The Alameda County Foster Youth Alliance
a coalition of organizations serving transitioning foster youth
519 Seventeenth Street, Suite 130 Oakland, CA 94612

California Blue Ribbon Commission on Children in Foster Care
Judicial Council of California
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102-3688

May 13, 2008

The Alameda County Foster Youth Alliance (FYA) is a coalition of 28 community-based organizations dedicated to serving foster youth as they prepare to "age out" of the foster care system. We thank the California Blue Ribbon Commission on Children in Foster Care's Jill Duerr-Berrick for attending our membership meeting on March 21, 2008 to frame the commission's work thus far and outline it's draft recommendations. FYA has since engaged in dialogue with its member agencies regarding the draft, and we would like to highlight implications of a number of the recommendations that bear directly on the legal needs of transition age youth, and to encourage the inclusion of several considerations currently not reflected in the recommendations.

Among FYA's primary goals is to promote conscientious and adequate emancipation planning practices for youth preparing to exit the foster care system. In the one to two years prior to emancipation, the court has a particularly vital role to play in overseeing the formation of a concrete and comprehensive plan. At the time of actual dismissal of dependency, the law clearly intends that the court make individualized determinations of youths' preparation for independent living and of county compliance with mandates under Welfare & Institutions Code §391. The court is granted discretion to retain jurisdiction should it find that preparation to be lacking or that the county has not complied with the provisions of the law. The court may also retain jurisdiction in the best interests of the child. FYA members have had inconsistent experience of the hearings at which these determinations are made. FYA feels that the BRC's recommendations seeking to insure full participation of youth and other concerned parties in court hearings can contribute to the court's understanding of an individual youth's circumstances and to thoughtful decision-making in anticipation of dependency dismissal.

FYA members consistently note that court proceedings are opaque and inaccessible to participants. In their experience, hearings are hurried and occur in legal language and jargon. Extremely rarely is an effort made to engage youth or families directly or to engage with providers and advocates, including CASAs, who may be present. BRC recommendation 2B addresses the situation reading "All participants in dependency hearings, including children and families, should have an opportunity to be heard in court." FYA strongly agrees, and recognizes that creating this opportunity will

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involve changes to court practice that are unlikely to be made without the availability of additional resources. Certainly, expanding court resources and bringing caseloads into line with reasonable standards as described in recommendation 2 would have this effect. If the result is that judges have more time and attention to devote to individual cases, they will then be able to engage participants to gain a fuller understanding of a specific youth. This will allow more thoughtful consideration of a youth's preparation for independent living. In the meantime, however, FYA echoes the BRC, recommending directly that judges and judicial officers make efforts to engage any and all stakeholders present at court hearings. This includes not only dependency and dismissal hearings, but also those at the intersection of the dependency and delinquency systems.

This inaccessibility of court hearings may be especially important in hearings to decide whether or not a foster youth charged with a crime is transferred from the WIC 300 dependency system to the probation system under WIC 600. FYA members report that the criteria and process by which that decision is made is incomprehensible, and decisions seem often to be made largely based upon adult advocacy. In certain cases FYA members feel that the decision to transfer should be made in consideration of information likely best supplied by adult providers and advocates who are working directly with the youth. FYA members provide the example of cases in which young women living in group homes are charged with solicitation after being coerced into prostitution by predatory pimps.[1] Certainly the repeated victimizations of these young women should be considered in a hearing deciding whether to transfer jurisdiction. The profound effects of that victimization may be best communicated by adult services providers. Again, BRC's recommendation that all invested parties be encouraged to participate fully in court hearings addresses this concern, and, we hope, will contribute to a thoughtful and individualized decision making process.

Additionally, FYA would like to call attention to mental health issues that we do not see currently reflected in the BRC recommendations. We feel strongly that mental health needs of foster and former foster youth are an extremely significant, sometimes controlling factor in the ability of transition age foster youth to achieve self-sufficiency and independent adult living. In the case of youth with identified mental illness or serious behavioral concerns, the court should take mental health considerations into explicit consideration in overseeing the process of preparation for dependency dismissal. In evaluating county compliance with the current requirements of WIC 391 § (b)(3), the court should determine whether the services to which a youth has been referred are adequate given their demonstrated level of mental health need. In other

[1] This observed interaction between foster care and prostitution unfortunately seems to reflect an increasingly common occurrence. A recent study found that 53% of underage prostitutes in Oakland had lived in foster care.

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words, "the best interest of the child" must be evaluated in consideration of the effect that serious mental health needs have upon every realm of independent adult functioning.

Lastly, WIC 391 also specifies that the county work to assist a youth in securing Medi-cal or other health coverage. Consistency of coverage is especially important for youth with serious mental health needs, as it determines the ability to realize clinically indicated courses of treatment. As nearly all youth who leave care at the age of legal majority are eligible for uninterrupted Medi-Cal coverage until age 21[2], counties should have little trouble complying with the law. However, FYA member agencies report that coverage disruptions are still very frequent and do interrupt treatment. The court should then direct special attention towards insuring coverage, especially in the case of youth with serious mental health needs.

In sum, the Foster Youth Alliance supports the Blue Ribbon Commission in encouraging a positive and proactive court role in ensuring that foster youth transition from court dependency in an organized and planned manner. We encourage the Commission to direct its attention towards the need for special court consideration for youth with serious mental health needs, and to examine the interaction between the juvenile dependency and juvenile delinquency court systems. And lastly, we eagerly await the commission's final revised recommendations.

Sincerely,

Jodie Langs
Executive Director
510-452-7400
jlangs@fosteryouthalliance.org

[2] Welfare & Institutions Code § 14005.28

survey title:

Blue Ribbon Commission
Public Comment Form

current report: Default Report

Displaying 90 of 102 respondents

Response Type: Normal Response
Collector: Public Comment Form (Web Link)
Custom Value: *empty*
IP Address: 64.163.80.70
Response Started: Mon, 5/12/08 4:34:04 PM
Response Modified: Mon, 5/12/08 5:03:58 PM

1. Please provide the following information.

Name: - Sue Alexander

Title: - Commissioner

Agency/Organization: - Alameda County Superior Court

Address: - 24405 Amador Street, Dept. 508

City/Town: - Hayward

State: - CA

ZIP/Postal Code: - 94544

Country: - USA

Email Address: - salexander@alameda.courts.ca.gov

Phone Number: - 510-690-2828

2. Are you commenting on behalf of your organization?

No

3. Recommendation 1:

Agree with the selected recommendation

4. Recommendation 1A:

Agree with the selected recommendation

5. Recommendation 1B:

Agree with the selected recommendation

6. Recommendation 2

Agree with the selected recommendation

7. Recommendation 2A

Agree with the selected recommendation subject to modifications suggested below

Comment: Until the completion of conversion from subordinate judicial officers (SJOs)to judges which is scheduled to take 10 years, priority should be given to keeping experienced and qualified subordinate judicial officers in their juvenile dependency assignments until each court's conversion mandates their transfer to another assignment. The commission recommendation should be implemented only when there is a vacancy as a result of a juvenile SJO leaving or there are no non-dependency SJO positions remaining in that court. Removing talented and dedicated SJOs until necessary is a disservice to the court and the public.

8. Recommendation 2B

Agree with the selected recommendation

9. Recommendation 2C

Agree with the selected recommendation

10. Recommendation 2D

Agree with the selected recommendation subject to modifications suggested below

Comment: I agree with having juvenile sections of the bar (one for dependency and one for deliquency) but don't agree about putting juvenile law and a manditory area of study for the bar exam. Making it a manditory law school course (required for graduation) would accomplish the result of exposing attorneys to be to the area with hopes of expanding the juvenile bar without the added burden of learning another area for hte bar exam itself. The student loan waivers will go a long way in encouraging young lawyers.

11. Recommendation 2E

Agree with the selected recommendation

12. Recommendation 2F

No Response

13. Recommendation 3

Agree with the selected recommendation

14. Recommendation 3A

Agree with the selected recommendation

15. Recommendation 3B

Agree with the selected recommendation

16. Recommendation 3C

Agree with the selected recommendation

17. Recommendation 4

Agree with the selected recommendation

18. Recoommendation 4A

Agree with the selected recommendation subject to modifications suggested below

Comment: Place a strong focus on prevention and identify the funds saved in placement and treatment when used for prevention.

19. Recommendation 4B

Agree with the selected recommendation

20. Recommendation 4C

No Response

21. Recommendation 4D

Agree with the selected recommendation

22. Recommendation 4E

Agree with the selected recommendation subject to modifications suggested below

Comment: Bonuses also for implementing promising practices for intervention prior to removal. Clarify that lighter cases loads are not because thresholds for involvment set too high.

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survey title:

Blue Ribbon Commission
Public Comment Form

current report: Default Report

Displaying 91 of 102 respondents

Response Type: Normal Response
Collector: Public Comment Form (Web Link)
Custom Value: *empty*
IP Address: 71.110.154.236
Response Started: Mon, 5/12/08 8:32:50 PM
Response Modified: Mon, 5/12/08 9:02:28 PM

1. Please provide the following information.

Name: - Mary F. Allred

Title: - Board member

Agency/Organization: - Riverside Co. Mental Health

Address: - 40897 Cavalier Drive

City/Town: - Hemet

State: - CA

ZIP/Postal Code: - 92544

Country: - USA

Email Address: - mfallred40897@verizon.net

Phone Number: - (951) 658-6153

2. Are you commenting on behalf of your organization?

No

3. Recommendation 1:

Agree with the selected recommendation

4. Recommendation 1A:

Agree with the selected recommendation

5. Recommendation 1B:

Agree with the selected recommendation

6. Recommendation 2

Agree with the selected recommendation

7. Recommendation 2A

Agree with the selected recommendation

8. Recommendation 2B

Agree with the selected recommendation

9. Recommendation 2C

Agree with the selected recommendation subject to modifications suggested below

Comment: Court and Hearings cannot be scheduled after school hours and work. It is difficult to find enough judges and it would be almost impossible to hire them to work evenings and weekends. You need to remove that provision.

10. Recommendation 2D

Agree with the selected recommendation

11. Recommendation 2E

Agree with the selected recommendation

12. Recommendation 2F

Agree with the selected recommendation

13. Recommendation 3

Agree with the selected recommendation

14. Recommendation 3A

Do not agree with selected recommendation

Comment: I believe it is a violation of the law to release mental health information concerning psychotrophic medications and disabilities. This would have to be closely monitored. It should not be used in a multidisciplinary meeting, but in limited use with privacy standards enforced.

15. Recommendation 3B

Agree with the selected recommendation

16. Recommendation 3C

Agree with the selected recommendation

17. Recommendation 4

Agree with the selected recommendation subject to modifications suggested below

Comment: If MHSA (Prop 63) funds are to be used it cannot dominate the use of those funds for TAY and excluding other age groups.

18. Recoommendation 4A

Agree with the selected recommendation

19. Recommendation 4B

Agree with the selected recommendation

20. Recommendation 4C

Do not agree with selected recommendation

Comment: You must look closely at the expenses involved in this program. There is not enough funding for many programs available to warrant wasting money in the program. If the State of California had a balanced budget and could afford to provide extras we could pay for those frills, but not right now.

21. Recommendation 4D

Agree with the selected recommendation

22. Recommendation 4E

Do not agree with selected recommendation

Comment: We should not be double billing the state and the federal government for services. They already pay more to provide services to youth and cut the monies for adult services. This is horribly unfair. There absolutely should be no elimination of income limits for eligibility. If someone is making a good income they should pay for the services provided.

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survey title:

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current report: Default Report

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Response Type: Normal Response
Collector: Public Comment Form (Web Link)
Custom Value: *empty*
IP Address: 70.143.72.161
Response Started: Thu, 4/3/08 1:53:19 AM
Response Modified: Thu, 4/3/08 2:11:39 AM

1. Please provide the following information.

Name: - Daniel Appleman

Title: - NA

Agency/Organization: - NA

Address: - 2940 Rubino Circle

City/Town: - San Jose

State: - CA

ZIP/Postal Code: - 95125

Country: - Santa Clara

Email Address: - dan@desaware.com

Phone Number: - (408)978-7829

2. Are you commenting on behalf of your organization?

No

3. Recommendation 1:

Agree with the selected recommendation

4. Recommendation 1A:

Agree with the selected recommendation

5. Recommendation 1B:

Agree with the selected recommendation subject to modifications suggested below

Comment: Greater flexibility in placement with non-relative extended family members and friends is advisable. Also, a review of the rules for qualifying placements and foster parents in general is in order. For example: rules that require "baby proofing" a foster home that only accepts older children is ridiculous, and discourages placements and foster care recruitment.

6. Recommendation 2

Agree with the selected recommendation

7. Recommendation 2A

Agree with the selected recommendation subject to modifications suggested below

Comment: A dedicated and committed commissioner is preferable to a reluctant judge. Rather than focusing on ranking, focus on the knowledge and commitment of the judicial officer to dependency cases.

8. Recommendation 2B

Agree with the selected recommendation

9. Recommendation 2C

Agree with the selected recommendation

10. Recommendation 2D

Agree with the selected recommendation subject to modifications suggested below

Comment: Explore a mechanism to involve/recruit CASA volunteers early in cases when key decisions are being made.

11. Recommendation 2E

Agree with the selected recommendation

12. Recommendation 2F

Agree with the selected recommendation

13. Recommendation 3

Agree with the selected recommendation

14. Recommendation 3A

Agree with the selected recommendation

15. Recommendation 3B

Agree with the selected recommendation

16. Recommendation 3C

Agree with the selected recommendation

17. Recommendation 4

Agree with the selected recommendation

18. Recoommendation 4A

Agree with the selected recommendation

19. Recommendation 4B

Agree with the selected recommendation

20. Recommendation 4C

Agree with the selected recommendation

21. Recommendation 4D

Agree with the selected recommendation

22. Recommendation 4E

Agree with the selected recommendation

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survey title:

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Public Comment Form

current report: Default Report

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Response Type: Normal Response	**Collector:** Public Comment Form (Web Link)
Custom Value: *empty*	**IP Address:** 68.6.111.159
Response Started: Fri, 4/11/08 12:29:37 PM	**Response Modified:** Sat, 4/12/08 1:09:30 PM

1. Please provide the following information.

Name: - Meichelle Arntz

Title: - ED

Agency/Organization: - Angels Foster Care of Santa Barbara County

Address: - 3905 State St. #7-115

City/Town: - Santa Barbara

State: - CA

ZIP/Postal Code: - 93105

Country: - USA

Email Address: - Meichelle@angelssb.com

Phone Number: - 805-898-0901

2. Are you commenting on behalf of your organization?

No

3. Recommendation 1:

Agree with the selected recommendation

4. Recommendation 1A:

Agree with the selected recommendation subject to modifications suggested below

Comment: In regards to bullet 5 on on the use of adult drug and mental health courts. Though there is collaboration in our county with these agencies which is important, the adult or parent service providers do have a bias leaning toward their client. The views on relapse and its impact on keeping with in time frames to allow the child a permanent home is often at odds.

5. Recommendation 1B:

Agree with the selected recommendation

6. Recommendation 2

Agree with the selected recommendation

7. Recommendation 2A

Agree with the selected recommendation

8. Recommendation 2B

Agree with the selected recommendation

9. Recommendation 2C

Agree with the selected recommendation

10. Recommendation 2D

Agree with the selected recommendation

11. Recommendation 2E

Do not agree with selected recommendation

Comment: In my county the % of children removed from their homes has dropped. This has been a great effort by CWS to keep children at home and provide services. That being said I have a concern about offering mediation at any time, as we are already below the standard on time frames for permanency. I can see this dragging things out rather than helping to move things forward.

12. Recommendation 2F

Agree with the selected recommendation

13. Recommendation 3

Agree with the selected recommendation

14. Recommendation 3A

Agree with the selected recommendation

15. Recommendation 3B

Agree with the selected recommendation

16. Recommendation 3C

Agree with the selected recommendation

17. Recommendation 4

Agree with the selected recommendation subject to modifications suggested below

Comment: We must be careful not to throw money into systems that are ineffective. Because it will not improve outcomes unless the funded systems are effective.

18. Recoommendation 4A

Agree with the selected recommendation

19. Recommendation 4B

Agree with the selected recommendation

20. Recommendation 4C

Agree with the selected recommendation

21. Recommendation 4D

Agree with the selected recommendation

22. Recommendation 4E

Agree with the selected recommendation

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survey title:

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current report: Default Report

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Response Type: Normal Response
Collector: Public Comment Form (Web Link)
Custom Value: *empty*
IP Address: 66.17.32.39
Response Started: Tue, 5/13/08 3:32:43 PM
Response Modified: Tue, 5/13/08 4:31:00 PM

1. Please provide the following information.

Name: - Marilyn Barr

Title: - Executive Director

Agency/Organization: - CASA of Tulare County

Address: - 1146 N. Chinowth

City/Town: - Visalia

State: - CA

ZIP/Postal Code: - 93291

Country: - USA

Email Address: - marilyn@casatulareco.org

Phone Number: - 559-625-4007

2. Are you commenting on behalf of your organization?

No Response

3. Recommendation 1:

Agree with the selected recommendation

Comment: Yes, I agree

4. Recommendation 1A:

Comment: Yes, I agree

5. Recommendation 1B:

Comment: Yes, I agree.

6. Recommendation 2

Agree with the selected recommendation subject to modifications suggested below

Do not agree with selected recommendation

Comment: Overall, enthusiastically agree. See exception below

7. Recommendation 2A

Agree with the selected recommendation

Agree with the selected recommendation subject to modifications suggested below

Comment: In Tulare County, a Commissioner hears all of the dependency calendar.She is the most knowledgeable & committed & has been in this position for 10 years. To be actively interested the PJJ should be choosing juvenile as their career

8. Recommendation 2B

Agree with the selected recommendation

Agree with the selected recommendation subject to modifications suggested below

Comment: Agree

9. Recommendation 2C

Agree with the selected recommendation

Comment: Agree

10. Recommendation 2D

Agree with the selected recommendation

Comment: Agree

11. Recommendation 2E

Agree with the selected recommendation

Comment: Agree

12. Recommendation 2F

Agree with the selected recommendation

Comment: Agree

13. Recommendation 3

Agree with the selected recommendation

Comment: Agree

14. Recommendation 3A

Agree with the selected recommendation subject to modifications suggested below

Comment: CASA volunteer appointments need to be included as part of the tracking

15. Recommendation 3B

Comment: AGree

16. Recommendation 3C

Agree with the selected recommendation

Comment: Agree

17. Recommendation 4

Agree with the selected recommendation

Comment: Agree

18. Recoommendation 4A

Agree with the selected recommendation

Comment: Agree

19. Recommendation 4B

Agree with the selected recommendation

Comment: Agree

20. Recommendation 4C

Agree with the selected recommendation

Comment: Agree

21. Recommendation 4D

Agree with the selected recommendation

Comment: Agree

22. Recommendation 4E

Comment: Agree

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survey title:

Blue Ribbon Commission
Public Comment Form

current report: Default Report

Displaying 58 of 102 respondents

Response Type: Normal Response
Collector: Public Comment Form (Web Link)
Custom Value: *empty*
IP Address: 64.169.147.196
Response Started: Tue, 4/29/08 10:45:20 AM
Response Modified: Tue, 4/29/08 10:59:59 AM

1. Please provide the following information.

Name: - Crystal Bates

Title: - Courtroom Clerk II

Agency/Organization: - Shasta County Superior Court

Address: - 2135 Osprey Ln

City/Town: - Redding

State: - CA

ZIP/Postal Code: - 96003

Country: - USA

Email Address: - cbates@shastacourts.com

Phone Number: - 530-941-1415

2. Are you commenting on behalf of your organization?

No

3. Recommendation 1:

Agree with the selected recommendation

4. Recommendation 1A:

Agree with the selected recommendation

5. Recommendation 1B:

Agree with the selected recommendation

6. Recommendation 2

Agree with the selected recommendation

7. Recommendation 2A

Agree with the selected recommendation

8. Recommendation 2B

Agree with the selected recommendation subject to modifications suggested below

Comment: As a foster parent myself, I think that foster parents/caregivers should also be given greater access to address the Court regarding the child(ren) and their specific issues and progress. As foster parents, we are responsible for the day to day care of these children, and we are generally acutely aware of their health concerns, mental health issues and behavioral issues. Most often, much more so than the birth parents and the social workers as we are the ones taking care of them 24/7, and we are the ones dealing with their tears, anger, confusion and emotional and health crisis situations. We should play a greater role in the Court process.

