attention. Case tracking also provides critical information to Chief Justices as they assess the needs and overall performance of the dependency courts. To jump-start these efforts by state courts, we called on Congress to appropriate $10 million dollars for this purpose. I am pleased to report that Congress implemented this recommendation fully in the recent federal budget reconciliation act.

Second, we recommended incentives and requirements for effective collaboration between courts and child welfare agencies on behalf of children in foster care. These include new requirements that states and courts describe this collaboration in their state plans and Court Improvement Program plans, as well as joint training and the establishment of state foster care commissions to promote this collaboration. With the launch of this Blue Ribbon Commission we join 15 other states that have formed such commissions. And the Department of Health & Human Services has implemented thorough reviews of state agencies and has included requirements for collaboration into the Court Improvement Programs.

Third, we recommended several measures to give children and parents a stronger voice in court and more effective representation. For example, we called on Congress to appropriate $5 million in authorized funds for expansion and

capacity-building for the Court Appointed Special Advocates program. We also called on state courts to require training for attorneys practicing in this field like we have in California, and for courts to be organized in a way that permits and encourages direct participation by children in proceedings that affect their lives.

Finally, for all of this to happen, we call on the Chief Justices and other state court leaders to make children a high priority in the courts. We call on the Chiefs throughout the country to place oversight responsibility for the dependency courts directly in their offices, as we do here in California. We recommend that they create dedicated courts to hear dependency cases and to build and support a corps of experienced dependency court judges. Finally, we recommend that they promote standards related to judicial workloads and codes of conduct that encourage best practices in dependency courts.

As a Commission, we sought practical recommendations to improve outcomes for children. We sought recommendations that could win the support of Congress, the Administration, state officials, and state court leadership. We're encouraged by the responses we've received as we've shared our recommendations to key audiences. Indeed, several leading court organizations, including our own Judicial Council here in California, have issued statements of support and endorsements of the Commission's recommendations.

The Pew Commission's proposals are the result of hard choices and difficult compromises. We have already seen them spur thoughtful discussion and debate here in California, in several other states, and in the halls of Congress. We

look forward with your help to doing the hard work of implementing the recommendations in this state and most importantly, to the real improvements that will follow for children in foster care.

You will soon see a video that captures some of the importance and urgency of making improvements in our foster care system now on behalf of all of California's children in foster care. I cannot emphasize enough how urgent is the need for change. Thank you again for your commitment and willingness to serve. I look forward to working with each one of you.