California Juvenile Dependency Court Improvement Program Reassessment

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ADMINISTRATIVE OFFICE OF THE COURTS

CENTER FOR FAMILIES, CHILDREN & THE COURTS

California Juvenile Dependency Court Improvement Program Reassessment

November 2005

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California Juvenile Dependency
Court Improvement Program Reassessment

Contents

Acknowledgments……viii

Executive Summary……..…….ES-1

Chapter 1: Introduction……1-1

A. The Court Improvement Program in California……...1-1

B. The 2005 Reassessment…….…...1-2

C. Federal, State, and Foundation Context……....1-5

D. Judicial Branch Activities…….....1-7

E. Organization of 2005 Reassessment Report…….……..1-10

Chapter 2: California's Dependency System……...…….....2-1

A. Introduction……..……2-1

B. Overview…….…….2-1

C. Legal Review……..……..2-8

D. Conclusion……..2-12

Chapter 3: Court Hearings…….…….….3-1

A. Data Sources…….……3-1

B. Appointing Judicial Officers and Assigning Attorneys to Cases…….……3-2

C. Quality of Legal Work in Hearings…….…….3-2

D. Quality of Information…….……3-4

E. Scheduling Issues…….……3-7

F. Contested Hearings…….…….....3-8

G. Quality of Hearings: Social Workers' Perspective……..….3-9

H. Duration of Hearings: Caseload Study……...3-10

I. Timeliness of Court Hearings……3-10

J. Findings and Orders……3-13
K. Hearing Issues in Indian Child Welfare Act Cases……3-14
L. Alternative Dispute Resolution…….....3-15
M. Incarcerated Parents……....3-16
N. Conclusion…….....3-16
O. Data Tables…….....3-17

Chapter 4: Court Management and Policy……4-1
A. Introduction…….....4-1
B. Facilities…….....4-1
C. Court Communication With Court Users and Professionals……..…..4-2
D. Notice…….....4-5
E. Case Tracking…….....4-7
F. Conclusion…….....4-9
G. Data Tables..…….....4-10

Chapter 5: People in Court…….……5-1
A. Judicial Officers…….....5-1
B. Attorneys…….....5-4
C. Court Appointed Special Advocate Program……..……5-5
D. Education…….....5-6
E. Conclusion…….....5-9
F. Data Tables…….....5-9

Chapter 6: Child and Family Issues and Outcomes…….……....6-1
A. Child Safety…….....6-1
B. Child Permanency…….……...6-2
C. Well-Being…….....6-9
D. Conclusion…….....6-10
E. Data Tables...…….....6-10

Chapter 7: Collaboration…….…….……....7-1

A. Introduction…….…….…….....7-1

B. National Collaborative Activities …….…….…….....7-1

C. Statewide Collaborative Activities…….…….…….....7-2

D. Local Collaborative Programs …….……7-8

E. Conclusion …….....7-11

Chapter 8: Conclusion……..8-1

A. Guiding Principles……....8-1

B. Report Recommendations…….…….……...8-2

Appendix A: Legal Review Tables……..A-1

A.1: Title 42, United States Code, Chapter 7, Subchapter IV, Part B and Part E.....A-1

A.2: Indian Child Welfare Act-Title 25, United States Code, Chapter 21..……A-39

A.3: Child Abuse Prevention and Treatment and Adoption Reform-Title 42, United States Code, Chapter 67, Subchapter I..…….……A-51

A.4: Resource Guidelines-Improving Court Practice in Child Abuse & Neglect Proceedings……..……A-60

A.5: American Bar Association Standards for Practice for Lawyers Who Represent Children in Abuse and Neglect Proceedings; National Association of Counsel for Children Version of the ABA Standards.……..……..A-85

Appendix B: Data Tables…….B-1

Section 1: Demographic Data……B-2

Section 2: California Juvenile Statistical Abstract…….…B-7

Section 3: Court Facilities, Processes and Management…….B-18

Section 4: Reference and Endnotes……..B-22

Appendix C: Methodology……..C-1

A. Development of Research Topics……C-1

B. Development of Research Methods…….……C-2

C. Overview of Data Sources……..…….…....C-2

D. Selection of Local Study Courts…….....C-3
E. Site Visits…….……....C-4
F. Detailed Discussion of Data Sources……...……....C-4
G. Analysis of Local Court Databases……..C-9
H. Other Secondary Data……C-13
I. Data Tables...…….....C-15