9. Recommendation 2C

Agree with the selected recommendation

10. Recommendation 2D

Agree with the selected recommendation

11. Recommendation 2E

Agree with the selected recommendation

12. Recommendation 2F

Agree with the selected recommendation

13. Recommendation 3

Agree with the selected recommendation

14. Recommendation 3A

Agree with the selected recommendation

15. Recommendation 3B

Agree with the selected recommendation

16. Recommendation 3C

Agree with the selected recommendation

17. Recommendation 4

Agree with the selected recommendation

18. Recoommendation 4A

Agree with the selected recommendation

19. Recommendation 4B

Agree with the selected recommendation

20. Recommendation 4C

Agree with the selected recommendation

21. Recommendation 4D

Agree with the selected recommendation

22. Recommendation 4E

Agree with the selected recommendation

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survey title:

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current report: Default Report

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Response Type: Normal Response	**Collector:** Public Comment Form (Web Link)
Custom Value: *empty*	**IP Address:** 76.238.139.177
Response Started: Sun, 3/23/08 5:27:48 PM	**Response Modified:** Sun, 3/23/08 5:35:33 PM

1. Please provide the following information.

Name: - Nell Bernstein

Title: - Coordinator

Agency/Organization: - San Francisco Children of Incarcerated Parents Partnership

Address: - PO Box 293, 1653 Solano Ave.

City/Town: - Berkeley

State: - CA

ZIP/Postal Code: - 94706

Country: - USA

Email Address: - nellbernstein@att.net

Phone Number: - 510 558 8847

2. Are you commenting on behalf of your organization?

Yes

3. Recommendation 1:

Agree with the selected recommendation

Comment: According to a new study by the University of Illinois at Chicago, nationally as many as 1 in every 8 children who are reported victims of maltreatment have parents who were recently arrested. A hand count by the San Francisco Human Services Agency found that over 25% of their total caseload had a prison address. Whatever the exact number, children impacted by parental incarceration are clearly already woven into the population served by the child welfare system and -- given that the prison population in this country is growing by 6% each year -- their numbers will continue to increase. We understand that the commission visited a women's prison and spoke with women there about their childen's needs. Because so many children and families are "dual system-involved"--affected by both the child welfare and criminal justice systems--and therefore highly vulnerable to permanent separation, we encourage the above-named bodies to pay special attention to maintaining family connections through visiting and any other means possible.

4. Recommendation 1A:

No Response

5. Recommendation 1B:

No Response

6. Recommendation 2

No Response

7. Recommendation 2A

No Response

8. Recommendation 2B

No Response

9. Recommendation 2C

No Response

10. Recommendation 2D

No Response

11. Recommendation 2E

No Response

12. Recommendation 2F

No Response

13. Recommendation 3

No Response

14. Recommendation 3A

No Response

15. Recommendation 3B

No Response

16. Recommendation 3C

No Response

17. Recommendation 4

No Response

18. Recoommendation 4A

No Response

19. Recommendation 4B

No Response

20. Recommendation 4C

No Response

21. Recommendation 4D

No Response

22. Recommendation 4E

No Response

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survey title:

Blue Ribbon Commission
Public Comment Form

current report: Default Report

Displaying 9 of 102 respondents

Response Type: Normal Response	**Collector:** Public Comment Form (Web Link)
Custom Value: *empty*	**IP Address:** 66.174.92.169
Response Started: Tue, 3/18/08 1:06:34 AM	**Response Modified:** Tue, 3/18/08 1:22:31 AM

1. Please provide the following information.

Name: - marlene blake

Title: - grandmother

Agency/Organization: - child protective services

Address: - 6048 hazelbrook ave

City/Town: - lakewood

State: - CA

ZIP/Postal Code: - 90712

Country: - us

Email Address: - marlene@msn.com

Phone Number: - 5627565730

2. Are you commenting on behalf of your organization?

No

3. Recommendation 1:

Agree with the selected recommendation subject to modifications suggested below

Comment: just because the family has some minor past history especially when they have not been charged with a crime you shouldnt hold that against the family in order to get the child out of foster care. there holding it against me, for a 1995 and 1999 case, that one of them, was dismissed, and the other had no disposition. and this is why cps will not let me get my grandbaby 16 mths out of foster care please someone help me im desperate for the safty of our baby girl she has been in care for 30 days and moved once for bruises on her little body by the foster parents they are currently under investagation we are devistated about this whole thing

4. Recommendation 1A:

Agree with the selected recommendation

5. Recommendation 1B:

Agree with the selected recommendation

6. Recommendation 2

Agree with the selected recommendation

7. Recommendation 2A

Agree with the selected recommendation

8. Recommendation 2B

Agree with the selected recommendation

9. Recommendation 2C

Agree with the selected recommendation

10. Recommendation 2D

Agree with the selected recommendation

11. Recommendation 2E

Agree with the selected recommendation

12. Recommendation 2F

Agree with the selected recommendation

13. Recommendation 3

Agree with the selected recommendation

14. Recommendation 3A

Agree with the selected recommendation

15. Recommendation 3B

Agree with the selected recommendation

16. Recommendation 3C

Agree with the selected recommendation

17. Recommendation 4

Agree with the selected recommendation

18. Recoommendation 4A

No Response

19. Recommendation 4B

No Response

20. Recommendation 4C

No Response

21. Recommendation 4D

Agree with the selected recommendation

22. Recommendation 4E

Agree with the selected recommendation

Agree with the selected recommendation subject to modifications suggested below

Comment: grandparents that already have a significiant relationship to the children should have god given rights first even if the parents disagree my daughter gets my precious g-baby taken from cps and she is on heavy drugs and i have been the babys caregiver since birth and they listen to her befor me what a system.

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Lafrenz, Megan

From: megalina bloom [bloom_m_luvs_c@hotmail.com]
Posted At: Wednesday, April 23, 2008 2:37 AM
Conversation: comments on foster care reform
Posted To: CBRC
Subject: comments on foster care reform

To whom it may concern,

I am so glad for the recent investigations into the state of Ca's dependency system, foster care, representation for the parents have been obviously poorly handled, courts are over stressed - rushed hearings can not possibly be constitutional. Criminals have more rights and a chance at a fair hearing or trial to proove innocence then parents have in court. These are life altering decisions being made for families most of which are poor and lack knowledge in the legal system to have any chance at fighting for their children. Foster parents are being paid more then double what the state would give to parents on welfare. When a child is removed from the parents it shatters the whole family to pieces. To not know who has your child or where the child is - is unconstitutional and a violation of parental rights. Its cruel and unusual punishment to deprive a mother of her child. Most especially if the mother has never abused the child.

My child was taken into cps because a cop thought the vehicle parked in a motel parking lot had stollen registration tags which is a fellony. The vehicle was a friend of mines but I had never even driven it. I was arrested for this vehicle and charged initially even though it was not in my name, I had my baby with me in the motel and no one to come take her as I was transported to jail. I had my child's shots and dr visits all current - she was perfectly healthy until the state took over her care! I never abused my baby! Even when the charges against me for the vehicle were dismissed the state still kept my child requiring me to sign up for classes, programs, meetings, testing, and court hearings for review, for 6 months I was given to complete this case plan and then given wrong information about my rights. My sweet wonderful child was given to a foster parent who had so many kids in and out of her home my child remained everyday strapped into a carseat as the foster parent did all her running around each day. My child grew angry banging her head for attention, slapping herself saying "bad baby" would not talk to the foster parent but would durring my 2hr a week visitation time I got. I had to fight tooth and nail to get her out of these conditions! Her dr even mentioned to social workers that my child displayed signs of neglect and of being restrained on a continuous basis.

How could the state do this to a sweet child? I should never have been arrested and when the charges dropped my child should have been returned home! There needs to be major reform to secure the safety of our children and there needs to be more effort in keeping families together. The services required of parents .....are stupid! You do all the things they ask and still the state finds a tiny loop hole to justify them in keeping your child anyway. Usually its something like the child has bonded during this time with its present caregivers and would be detrimental to the child to be removed. If parents had any choices over any part of this nightmare we would demand more time with our children. But because its manditory to have supervised visitation only and there are so many parents scheduled each day we are cut short to having 2 hrs a week because of the state not having enough rooms or babysitters employed to supervise the visits! Of course the children bond with others when parents are completly cut off to 2 hrs a week. This practice is beyond unfair to those who love their children and never harmed their children ever!

What needs to be changed,
1) children should stay with their parents unless severe abuse such as sexual abuse or physical abuse has occurred. Non offending parents should be given custody and offending parents move out until investigation is done. Never should a child be removed unless there is no other choice and even then returned as soon as possible.

2) courts need to have jurry trials not closed court rooms where there are 4 people against 1 parent this is

extreamly unfair and against our due process rights and civil rights. Parents need more of a fair chance then how the system is not working in todays court rooms!

3) the district attorneys office should not be representing the interests of the child. they are prosecutors trained to be advisarial and to prosecute people, childrens rights and feelings are not being served fairly with this office supossedly representing them.....they never meet the kids nor see the visitations between parents and children, then how can they possibly speak for their best interests?

4) if services are required children can be in the home while doing these things and the services and case plan need to be realistic considering transportation issues, work schedules, instead of making these requirements manditory and violate a parent for the slightest mistake using this as evidence of failing to comply with reunification and terminating parental rights. Some case plans have been known to require over 40 hours a week to services which makes working any job very difficult and gives the parent too much of a burden to carry. unrealistic expectation should not be put upon people in order to get the state out of their lives and the chilldren home where they belong.

5) termination of parental rights should be decided upon publiclly with a jury the same as criminal court rules for sentencing criminals because your essentially severing the legal bond of a parent to its child. Nothing could be worse to a parent and the state should not be doing this so often to families.

6) foster parents should never make or instruct the children to refer to them as "mommy or daddy" when a parent is fighting to reunify .....this confused the child it damages the childs emotional understanding and stability. Its lying to the child and confusing them and shoulld not be allowed. My child is now with a lesbian couple who tell her to call them "mommy and mama" this has confused her so much she calls her dad who before she called dadda now he is a mommy too everyone is a mommy to her. And they have not even started the adoption process. I am still fighting to get her back and my rights have not been terminated .....yet!

there are so many changes needed to provide children and parents a fair chance after cps gets involved these suggestions are just a bare scratch of the surface of what most parents would want changed imediately. Thank you for your time and for the sake of children everywhere please do something about this problem before more families are ruined by the state and more children are abused in fostercare.

sincerly,
a mother in santa clara county

Spell a grand slam in this game where word skill meets World Series. Get in the game.

survey title:

Blue Ribbon Commission
Public Comment Form

current report: Default Report

Displaying 36 of 102 respondents

Response Type: Normal Response
Collector: Public Comment Form (Web Link)
Custom Value: *empty*
IP Address: 162.2.30.113
Response Started: Thu, 4/10/08 10:31:17 AM
Response Modified: Fri, 4/11/08 8:26:01 AM

1. Please provide the following information.

Name: - Cindy Borg-Minasian

Title: - Adoption Consultant

Agency/Organization: - California Dept. of Social Services

Address: - 744 P. St

City/Town: - Sacramento

State: - CA

ZIP/Postal Code: - 95814

Country: - USA

Email Address: - c.borg-minasian@dss.ca.gov

Phone Number: - 916-651-8135

2. Are you commenting on behalf of your organization?

No

3. Recommendation 1:

Agree with the selected recommendation

4. Recommendation 1A:

Agree with the selected recommendation

5. Recommendation 1B:

Agree with the selected recommendation

Comment: I was a social worker entrusted with finding permanancy for foster youth who would otherwise age out of the foster care system at age 18. Most of those youth were not interested in permancy due to loyalty to bio family members, attachment issues, and desire to emancipate from all adults. A majority of those youth were going to be homeless because they did not have a support system, an education or job skills. Many also had mental health

challenges. It would be very beneficial to this population of youth to have access to three more years of foster care in order to avoid homelessness, criminal activity and deteriorating mental health and physical due to chronic stress. Statistics document that a high percentage of the population in prisons were former foster youth. Think of the savings to the community to allow these youth three more years to get stablized, educated and prepared for work.

6. Recommendation 2

Agree with the selected recommendation

7. Recommendation 2A

Agree with the selected recommendation

8. Recommendation 2B

Agree with the selected recommendation

9. Recommendation 2C

Agree with the selected recommendation

10. Recommendation 2D

Agree with the selected recommendation

11. Recommendation 2E

Agree with the selected recommendation

12. Recommendation 2F

No Response

13. Recommendation 3

Agree with the selected recommendation

14. Recommendation 3A

Agree with the selected recommendation

15. Recommendation 3B

Agree with the selected recommendation

16. Recommendation 3C

Agree with the selected recommendation

17. Recommendation 4

No Response

18. Recoommendation 4A

Agree with the selected recommendation

19. Recommendation 4B

Agree with the selected recommendation

20. Recommendation 4C

Agree with the selected recommendation

21. Recommendation 4D

Agree with the selected recommendation

22. Recommendation 4E

Agree with the selected recommendation

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Statement of Senator Barbara Boxer
Children Who "Age Out" of the Foster Care System
California Blue Ribbon Commission on Children in Foster Care
May 14, 2008

I would like to thank the California Blue Ribbon Commission on Children in Foster Care for hosting these hearings, and bringing attention to this important issue. In particular, I want to commend the Commission for their recommendation that the Judicial Council should urge Congress and the state Legislature to extend the age for youth to receive foster care assistance from 18 to 21. It has been ten years since the United States Congress took action to reform the foster care system, and it is clear that legislation to care for these children is long overdue.

About 24,400 foster youth are emancipated each year – many without the resources and assistance necessary to transition to a positive and productive adulthood. Once foster youth "age out" of the current foster care system, they are left to provide for themselves. Former foster children are at a significant disadvantage with lower levels of education, lower rates of high school graduation, and higher rates of unemployment because these youth lack an effective support system and services.

It is clear that there is a need for federal leadership on this issue, and that is why I have introduced the Foster Care Continuing Opportunities Act. This bill would expand federal funding for foster care to support the youth who have aged out of the system at 18 years of age, making a step toward improving the services helping foster care youth transition to adulthood.

Studies of former foster care youth show that one to four years after leaving foster care less than 3% continue their education after high school, 65% face homelessness, 51% are unemployed, and one in four youths will be incarcerated at some point after leaving the foster program.

Currently, most states discharge youth from foster care at age 18 or shortly thereafter, because federal foster care payments are only made to youth up to the age of 18. However, a handful of states allow youth to voluntarily remain in care up to age 19, 20, or 21, but these payments must be made with state or local funding.

We just can't turn off our compassion when a child turns 18 -- we just can't turn off our caring. When I was 18, I certainly needed the security of my family as I began the journey to adulthood.

I applaud the initiative of these states to care for their youth, but there remains only a patchwork of services available to these youth due in large part to lack of funding. Since most states match federal foster care dollars 1 to 1, funding from the Foster Care Continuing Opportunities Act will provide a powerful incentive for states to provide basic support services and care for "aged out" foster youth. The legislation has been endorsed by the Child Welfare League of America, the National Association of Counties, and the National Association of County Welfare Directors.

I encourage the Judicial Council to adopt this recommendation, and take a stand to support these youth as they try to make that transition to safe, secure, and productive adulthood.

survey title:

Blue Ribbon Commission
Public Comment Form

current report: Default Report

Displaying 7 of 102 respondents

Response Type: Normal Response	**Collector:** Public Comment Form (Web Link)
Custom Value: *empty*	**IP Address:** 99.152.21.37
Response Started: Sat, 3/15/08 8:31:20 PM	**Response Modified:** Sat, 3/15/08 8:48:43 PM

1. Please provide the following information.

Name: - Albert Braden

Title: - none

Agency/Organization: - none

Address: - 405 El Camino Real #223

City/Town: - Menlo Park

State: - CA

ZIP/Postal Code: - 94025

Country: - USA

Email Address: - albert@austintx.net

Phone Number: - 916-267-7919

2. Are you commenting on behalf of your organization?

No

3. Recommendation 1:

Agree with the selected recommendation subject to modifications suggested below

Comment: Removing children should be the last resort, not the first. CPS is too eager to remove children from the home. CPS is funded based on the number of children in CPS custody. Federal law should be changed to reduce or eliminate the incentive to remove children from their homes.

4. Recommendation 1A:

Agree with the selected recommendation

5. Recommendation 1B:

Agree with the selected recommendation subject to modifications suggested below

Comment: My child was removed from an admittedly less than perfect situation at his mother's house and placed into

a much more dangerous situation where he suffered serious mental and emotional harm. CPS should carefully consider the best interest of the child before removal from the home.

6. Recommendation 2

Agree with the selected recommendation subject to modifications suggested below

Comment: Foster parents and foster care institutions are insufficiently regulated. Foster parents routinely neglect and abuse children in ways that would cause the children to taken away from their real parents. CPS has no financial incentive to investigate cases of foster abuse.

7. Recommendation 2A

Agree with the selected recommendation subject to modifications suggested below

Comment: Children should not be removed from their parents without a jury trial. This requirement would significantly reduce the number of children removed; that would be a good thing. Many children are unnecessarily removed from their parents.

8. Recommendation 2B

Agree with the selected recommendation

9. Recommendation 2C

Agree with the selected recommendation

10. Recommendation 2D

Agree with the selected recommendation subject to modifications suggested below

Comment: The overload of the system does not reflect a lack of resources. It reflects an excessive number of children being taken from their parents. Changing CPS policy to make removal a last resort would mitigate this problem.

11. Recommendation 2E

Agree with the selected recommendation

12. Recommendation 2F

Agree with the selected recommendation

13. Recommendation 3

Agree with the selected recommendation

14. Recommendation 3A

Agree with the selected recommendation

15. Recommendation 3B

Agree with the selected recommendation

16. Recommendation 3C

Agree with the selected recommendation

17. Recommendation 4

Agree with the selected recommendation subject to modifications suggested below

Comment: Again, the problem is not a lack of resources, it is an excess of children in foster care. The number of children placed in foster care should be significantly reduced.

18. Recoommendation 4A

Agree with the selected recommendation

19. Recommendation 4B

Agree with the selected recommendation

20. Recommendation 4C

Agree with the selected recommendation subject to modifications suggested below

Comment: Reducing the number of children in foster care would not only make existing resources sufficient to provide activities for foster children, it would also allow higher-quality foster parents to be selected and the lower-quality foster parents could find other ways to make a living. Allowing foster parents to make a living by raising other people's children is a dangerous and possibly unethical practice.

21. Recommendation 4D

Agree with the selected recommendation

22. Recommendation 4E

Agree with the selected recommendation

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survey title:

Blue Ribbon Commission
Public Comment Form

current report: Default Report

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Response Type: Normal Response	**Collector:** Public Comment Form (Web Link)
Custom Value: *empty*	**IP Address:** 76.169.223.93
Response Started: Wed, 4/9/08 5:53:00 AM	**Response Modified:** Wed, 4/9/08 6:51:22 AM

1. Please provide the following information.

Name: - Bert Bresticker

Title: - Admin Law Judge

Agency/Organization: - Dept Social Services

Address: - 811 Wilshire Blvd., Ste. 1118

City/Town: - L.A.

State: - CA

ZIP/Postal Code: - 90017

Country: - USA

Email Address: - albert.bresticker@dss.ca.gov

Phone Number: - cell: 818-491-6585

2. Are you commenting on behalf of your organization?

No

3. Recommendation 1:

Agree with the selected recommendation

Comment: One specific set of circumstances of concern in the past is for child protection to persuade extended family member to accept custody by affidavit of bio parent in lieu of formal removal/placement, whereupon agency does not extend formal reunification of family maintenance services to family - nor resources to family custodial caregiver. This practice must end.

4. Recommendation 1A:

Agree with the selected recommendation

Comment: This is of critical concern - not only because it might obviate the need for an unnecessary removal, but because it conforms with federal ASFA rules and prevents the foster child from being forever banned to receive Youakim funding. Actually, the Court has updated its Commissioners in this concern - however, the lack of requisite findings mandated under federal law still is left out on occasional hearings - usually where stakeholders are continuing

the JADE hearing for a day.

5. Recommendation 1B:

Agree with the selected recommendation

Comment: Of critical importance is the availability of resources to relative caregivers. It has become obvious to me, at least anecdotally, that the majority of recent placements is with relatives - usually grandparents with fixed incomes. It is of prime importance that protection agencies timely complete their federal foster care funding eligibility processes to insure these caregivers are properly funded to care for these children, and are given sufficient training and skills to do so, especially for children with special needs resulting from cargiving traumas, neglect, abuse at the hands of bio parents. In my experience, this does not happen in a sufficiently timely manner to assist dependent children to make a healthy and less painful transition to their new environments. It is most critical that these relative caregivers are given the tools and resources to care for dependent children immediately upon placement. Not only is the child and relative caregiver better able to cope with the circumstances, but eventual reunification - or new permanent plan caregiving - has a better chance for success.

6. Recommendation 2

Agree with the selected recommendation

Comment: In this effort, the Court could best interface with the Department of Social Services. Our state hearings division adjudicates adoption assistance program and foster care funding programs.

7. Recommendation 2A

Do not agree with selected recommendation

Comment: I do not believe that the Commissioners assigned to Juvenile Court and their efforts in assisting dependent children should necessarily be dismissed in this manner. I do believe Commissioners are given a difficult job with little time to properly adjudicate all cases, and that Judges would face the same constraints and challenges. Resources, training, and reduction of case assignments may play a more significant role than the replacement of Commissioners with Judges.

8. Recommendation 2B

Agree with the selected recommendation

9. Recommendation 2C

Agree with the selected recommendation

10. Recommendation 2D

Agree with the selected recommendation

11. Recommendation 2E

Agree with the selected recommendation

Comment: Normally the role of voluntary family maintenance programs and team decision meetings may play such a

non-adversarial role, as long as participants are led to believe that the county does not have any hidden agendas. The Court could take a more leadership role in the use of these functions, or use such programs as models for non-adversarial activities to enhance reunification efforts.

12. Recommendation 2F

Agree with the selected recommendation

13. Recommendation 3

Agree with the selected recommendation

Comment: Again, a critical key to this partnership should involve the state Department of Social Services, as well as county agencies.

14. Recommendation 3A

Agree with the selected recommendation

Comment: Courts may wish to remind counties of the importance of not only using CLETS and CWS/CMS, but to have all adults in the caregiver's home Live Scanned as soon as possible, as part of the Courts PRI orders and due diligence with WIC 309.

15. Recommendation 3B

Agree with the selected recommendation

16. Recommendation 3C

Agree with the selected recommendation

17. Recommendation 4

Agree with the selected recommendation

Comment: Juvenile Court may become more proactive in insuring timely Youakim, AAP, state Foster Care, KinGAP funding programs (or CalWORKs if the more appropriate programs fail) by familiarizing itself with the funding requirements and eligibility criteria for each of these programs, thus insuring that early upon Court involvement, county agencies are processing appropriate funding for dependent children and their caregivers.

18. Recoommendation 4A

Agree with the selected recommendation

19. Recommendation 4B

Agree with the selected recommendation

Comment: Foster Care funding programs are difficult to understand with arcane eligibility criteria because of the constraints set out under federal law in Title 4E of the Social Security Act. The public policy underpinnings of the Adoption and Safe Families Act are mainly concerned in promoting long-term care in safe and appropriate homes

However, ASFA has also created many roadblocks to timely funding. It is critical that the Court and stakeholders have a grasp of the criteria needed to insure timely funding, which also promote the intention of ASFA by insuring dependent children and caregivers have appropriate resources. In my experience, it appears that licensed FFHs have become a rarity, while relative caregivers have become the norm. Most relative caregivers do not know how to secure foster care funding and meet the eligibility criteria, in the same manner as licensed FFH staff may.

20. Recommendation 4C

Agree with the selected recommendation subject to modifications suggested below

Comment: As important as these activities may be for a well rounded dependent child, first, it is critical to get the Court to recognize the need for immediate funding upon placement to insure the necessities are met.

21. Recommendation 4D

Agree with the selected recommendation

22. Recommendation 4E

Agree with the selected recommendation

Comment: Absolutely, as to the elimination of income limits for Youakim funds. In essence, before a child may be deemed federally eligible, it must be established that the child be deemed "linked" to the form AFDC program as it existed in July 1996. This takes the form of requiring the child be "deprived" of a bio parent in the month of removal, and that the bio parents meet specific income limits. This linkage issue has been the subject of many court battles and federal changes in the law (see Rosales and the DRA of 2005). Congressional assistance will be needed to address this problem.

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survey title:

Blue Ribbon Commission
Public Comment Form

current report: Default Report

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Response Type: Normal Response
Collector: Public Comment Form (Web Link)
Custom Value: *empty*
IP Address: 70.6.27.66
Response Started: Wed, 5/14/08 5:14:08 AM
Response Modified: Wed, 5/14/08 5:57:48 AM

1. Please provide the following information.

Name: - Cassandra Brew

Title: - Aunt

Agency/Organization: - Self

Address: - P.O. Box 836

City/Town: - Newark

State: - CA

ZIP/Postal Code: - 94560

Country: - USA

Email Address: - cb4wisdom@yahoo.com

Phone Number: - 510 818-0247

2. Are you commenting on behalf of your organization?

No

3. Recommendation 1:

Agree with the selected recommendation

4. Recommendation 1A:

Agree with the selected recommendation subject to modifications suggested below

Comment: The courts should ensure that all agencies such as social services provides true and accurate statements of families and that false reports are not submitted to the courts for review. THe form of a sign affavidavit should be considered. Our personal experience was that the court and social services violated our rights and submitted false reports of which the interview never happened nor did I make statements presented before the courts.

5. Recommendation 1B:

Agree with the selected recommendation subject to modifications suggested below

Comment: All efforts should be made by the court to ensure childrens and families should have access to appropriate services and timely court reviews by actual Judges that lead to permanency as quickly as possible. THe court (actual judge) shall look at all family members as a possible candidate beforfe removing or stripping a child from his biological family.

6. Recommendation 2

Agree with the selected recommendation subject to modifications suggested below

Comment: This would only be effective when the courts, all agencies and social services are impartial, non prejudice and have a true intent to keep the biological family structure together. This was not our experience as the Commissioner, social services including other agencies made false allegations and reports of family interviews that never took place. We were purposely kept out of the court and not allowed to attend hearing related to the children. I did not have a criminal background and was never considered to receive younger family members for permanency and as a result, my nephew was adopted out of our biological family. This was cruial and in humane. Our family has suffered for years at the treatment from the court system and that State Agency's were able to submit the false reports. There needs to be some checks and balances to ensure that all state agencies are in fact truthful with the facts of the case.

7. Recommendation 2A

Do not agree with selected recommendation

Comment: I recommend that only actual Judges make decision regarding resources to meet their obligations to children and families in the child welfare system. No Commissioner should have that authority.

8. Recommendation 2B

Agree with the selected recommendation subject to modifications suggested below

Comment: There needs to be set court rules that cannot be violated allowing families the opportunity to be heard in all court hearings related to their children.

9. Recommendation 2C

Agree with the selected recommendation subject to modifications suggested below

Comment: Ensure that the court mandates the consideration for african american and indian race family root/culture should be taken into consideration when facilitating the attendance of children, parents, caregivers for the hearings. These cases need to be heard by actual Judges and not Commissioners.

10. Recommendation 2D

Agree with the selected recommendation subject to modifications suggested below

Comment: There needs to be court mandated law that states: if a CASA volunteer has abused a child while in their care - that they would be prosecuted to the full extent of the law. My nephew was abused in the foster care system and nothing was ever done by the courts or social services.

11. Recommendation 2E

Agree with the selected recommendation

12. Recommendation 2F

Agree with the selected recommendation subject to modifications suggested below

Comment: The Juvenile & Childrens court should be audited and reviewed to ensure that the recommendations are being followed as mandated. Judges should be put in place and not Commissioners to rule over these hearings.

13. Recommendation 3

Agree with the selected recommendation

14. Recommendation 3A

Agree with the selected recommendation subject to modifications suggested below

Comment: Such information should not be gathered with the intent to harm the biological family or violate current federal law regarding a persons medical history.

15. Recommendation 3B

Agree with the selected recommendation

16. Recommendation 3C

Agree with the selected recommendation subject to modifications suggested below

Comment: There should be stiffer laws in place to ensure that children with a indian heritage should only stay with the biological familes, aunts, uncles, cousins and etc.

17. Recommendation 4

Agree with the selected recommendation

18. Recoommendation 4A

Agree with the selected recommendation

19. Recommendation 4B

Agree with the selected recommendation

20. Recommendation 4C

Agree with the selected recommendation

21. Recommendation 4D

Agree with the selected recommendation

22. Recommendation 4E

Agree with the selected recommendation subject to modifications suggested below

Comment: Ensure that social workers have not violated any rights of the family before providing bonuses. Our Case worker was so eager to get a lighter caseload that she violated my rights as the Aunt and our families rights by submitting false reports to the court which lead to the immediate removal of my nephew. There needs to be some checks and balances in place where the court will prosecute social workers when children or their families rights have been violated under the law.

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survey title:

Blue Ribbon Commission
Public Comment Form

current report: Default Report

Displaying 66 of 102 respondents

Response Type: Normal Response
Collector: Public Comment Form (Web Link)
Custom Value: *empty*
IP Address: 68.166.37.166
Response Started: Thu, 5/8/08 12:24:15 PM
Response Modified: Tue, 5/13/08 10:30:24 PM

1. Please provide the following information.

Name: - Mary E. Brew

Title: - Mrs. (Grandmother & Mother)

Agency/Organization: - N/A

Address: - 8159 Peachtree Avenue

City/Town: - Newark

State: - CA

ZIP/Postal Code: - 94560

Country: - USA

Email Address: - cb4wisdom@yahoo.com

Phone Number: - 510 793-5814

2. Are you commenting on behalf of your organization?

No

3. Recommendation 1:

Agree with the selected recommendation

4. Recommendation 1A:

Agree with the selected recommendation

5. Recommendation 1B:

Agree with the selected recommendation subject to modifications suggested below

Comment: It is best to leave the age as 18 years old as they are considered as an adult and they have the right to make their own decision.

6. Recommendation 2

Agree with the selected recommendation

7. Recommendation 2A

Agree with the selected recommendation

8. Recommendation 2B

Agree with the selected recommendation

9. Recommendation 2C

Agree with the selected recommendation

10. Recommendation 2D

Agree with the selected recommendation

11. Recommendation 2E

Agree with the selected recommendation

12. Recommendation 2F

Agree with the selected recommendation

13. Recommendation 3

Agree with the selected recommendation subject to modifications suggested below

Comment: This is only effective when each responsible party keeps an impartial attitude, non prejudice, clear mind for betterment of the child and family. This was not our experience as we encountered the court, agencies and child social services purposely left us out of court hearing, did not inform the family of rights, options and submitted false reports of interviews to the courts that never took place.

14. Recommendation 3A

Agree with the selected recommendation

15. Recommendation 3B

Agree with the selected recommendation

16. Recommendation 3C

Agree with the selected recommendation

17. Recommendation 4

Agree with the selected recommendation

18. Recoommendation 4A

Agree with the selected recommendation

19. Recommendation 4B

Agree with the selected recommendation

20. Recommendation 4C

Agree with the selected recommendation

21. Recommendation 4D

Agree with the selected recommendation

22. Recommendation 4E

Agree with the selected recommendation

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survey title:

Blue Ribbon Commission
Public Comment Form

current report: Default Report

Displaying 71 of 102 respondents

Response Type: Normal Response
Collector: Public Comment Form (Web Link)
Custom Value: *empty*
IP Address: 69.110.0.67
Response Started: Fri, 5/9/08 1:57:37 PM
Response Modified: Fri, 5/9/08 2:54:36 PM

1. Please provide the following information.

Name: - Helynna Brooke

Title: - Executive Director

Agency/Organization: - SF Mental Health Board

Address: - 1380 Howard Street

City/Town: - San Francisco

State: - CA

ZIP/Postal Code: - 94103

Country: - United States

Email Address: - hbrooke@mentalhealthboardsf.org

Phone Number: - 415-255-3473

2. Are you commenting on behalf of your organization?

Yes

3. Recommendation 1:

Agree with the selected recommendation subject to modifications suggested below

Comment: Change to "Extraordinary Efforts"

4. Recommendation 1A:

Agree with the selected recommendation subject to modifications suggested below

Comment: Change to "Extraordinary efforts". I believe taking this extra step will pay off significantly both in benefits for the child and for future community costs.

5. Recommendation 1B:

Agree with the selected recommendation subject to modifications suggested below

Comment: All children removed from the home should receive immediate mental health counseling.

6. Recommendation 2

Agree with the selected recommendation

7. Recommendation 2A

Agree with the selected recommendation subject to modifications suggested below

Comment: Actively increase diversity of Judges as well.

8. Recommendation 2B

Agree with the selected recommendation subject to modifications suggested below

Comment: Include incarcerated fathers and mothers in the decision process even when jailed out of state. Remove legislation that allows for adoption within a short time period for children of incarcerated parents.

9. Recommendation 2C

Agree with the selected recommendation subject to modifications suggested below

Comment: Ensure that language needs are met and that in no case is a child, either the child participating in the hearing, or another child in the family be used as a translator for the proceedings.

10. Recommendation 2D

Agree with the selected recommendation

11. Recommendation 2E

Agree with the selected recommendation subject to modifications suggested below

Comment: Find ways to include incarcerated parents in the family team meetings, at least on the phone.

12. Recommendation 2F

Agree with the selected recommendation

13. Recommendation 3

Agree with the selected recommendation

14. Recommendation 3A

Agree with the selected recommendation

15. Recommendation 3B

Agree with the selected recommendation subject to modifications suggested below

Comment: In the development of appropriate services, include the phrase "gender appropriate and culturally appropriate". For example, in SF 95% of the girls in the juvenile system have been sexually traumatized which needs special programmatic support. Some of these girls are going to foster care situations in which the same thing is happening.

16. Recommendation 3C

Agree with the selected recommendation

17. Recommendation 4

Agree with the selected recommendation

18. Recoommendation 4A

Agree with the selected recommendation

19. Recommendation 4B

Agree with the selected recommendation

20. Recommendation 4C

Agree with the selected recommendation

21. Recommendation 4D

Agree with the selected recommendation

22. Recommendation 4E

Agree with the selected recommendation

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survey title:

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Response Type: Normal Response
Collector: Public Comment Form (Web Link)
Custom Value: *empty*
IP Address: 64.147.165.100
Response Started: Tue, 3/25/08 9:49:54 AM
Response Modified: Tue, 3/25/08 7:29:34 PM

1. Please provide the following information.

Name: - Gabriele Burkard

Title: - Program Officer

Agency/Organization: - California Community Foundation

Address: - 445 S. Figueroa St

City/Town: - Los Angeles

State: - CA

ZIP/Postal Code: - 90071

Country: - USA

Email Address: - gburkard@ccf-la.org

Phone Number: - 213 413 4130

2. Are you commenting on behalf of your organization?

No

3. Recommendation 1:

Agree with the selected recommendation

4. Recommendation 1A:

Agree with the selected recommendation

5. Recommendation 1B:

Agree with the selected recommendation

6. Recommendation 2

Agree with the selected recommendation

7. Recommendation 2A

Agree with the selected recommendation

8. Recommendation 2B

Agree with the selected recommendation

9. Recommendation 2C

Agree with the selected recommendation

10. Recommendation 2D

Agree with the selected recommendation

11. Recommendation 2E

Agree with the selected recommendation

12. Recommendation 2F

Agree with the selected recommendation

13. Recommendation 3

Agree with the selected recommendation subject to modifications suggested below

Comment: that it be made clear that "trusted partners" includes the community-based organizations that carry-out the day to day work on behalf of the children and families, even those not directly contracting with the local county agency, but providing a critical service.

14. Recommendation 3A

Agree with the selected recommendation

15. Recommendation 3B

Agree with the selected recommendation

Agree with the selected recommendation subject to modifications suggested below

Comment: Point 2, subpoint 2: information sharing between courts, social welfare agencies, schools AND the community based organizations providing support services to the children.

16. Recommendation 3C

Agree with the selected recommendation

17. Recommendation 4

Agree with the selected recommendation

18. Recoommendation 4A

Agree with the selected recommendation

19. Recommendation 4B

Agree with the selected recommendation

20. Recommendation 4C

Agree with the selected recommendation

21. Recommendation 4D

Agree with the selected recommendation subject to modifications suggested below

Comment: that schools be required to make learning disability testing and needed services more readily accessible to children in foster care....and that the entire system collaborate to fund the costs.

22. Recommendation 4E

Agree with the selected recommendation

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Response Type: Normal Response
Collector: Public Comment Form (Web Link)
Custom Value: *empty*
IP Address: 75.28.114.199
Response Started: Thu, 5/8/08 12:41:26 PM
Response Modified: Thu, 5/8/08 6:46:29 PM

1. Please provide the following information.

Name: - Donna Burt

Title: - Court Division Manager

Agency/Organization: - Riverside Superior Court - Juvenile Division

Address: - 9991 County Farm Road

City/Town: - Riverside

State: - CA

ZIP/Postal Code: - 92503

Country: - USA

Email Address: - donna.albert-burt@riverside.courts.ca.gov

Phone Number: - 951-358-4160

2. Are you commenting on behalf of your organization?

Yes

3. Recommendation 1:

No Response

4. Recommendation 1A:

No Response

5. Recommendation 1B:

No Response

6. Recommendation 2

No Response

7. Recommendation 2A

No Response

8. Recommendation 2B

No Response

9. Recommendation 2C

No Response

10. Recommendation 2D

No Response

11. Recommendation 2E

No Response

12. Recommendation 2F

No Response

13. Recommendation 3

No Response

14. Recommendation 3A

Agree with the selected recommendation

15. Recommendation 3B

No Response

16. Recommendation 3C

No Response

17. Recommendation 4

No Response

18. Recoommendation 4A

No Response

19. Recommendation 4B

No Response

20. Recommendation 4C

No Response

21. Recommendation 4D

No Response

22. Recommendation 4E

No Response

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Response Type: Normal Response
Collector: Public Comment Form (Web Link)
Custom Value: *empty*
IP Address: 141.174.95.231
Response Started: Mon, 3/31/08 1:51:55 PM
Response Modified: Wed, 4/2/08 1:50:31 PM

1. Please provide the following information.

Name: - Kimberly Byrd

Title: - Division Manager

Agency/Organization: - Yolo County DESS - CWS

Address: - 25 North Cottonwood

City/Town: - Woodland

State: - CA

ZIP/Postal Code: - 95695

Country: - United States

Email Address: - kimberly.byrd@yolocounty.org

Phone Number: - 530-666-8469

2. Are you commenting on behalf of your organization?

Yes

3. Recommendation 1:

Agree with the selected recommendation subject to modifications suggested below

Comment: I agree with the intent of this recommendation; however it is important to consider the barriers to services for smaller counties with limited community based organizations providing services as well as limitations within the community to address non-English speaking clients. While it is critical that families receive the services necessary to reunite with their children (or prevent removal)the barriers must be taken into consideration. Some of the barriers are outside the control of the courts and Social Services agencies.