Appendix D: Dependency Drug Court Literature Review……..…….…...D-1
A. Introduction and Background……..D-1
B. Shifting Practice……...D-3
C. A Closer Look at Three California Counties……...D-5
D. Discussion and Conclusions……..D-12

Appendix E: Reassessment Survey Instruments……..…E-1
A. Judicial Officers-Juvenile Dependency……E-1
B. Court Administrators-Juvenile Dependency……..E-21
C. Child Welfare Administrators……....E-31
D. Parent's & Children's Juvenile Dependency Attorneys…….E-37
E. County Counsel-Juvenile Dependency……..E-46

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Executive Summary

> For years, the courts have been the unseen partners in child welfare — yet they are vested with enormous responsibility.[1]
>
> —The Pew Commission on Children in Foster Care

California's Administrative Office of the Courts strives to ensure the safety, permanency, and well-being of children and families in the dependency system. Through its participation in national and state-level efforts such as its interdisciplinary Center for Families, Children & the Courts (CFCC), the many projects that are part of CFCC's Court Improvement Program, and the Pew Commission on Children in Foster Care, the AOC has taken a leadership role to improve dependency in California. The AOC is the principal source of training and technical assistance in dependency for the state's local juvenile courts, a major partner in the California Department of Social Services Program Improvement Plan, and the leader in providing new resources to judicial officers, attorneys, Court Appointed Special Advocates, juvenile dependency mediators, and other core service providers in dependency court.

In 1997 the AOC conducted a Dependency Court Improvement Project assessment that resulted in 27 specific recommendations for improvement. Now, in 2005, the AOC Center for Families, Children & the Courts has conducted a reassessment that includes a progress report on the original recommendations, a detailed review of dependency court, and new recommendations for court improvement. The reassessment defined six guiding principles for dependency in California:

- The judicial branch should take a leadership role, and partner with other stakeholders at the state and local levels, to improve the experiences of and outcomes for children and families in the dependency system, increase permanency, and reduce the number of children in the system.

- Dependency hearings must be timely and must provide each party with meaningful notice and an opportunity to be heard. Sufficient information must be accessible and available for informed judicial decision making.

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[1]Fostering the Future: Safety, Permanence and Well-Being for Children in Foster Care. The Pew Commission on Children in Foster Care, 2004. *www.pewfostercare.org/research/docs/FinalReport.pdf*

- Courthouse procedures must ensure accountability, efficiency, open communication, safety, and respect for each party's rights.

- The dependency system must be staffed by well-trained judicial officers, attorneys, and other professionals, who are given the resources and reasonable caseloads to do their jobs effectively.

- National, state, and local collaborative efforts should be increased.

- The California courts must ensure their compliance with all relevant state and federal laws.

Overview of the Reassessment

The 2005 Court Improvement Program Reassessment was the most comprehensive examination of juvenile dependency court ever undertaken in California. The reassessment included a legal review focusing on California's compliance with federal and state statutory mandates; and a court system evaluation conducted through a variety of research methods, including surveys of judicial officers, court administrators, attorneys, and child welfare department administrators; focus groups of parents, children, Court Appointed Special Advocates, social workers, and caretakers; and a reanalysis of secondary data from a variety of sources. The reassessment was guided by an interdisciplinary working group drawn from the Judicial Council Family and Juvenile Law Advisory Committee, which included judges and representatives from child welfare, attorneys, and Court Appointed Special Advocates. The working group and CFCC staff analyzed and discussed the findings of the reassessment and developed the recommendations.

Progress Since 1997

The reassessment found that California has made substantial progress since the Court Improvement Program assessment in 1997. The AOC Center for Children & the Courts (now the AOC Center for Families, Children & the Courts), a unique entity in American judicial administration, was established shortly after the 1997 assessment. By statute and rule of court, all children in dependency now have legal representation throughout the trial court action. Judicial officers and attorneys report a high degree of experience and education in dependency, and many courts report using bench officer rotation policies that enhance the experience of the juvenile bench. Most courts use direct calendaring, and the CFCC, through the Dependency Representation, Administration, Funding, and Training (DRAFT) pilot program has launched a major effort to lower attorney caseload and thereby improve attorney representation in California.