4. Recommendation 1A:

Agree with the selected recommendation

5. Recommendation 1B:

Agree with the selected recommendation subject to modifications suggested below

Comment: It is important when dealing with the first bullet item to consider the background (including the Higgins lawsuit) in addressing this issue. While AB1695 has created many barriers to placing with relatives, these changes are both Federally driven and Court driven. Bullet item two: considering best interest of the children needs to be held high in order to avoid a blanket ruling for relative visitation. Bullet item 6: is important; it is necessary to consider placement barriers (i.e., group homes and foster homes) when extending the age however. These barriers would need to be resolved.

6. Recommendation 2

Agree with the selected recommendation

7. Recommendation 2A

Agree with the selected recommendation

8. Recommendation 2B

Agree with the selected recommendation subject to modifications suggested below

Comment: I agree with this; however encourage being mindful of resource issues related to transportation and that solutions be explored to address this resource issue.

9. Recommendation 2C

Agree with the selected recommendation subject to modifications suggested below

Comment: Regarding bullet 1, serious concern as to how this would be feasible.

10. Recommendation 2D

Agree with the selected recommendation

11. Recommendation 2E

Agree with the selected recommendation

12. Recommendation 2F

Agree with the selected recommendation

13. Recommendation 3

Agree with the selected recommendation

14. Recommendation 3A

Agree with the selected recommendation

15. Recommendation 3B

Agree with the selected recommendation

16. Recommendation 3C

Agree with the selected recommendation

17. Recommendation 4

Agree with the selected recommendation

18. Recoommendation 4A

Agree with the selected recommendation

19. Recommendation 4B

Agree with the selected recommendation

20. Recommendation 4C

Agree with the selected recommendation

21. Recommendation 4D

Agree with the selected recommendation

22. Recommendation 4E

Do not agree with selected recommendation

Comment: If this model is in line with the current Title IV-E Waiver, I am not in agreement as the current model does not fully take into account the rising cost of foster care placements due to the increase in reliance on FFAs instead of County licensed homes. Further it does not take into account smaller counties (agricultural) that may experience higher than expected rates of growth as more land is opened up for housing.

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Response Type: Normal Response
Collector: Public Comment Form (Web Link)
Custom Value: *empty*
IP Address: 166.107.152.50
Response Started: Thu, 3/20/08 5:40:22 PM
Response Modified: Thu, 3/20/08 5:43:50 PM

1. Please provide the following information.

Name: - Mylene C.

Title: - PHN

Agency/Organization: - ACPHD- FHS HCPCFC

Address: - 24100 Amador St, C22N

City/Town: - Hayward

State: - CA

ZIP/Postal Code: - 94544

Country: - USA

Email Address: - cahamm@acgov.org

Phone Number: - 5107808701

2. Are you commenting on behalf of your organization?

No

3. Recommendation 1:

Agree with the selected recommendation subject to modifications suggested below

Comment: include public health nurses or a medical representative during the initial phase placement is vital for minor's well being.

4. Recommendation 1A:

No Response

5. Recommendation 1B:

No Response

6. Recommendation 2

No Response

7. Recommendation 2A

No Response

8. Recommendation 2B

No Response

9. Recommendation 2C

No Response

10. Recommendation 2D

No Response

11. Recommendation 2E

No Response

12. Recommendation 2F

No Response

13. Recommendation 3

No Response

14. Recommendation 3A

No Response

15. Recommendation 3B

No Response

16. Recommendation 3C

No Response

17. Recommendation 4

No Response

18. Recoommendation 4A

No Response

19. Recommendation 4B

No Response

20. Recommendation 4C

No Response

21. Recommendation 4D

No Response

22. Recommendation 4E

No Response

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survey title:

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Response Type: Normal Response	**Collector:** Public Comment Form (Web Link)
Custom Value: *empty*	**IP Address:** 66.80.0.66
Response Started: Fri, 5/9/08 4:50:44 PM	**Response Modified:** Tue, 5/13/08 4:36:56 PM

1. Please provide the following information.

Name: - Andrew Cain

Title: - Senior Attorney

Agency/Organization: - Legal Advocates for Children and Youth

Address: - 111 W. St. John St., #315

City/Town: - San Jose

State: - CA

ZIP/Postal Code: - 95113

Country: - United States

Email Address: - andrewc@lawfoundation.org

Phone Number: - (408) 280-2461

2. Are you commenting on behalf of your organization?

Yes

3. Recommendation 1:

No Response

4. Recommendation 1A:

Agree with the selected recommendation subject to modifications suggested below

Comment: The Commission's emphasis on supporting efforts to preserve the family unit prior to removal is well placed. It is imperative that child welfare systems do everything possible to avoid the psychological impact on children associated with even a temporary disruption. First, when implementing new protocols for engaging family and extended-family support, child welfare agencies should consult with community organizations already making such efforts. Some of the techniques used by these organizations, often referred to as "family-finding" efforts, are easily adaptable for use by county social workers. Second, review of collaborative court models should include the sharing of information between different counties on programs that have worked for their populations. For example, Santa Clara County has recently implemented a Family Wellness Court designed to work with parents presenting an

identified substance abuse problem and with children ages 3 and under. This model presents much promise, and many of its components likely can be transferred to other counties throughout the state.

5. Recommendation 1B:

Agree with the selected recommendation

Comment: We strongly support the recommendation to take steps to extend the age for foster care assistance to 21 when a youth wants that extension. Within the last 18 months, our office has implemented a program to provide free legal services to emancipated foster youth through their mid-20s. We frequently work with youth whose adult outcomes in education, employment, housing, economic self-sufficiency, and other areas would have been improved by extended support through the foster care system. Moreover, the recommendation to allow foster youth to request reinstatement of jurisdiction would be vital to promoting ongoing stability. Many foster youth want termination of jurisdiction at the age of majority only to learn later they do not have the support system to thrive, much less survive. Focusing on transitional placements would allow youth to gradually become more independent within a supportive environment.

6. Recommendation 2

No Response

7. Recommendation 2A

No Response

8. Recommendation 2B

No Response

9. Recommendation 2C

No Response

10. Recommendation 2D

No Response

11. Recommendation 2E

No Response

12. Recommendation 2F

No Response

13. Recommendation 3

Agree with the selected recommendation

14. Recommendation 3A

Agree with the selected recommendation subject to modifications suggested below

Comment: The Commission's recommendations on improving information-sharing are especially important for children's counsel. Section 317 of the Welfare and Institutions Code provides children's counsel with access to information from various service providers, including therapists and other health providers. Unfortunately, many service providers are unaware of this provision and create obstacles to counsel's obtaining information, including erroneously demanding the consent of a parent prior to the release of information. The Judicial Council should consider creating a statewide form to be used in all appointments of children's counsel to streamline their efforts to obtain information about their clients. Such an order would allow counsel to better advocate for minors and aid in the coordination of service provision.

15. Recommendation 3B

Agree with the selected recommendation subject to modifications suggested below

Comment: Transparency in the process of providing child welfare services is crucial in order to foster community support. Portrayals of a secretive, ineffective child welfare system lead to widespread distrust. The Commission's recommendation to raise community awareness of foster care issues seems to take this concern into account. To implement this recommendation, the Judicial Council should work directly with the State Department of Social Services to create a series of statewide community workshops designed to shed light upon the system and solicit feedback for improvements.

16. Recommendation 3C

No Response

17. Recommendation 4

No Response

18. Recoommendation 4A

Agree with the selected recommendation subject to modifications suggested below

Comment: Recommendation 4C mentions the need to provide reliable funding for participation in independent living programs. We suggest a thorough review of funding sources for all county Independent Living Programs. Experience suggests that these programs are woefully under-funded and inconsistently delivered to foster youth. In addition, youth living in out-of-county placements frequently have trouble accessing these programs as a result of confusion over funding and eligibility. Streamlined regulations and increased financial resources would alleviate this problem and allow these programs to provide more varied and high-quality curricula, thereby increasing participation and the odds that youth will enjoy successful adult outcomes.

19. Recommendation 4B

No Response

20. Recommendation 4C

Agree with the selected recommendation subject to modifications suggested below

Comment: Recommendation 4C mentions the need to provide reliable funding for participation in independent living programs. We suggest a thorough review of funding sources for all county Independent Living Programs. Experience suggests that these programs are woefully under-funded and inconsistently delivered to foster youth. In addition, youth living in out-of-county placements frequently have trouble accessing these programs as a result of confusion over funding and eligibility. Streamlined regulations and increased financial resources would alleviate this problem and allow these programs to provide more varied and high-quality curricula, thereby increasing participation and the odds that youth will enjoy successful adult outcomes.

21. Recommendation 4D

No Response

22. Recommendation 4E

No Response

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THE CALIFORNIA CASA ASSOCIATION'S PUBLIC COMMENT TO THE DRAFT RECOMMENDATIONS OF THE CALIFORNIA BLUE RIBBON COMMISSION ON CHILDREN IN FOSTER CARE

The California CASA Association ("CalCASA"), which is the statewide nonprofit corporation which provides assistance, support and an interface with the Administrative Offices of the Courts ("AOC") to and for all local CASA programs throughout the State of California, submits the following public comments to the Draft Recommendations of the California Blue Ribbon Commission on Children In Foster Care (the "Commission").

Preface

While CalCASA generally supports all of the recommendations made by the Commission, as well as its suggestions for implementation of those recommendations, it wishes to specifically emphasize the following in furtherance of the goal of swift reunification or long-term permanency placement of foster youth:

1. **A CASA Program in every California county.**

2. **A CASA volunteer appointed for every child or youth in the foster care system.**

3. **The specific involvement of CalCASA and/or local CASA organizations in all local convenings referred to and recommended by the Commission.**

4. **The specific involvement and input of CalCASA in outcome tracking and data collection practices involving foster children or youth.**

5. **The requirement that revised Judicial Council forms and CWS/CMS data tracking systems include a provision for determining whether or not a CASA volunteer was appointed to the child or youth's case.**

The California CASA Association

The California CASA Association was a participant in the hearings conducted by the California Blue Ribbon Commission On Children In Foster Care and through its local programs, directly serves children and youth in foster care and who come under the jurisdiction of the state's dependency courts through its volunteer Court Appointed Special Advocates ("CASA's) program. There are currently 43 CASA programs in California which recruit and train these volunteers, who are then appointed to a child by the dependency court. Each CASA volunteer commits to spending at least one (1) year

establishing a strong, stable relationship with a child in foster care, gathering information and making recommendations to the court about the child's best interests, and advocating to ensure that the child's best interests are served by the courts, government, social service and educational entities, and community. The Commission's Draft Report explicitly recognizes the value CASA volunteers add to dependency proceedings, the fact that the volunteer is often the only person involved in a dependency proceeding with no conflict of interest and whose only goal is in furthering the welfare and best interests of the child, as well as the reliance dependency judges place upon the reports submitted by CASA volunteers. Among the recommendations of the Commission is greater support and funding for increasing the number of CASA's. Specifically, the Commission recommends that "(t)he Judicial Council continue to support the development and expansion of CASA programs to all California counties and 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....." This recommendation implicitly recognizes that children and youth who have a CASA during dependency proceedings are far more likely to achieve positive outcomes in terms of **permanency** of placements, health and safety, the receipt of necessary, appropriate and mandated services and are less likely to re-enter the foster care system once they leave it than children and youth who do not have the benefit of a CASA as an advocate. CalCASA wholeheartedly supports these recommendations of the Commission.

Comments on Specific Recommendations Made By The Commission.

The California CASA Association supports all of the recommendations made in the Draft Report of the Commission which, without going into detail at this juncture, focus on (1) reasonable efforts to prevent removal and achieve **permanency**, (2) court reforms which would enable the recommendations of the Commission, (3) greater and mutually beneficial collaboration between the courts and partnering agencies to achieve the goal of more positive outcomes for more of California's foster youth, (and in with regard to this recommendation **CalCASA would strongly urge as a component of useful data collection the inclusion on Judicial Council forms a provision for indicating whether or not a CASA volunteer was assigned to the child or youth)**, and (4) access to and availability of resources and funding to accomplish the foregoing.

CalCASA strongly affirms and supports the guiding principles of the Commission which are as follows: (1) **all children are equal and deserve safe and permanent homes**, (2) efforts to improve the foster-care system should focus on safety, **permanency**, well-being outcomes for children, (3) services to children should be integrated and comprehensive, (4) courts play an important and statutorily mandated role in overseeing children, families and services in the dependency system, (5) court decisions must be timely in order to ensure quick reunification when possible and to assist children with the services they need to **achieve permanency** and transition into adulthood, (6) the courts must act as partnering agencies in supporting children and families. Collaboration,

shared responsibility and accountability are essential for achieving the best possible outcomes for children and families and (7) government agencies need adequate and flexible resources to provide the best outcomes for children in the foster care system. CalCASA also affirms and supports each of the specific action recommendations made by the Commission to implement these principles.

CalCASA believes that the focus and principles of the Commission's Draft Report are completely consistent with the mission and principles of the CASA organization both locally and statewide which is to ensure that each child in the foster care system has a safe, caring and **permanent** home within the shortest time possible, and, in furtherance of this goal, to enhance and strengthen CASA in California and support individual CASA and Tribal programs in their efforts to provide quality advocacy services to ALL abused and neglected children in the foster care system through the use of trained volunteers as well as to help create legislation and/or policies that increase the state's investment in the CASA movement (which will be leveraged by other partner's investments and the millions of dollars in value added by volunteer's time).

As the Commission Draft Report makes clear, involvement of a CASA volunteer accomplishes several positive and major differences for both the child and other parties; there are substantiated better outcomes for the child, the most important being the greater likelihood of a safe and **permanent long-term placement**, rather than "a long term saga" of temporary placements. There is the benefit to the court of receiving a report from a trained volunteer whose only investment in the matter is a positive outcome for the child and who has no conflicts of interest, and the combination of these two factors saves both court time and taxpayer dollars by creating more positive outcomes for children including and especially **permanent placements** in safe and healthy environments, and ultimately, helping remove children and youth from the court dependency system altogether with a far lower rate of return to the foster care system (as a result of the long-term permanent placement).

The following are the primary recommendations of the Commission which CalCASA would like to focus upon and emphasize. We would like to stress that although CalCASA presents this support in this particular format, each of the particular items discussed below intersect with and encompass all other aspects of the Commission's recommendations. Each of the Commissions recommendations are interwoven and are not "stand-alone" recommendations, and CalCASA supports them in their totality.

A. PERMANENCY: A CASA Program In Every County And A CASA For Every Child.

As stated in the introduction to the Draft Report, "(t)he court and its partners agree that even when children must be removed from their homes, foster care should be a short-term refuge, not a long-term saga. "Timely reunification with their family or placement in another permanent home is ***always*** the goal." It is from this goal, which is absolutely central and core to the mission of CalCASA and local CASA organizations, that all other recommendations of the Commission flow. Every other recommendation of the Commission is made in furtherance of achieving this goal. CalCASA could not possibly concur more strongly with the Commission that in every single case, **"timely reunification with their family or placement in another PERMANENT home is ALWAYS the goal."**

CalCASA would include within this concept of permanency the various kinship and other permanent placements which can be positive and caring for a youth in foster care when reunification is not possible. CalCASA strongly endorses the swiftest possible search for non-parent relatives (family finding) or other key adults with whom a child or youth may have a positive relationship and who are willing to care for the child or youth on a permanent basis. Included within this concept of safety and permanency is compliance with state and federal law and mandates with regard to Indian children and youth and CalCASA strongly supports the Commission's recommendation that the courts, child welfare and other agencies, including CASA, collaborate with Indian tribes "to ensure that the rights of children, families and tribes are protected and that children and families" (inclusive of extended tribal families pursuant to tribal custom and tradition) "and tribes are protected and that children and families have access to all appropriate services for which they are eligible." CalCASA views the recognition of tribal rights, custom, traditions and laws as they pertain to child welfare as falling fully within CalCASA's core mission of helping to achieve safe, permanent placements for foster children and as long overdue recognition of the validity and deep cultural benefit and meaning of tribal custom, tradition and law to tribal children and youth.

In keeping with its core mission and the central principle of the Commission that "timely reunification with" (the family of foster youth) or placement in another **permanent** home is ALWAYS the goal," and in recognition of the fact that these outcomes are more often and more swiftly achieved when there is a CASA volunteer involved, CalCASA wholeheartedly supports the recommendation of the Commission that CASA programs be available in all counties throughout the state and urges that the legislature, the courts and social service agencies involved in foster care actively and immediately engage in efforts to secure the funding and infrastructure to allow for the expansion of CASA programs to every county and to the increase of CASA volunteers within each county in order that, in the words of the Commission, "**all** participants in dependency proceedings, **including children** and parents, have an opportunity to be present and heard in court" and that **"(t)he Judicial Council continue to support the development and expansion of CASA programs to all California counties and help make available CASA**

volunteers <u>for ALL children in the dependency system.</u> State funding for CASA programs should be expanded to allow for appointments in ALL cases....." (emphasis added).

In furtherance of the above goals, CalCASA supports the Commission's recommendation that "the presiding judge of the juvenile court and the county social or human services director should convene multidisciplinary commissions at the local level to identify and resolve local system concerns and build the capacity to provide a continuum of services" and that these "local commissions include participation from the courts, public and private agencies that support children and families, children, parents and families in the system, caregivers, and other parties to the process. **CalCASA strongly urges that the language of the Commission's final report <u>specifically state</u> that CalCASA and the local CASA organization be included as participants in this process.**

B. <u>Outcome Statistics & Inclusion of CASA In The Process.</u>

There have been a number of studies which indicate that children who have a CASA volunteer achieve better outcomes than children without such a special advocate. The findings of the Commission itself support this fact as well as the value of a CASA volunteer in a dependency case. In order to continue to prove the economic efficacy of the CASA program and its value to the foster youth of the state and the courts, CalCASA fully endorses the Commission's recommendation that "(t)he Judicial Council should establish and implement a comprehensive set of court performance measures as required by state law" and its recommendation that "(t)he Judicial Council adopt and direct the" Administrative Office of the Courts (the "AOC") "to work with local courts and state agencies to implement a rule of court that embodies the Commission's" recommendations including providing court performance measures that include collection of data relating to the safety, permanency, and well-being of children which align with federal and California Child and Family Services Review (CFSR) outcome measures and indicators, collect uniform court performance data and that the Judicial Council work with the AOC, the Child Welfare Council, local courts and state agencies to develop uniform child well-being performance measures. CalCASA strongly supports this recommendation and would strongly urge that the language of the final report **specifically state** that CalCASA be **specifically included** as a party in the process of identifying pertinent data relating to the safety, permanency and well-being of children as well as in the process of identification of data relating to outcome measures. Both CalCASA and local CASA programs are uniquely positioned at the intersection of the social service systems, the courts, the Administrative Offices of the Courts and the youth each serve and serve as a source of invaluable insight into outcome measurements and data collection. Inclusion of CalCASA and local CASA programs in this process will help significantly to ensure that appropriate and meaningful outcomes are measured and appropriate data collected to measure those outcomes. **CalCASA specifically and strongly urges that the Commission include in its final report language which specifically <u>requires</u> that Judicial Council forms be revised to provide for an indicator of whether or not a CASA volunteer is assigned to the child or youth AND that the Child Welfare System/Case Management System also be <u>required</u> to**

maintain a record of whether or not a CASA volunteer is assigned to the child or youth.

Maintenance of such records of a CASA volunteer's involvement will assist in demonstrating the invaluable advantage a youth with such a volunteer has versus a child or youth without such a volunteer, and will assist the courts and the social services agencies to recognize the greater likelihood of positive outcomes achieved when a CASA volunteer is involved. This, in turn, will assist the courts, social service agencies, CalCASA and local CASA's to obtain funding and volunteers so that CASA can be even more effective in assisting children and youth achieve "(t)imely reunification with their family or placement in another PERMANENT home" which "is ALWAYS the goal." (Emphasis added).

C. Matters Not Addressed In the Draft Report Which CalCASA Urges Be Included In The Commission's Final Report.

While the following recommendations were made to the Commission, they were not included in the Commission's Draft Report, and CalCASA believes they should have been, endorses them, and requests that they be specifically included in the Commission's Final Report especially as they specifically address the ultimate objective which was so aptly stated by the Commission: "(t)imely reunification with their family or placement in another **permanent** home **is always the goal.**" (Emphasis added).

(a) The **California Permanency For Youth Task Force** (the "CPYP Task Force") made a number of specific recommendations to the Commission as well as specific suggestions for their achievement. CalCASA would like to go on record as supporting the recommendations made by the CPYP Task Force, which **focus on permanency** and which are summarized as follows:

1. Youth must be able to exercise their right to attend and participate in court hearings as required by law.

2. Court proceedings should be youth friendly.

3. Youth should receive support and preparation for participation in hearings.

4. Judges, attorneys and CASA's should understand youth development and the importance of **permanency for older foster youth** and have access to current information about successful programs and activities.

5. Judges, attorneys and CASA's should work with the youth and child welfare agency to ensure that **permanency planning meets the needs of the youth and that the plans are carried out.**

6. Attorneys and judges should work with youth and other professionals to identify and remove legal and policy barriers particularly as they pertain to older foster youth (termination of payments and benefits at age eighteen, limitations on college aid for youth who have been adopted, etc.).

(b) CalCASA notes that group homes and group home providers as a specific subject area was not addressed in the Commission's Draft Report. The majority of older foster youth are placed in group homes which are more expensive than individual foster homes and which generally do not provide the long-term family setting which a foster home can provide. Group home and group home providers receive an immense amount of taxpayer's dollars, provide a wildly ranging gamut of experiences and services, from little or nothing in a "punitive" setting to a reasonable attempt to properly serve the youth the foster care system entrusts to their care, and are held to an absurdly low level of public accountability, financially and otherwise. Often, their staff are poorly trained, poorly paid and experience high levels of turnover which does not allow good relationship building between staff and foster youth. The impact of this on older foster youth, particularly as they are approaching emancipation, can be devastating. CalCASA strongly urges that the Commission include in its Final Report recommendations that the regulation of group homes and group home providers be addressed immediately with the goal of providing to foster youth a "home" which affords the youth the access to services to which he or she is entitled, a trained and empathetic staff which is qualified to serve such youth and which has up to date knowledge of services and benefits to which foster youth, particularly older foster youth, are entitled. CalCASA further recommends that group homes and group home providers be subject to far more frequent (and unannounced) fiscal and other inspections to ensure compliance with regulations.

D. Conclusion

CalCASA fully endorses the findings and recommendations of the Commission and strongly urges the Commission to include in its final report the recommendations of the California Permanency For Youth Task Force as well as recommendations regarding the regulation and inspection of group homes.

CalCASA especially and specifically endorses the following recommendations of the Commission:

1. A CASA Program in every California county.

2. A CASA volunteer appointed for every child or youth in the foster care system.

3. The specific involvement of CalCASA and/or local CASA organization in all local convenings referred to and recommended by the Commission.

4. The specific involvement and input of CalCASA in outcome tracking and data collection practices involving foster children or youth.

5. The requirement that revised Judicial Council forms and CWS/CMS data tracking systems include a provision for determining whether or not a CASA volunteer was appointed to the child or youth's case.

Respectfully Submitted,

The California CASA Association
660 13th Street, Suite 300
Oakland, CA 94612

By: _____
Robin Allen
Executive Director

Dated: May 9, 2008

California Court Commissioners Association
Contra Costa Superior Court
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****

Megan Lafrenz
Center for Families, Children & the Courts
Judicial Council of California
Administrative Office of the Courts
455 Golden Gate Ave.
San Francisco, CA 948102

May 10, 2008

RE: California Blue Ribbon Commission on Children in Foster Care

Dear Ms. Lafrenz,

I write on behalf of the California Court Commissioners Association to express our concerns with a variety of aspects of the recent Draft Recommendations of the California Blue Ribbon Commission on Children in Foster Care.

First it is important to emphasize that we are in full agreement with the guiding principles articulated by the Blue Ribbon Commission. Our concerns are primarily focused on recommendation (2A) that "Judges---not subordinate judicial officers-- hear dependency and delinquency cases" and that such judicial assignments be for a minimum three year period.

It is unfortunate that it appears that not a single subordinate judicial officer was a member of the Blue Ribbon Commission. As a result we were unable to directly participate in the critical fact finding and discussion process, and to some degree are constrained in our ability to comment effectively.

The recommendation to prohibit subordinate judicial officers from handling delinquency and dependency cases without further clarification does not address a number of critical issues. It creates with the general public, as well as the legal community the mistaken impression that subordinate judicial officers are not capable of handling these assignments. We do not believe that this is correct, nor do we believe that there is any empirical evidence to support this conclusion. To the contrary, subordinate judicial officers have served with distinction in these areas for years, some for decades. It is not unusual for subordinate judicial officers to receive "Judge of the Year" awards from state and local organizations in recognition of their exceptional work in the field of juvenile

delinquency and dependency. To name just a few: Referee Sherri Sobel, from Los Angeles County, Referee Cynthia Loo from Los Angeles County , retired Commissioner Pat Brcsee from Marin County, and retired Commissioner Chris McCarthy from Santa Clara County.

In contrast to judicial appointments which are made without regard to the type of assignments they will receive after appointment, subordinate judicial officers appointed by local benches to handle juvenile cases are almost invariably selected from a pool of applicants with significant, if not exclusive experience in the areas of delinquency and dependency. Many of them are actually encouraged by the bench to submit their names for consideration as the bench is familiar with the quality of their work and their commitment to work exclusively in the area of juvenile law.

To quote a message submitted by one of our colleagues that asked this organization canvas her colleagues for their views and send a letter on their behalf:

> "Most of the commissioners and referees I know who sit in juvenile have devoted most of their professional careers to juvenile and sit there because they believe in the work that is being done, are passionate about it---want to stay in juvenile—and know that they can make a difference there."

Those charged with overseeing the welfare of the children and the families served in juvenile court, including experienced bench officers, attorneys, probation officers, child welfare social workers, therapists, CASA advocates recognize that a child's development benefits from continuity received from adults they contact within the system. Continuity increases their sense of safety and stability. The Commission recognizes the importance of this consistency with its recommendation 2C that the same judicial officer hear the case from beginning to end, when possible. In many jurisdictions children are faced with frequent changes of social workers, probation officers, attorneys, and even therapists. It is not uncommon for the judicial officer, frequently a long serving subordinate judicial officer to provide that consistency. Allowing judges to serve only a three year term does not provide the consistency the children and families need and deserve. The Commission report does not appear to recognize that subordinate judicial officers almost invariably serve willingly for many years beyond the proposed three years minimum judicial assignment.

It is clear that the responsibilities of a juvenile bench officer, whether a judge or a subordinate judicial officer, requires more frequent involvement within the community than any other court assignment. The relationship with the community that must be encouraged, nourished and developed requires a commitment of more than three years.

The Standards of Judicial Administration in section 5.40 (e) clearly recognize the unique responsibilities of juvenile court bench officers. A brief review of the responsibilities

required indicates that a minimum three year commitment makes if difficult at best to fulfill these obligations. In addition to their in-court responsibilities these bench officers are expected to:

>Provide "active leadership" in the community to develop and maintain resources
>Investigate and determine the availability of prevention/treatment/intervention programs.
>Exercise a leadership role maintaining/coordinating interagency cooperation between the court and interagency programs.
>Actively participate in forming community networks promoting private and public programs that focus on resources for at risk children and families.
>Maintain close liaison with school authorities.
>Educate the community and institutions regarding the role of juvenile courts.
>Encourage community services/resources to assist homeless/truants/runaways.
>Be familiar with "all" detention facilities/placements/institution in use.

Clearly a three-year commitment is not sufficient time for any bench officer to become familiar with the services available in the community and engage in the relationship building necessary to successfully fulfill the duties outlined. Additionally juvenile law is one of the most complex areas of law, with specific findings and orders that must be made to comply with state law and federal mandates. Failure to make appropriate findings may result in the loss of federal foster care funds. This is not an area of law where one can become and expert in a short period of time.

A separate, but equally critical issue for which clarification is needed, concerns the unintended adverse impact on the juvenile court system with regard to conversion issues. Subordinate judicial officers throughout the state were well aware that the Judicial Council has mandated that many of their positions be "converted" to "Judicial" assignments when an opening occurs. The California Court Commissioners Association in fact supported these changes with the understanding that the transition would be accomplished with as little impact as possible on subordinate judicial officers who were already in place. It appears that there have been some situations where some subordinate judicial officers with significant experience have been moved to other assignments and replaced with judges with little or no juvenile court experience. We continue to support these changes, however we are concerned that some of the wording in the Blue Ribbon Commissions recommendations is counter productive and creates some possibility of confusion. With this in mind we would ask that the Commission consider a few changes:

A. Recognize and acknowledge the valuable contributions of subordinate judicial officers to the juvenile court system.

B. Indicate that the recommended changes to use judges should be handled through attrition rather than re-assignment of well qualified, experienced subordinate judicial officers who are providing excellent service in juvenile courts thus insuring the continuity that is a well recognized goal in juvenile cases.

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May 1, 2008

Megan LaFrenz
Center for Families, Children & the Courts
Judicial Council of California
Administrative Office of the Courts
455 Golden Gate Avenue
San Francisco, CA 94102-3688

Re: Comment on the California Blue Ribbon Commission on Children in Foster Care's Draft Recommendations

Dear Commission Members:

This letter is written to comment on the Commission's draft recommendations, which I reviewed after reading Justice Moreno's Opinion piece, "Court reform to improve foster care."

Initially, the following statistics in Justice Moreno's article and the draft, if accurate, are shocking and require urgent action: full-time judicial officials carrying an average 1,000 cases; attorneys with an average 273 cases; attorneys sometimes not even meeting the children and parents until the hearing day. However, the fact that most children are in foster care because of neglect, not abuse, offers substantial hope and a realistic prospect for success.

By way of background, when I first practiced law in California from 1979 until the early 1980s, I litigated various juvenile court cases on behalf of minors in Welfare and Institutions Code section 602 cases and parents in section 300 and termination of parental rights cases. Currently, I litigate primarily state court appeals in criminal cases, although several appeals have involved juvenile section 602 adjudications. Additionally, I frequently receive anguished telephone calls from the wives, fiancées and girlfriends of imprisoned clients who have small children and are understandably worried about their children's future, a number of whom may eventually be placed in foster care.

After several reviews of the draft, the scopes of the problems appear very staggering and the proposed solutions significantly vary in achievability. I have some thoughts on several topics that are respectfully submitted with the hope that they may be of benefit.

(1) The draft indicates that youth who grow up in foster care often "age out" of the system, are ill -prepared to live as adults and face increased *risks* of dropping out of school, unemployment, homelessness, mental illness, and criminal justice system involvement. (D2, 6, emphasis added.)[1] These risks are easily understood intuitively. More importantly, what are these specific risks statistically? Are the actual numbers for the increased incidents of dropouts,

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[1] D2 refers to Draft page number.

unemployment, homelessness, mental illness, and criminal involvement compiled and available, nationally and for California? These statistics are and will be crucial in arriving at solutions and persuading pertinent decision-makers, legislative and judicial, local, state and national, to allocate funds, impose standards, require accountability, etc. If these statistics have not been compiled and are not available, methods should be found immediately to obtain these numbers.

(2) I find it astonishing that dependency courts are only able to gather limited information regarding safety, permanency, and well-being, are not able to measure statutory compliance, track children's progress, and identify sources of delay. (D9.) Without these most basic types of information, available and retrievable, the necessary solutions simply cannot be established and implemented. California is home to several of the best technology and software companies in the entire world, including Cisco and Oracle. These or other companies should be consulted on a philanthropic basis for non-profit contributions to develop software and programs that are simple, flexible, and easy to use in order to input, track, categorize, and retrieve necessary information for problem solving.

(3) I respectfully disagree with the draft's recommendation 2B that all dependency hearing participants should have an opportunity to be *in court*. (D10, emphasis added.) From my experience, most litigants want a fair and efficient process before a respectful adjudicator that exercises good judgment, not necessarily the judge. In order for the current and/or revised system to work efficiently, fairly, and justly, the whole flow of the system should be redesigned so that nonadversarial programs, mediation, diversion, deferred entry of judgment, peer tribunals, should initially be attempted to divert and solve cases, without litigation and adjudication. Such a system would require enhanced use of attorneys, social workers, court appointed special advocates, case managers, multidisciplinary teams, and referees to immediately, efficiently, and fairly assess and resolve cases, without the need for litigation and substantial judicial time.

(4) Transportation will pose a problem to differing degrees in diverse areas. For example, especially in a small county like San Francisco that has an integrated public system, transportation does not pose a problem. However, I often see during voir dire in criminal cases in more rural areas that public transportation is not available and alternative care arrangements for dependents are difficult to obtain. Many of the mothers whom I have represented have difficulties in simply getting to the hearings because of drug problems, lack of transportation or financial resources, nonavailability of child care, etc. These disparities in transportation can be magnified because counties have vast differences in available services in close proximity. Thought has to be given to reduce the required presence at hearings, or, to provide flexible scheduling, or, to plan the coordination of hearings / transportation / services / child care, etc. in close proximity.

(5) The concept of "unified courts" (D12) may be very helpful and could resolve the allocation of judicial resource problems. When one begins to analyze the underlying etymology of child neglect or abuse, there is often an underlying dynamic that can or should be resolved in another court. For example, a drug addicted parent or parent that has mental health problems may need help from a drug court or mental health court. Also, one or more parent may have a

pending criminal case, probation violation, or parole violation. Some consideration should be given to the transfer of pending criminal cases with juvenile court case impact to the juvenile court for consolidation in order to affect comprehensive resolutions. In some cases, if the parent with the criminal case is part of the solution for reunification or identification of interested relatives, incentives can be extended, such as diversion, deferred entry of judgment, reinstatement of probation or parole, or mitigating sentencing factors. In other cases, if the parent with the criminal case is part of the problem, the criminal case can be given expedited priority, or result in aggravating sentencing factors, or, result in the termination of parental rights. These solutions could variously be achieved by legislation expanding jurisdiction, amending judicial council sentencing rules for aggravation and mitigation, and / or courts' administrative policies.

(6) Recommendation 4B that no child or family should be denied services because it is unclear who should pay for them (D18) will meet scrutiny and resistance. The skeptics and critics will assert that such an overbroad recommendation is more appropriately made and solved, if at all, by the Legislature, not the courts, especially in difficult periods of budgetary deficits. In the real world, whether and who pays is often determinative if and what services are provided. Points 1 and 2, ante, concerning the collection and analysis of relevant data are crucial in evaluating what solutions to pursue by what means in which forums at what time frames.

(7) The commission may want to consider the creation of pilot programs in representative counties. For example, Santa Clara County, where Silicon Valley is located, may be an ideal place to leverage surrounding technology companies to create software and programs for collection of information. San Francisco, which as a small geographical area, excellent public transportation, and a wealth of service providers and non-profit agencies, could provide a model for what can be achieved if information is shared, resources are identified, and cooperative synergy is attained. Los Angeles County may serve to analyze the problems of and solutions for a larger geographic area, heavy case load, lack of transportation and service infrastructure. A rural county should be selected to analyze the LA County problems and solutions on a smaller scale. These relative differences can also offer insight how to strive for uniformity and accountability in the context of different local conditions, problems, and resources.

In closing, I commend the Commission in its work on this very important subject.

Respectfully submitted,

Carlo Andreani, Esq.
(SBN 85100)

survey title:

Blue Ribbon Commission
Public Comment Form

current report: Default Report

Displaying 64 of 102 respondents

Response Type: Normal Response
Collector: Public Comment Form (Web Link)
Custom Value: *empty*
IP Address: 207.62.177.230
Response Started: Thu, 5/8/08 7:57:20 AM
Response Modified: Thu, 5/8/08 8:12:10 AM

1. Please provide the following information.

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Email Address: - chatch@deltacollege.edu

Phone Number: - 209-954-5552

2. Are you commenting on behalf of your organization?

No

3. Recommendation 1:

Agree with the selected recommendation

Comment: However, when it is clear that children cannot be reunited with families, children need to be placed in adoptive home as early and quickly as possible. Concurrent planning needs tighter, and more timely. (Covered in 1B.)

4. Recommendation 1A:

Agree with the selected recommendation

Comment: I agree on all points, particularly with the African-American and Native American children issue, and greater flexibility of funding.

5. Recommendation 1B:

Agree with the selected recommendation

Comment: Yes! Please extend the age of youth aging out to age 21. They desperately need to extended support and assistance.

6. Recommendation 2

Agree with the selected recommendation

7. Recommendation 2A

Agree with the selected recommendation

8. Recommendation 2B

Agree with the selected recommendation

Comment: Foster Parents must be heard. Too often invaluable of the children they've parented for months and sometimes years is not taken into consideration.

9. Recommendation 2C

Agree with the selected recommendation

10. Recommendation 2D

Agree with the selected recommendation

11. Recommendation 2E

Agree with the selected recommendation

12. Recommendation 2F

Agree with the selected recommendation

13. Recommendation 3

Agree with the selected recommendation

Comment: Much more collaboration on behalf of children and youth is needed. However, sometimes the barriers are cultural--county HSA attitudes toward collaboration are sometimes illogically adversarial and competitive.

14. Recommendation 3A

Agree with the selected recommendation

15. Recommendation 3B

Agree with the selected recommendation

16. Recommendation 3C

Agree with the selected recommendation

17. Recommendation 4

Agree with the selected recommendation

18. Recoommendation 4A

Agree with the selected recommendation

19. Recommendation 4B

Agree with the selected recommendation

20. Recommendation 4C

Agree with the selected recommendation

21. Recommendation 4D

Agree with the selected recommendation

22. Recommendation 4E

Agree with the selected recommendation

Comment: THANK YOU!

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survey title:

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current report: Default Report

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Response Type: Normal Response
Collector: Public Comment Form (Web Link)
Custom Value: *empty*
IP Address: 76.172.97.12
Response Started: Sun, 5/11/08 8:39:30 PM
Response Modified: Sun, 5/11/08 8:53:32 PM

1. Please provide the following information.

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Title: - attorney

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Country: - usa

Email Address: - emmacstro@aol.com

Phone Number: - 323-227-6130

2. Are you commenting on behalf of your organization?

No

3. Recommendation 1:

Agree with the selected recommendation

4. Recommendation 1A:

Agree with the selected recommendation

5. Recommendation 1B:

Agree with the selected recommendation

6. Recommendation 2

Agree with the selected recommendation

7. Recommendation 2A

Agree with the selected recommendation subject to modifications suggested below

Comment: There are a number of subordinate judicial officers, ie. referees and commissioners who have substantial and significant experience in juvenile dependency court that should be considered over judges with NO EXPERIENCE IN DEPENDENCY COURT.