At the same time, many issues identified by the 1997 assessment remain. Timeliness of hearings and high rates of continuances are still reported as problems. Judicial and attorney caseloads remain higher than those recommended by national standards. Parents and children report barriers to participation in court proceedings and confusion over what goes on in court. Local courts' access to meaningful data on case processing and the children in the system remains very limited.

Summary of 2005 Findings and Recommendations[2]

Guiding Principle 1: The judicial branch should take a leadership role, and partner with other stakeholders at the state and local levels, to improve the experiences and outcomes for children and families in the dependency system, increase permanency, and reduce the number of children in the system.

The Administrative Office of the Courts is actively involved in every major initiative to improve the child welfare and dependency systems. William C. Vickrey, California's Administrative Director of the Courts, was a member of the Pew Commission on Children in Foster Care. The commission's 2004 report, *Fostering the Future: Safety, Permanence and Well-Being for Children*, established a widely accepted framework for improving the foster care system. CFCC staff participated in the federal Child and Family Service Review, the Title IV-E review, the state Program Improvement Plan created in response to the Child and Family Service Review findings, and the state Child Welfare System Redesign.

The CFCC operates several projects that partner with state and local stakeholders to improve the dependency system. Beyond the Bench is a yearly conference that over the past 10 years has brought together thousands of court, child welfare, and probation staff for training and structured county team building. The Judicial Review and Technical Assistance (JRTA) project has provided monitoring and technical assistance to courts in addition to hundreds of trainings to child welfare departments and probation departments in complying with Title IV-E.

This reassessment found that courts are engaged in a variety of local efforts to collaborate with agencies, strengthen their own services, and improve the outcomes for children in the dependency system. A large proportion of juvenile court judges in a large proportion of courts said that they were involved in local collaborative efforts with county child welfare agencies, attorneys, and volunteers. Courts are implementing services that include alternative dispute resolution programs and dependency drug courts.

The reassessment recommends that local courts be given the tools and technical assistance to assess their own collaborative and court improvement efforts. Some of the key elements of collaboration and improvement for courts to assess are the availability of

[2] The complete CIP Reassessment recommendations are in chapter 8.

services for families, the preservation of children's connections with relatives, and the timeliness and completeness of reports to the court. The self-assessment process will allow courts to evaluate their collaborative and court improvement efforts and to receive technical assistance from the CFCC in expanding these efforts and making them more effective.

Guiding Principle 2: Dependency hearings must be timely and must provide each party with meaningful notice and an opportunity to be heard. Sufficient information must be accessible and available for informed judicial decision making.

> Court is always about me but they never ask me anything. They use a bunch of code. I don't think court is useful at all.
>
> —*Foster youth*

The reassessment found that progress has been made in the management of dependency hearings since the 1997 study. Virtually all children are now represented by counsel in California, and courts routinely appoint counsel for parents when they are present at the first hearing. Most courts practice direct calendaring, and judges report that they are generally satisfied with the work of both attorneys and social workers at hearings and in preparation for hearings.

However, many barriers to efficient and meaningful practice in hearings remain. Case calendaring practices that increase the waiting time for hearing participants are still used. Many participants in the dependency hearing process reported that a high rate of hearing continuances created barriers to their participation in hearings. The reassessment also found a range of practices in involving parents and children in dependency proceedings. Judges and attorneys reported that children and parents were not routinely involved in the creation of case plans. According to many participants, parents and children often do not participate in the court proceedings in a meaningful way.

Parents and children also reported many barriers to meaningful participation in hearings. Many parents have transportation difficulties in coming to court, and the failure to transport incarcerated parents to court is a leading cause of hearing continuances. Parents also reported being confused by court proceedings. Children displayed many uncertainties around the hearing process and their ability to participate.

Another key aspect of effective hearings is adherence to the timelines of the federal Adoption and Safe Families Act (ASFA). This reassessment discovered that calculating hearing timeliness according to the ASFA guidelines was extremely difficult. In the majority of the courts that were examined in detail, the case management systems were not capable of providing accurate data on hearing timeliness. A reanalysis of the data by the CFCC showed mixed results in meeting hearing timeliness measures. This reassessment concludes both that most courts do not have data accurate enough to assess

timeliness, and that it is likely that a substantial minority of cases are not meeting the timeliness requirements.