8. Recommendation 2B

Agree with the selected recommendation

9. Recommendation 2C

Agree with the selected recommendation

10. Recommendation 2D

Agree with the selected recommendation

11. Recommendation 2E

Agree with the selected recommendation

12. Recommendation 2F

Agree with the selected recommendation

13. Recommendation 3

Agree with the selected recommendation

14. Recommendation 3A

Agree with the selected recommendation

15. Recommendation 3B

Agree with the selected recommendation

16. Recommendation 3C

Agree with the selected recommendation

17. Recommendation 4

Agree with the selected recommendation

18. Recoommendation 4A

Agree with the selected recommendation

19. Recommendation 4B

Agree with the selected recommendation

20. Recommendation 4C

Agree with the selected recommendation

21. Recommendation 4D

Agree with the selected recommendation

22. Recommendation 4E

Agree with the selected recommendation

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Lafrenz, Megan

From: Dan Cathcart [dcathcart1@sbcglobal.net]
Posted At: Monday, April 07, 2008 11:40 AM
Conversation: Blue Ribbon Recommendations for Foster Children
Posted To: CBRC
Subject: Blue Ribbon Recommendations for Foster Children

Dear Justice Moreno,
First let me thank you and the members of the commission for their efforts to assist the children of our foster care system. By way of background I have been a member of the Bar for over 50 years. I have been a husband for 54 years and a father of four. My wife and I had two children and then adopted two brothers out of the system when they were seven and eight. I am a CASA and at present, my wife and I are mentors for three in foster care. We have been mentoring for about seven years.

I note that the recommendations do not mention the benefits of mentoring. They should. I feel that mentoring is the most important thing that can be done to help these kids who are continually traumatized by the present system. Mentoring can pay for itself in that it costs little to have a system for mentoring when compared to the cost of incarceration when these kids leave the system with no idea how to earn a living and without any value structure.

The recommendations will help the system perform but will do little to directly benefit the children. The system cannot give these children love and security. Government was never intended to raise our children. The statistics I have prove that it can't. Until we go back to an orphanage system mentoring is the next best thing you can do for these victims of parental abuse.

Daniel C. Cathcart
Attorney at Law
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survey title:

Blue Ribbon Commission
Public Comment Form

current report: Default Report

Displaying 40 of 102 respondents

Response Type: Normal Response
Collector: Public Comment Form (Web Link)
Custom Value: *empty*
IP Address: 199.88.74.135
Response Started: Tue, 4/15/08 11:42:34 AM
Response Modified: Tue, 4/15/08 11:59:55 AM

1. Please provide the following information.

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Title: - Commissioner

Agency/Organization: - Superior Court of California, County of Marin

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State: - CA

ZIP/Postal Code: - 94903

Country: - USA

Email Address: - roy_chernus@marincourt.org

2. Are you commenting on behalf of your organization?

No

3. Recommendation 1:

Agree with the selected recommendation

4. Recommendation 1A:

Agree with the selected recommendation

5. Recommendation 1B:

Agree with the selected recommendation

6. Recommendation 2

Agree with the selected recommendation

7. Recommendation 2A

Do not agree with selected recommendation

Comment: As a commissioner who is assigned to hear both dependency and delinquency cases (and who, as an attorney, both supervised attorneys and personally worked on dependency cases), I believe that properly trained subordinate judicial officers who are interested in the assignment can be very effective. After leaving Legal Aid of Marin upon my appointment as a commissioner, I had to wait for two years before I could hear dependency cases since Legal Aid frequently represents a parent. It would be unfortunate if I could not utilize my experience and training (including my service as the judicial officer assigned to hear the Adult Drug Court calendar) in dependency matters.

8. Recommendation 2B

Agree with the selected recommendation

9. Recommendation 2C

Agree with the selected recommendation subject to modifications suggested below

Comment: Of course, the same judicial officer would not hear a case from beginning to end if all subordinate judicial officers were not allowed to do so.

10. Recommendation 2D

Agree with the selected recommendation

11. Recommendation 2E

Agree with the selected recommendation

12. Recommendation 2F

Agree with the selected recommendation

13. Recommendation 3

Agree with the selected recommendation

14. Recommendation 3A

Agree with the selected recommendation

15. Recommendation 3B

Agree with the selected recommendation

16. Recommendation 3C

Agree with the selected recommendation

17. Recommendation 4

Agree with the selected recommendation

18. Recoommendation 4A

Agree with the selected recommendation

19. Recommendation 4B

Agree with the selected recommendation

20. Recommendation 4C

Agree with the selected recommendation

21. Recommendation 4D

Agree with the selected recommendation

22. Recommendation 4E

Agree with the selected recommendation

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Response Type: Normal Response
Collector: Public Comment Form (Web Link)
Custom Value: *empty*
IP Address: 66.159.230.3
Response Started: Tue, 4/8/08 1:49:31 PM
Response Modified: Tue, 4/8/08 1:38:55 PM

1. Please provide the following information.

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Title: - Attorney

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State: - CA

ZIP/Postal Code: - 94104

Country: - USA

Email Address: - chewlaw@gmail.com

Phone Number: - 415-772-5558

2. Are you commenting on behalf of your organization?

No

3. Recommendation 1:

Agree with the selected recommendation

4. Recommendation 1A:

Agree with the selected recommendation

5. Recommendation 1B:

Agree with the selected recommendation

6. Recommendation 2

Agree with the selected recommendation

7. Recommendation 2A

Agree with the selected recommendation

8. Recommendation 2B

Agree with the selected recommendation

9. Recommendation 2C

Agree with the selected recommendation

10. Recommendation 2D

Agree with the selected recommendation subject to modifications suggested below

Comment: I am an attorney member of the juvenile dependency panel in San Francisco representing parents and minors. I have counted only 1 black attorney on the panel of 72 attorneys, 2 Latino attorneys, and 6 Asian attorneys. Respectively, they represent about 1.3%, 2.7%, and 8.3% of the attorney panel in San Francisco, one of the most diverse cities in California. I believe diversity among dependency professionals should play a major role in attorney recruitment and training, particularly because our clients are predominantly from minority populations with many serious cultural differences in raising children. Perhaps, MCLE training should include/require elimination of bias for attorneys. The disparity in diversity among professionals and consumers is also apparent and prevalent among child welfare workers, although far less than attorneys.

11. Recommendation 2E

Agree with the selected recommendation

12. Recommendation 2F

Agree with the selected recommendation

13. Recommendation 3

Agree with the selected recommendation

14. Recommendation 3A

Agree with the selected recommendation

15. Recommendation 3B

Agree with the selected recommendation

16. Recommendation 3C

Agree with the selected recommendation

17. Recommendation 4

Agree with the selected recommendation

18. Recoommendation 4A

Agree with the selected recommendation

19. Recommendation 4B

Agree with the selected recommendation

20. Recommendation 4C

Agree with the selected recommendation

21. Recommendation 4D

Agree with the selected recommendation

22. Recommendation 4E

Agree with the selected recommendation

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Children's Advocacy Institute

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COMMENTS OF THE CHILDREN'S ADVOCACY INSTITUTE ON THE DRAFT RECOMMENDATIONS OF THE CALIFORNIA BLUE RIBBON COMMISSION ON CHILDREN IN FOSTER CARE

The Role of the Courts in Improving the Lives of Children and Families

May 13, 2008

The Children's Advocacy Institute (CAI) is an academic center and statewide advocacy law firm for children based at the University of San Diego School of Law. Founded by Professor Robert C. Fellmeth in 1989, CAI trains law students in child advocacy skills and since 1992 has operated a clinic representing abused and neglected children in juvenile dependency court. CAI convenes the Children's Advocates Roundtable in Sacramento (which includes over three hundred organizations with an interest in child-related policy), sponsors proposed legislation, publishes the *California Children's Regulatory Law Reporter*, and conducts research and issues reports. Two of those studies over the last 18 months have focused on foster children (see *They Deserve a Family – Higher Rates for Family Foster Care Could Lead to Better Outcomes, Including More Adoptions for Foster Children* (May 2007) and *Expanding Transitional Services for Emancipating Foster Youth – An Investment in California's Tomorrow* (January 2007), both available at www.caichildlaw.org). CAI currently has a grant from the Governor's Office of Emergency Services to train new dependency court attorneys for California under the federal Children's Justice Act. Professor Fellmeth is the author of the law text *Child Rights and Remedies* and serves as Vice-Chair of the National Association of Counsel for Children and as counsel to the Board of Voices for America's Children.

CAI endorses the proposed recommendations of the Blue Ribbon Commission. The four listed recommendations, including their respective subparts, are balanced, well-reasoned and supported by the evidence known to CAI concerning the status and needs of foster children. We ask that the following specific recommendations be added to the extent draft. These additions are commended by our own studies and experience in serving as counsel and advocates for the children who here are the subject of concern. Finally, we discuss a source of potential funding for some of the reforms as currently listed and as we would supplement.

Main Recommendation 1:
Reasonable Efforts to Prevent Removal and Achieve Permanence

The Commission sensibly begins with issues surrounding removal and permanence. Child advocates generally support the Commission's hope for fewer removals (and perhaps more effective "family preservation" strategies) and share its clear preference of permanent new families for those who are removed and lose their original parents.

The recommendations on these subjects have merit. But CAI would ask that some attention be paid to prevention at earlier points of intervention. We therefore suggest three underlying dynamics related to increased mandated child abuse/neglect reports that are not address by the Commission but may warrant consideration.

We also discuss below two major recommendations on achieving the permanence goal of the Commission, one commending direct support for a compensation design that produces increased family foster care supply and quality – the source of critical and successful adoptions and permanence for these children. And authority for courts to appoint "transition guardians" for children after they emancipate – guardianships not over the youth, but over a fund comparable to amounts given by private parents, to achieve self-sufficiency under a plan customized to and optimally assisting each child.

A. Prevention

The recommendations begin with current foster child caseloads. Policies that might ameliorate current influx may appear to be beyond the jurisdiction of the court and this Commission. But the Greek definition of a "professional" implies a person who essentially seeks the elimination of the need for his services. And there are no services more desirably eliminated than those interposed for parental unfitness and child abuse and deprivation. Accordingly, we discuss briefly those addressable factors that relate to the inflow of foster children. Whether the Commission believes they fall within its jurisdiction or not, CAI believes that no examination of a continuing area of societal deficiency is complete without some discussion of cause and prevention. We identify three underlying factors appropriate for Commission comment and suggest specific recommendations for the Commission's adoption.

1. Unwed Births

The correlation between child neglect and (a) unintended children and (b) child poverty is inescapable for anyone familiar with the foster children of California. The correlation between both of these contributing demographics and unwed births is self-evident. The unwed birth rate has risen from 8% a generation ago to 30% during the 1990s, to 37% today. And the rate among the African-American and, increasingly, Hispanic communities is alarming, with 70% and 45% of these children suffering from the absence of secure, committed fathers and dependent on economically challenged mothers. Optimally, each child starts with two committed parents. Perhaps death or divorce at some point create a need for compelled contribution and outside help, but creating a child is the product of human volition. Can we not agree that a child has a right to an initial commitment – a right to at least be intended by two adults?

Both genders are to blame. Both eschew birth control. Both fail to make the more basic commitment warranted by the miracle of child creation and birth. We consistently see females becoming pregnant with a second child who will enter the system, then a third, then a fourth, then a fifth. We had a case this month with one woman contributing eight sequential children. Do we not have, at some point, an obligation to do something? Nor are these births immaculate conceptions. Indeed, males are particularly deficient in commitment and responsibility. The fate of their

abandoned children is one of common poverty, and often extreme poverty as welfare reform has limited public support for single mothers. At one time, AFDC-FG paid to the federal poverty line for such families. Currently, the successor Temporary Aid for Needy Families (TANF) pays less than half of that poverty line, and has been in decline for 15 years. And that is a poverty line that is deficient in amount, particularly for a high-rent state such as California. The children living in single parent female headed households do not enjoy 80% of the family income in married-couple households, not 50% — but about 20%. And child support collection from absent biological fathers does not reach $65 per month per child – less than 10% of out-of-pocket costs.[1]

It is well past time to begin the detailed study and open discussion of this factor, and of the corollary exacerbation of our society's hypocritical attitude toward birth control, the failure of child support collection, and the collapsing public safety net for children. Therefore, CAI respectfully requests the Commission add a recommendation that:

★ *The Judicial Council and the state Department of Social Services work together to urge Congress, the state Legislature, and state and local agencies to engage in detailed study of the correlation between unwed births and child maltreatment. Any such study should include a close look at birth control, child support collection, and the collapsing public safety net for children.*

2. Parenting Education

One of the models for child abuse/neglect prevention long championed by child advocates is the "Hawaii Model." Under its provisions, births are screened for likely parental neglect or skills shortfall – and the social workers or nurses are then dispatched into the homes of new parents to help teach them basic parenting skills. This strategy has won strong support from child advocates and has been adapted to other jurisdictions. The Commission has adopted some of the movement toward what is termed "family preservation" where rather than removing children, problem families are assisted in situ. In fact, we commend the Commission's recommendation that "the Judicial Council work with state and federal leaders to allow greater flexibility in the use of federal funding for preventive services" (Draft Recommendation 1A).

However, as currently employed, the family preservation model is limited and costly. There is a reason why "home visits" are not a part of common medical service delivery. The question is thusly properly posed: most children will become parents, why are they not instructed in the basics when we have them all in front of us – in public schools? Why is knowledge about child birth, child development and effective parenting not a part of our educational commitment to future generations? How is it less important than Trigonometry? Should not our future parents know about everything from how to prevent child conception to the impact of prenatal contamination of the fetus, to prevention of SIDS, the weakness of infant necks and shaken baby danger, to the danger of leaving kids sitting in car seats with sun heating consequences, to their nutritional needs at various ages, to the obligation of biological fathers to provide 18 years of child support? Are these not the most

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[1] For detailed citations to existing literature concerning unwed births and child poverty, see Fellmeth, *California Children's Budget 2004-05*, Chapter 2 at www.caichildlaw.org.

important lessons we can teach our children? Such lessons need not be a discrete course, and should not be confined to girls (as "home economics high school courses were traditionally), but presented in "modules", or short lessons repeated and reinforced from 9th through 12th grades

Based on the key role an appropriate education can play in preventing child abuse (as is evidenced by the number of parenting education classes ordered in reunification plans), CAI respectfully requests the Commission add a recommendation that:

★ *The Judicial Council and the state Department of Social Services work together to engage the appropriate stakeholders in California's educational system to integrate parenting education in the 9th through 12th grade curriculum.*

3. Substance Abuse

Any participant in dependency court proceedings finds a stark and pervasive relationship between parental unfitness and substance abuse. Although alcohol and various drugs commonly present problems, the methamphetamine epidemic has been a particular scourge for children. It is not merely the usual "dealing and scrounging for money" that demarks other illicit drugs. It acts to energize its victims and accentuates personality defects. It tends to mute or eliminate the most basic maternal and paternal instincts that we all assume parents possess. The courts have responded with "drug courts" and creative techniques to allow parental reunification with their children. CAI does not pretend to gauge how successful various strategies have been in salvaging these families, but outcome measurement is important and should be institutionalized as a part of court proceedings. Such measurement should include longitudinal studies of families where reunification was authorized. Such failures require repeat removals and additional disruption for affected children. Additionally, the courts must engage with the treating physicians in the area. There needs to be clear collaboration between the courts and drug treatment facilities to fully understand what can and should be expected of a parent that has been using methamphetamine for one, five, or fifteen years. It is only through an open dialogue that justice can be served to the ultimate victims of this drug — the children. Therefore, CAI respectfully recommends the Commission add recommendations that:

★ *The Judicial Council adopt specific performance measures that assess the efficacy of reunification including longitudinal studies of families where reunification was authorized.*

★ *The courts and partnering agencies examine current medical evidence regarding the treatment of drug dependence and how medical treatment supports reunification practices.*

B. Permanence

Beyond reasonable efforts not to remove is the Commission's worthy focus on permanence. CAI would add several important elements along two aspects.

(1) CAI would add to the Commission's recommendations to assure more adoptions through state outreach for family foster care providers, increased training in community colleges, and – most

critically – fair and lawful compensation. We all know that ending foster care drift and achieving a permanent parental anchor for each child is our goal. And far better that such an anchor be a parent or guardian with a clear commitment to the child – rather than an institution. Permanence for a child is best achieved through a personal parent or guardian. The Commission should properly address the current root causes of its alarmingly diminishing supply – and the decline in adoptions and prevalence of expensive and regrettable group home placements.

(2) The fate of foster children upon emancipation at 18 years of age is a source of shame for their parents. And the courts are the parents. The extension of foster care to age 21, as suggested by the Commission, has merit. But a much more effective, less expensive, and customized option should be embraced by the Commission – the commitment to each foster child of the median support post-18 given to children by private parents, and its caring and customized administration by a court appointed transition guardian.

1. Family Foster Care Supply

CAI appreciates that the draft recommendations offered by the Commission aim to create a plan to achieve the goal of providing all California children with a safe, nurturing, and permanent family where they can grow up and learn to become productive adults. CAI shares this goal in much of its advocacy. As the Commission is no doubt aware, in any given day in California, there are approximately 80,000 children in foster care, but less than half of these children are living in the most preferred types of placements (with relatives or foster families).[2] This means two things: First, less children are given a meaningful chance of finding an adoptive family since most adoptions by non-family members come from foster parent providers. Second, if foster children are not placed in foster family homes, they are placed in alternatives such as foster family agency homes (FFAs) and group homes that are far more expensive to the taxpayer. For example, group homes receive anywhere from $857 to $5,946 more in compensation (depending on the age of the child and the intensity of the group home) for caring for foster children than do foster families.

Some of the traditional recommendations that have been implemented in recent years – more flexibility in guardianships (including Kin-Gap payments) and cutting red tape to facilitate adoption – have had some success. But California's adoption rate has not continued to rise from its increase of five or six years ago – following adoption facilitation efforts in Los Angeles and elsewhere. We believe that the most advantageous strategy to meet the Commission's laudable goal rests with increasing the supply and quality of family foster care providers. These families should be so numerous that even for disabled teens we ideally would have competition over "who gets to adopt him or her." Ideally, we would have a state DSS with an office assigned the task of increasing supply – of coordinating with community colleges to increase the number of foster care providers trained in special needs provision, of coordinating statewide recruiting and advertising via a respectable PSA budget. Instead, we have declining supply, little interest in most foster children above 2 or 3 years of age, and relegation to group homes for too many foster children.

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[2] *No Family, No Future*, a policy report by the California Welfare Directors and Legal Advocates for Permanent Parents, May 2007, available at http://www.cwda.org/downloads/FamCarePolicyRep.pdf, p. 3, citing Needell, B., Webster, D., Armijo, M., Lee, S., Cuccaro-Alamin, S., Shaw, T., Dawson, W., Piccus, W., Magruder, J., Exel, M., Smith, J. , Dunn, A., Frerer, K., Putnam Hornstein, E., Ataie, Y., Atkinson, L., & Lee, S.H. (2007). *Child Welfare Services Reports for California.* Retrieved from University of California at Berkeley Center for Social Services Research website. URL: http://cssr.berkeley.edu/CWSCMSreports/.

Aside from the need for a dedicated office for these purposes at the state level, a major reason for this diminution over the last half-decade partly relates to compensation paid to foster families. It averages just over $530 per month, contrasting with the much higher rates paid to group homes. CAI believes it is imperative that the final recommendations include a specific mandate that the Judicial Council and the state Department of Social Services work together to urge Congress, the state Legislature, and state and local agencies to increase funding for foster family homes – that the federal standard of meeting out-of-pocket costs enjoy compliance. Family foster care rates have been increased only 10% since 2001, and they were well below out-of-pocket costs under federal mandates then. A recent national study of family foster care rates by the University of Maryland find our state's rates to be more than 40% below cost. Accordingly, CAI has challenged them in federal district court, in a case now pending in federal district court (*California Family Foster Care Association v. Wagner* (N.D. California)). The defendants' Rule 12-b-6 motion to dismiss has been denied and the case is scheduled for trial within the next 9 months.