The National Council of Family and Juvenile Court Judges' *Resource Guidelines: Improving Court Practice in Child Abuse & Neglect Cases* provides detailed guidance for the effective management of hearings and the meaningful participation of all parties. These have been adopted by the Judicial Council for inclusion in the California Standards of Judicial Administration, and this reassessment recommends piloting key elements of the *Resource Guidelines* to improve the effectiveness of hearings. The reassessment also recommends more court involvement in ensuring that parents and children participate in case planning and research into improving the meaningful participation of children in court.

Having adequate data to assess continuances, adherence to hearing timelines, and other performance measures is also key to effective dependency hearings. This reassessment recommends that the California Case Management System, currently under development for dependency, include the data elements and statistical reports required to measure hearing timeliness and other key aspects of performance.

Guiding Principle 3: The dependency system should be staffed by well-trained judicial officers and other professionals, who are given the resources and reasonable caseloads to do their jobs effectively.

> No child enters or leaves foster care without a judge's decision.[3]
>
> *—Bill Frenzel, Chair, The Pew Commission on Children in Foster Care*

The reassessment found large proportions of experienced judges and attorneys in the local courts. Over one-half of judicial officers had been hearing dependency cases for more than three years. Most judicial officers had had juvenile court experience as attorneys before taking the juvenile court bench, and few courts had mandatory rotation of judicial assignments out of juvenile court. Attorneys also appeared highly experienced in juvenile dependency, with median years of experience of nine years for court-appointed counsel and seven years for county counsel.

Caseload proved extremely difficult to assess. However, indications from the reassessment and the CFCC's earlier study of court-appointed counsel are that judicial and attorney caseloads remain, for most judicial officers and attorneys, higher than those recommended by the *Resource Guidelines* and the American Bar Association *Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases*.

[3] W. Vickrey, "A Better Life for Foster Youth," San Francisco Chronicle (May 18, 2005)

The education of judicial officers has been a priority of the AOC through its Education Division/Center for Judicial Education and Research (CJER) and the CFCC since the 1997 assessment. This reassessment found that most judges in most courts had now met the 1997 report's basic standards for training and assignment. The training sessions most attended by judicial officers were the Juvenile Law and Procedure Institute, the Beyond the Bench conference, and other trainings from the Education Division/CJER. Judges from smaller and rural courts reported that it was difficult to find education programs in the area and to travel to available sessions.

The majority of attorneys for parents and children said that they had received specialized training in juvenile dependency prior to working in the field; however, one-quarter said they had received no training before beginning work in juvenile dependency. About one-half of attorneys for parents and children said that significant work-related barriers to attending dependency trainings existed, including the limited availability of dependency trainings in convenient locations and the lack of financial compensation for attending trainings. Mental health issues and special education advocacy were the leading topics for which attorneys said that additional training would be useful.

Courts currently are using a range of court-based and court-connected services for dependency, including dependency mediation, Court Appointed Special Advocates, and dependency drug courts. Participants in the study, including judicial officers, considered these services to be highly effective and recommended their expansion.

This reassessment recommends that the CFCC and CJER continue their well-regarded programs for educating judicial officers. The reassessment also recommends promoting the consistent and adequate education of attorneys in dependency through the CFCC's Dependency Representation, Administration, Funding, and Training (DRAFT) program.

This reassessment also recommends that the Judicial Council address the array of court-based and court-connected services by identifying through research the core court services in dependency. Each service should be an evidence-based program, and once these core services are identified, the Judicial Council should work to disseminate information on each service and seek to replicate them in more courts.

Guiding Principle 4: National, state, and local collaborative efforts should be increased.

> The disjointed governmental "parenting" of foster youth creates a failure to share information and a lack of coordinated decision making. The results for too many former foster youth may be unattended health and emotional needs; poor educational attainment; and an adult life of homelessness, unemployment, and despair.[4]
>
> —*William C. Vickrey, Administrative Director of the Courts*

The collaborative efforts to improve dependency undertaken by the Administrative Office of the Courts should be continued. The reassessment recommends a comprehensive strategy for collaboration at all levels and further recommends that the Judicial Council explore the feasibility and efficacy of establishing a multidisciplinary statewide commission in California, with consideration given to the formation of regional commissions to act as liaisons between the statewide commission and local communities. Juvenile courts are encouraged to take the leadership in establishing stakeholder meetings with agencies and community groups. Finally, judges are encouraged to take an active role in their communities to educate individuals and organizations on the role of the juvenile courts.

Conclusion

The CIP Reassessment will serve as the basis for many new initiatives in dependency court and for the continuation of projects that are working well. Among other improvements, implementing the recommendations in this report will result in:

- A statewide commission for the improvement of dependency in California;
- A pilot implementation of the *Resource Guidelines;*
- A self-assessment process for the juvenile courts to improve their own operations;
- A statewide case management system that collects and reports the statistics and performance measures required for effective case management;
- New attorney performance standards and the resources and training required to implement them; and
- Identification of "core court services."

This reassessment represents the viewpoints of hundreds of participants in dependency court in California. The process of creating the report was highly collaborative and based on rigorous research and review of findings. The initiatives to carry out the recommendations of this report should reflect the same values: collaborative in

[4] *Ibid.*

development, based in evidence, and focused on the safety, permanency, and well-being of children and families in the dependency system.

Chapter 1: Introduction

The California Administrative Office of the Courts (AOC) strives to ensure the safety, permanency, and well-being of children and families in the dependency system. Through its participation in national and state-level efforts such as the Pew Commission on Foster Care, its interdisciplinary Center for Families, Children & the Courts, and the many projects that are part of its Court Improvement Program, the AOC has taken leadership to improve dependency in California. The AOC is the principal source of training and technical assistance in dependency for the juvenile courts, a major partner in the California Department of Social Services Program Improvement Plan, and the leader in providing new resources to judicial officers, attorneys, Court Appointed Special Advocates, juvenile dependency mediators, and other core service providers in dependency court.

A. The Court Improvement Program in California

This report presents the findings and recommendations of California's 2005 Court Improvement Program Reassessment (CIP). California's CIP is administered by the Center for Families, Children & the Courts, a division of California's Administrative Office of the Courts. The project has been ongoing since 1995, and federal funding has most recently been approved through June 2005.

All 50 states, the District of Columbia, and Puerto Rico participate in the federal Court Improvement Program administered by the Children's Bureau of the U.S. Department of Health and Human Services. The grant program was established in 1994 as a response to the dramatic increase in child abuse and neglect cases and the expanded role of courts in achieving stable, permanent homes for children in foster care. Under the original grants the recipients completed a detailed self-assessment, developed recommendations to improve the juvenile court system and worked toward implementing the recommended reforms. The Promoting Safe and Stable Families Amendments of 2001 reauthorized the Court Improvement Program through federal fiscal year 2006. The scope of the program has been expanded to include improvements that recipients deem necessary to provide for the safety, well-being, and permanency of children in foster care, as set forth in the Adoption and Safe Families Act of 1997, and to implement a corrective action plan, as necessary, in response to findings identified in a Child and Family Services Review of the state's child welfare system.

B. The 2005 Reassessment

The goals of the CIP Reassessment project and this report were twofold: first, to provide a comprehensive view of the California dependency courts' structure, their successes, and the challenges facing them; and second, to develop recommendations for court improvement that encompass the values of both collaboration and judicial leadership.

1. Building on the 1997 Assessment

Self-assessment is a central element of each state's Court Improvement Program. California's initial assessment phase took place in 1995–1996 and included a comprehensive review of laws, procedures, and practices related to juvenile dependency cases; public hearings, focus groups, and roundtable discussions were conducted to gather other valuable information. Consultants from the National Center for State Courts collected data, both statewide and in selected local courts, and assisted in formulating a plan for improvement. The assessment culminated in the *California Court Improvement Project Report,* released in 1997.[1] The report includes 27 recommendations for improving the California courts' handling of cases involving child abuse or neglect. They can be found at the end of this chapter.

2. The 2005 Reassessment Process

This report of the 2005 Reassessment builds on the findings of the 1997 Assessment and also incorporates the findings of the federal Child and Family Services Review, the 2003 California Child Welfare Services *Redesign* report, the 2004 report of the nonprofit Pew Commission on Children in Foster Care, and many other sources.

The methodology of the reassessment included a legal review focusing on California's compliance with federal statutory and regulatory mandates, a court-system evaluation that used several research methods to study juvenile court operations and outcomes, and reviews of secondary data from a variety of sources.