According to a recent report published by the California Welfare Directors Association, 77% of California counties surveyed reported a loss in licensed foster family homes since the 2001 increase in foster home rate, with an average statewide loss of 30% since that date. To stress: this is an average. One county saw a 60% reduction; another 50%.[3] Counties surveyed indicated that a primary reason they are unable to retain foster family homes is the low reimbursement rates received by foster parents.[4]

The Commission needs to come on board, knowing that the lower middle class and even the middle class simply cannot afford to open up their homes to a foster child where it means the sacrifice of pensions, college funds for other children, or other personal sacrifices. Any market economist will tell you, if you want to increase supply of a service, increase its compensation. That does not mean adoptions will be driven by money, it means that enough people will be financially able to give foster care a go, and the more choices for us to pick from, the better. Bonding and falling in love with the child who becomes your charge will commonly transform that economically affected opportunity into the permanence properly sought.

These data regarding the sharp decrease in the availability of foster parents is particularly troubling because, when there are no foster homes available, children are often, "housed" in a group home setting where they simply do not fare as well with staff members working in shifts and frequently changing jobs. Studies show that children in group homes are often unable to form a consistent relationship with a caregiver and are a serious risk for developmental problems and long-term personality disorders.[5] Furthermore, these children are less likely to be connected to family, more likely to transition out of foster care alone, and are more likely to experience poorer

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[3] *Id.*, at p. 3 citing *Survey of Licensed Foster Family Home Decline Among California Counties*, County Welfare Directors Association of California (May 2007).

[4] *Id.*

[5] North America Council on Adoptable Children, *There is a Better Way — Executive Summary* (available at http://www.nacac.org/exec_summaries/better_way.html).

outcomes as adults.[6] Research also indicates that adults who were placed in group homes as adolescents have lower educational attainment and lower employment probabilities than similar adults raised in foster family homes.[7]

Based on the important role family foster care providers can play in providing permanence to children who are not able to return to their biological families, CAI respectfully urges the Commission to adopt a recommendation that:

★ *State and local child welfare agencies actively engage in recruiting and supporting foster family homes, that a separate office within the state Department of Social Services be committed to supply and quality increase, and that family foster care rates be increased no less than 40% immediately to comply with federal law and enable reasonable supply restoration for reasonable adoption opportunity.*

2. A Fair Chance – Transition to Adulthood

Over the past three years, CAI has been engaged in a project the goal of which is to improve outcomes for youth who emancipate from California's child welfare system. The Blue Ribbon Commission report addresses a number of issues youth face when they emancipate from California's system and it provides sound recommendations for improving outcomes for these vulnerable youth. The commission should, however, expand upon these recommendations to include more innovative and varied approaches to assist youth who emancipate from California's foster care system.

The Commission properly recommends that child welfare systems should improve protocols for finding family members (Draft Recommendation 1B). Even if they are unable to adopt or act as guardians, family members can provide stability in the life of a youth transitioning into adult life. Further, the Commission recommends that the courts and child welfare agencies "ensure that foster children maintain a relationship with all family members and other important people in their lives" (Draft Recommendation 1B). To achieve the intended impact of these stated goals and recommendations, the Commission should encourage child welfare systems to improve protocols, not only for finding family members, but also for finding and encouraging adults who will act as mentors, and will be a consistent, caring presence in the life of foster youth, even where adoption may not be possible. Stability is an important component of permanence. It becomes particularly important as youth prepare to emancipate from the foster care system.[8] A consistent, caring adult, whether or not that adult is a relative, can provide this invaluable stability.

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[6] *Id.*

[7] Brian Duncan, Laura Argys, *Economic Incentives and Foster Care Placement*, Department of Economics, University of Colorado at Denver, available at http://econ.cudenver.edu/bduncan/Fostercare.pdf.

[8] Samuels, Gina Miranda. *A Reason, A Season, or A Lifetime: Relational Permanence Among Young Adults with Foster Care Backgrounds.* Chapin Hall Center for Children at the University of Chicago (2008) at 9. Scholarship on youth aging out of care, as well as research focusing on other 'at-risk' populations, has consistently recognized the importance of nonparental adults in the lives of young people and their positive development (Massinga & Pecora, 2004; Perry, 2006; Propp et al., 2003). Feeling connected to an adult has been found to have positive effects not only on general well-being and socio-economic health (Messinga & Pecora, 2004), but also can buffer some of the negative outcomes this population is reported to face (Perry, 2006)." See Also: Perry, B.L. (2006) *Understanding social network disruption: the case of youth in foster care. Social Problems,* 53(3), 371–91.

The Commission recommends the extension of foster care emancipation to 21 years of age. We agree with that recommendation, and support federal legislation now pending that would actualize it. Such an alternative should attract Title IV-E federal funds under current law to finance approximately half of its cost. However, to the extent the Commission wishes to rely on continued foster care coverage beyond age 18, it should make aid available to age 25 – given the problems of this population and the demographic fact of common self-sufficiency attainment at age 26.[9] Law and policy in California relating to emancipated foster youth should reflect this reality.

The change would apply to those children who choose to remain under the jurisdiction of the court, this important because some youth may have a desire to be free from the system of which they have been a part for years, in some cases. Further, if the court terminates jurisdiction prior to a youth's 21st (or 25th) birthday, the youth should have the right to reinstate jurisdiction and services. It is quite common for youth transitioning into adult life to find it necessary to return home, as many parents can attest. Former foster youth must be given the same option. Accordingly, CAI supports these recommendations.

The Commission should further recommend that California take steps to avoid completely abandoning these youth once the court has terminated jurisdiction, whether this happens at age 18, at age 21, or at age 25. California should offer options to foster youth who emancipate from the system. For many, existing Transitional Housing Placement Plus (THP-Plus) programs may provide services the youth needs to transition successfully into adulthood. To that end, the commission should recommend that California ensure that existing THP-Plus programs sustain a level of funding sufficient to maintain and expand program capacity to meet the demonstrated need of youth emancipating from the foster care system.

However, after substantial study of this subject, we propose an alternative (or supplemental) plan: the commitment of monies approximating what private parents give their children post-18 ($45,000), and the guidance of those youth into self-sufficiency through a court reviewed plan administered by a "transition guardian." That guardian would be someone familiar to the child, and would have jurisdiction over the fund, not the child. Such an alternative is close to what a normal parent provides to his or her child. It allows a customized plan of support and guidance – rather than various aid programs for a narrow purpose administered by agencies in a fragmented pattern.

The advantage of the "transition guardian" method over the current THP Plus program, or simply extending foster care coverage to age 21 are many. The former substantially rely on several years of additional housing in group homes – sometimes with some ancillary services, but suffering from the same deficiencies as the group home system generally exhibits. Second, that option is not customized to a youth's optimum needs for self sufficiency. Third, assistance stops at or before age 21. But the average youth does not achieve self-sufficiency until age 26. In contrast, the transition

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[9] Ammerman, S.D.; Ensign, J.; Meininger, E.T.; Tornabene, M.; Warf, C.W.; Zerger, S.; Post, P. (2004) *Homeless Young Adults Ages 18–24: Examining Service Delivery Adaptions.* Nashville: National Health Care for the Homeless Council. Bahney, A. (April 20, 2006) The Bank of Mom and Dad. *The New York Times*, G2 p. 1. Bennett, C.M. and Biard, A.A. Anatomical Changes in the Emerging Adult Brain: A Voxel-Based Morphometry Study. Available online at www.theteenbrain.com/about/publications/pdfs/2005-Bennett-VBM.pdf. Bower, B. (May 4, 2004). Teen Brains on Trial. *Science News, 165*. P. 299. Shirk, M. And Stangler, G. (2004). *On Their Own: What Happens to Kids When They Age Out of the Foster Care System.* Jim Casey Youth Opportunities Initiative.

guardian option allows individualized help for three, four or five years, as the youth needs. Fourth, the transaction cost of foster care continuation or THP Plus is high. The $3,000 to $6,000 more per month per youth includes the overhead and profit margin of a group home establishment. In contrast, the transition guardian proposal is administered not by a bureaucrat or profit-oriented establishment, but by a person known to the youth for minimal compensation – under 10% of disbursed monies. Fifth, and of special importance to this Commission, the court remains connected. Unlike the current option of regrettable and common abandonment of the court's children to the streets, the court retains jurisdiction over the funds going to the youth – just as a parent contributing to a child's transition does. And that connection is something all responsible courts want to maintain. For these courts have been the parent to the child. They maintain files and details. They have made decisions that have determined their basic course in life. And rather than abandon their charges at the moment of greatest vulnerability, they properly seek to finish the job.

The court's continued connection under this option may be accomplished with a minimum of cost. It does not continue all of the costs of foster care coverage and review, but only the semi-annual reviews of the "self-sufficiency" plan of the person they have appointed as guardian over the funds. They delegate to a direct appointee the administration of monies to be certain they have finished the job. And it does not depend upon youth consent to continued foster care status – a position many of the older foster children bridle at based on the regrettable reality of their lives in foster care. Rather, the "transition guardian" option does not require continued foster care jurisdiction. But the court retains jurisdiction over a substantial fund available to the youth. And receipt of that help is unlikely to be eschewed by many youth – certainly not after encountering their first difficulties on the street. The end result is likely to be radically preferable to the current state of affairs – a population disproportionately unemployed, undereducated, disabled, incarcerated, and now making up close to 40% of the state's homeless shelter population.

Every parent wants to see her children succeed when they venture out on their own. The Commission should urge California to act in accordance with the parental role it has assumed and implement real and substantive changes to help its children succeed after leaving its care. To that end, CAI recommends that:

- ★ *The Judicial Council work with federal and state leaders to support or sponsor legislation to extend the age when children receive foster care assistance from age 18 to age 25. 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 prior to a youth's 25th birthday, the youth should have the right to reinstatement of jurisdiction and services until he/she reaches age 25.*

- ★ *Child welfare agencies actively engage in finding and encouraging adults to act as mentors for foster youth who are not able to be reunited with their family.*

- ★ *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 existing THP-Plus programs sustain a level of funding sufficient to maintain and expand program capacity to meet the demonstrated need of youth emancipating from the foster care system.*

★ *The Judicial Council and the state Department of Social Services work together to urge the state Legislature to adopt a transition guardian program or other method allowing supervision of funds to be allocated and customization to the needs of individual youth.*

Main Recommendation 2:
Court Reforms

A. Caseloads

The instant proposal notes that priority is properly given to dependency courts in the allocation of judicial resources. That proposition is undeniable. These children are literally and legally the children of the state. The courts are their parents. You provide for your own children first and foremost. You decide what they need, and then you allocate the remainder. That is the ethically defensible posture for court budgeting. Under what circumstance is any expenditure deserving of higher priority than the care of the court's own children, for whom they are legally and morally responsible?

Notwithstanding this compelling posture, current caseloads of social workers are excessive, and current budget proposals would exacerbate them – reversing the modest improvement of the 2007 budget.

Attorney caseloads are not only excessive, but are Constitutionally infirm. The *Kenny A.* case posits caseloads of 100 as the outer limit in 6th Amendment compliance (*Kenny A. v. Sonny Purdue* (2005) 356 F.Supp. 2d 1353. The federal Constitution applies to California. The rather generous standard promulgated by the Judicial Council study would limit caseloads to 188 "where adequate support exists." CAI agrees that if every attorney in dependency court has a social worker investigator, a caseload of from 120–150 may be justifiable. We would respectfully suggest that 188 is excessive. But in contrast to these numbers, the average caseload in the state is 273, with many jurisdictions lacking ancillary attorney support. San Diego's number is above 300. Orange County is reportedly above 500. Such caseloads inhibit proper client representation and in the view of CAI, violate the 6th Amendment rights of the children for whom these same courts serve as parents.

Excessive caseloads are reflected in the abject failure to represent children on appeal, where the final decision is often effectively made. Compromise legislation and rulemaking theoretically allow attorneys to be appointed for the appellate stage of dependency court proceedings where the county or parents appeal or seek writ review, but CAI questions its efficacy. Under the current scheme, appellate representation requires special permission. In contrast, the Rules of Professional Conduct properly bar the abandonment of a client in the middle of a case — as perhaps the final decision is about to be made. San Diego routinely appoints such counsel. Other districts do not. That disparity appears to continue. Why? Under what theory of representation does the person whose rights and future are being dispositively adjudicated not have attorney representation? In many cases, that representation may involve simply joining in the argument and position of one of the two other parties, but such deferral is not always the case. A parent properly wants to hear from his or her child before making a major decision about his or her future. Thus, CAI requests that the Commission adopt the following recommendation:

★ *The Judicial Council shall work to ensure that child representation at the appellate level is automatic and presumed.*

Finally, the courts themselves are overburdened. Courts have more than 1,000 cases each. How competent would you be as a parent with 1,000 children? Those caseloads should be no more than 300, and certainly are properly reduced to a maximum of 500. Such judicial caseload calculation properly recognizes the profound difference between other courts and this very unique judicial function. In other departments the court properly assumes a relatively passive role. Counsel brings a case, defendants or respondents appear and respond, and the case is joined. But the juvenile dependency court is closer to the European model of the "tribune" court. This court assumes direct "jurisdiction" over a person. This judge serves as a parent, and has ancillary jurisdiction under law to bring before him or her school officials and others. This is an entirely different kind of responsibility.

CAI respectfully urges the Commission to add the following recommendations:

★ *The Judicial Council shall work with the AOC to adopt Rules of Court requiring that each child's attorney handle no more than 188 cases at a time.*

★ *The Judicial Council shall work with the AOC to agree to a ceiling of no more than 500 cases for juvenile dependency court judges – given their special responsibilities as the parents of the children within their respective case loads. The AOC should study the caseloads of Juvenile Court Judges handling dependency cases to determine if some number under 500 is an appropriate standard.*

In the alternative to the adoption of the specific recommendations above, CAI would suggest that state legislation be pursued to establish maximums as discussed in the preceding paragraphs. This issue as to counsel has been discussed and studied for most of the past decade. The time to talk and write has passed.

B. Transition to Adulthood

1. Participation in Hearings

The Commission recommends that "local court practices should facilitate the attendance of children, parents, and caregivers in hearings (Draft Recommendation 2C). CAI strongly agrees and stresses the importance of attendance for children at hearings long before the hearing pursuant to Welf. & Inst. Code §391 to terminate jurisdiction. These children should be well informed about their case and have a voice in the process so that they will be better prepared for emancipation. To that end, their presence in court is vital.

2. Performance Measures

The Commission properly stresses the importance of implementing a comprehensive set of court performance measures as required by state law. These measures track children's progress, and identify sources of delay and other areas of reform needed in juvenile dependency court. Likewise, the Commission should urge the state to develop appropriate performance and outcome measures

to track the progress of youth who emancipate from California's foster care system until they are at least 25 years old, or for at least 5 years after they leave the system. The measures would help to identify problem areas as well as areas of success in the foster care system as a whole.

Currently, the law does not require any measures for former foster youth outside of reporting on THP-Plus and Chafee funded programs. However, reliable outcome data, on a large scale, for former foster youth would be an extraordinarily valuable resource for advocates, policy makers, and service providers because it would provide the information necessary to improve outcomes for these youth. The measures may need to be voluntary for the former foster youth to respect their privacy. The ultimate measure of the system's success is how these youth fair once they emancipate from it.

Accordingly, CAI respectfully urges the Commission to adopt a recommendation that:

★ *The Judicial Council work with the Child Welfare Council as well as local courts and agencies to adopt performance measures that track the progress of youth who emancipate from California's foster care system until they are 25 years old.*

Main Recommendation 3
Collaboration Between Courts and Partnering Agencies
Fatality Data

CAI appreciates that the draft recommendations offered by the Commission aim to create a plan to achieve the goal of providing all California children with a safe, nurturing, and permanent family where they can grow up and learn to become productive adults. CAI has spent the last several years looking very closely at the safety of California's children by scrutinizing public records pertaining to deaths of children in foster care and fatalities due to child abuse and neglect.

For the years 2004–07, CAI made requests for public records regarding the deaths of children in foster care. The only information subject to public disclosure regarding foster children who have died is their name, date of birth and date of death.[10] While we have continued gathering this data, it is clear that it does not provide much useful information. It reveals some statistics regarding the age of children who die while in our care, but not much else.

In recent years, legislation and rulemaking have made more data pertaining to child abuse or neglect deaths available to the public. In 2006, the California Department of Social Services released All County Letter (ACL) No. 06-24. Pursuant to this ACL, CAI requested the Child Fatality/Near Fatality Questionnaires for every child who died or experienced a near fatality in California from July 21, 2006 through the end of 2006.[11] While still providing an incomplete picture

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[10] Pursuant to SB 39 (Migden) (Chapter 468, Statutes of 2007), and as discussed in the following footnote, if it is suspected or concluded that a foster child has died due specifically to child abuse and neglect, more information is now subjected to public disclosure.

[11] CAI is currently gathering and analyzing the data for 2007. The data set will again change for 2008 due to the implementation of SB 39, which provides that when there is a reasonable suspicion that a child fatality was a result of abuse or neglect, a county must release to the public, upon request, the age and gender of the child, the date of the fatality, whether the child was in foster care or in the home of his or her parent or guardian at the time of the fatality, and whether an investigation is being conducted by Law Enforcement or CWS/Probation. Once an investigation concludes that the child

of exactly what is happening to California's most vulnerable children, CAI did make a key finding that is pertinent to the mandates of the Commission. We found stark inconsistencies in what the respective 58 counties chose to disclose.

The Commission's third recommendation appropriately recognizes the importance of collaboration between courts and partnering agencies. While the current focus of the recommendation is on the specific services that are provided to children and families, CAI believes the focus of this recommendation is appropriately broadened. The courts and partnering agencies work together to protect children who are removed from their parents due to child abuse and neglect. These agencies should also work together to protect those children who are at risk of abuse and neglect but who have not yet been removed. Our research of the fatalities due to child abuse or neglect in California from July 21, 2006 through December 31, 2006 shows that nearly 80% of the children who died from abuse or neglect had a prior history of CPS reports. Even more disturbing, more than half of the children who were the subject of abuse death reports died from the very cause that was the subject of previous reports.

This Commission is well familiar with the checks properly provided to prevent error in the inappropriate removal of children from fit parents. The psychological cost of error in the direction of unjustified removal on the entire family can be traumatic and those checks have a basis in due process and common sense. They include a "reasonable efforts" mandate not to remove a child. This is followed by a detention hearing in front of a neutral court, with counsel appointed (and paid) for each parent who may lose parental rights, followed by a jurisdictional and dispositional hearing, with relative placement favored, and with a "reasonable efforts" to reunify statutory mandate. After these steps to check improvident removals, the state carries the burden to prove by "clear and convincing" evidence that parents are unfit. This Commission properly ponders the converse error – the failure to remove a child who needs protection. What is the check here? The only clear check is knowledge of adverse consequences where such omissions occur. The finding that the majority of state deaths from abuse and neglect are previously known to CPS underlines the need for reporting and transparency.

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fatality occurred as a result of abuse or neglect, the county must release to the public, upon request, the above information and the emergency response referral information form and the emergency response notice of referral disposition form completed by CWS/Probation relating to the abuse/neglect that resulted in the fatality, any cross reports by CWS/Probation to Law Enforcement relating to the deceased child, all risk and safety assessments completed by CWS/Probation relating to the deceased child, all health records of the deceased child (excluding mental health records) related to the child's death and previous injuries reflective of a pattern of abuse/neglect, and copies of police reports about the person against whom the child abuse or neglect was substantiated. For cases where the fatality occurred in the home of a parent or guardian, the county must also release all previous referrals of abuse or neglect of the deceased child while living with that parent or guardian. For cases where the fatality occurred in foster care, the county must also release all records pertaining to the foster parent's initial licensing, renewals, and type of license(s) held, if in the case file, all reported licensing violations, including notices of action, if in the case file, and records of training completed by the foster parents, if in the case file. While in general the legislative trend in California appears to be toward releasing more information regarding these cases, we anticipate that many of the issues we have encountered so far will continue. Therefore, our comment will focus on the state of information that we have received from the State and counties to date.

While a recent survey of child abuse death reporting scored California as substantially improving from previous years,[12] it appears that there is no clear understanding by each of the 58 counties regarding exactly what data should be reported. For example, some counties released data on a fatality "due to child abuse and neglect" when the child died after being born prematurely due to drug exposure. However, not all counties reported this as a death due to child abuse and neglect. (In one of the largest counties in the state, no such death was reported and this simply defies all logic.) The most recent All County Letter on this subject, ACL 08-13, while outlining the changes to reporting policies pursuant to SB 39, does nothing to help clarify exactly what is to be considered by counties as a fatality "caused by abuse or neglect". Based on the important role accurate data can provide, coupled with the important role both the courts and partnering agencies play in protecting vulnerable children, CAI respectfully requests the Commission add a recommendation that:

★ *The Judicial Council work together with the state Department of Social Services and local county agencies to promote the sharing and public disclosure of accurate and consistent information pertaining to child fatalities in foster care and child fatalities and near fatalities due to child abuse or neglect.*

Main Recommendation 4
Resources and Funding

CAI supports the Commission's recommendation that the Judicial Council, Congress, the Legislature, the courts, and partnering agencies should give priority to foster children and their families in the allocation and administration of resources, including public funding- federal, state, and local – and private funds from foundations that support children's issues. CAI would respectfully argue that requiring foster children to compete with monied interests will not yield proper prioritization. In a world of term limits and 1,200 registered lobbyists, a group without vote, campaign finance assets or influential lobbyists, will not obtain their proper share on the merits – assuming such merits are ethically informed. The correct posture for the state is to allocate what these children need in a special fund kind of structure, and then allocate politically remaining funds. The rationale for such a distinction is basic. We are the parents of these children. And this is what parents do. Such a procedure is the real test of family values commitment: How you treat your own children. These are not children who are "ours" in the sense they are Californians or Americans – these are children over whom we have legal jurisdiction. It is quite a different animal. They are literally "our" children. You provide for them first. You divide up what is left. They, not prison guards or the education of non-state children, or yacht tax loopholes, or the conduct of a primary election at $75 million in February when one is already scheduled and budgeted four months later, all properly recede behind the import of providing for our own children. This Commission needs to say so, in no uncertain terms. And it needs to supplement that call with a willingness to subject its spending to the discipline and check of independent outcome measure. Finally, it needs to look hard at the funds available and properly allocated to foster children above all – especially as they emancipate – from the more than $1.4 billion annually collected from Proposition 63's Mental Health Services Act.

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[12] See Emily Reinig, *State Secrecy and Child Deaths in the U.S.*, Children's Advocacy Institute (April 2008), available at www.caichildlaw.org.

A. Family Foster Care Supply

The Commission appropriately recognizes that it is important for funding to be allocated to evidence-based practices that lead to improved outcomes for foster children (Draft Recommendation 4A). A recommendation calling on the Judicial Council and the state Department of Social Services to work together to urge Congress, the state Legislature, and state and local agencies to increase funding and support for foster family homes is just the evidence-based type of improvement that should be specifically outlined by the Commission.

A recommendation to increase funding and support for foster family homes will not only improve the lives of foster children, but, it is a fiscally prudent recommendation as well. As discussed at length above, placements in group home placements are typically more expensive than those in foster family homes. Therefore, if the reimbursement rate paid to foster parents is not increased to enable more Californians to become foster parents, the state may expend funds unnecessarily simply because there is an insufficient supply of foster family homes.[13] There will also, then, be less funds to adequately train, monitor, and supervise foster parents who are already providing families for children in the foster care system.[14]

Based on the better outcomes for California's children along with the fiscally responsible nature of the proposal, CAI urges the Commission to add the following specific recommendation:

★ *The Judicial Council and the state Department of Social Services work together to urge Congress, the state Legislature, and state and local agencies to increase funding and support for foster family homes by 40% immediately, and to arrange appropriate study of the immediate savings attributable to placing fewer children in group homes, and the long-term effects of adoptions and permanence.*

B. Transition to Adulthood Funding: Proposition 63

Budgetary constraints seriously affect public spending for 2008-09 and state fiscal policy suggests a structural deficit that will likely recur. However, CAI notes that recently enacted Proposition 63 (the Mental Health Services Act (MHSA))[15] produces substantial revenue. Over $2 billion in positive balance exists, with over $1.4 billion in new revenue annually, almost double initial projections. This fund is part of an Act that includes "antisupplantation" provisions, meaning that it must be directed at new spending, not diverted into pre-existing mental health related spending. In addition, the Act delineated two priorities, prevention of mental health infirmity, and assistance into self-sufficiency of transition age youth (TAY). Of all of the populations eligible for such broad-based prevention/self-sufficiency funding from age 18 to 26, no population more

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[13] Jenna Leyton, *They Deserve a Family — Higher Foster Family Home Rates Could Lead to Better Outcomes, Including More Adoptions, for California's Foster Children*, Children's Advocacy Institute (May 2007), available at www.caichildlaw.org, at p. 2, citing Dara Colwell, "Foster Freeze," *Metro* (October 12-18, 2000), available at http://www.metroactive.com/papers/metro/10.12.00/fosterparents-0041.html.

[14] *Id.*, at 2.

[15] Proposition 63 (2004), codified at Welf. & Inst. Code § 5813 *et seq.*

warrants investment beyond emancipating foster youth. First, they have a mental health profile of clear vulnerability. They have lost their parents. Many are subject to foster care drift. They have been abused/neglected. The incidence of Post Traumatic Stress Disorder among emancipating foster youth exceeds any veteran group demographic.[16] Second, these are the children of the state, and their mental health and future warrants the highest priority for MHSA spending.

An 8% set-aside of this fund would provide the $45,000 median provided by private parents for their children post-18. CAI is studying the allocation decisions for MHSA funding at present. However, initial findings suggest that emancipating foster youth are receiving a very small portion of the Fund, and it is not committed to self-sufficiency funding for this most vulnerable group. The state commission allocates only a limited portion of this Fund and, although it has responded generously with many millions for higher education mental health in response to the Virginia Tech shooting publicity, it has not prioritized the state's own children. Most of this funding is allocated by commissions at the county level, where the existing mental health establishment has presence and voice, while foster care children do not.

CAI agrees with the Commission that "The Judicial Council, along with other branches of federal, state, and local courts, government, 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 to adulthood" (Draft Recommendation 4C).

CAI urges the Commission to clarify that this fund should also be available to foster youth after emancipation from the foster care system to help the youth make a positive transition to adulthood. The optimum solution for this Commission to embrace and advocate for is (a) a demand for an appropriate share of Proposition 63 MHSA funds by way of allocated statewide set-aside, and (b) the creation of a transition guardian mechanism – subject to a self-sufficiency plan and periodic court review. As explained at length above, the court would appoint such a guardian when the child turns 16, to prepare a plan approved by the court to take effect upon emancipation. This consistent, caring adult mentor would be answerable to the court and would administer and monitor the fund to help the youth transition to a successful and productive adult life. That guardian fund would include the $45,000 to $55,000 generic MHSA fund properly allocated to each emancipating foster child, plus funds from other sources (SSI, Guardian Scholar benefits, and other sources) to fold into a plan individualized by youth – and thus replicating closely what a responsible parent does to assure the fruitful future for a child.[17]

★ *The Judicial Council should request the State Commission on Proposition 63 to sponsor a legislative set-aside of 8% of the MHSA revenue for a fund for each*

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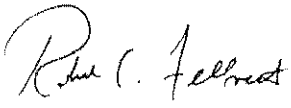
[16] See detailed documentation in *Expanding Transitional Services for Emancipating Foster Youth — An Investment in California's Tomorrow*, Children's Advocacy Institute (Jan. 2007), available at www.caichildlaw.org.

[17] Current programs for emancipating foster youth (THP-Plus and federal Chafee money) amount to under $12,000 per child, for those youth receiving these benefits. A set-aside of 8% of MHSA funds would produce about $120 million annually. Added to the current THP Plus $40 million would total $160 million. The total to reach the median private parents contribute is $220 million per annum. Another $60 million could be found from other sources, including possible federal contribution where foster children choose the continued foster care coverage post-18.

emancipating child. That fund will comport with the Proposition 63 stated priorities of prevention of mental illness and the achievement of self-sufficiency for youth from age 18 to 24. It will be customized by youth to best accomplish mental health and transition to adulthood among the clearly most vulnerable population in the state under its stated priorities. And the Judicial Council should announce not only its support of such a commitment, but its own commitment to appoint transition guardians to administer such funds, and to supervise their proper administration.

We appreciate the opportunity to present our comments to the California Blue Ribbon Commission on Children in Foster Care, and we look forward to working with the Commission toward improving our state's foster care system.



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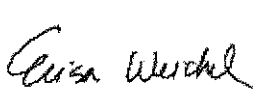

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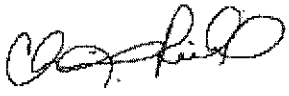

Christina Riehl
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CWDA

May 15, 2008

Megan Lafrenz
Center for Families, Children and the Courts
Judicial Council of California
Administrative Office of the Courts
455 Golden Gate Avenue
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Re: Comments on Draft Recommendations of the Blue Ribbon Commission

The County Welfare Directors Association of California (CWDA) applauds the efforts of the Blue Ribbon Commission to improve outcomes for the nearly 75,000 children in foster care and all those served by the child welfare system. We are pleased to be part of this extraordinary effort that has engaged child welfare stakeholders across California. The draft recommendations represent an important first step to addressing the many needs of the child welfare system and will serve as a basis to develop strategies that will bring about needed reform of the system.

As noted in the guiding principles of the Blue Ribbon Commission, the courts play an integral role in overseeing children, families and services. Courts are equal partners in our collective efforts with other agencies to support children and families and meet desired outcomes. CWDA looks forward to continuing our work on behalf of the 58 county child welfare agencies, in partnership with the courts and other stakeholders, to accomplish reform and improve the lives of children and families in our system.

Overall, the recommendations are well-crafted and worthy of support. They capture the overarching policy goals desired by child welfare stakeholders and the changes needed to improve outcomes for children and families. We recognize that there will be additional work and challenges ahead of us to further refine these policy goals and develop more specific implementation strategies. Below we select some of the specific recommendations to underscore the importance of the proposal or suggest modifications:

First, we appreciate the Blue Ribbon Commission's recognition of the disproportionate representation of children of color in the system. We believe there is much more work need to understand why this occurs and how the courts and state and local child welfare agencies can work together to address this issue.

Recommendation 1A: We concur that all children and families should have timely and appropriate mental health, health care, education and other services to which they are entitled. Unfortunately, child welfare must typically broker these services by working with other agencies. In some cases, there are waiting lists or inadequate resources to serve all who may qualify for services, and for others (such as parents) they may not be eligible for these services. Below, we comment on Recommendation 4A which would require prioritization of services. We suggest an addition to Recommendation 1A that the Judicial Council also advocate for additional funding or funding flexibility so that services needed by children and families can be purchased directly, including services to prevent foster care placement as well as services to help families reunify.

Recommendation 1B: With regard to children entering the delinquency system from foster care, we agree that children and families should receive comprehensive services. However, when children and families are supervised in the delinquency system, it is the responsibility of that system to ensure such services and supports are provided and maintained. We recommend modifying this recommendation to reflect that the delinquency system is obligated to provide services needed by the children and families in their system.

CWDA supports the Blue Ribbon Commission recommendation to extend foster care assistance to age 21. We recommend modifying this recommendation to note that this extension would be voluntary for the foster youth and that the youth be able to request such assistance at any time up to age 21. In addition, the courts and child welfare should work together to ensure continue services and supports, and accountability, to the emancipated youth that does not require the typical dependency hearing process.

Recommendation 2A: CWDA supports the recommendation to increase relative placements. In addition, we recommend adding to this recommendation that the Judicial Council advocate to state and federal leaders for additional resources to support relative placements. Relatives often assume the role of foster parent with little notice or preparation. Given the importance of continued family connections, it is vital to ensure that relatives are adequately supported. This includes adequate rates to cover the cost of caring for a foster children, and services during placement and in post-permanency. Examples of ways to accomplish this include increasing the basic foster care rate to cover the actual costs of care, and expanding the successful Kinship Supportive Services Program (KSSP) to all counties. KSSP is a state-funded program which currently provides "seed" money to only 19 counties.

Transportation can be a major barrier to children attending court, remaining in their school of origin, and other important activities. Foster families currently receive a basic foster care grant that is intended to cover transportation costs. However, with rising gas prices and other costs of care also on the increase, coupled with inadequate foster care rates, foster parents are struggling to meet even the most basic needs of their foster children, let alone the extraordinary needs that come with caring for a foster child. Child welfare agencies often use their own local general funds to cover transportation costs, or use scarce staff resources to provide transportation directly. We recommend adding to this recommendation that the Judicial Council advocate with federal and state leaders for additional funding to meet this specific need for additional transportation resources.

Recommendation 2D: CWDA supports this recommendation and appreciates the Commission's acknowledgement of the need for adequate caseload standards for social workers as well as attorneys. We believe lower social worker and attorney caseloads will lead to the successful implementation of many of the Commission's recommendations, such as reduced court continuances, improved case planning and most importantly, better outcomes for children and families. The SB 2030 Workload Study (Costa, Statutes of 1998), published in 2000, found that child welfare workload far exceeded available resources: on average California's caseload standards were roughly double the minimum level recommended by the study in many program components, and the state was even further away from funding the "optimal" workload that provided for best practice, at that time. A more recent review of the SB 2030 Study in 2006 by the UC Davis Center for Public Policy Research not only confirmed the essential conclusions of the original study, but also confirmed that social worker caseloads <u>do</u> matter and have a direct impact on the outcomes for those served by the program.

Recommendation 2E: CWDA supports the recommendation that families in all counties have access to best practices such as team decision making. We suggest adding, to Recommendation 2E or 4, that the Judicial Council also advocate for increased federal and state funding and funding flexibility to achieve this goal.

Recommendation 3B: Although in concept we agree that a multidisciplinary approach to identify and resolve local system issues can be very effective, we believe this recommendation is unnecessary. Many counties already have a local committee that includes judicial officers as one of many participants. Examples include local system improvement/self assessment workgroups (as a result of AB 636), juvenile justice commissions, social service commissions and other locally-developed working groups. We are concerned that this recommendation could unwittingly add another layer of bureaucracy, be duplicative of existing efforts, and dictates a particular model of interaction that does not fit with local conditions.

Recommendation 4: We strongly support this recommendation, including the need to prioritize children and families in or at risk of foster care for services, increase funding and expand flexibility of existing funding resources, and ensuring access to needed services. We suggest modifying this recommendation slightly to ensure that services, and priority for services, are provided for all children and families served by child welfare and include prevention, early intervention, as well as after-care.

Recommendation 4A: We support this recommendation and suggest adding that the agencies and courts also report annually on the known outcomes of these services, any barriers to access services, and recommendations to improving services for children and families. Such information will help guide policy makers when discussing services and gaps for those served by child welfare.

Recommendation 4C: We agree with this recommendation but suggest adding an additional recommendation: advocate for increasing foster care rates and supports to enable foster parents to care for their foster children. California's foster care system is plagued by woefully inadequate rates paid to foster family homes, including kin caregivers. This results in a significant barrier to children's access to enrichment activities. Foster care rates have not kept up with the changes in cost of living, and as a result foster parents are increasingly dipping into their own pockets to pay for just the basic essentials such as food, gas, and housing, which leaves little money left over to pay for or support a foster child's participation in enrichment activities. Counties report a 30 percent loss of foster family homes in recent years as foster families can no longer afford the costs of raising a foster child in their home. Increasing foster care rates to adequately cover the costs of board and care for a foster child, as well as supports to those foster parents, is absolutely necessary to ensure children have their basic needs met.

Recommendation 4D: In addition to the listed strategies, CWDA recommends an additional recommendation: expand the Guardian Scholars Program statewide to ensure all foster youth who attend college have access to free tuition, housing and support services. The Community College System and other California universities should also waive tuition fees for former foster youth. This will free up resources for foster youth eligible for Chafee grants to use those grants for books and living expenses and enable youth to better focus on their education.

Thank you for this opportunity to provide input. If you have any questions feel free to contact me at (916) 443-1749.

Sincerely,

Frank J. Mecca
Executive Director

Cc: CWDA Board of Directors

survey title:

Blue Ribbon Commission
Public Comment Form

current report: Default Report

Displaying 95 of 102 respondents

Response Type: Normal Response
Collector: Public Comment Form (Web Link)
Custom Value: *empty*
IP Address: 206.71.178.250
Response Started: Tue, 5/13/08 4:58:26 PM
Response Modified: Tue, 5/13/08 5:03:45 PM

1. Please provide the following information.

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Title: - Vice President of Programs

Agency/Organization: - Voices for Children

Address: - 2851 Meadow Lark Dr

City/Town: - San Diego

State: - CA

ZIP/Postal Code: - 92107

Country: - USA

Email Address: - marthac@voices4children.com

Phone Number: - (858)569-2019

2. Are you commenting on behalf of your organization?

Yes

3. Recommendation 1:

Agree with the selected recommendation

4. Recommendation 1A:

Agree with the selected recommendation

5. Recommendation 1B:

Agree with the selected recommendation

6. Recommendation 2

Agree with the selected recommendation

7. Recommendation 2A

Agree with the selected recommendation

8. Recommendation 2B

Agree with the selected recommendation

9. Recommendation 2C

Agree with the selected recommendation

10. Recommendation 2D

Agree with the selected recommendation

Comment: Voices for Children (VFC), the San Diego Court Appointed Special Advocate (CASA) program, agrees with the Commission's sentiment that "when dependency court judges and attorneys are not acquainted with "100 percent" of the child...Children and Families suffer." For this reason, it is imperative that the expansion of CASA programs play a more prominent role in the Commission's recommendations. CASAs are well trained volunteers who are supervised by professional staff. Each CASA program in California is overseen by the Judicial Council. CASAs speak with all persons involved with their assigned children and facilitate communication among these persons. They examine the children's health, emotional well-being, educational progress, and relationships with family members. CASAs ensure that siblings have visitation. They monitor progress toward reunification and determine what kind of permanency is in children's best interests. When youth are in long-term foster care, CASAs provide the youth with a supportive and consistent presence and ensure that the children are able to transition successfully out of the system. In the reports to the court, CASAs ensure that judges are able to become acquainted with "100 percent" of the child. CASAs are in a unique position to help juvenile courts understand the children and their families. CASAs also ensure that children understand what happened during their court hearings. CASAs often assume educational rights for children. They communicate with school personnel, attend school conferences, review school records, and request assessments and special education services. We estimate that it costs approximately $1,980 for a child to have a CASA for a year in San Diego. Given the limited resources available and the proposed state budget cuts, an expansion of CASA programs makes excellent financial sense. We believe that the assignment of more CASAs to more dependent children would go a long way to address the pressing issues identified by the Commission. We urge the Commission to make the expansion of CASA in California a high priority.

11. Recommendation 2E

Agree with the selected recommendation

12. Recommendation 2F

Agree with the selected recommendation

13. Recommendation 3

Agree with the selected recommendation

14. Recommendation 3A

Agree with the selected recommendation

15. Recommendation 3B

Agree with the selected recommendation

16. Recommendation 3C

Agree with the selected recommendation

17. Recommendation 4

Agree with the selected recommendation

18. Recoommendation 4A

Agree with the selected recommendation

19. Recommendation 4B

Agree with the selected recommendation

20. Recommendation 4C

Agree with the selected recommendation

21. Recommendation 4D

Agree with the selected recommendation

22. Recommendation 4E

Agree with the selected recommendation

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Lafrenz, Megan

From: Tom & Millie [thomas.d.curry@verizon.net]
Posted At: Tuesday, April 22, 2008 8:08 PM
Conversation: commment
Posted To: CBRC
Subject: commment

i would like to see onbudsman and unfounded use more.its a shame to take a child away from its home and family on hearsay