For the legal review, tables were created that summarized all key federal requirements, as well as guidelines issued by national organizations; the parallel California law, rule of court, or guideline was cited for each of these. The process and findings are described in chapter 2, and the tables can be found in Appendix A.

The court system evaluation had state and local components. On the statewide level, surveys were conducted of all dependency judicial officers, court executive officers, and child welfare directors, a sample of attorneys representing children and/or parents, and a sample of county counsel representing county child welfare agencies. Three statewide focus groups were also

[1] The full 1997 report and the executive summary are available through the Web site of the American Bar Association Center on Children and the Law, at *www.abanet.org/ftp/pub/child/carpt.txt*.

conducted—one with judicial officers and two with tribal representatives, attorneys, and others interested in Indian Child Welfare Act issues.

On a local level, the court-system evaluation drew data from six courts in California that were selected as sites for conducting more in-depth research—Humboldt, Los Angeles, Sacramento, San Diego, Santa Clara, and Tulare. The six sites were selected to provide the broadest possible sample with regard to such factors as the urban/rural distribution, location within the state, size of the population, percentage of the population in poverty, the availability of court programs, and cultural and linguistic diversity. In the six courts, the Reassessment team interviewed a number of key system participants, including presiding juvenile judges, other dependency judicial officers, dependency court managers, information services experts, CASA program directors, and child welfare directors. In addition, the team conducted focus groups at each site that included groups of dependency parents, current and former dependent children, social workers, children's attorneys, county counsel, parents' attorneys, judicial officers, CASA staff, foster parents, and tribal representatives. Finally, analyzable data from the courts' computerized case management systems were collected from three of our six sites.

Secondary data were used extensively in the reassessment. Internal secondary sources included the Center for Families, Children & the Courts' 2004 Dependency Counsel Caseload Study and Service Delivery Model Analysis[2], a study of dependency mediation programs[3], the CFCC Judicial Review and Technical Assistance project database, the AOC's Judicial Branch Statistical Information System, and the AOC *Judicial Needs Study*[4]. External secondary sources included Child Welfare Services data as compiled by Center for Social Services Research[5], and U.S. Census data[6].

For a more detailed discussion of data collection methodology, as well as copies of data collection instruments, see Appendices C and E.

3. Development of Guiding Principles and Recommendations

The CIP Reassessment was guided by an interdisciplinary working group drawn from the Family and Juvenile Law Advisory Committee of the Judicial Council. Members of the working group included juvenile court judges and representatives from child welfare, court-appointed counsel,

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[2] *Dependency Counsel Caseload Study and Service Delivery Model Analysis* (June 2004). Prepared for the Administrative Office of the Courts by the American Humane Association and the Spangenberg Group.

[3] Court Based Juvenile Dependency Mediation in California. Administrative Office of the Courts, 2003. http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/JDM.pdf

[4] California Judicial Workload Assessment Final Report. National Center for State Courts, 2002.

[5] Child Welfare Services Reports for California. University of California at Berkeley Center for Social Services Research. http://cssr.berkeley.edu/CWSCMSreports/

[6] U.S Bureau of the Census, American Factfinder. www.census.gov

county counsel, and Court Appointed Special Advocates. The working group consulted with CFCC staff to analyze and discuss the findings of the reassessment study and to develop recommendations for improvement of the dependency system. See chapter 8 for a complete list of recommendations. CFCC staff and the working group organized their findings and recommendations around six guiding principles:

Guiding Principle 1. The judicial branch should take a leadership role, and partner with other stakeholders at the state and local levels, to improve the experiences of and outcomes for children and families in the dependency system, increase permanency, and reduce the number of children in the system.

Guiding Principle 2. Dependency hearings must be timely and must provide each party with meaningful notice and an opportunity to be heard. Sufficient information must be accessible and available for informed judicial decision making.

Guiding Principle 3. Courthouse procedures must ensure accountability, efficiency, open communication, safety, and respect for each party's rights.

Guiding Principle 4. The dependency system must be staffed by well-trained judicial officers, attorneys, and other professionals who are given reasonable caseloads and the resources to do their jobs effectively.

Guiding Principle 5. National, state and local collaborative efforts should be increased.

Guiding Principle 6. The California courts must ensure their compliance with all relevant state and federal laws.

4. Strategic Plan

The work conducted by California's Court Improvement Program is guided by strategic plans. From July 2003 through June 2005, the CIP strategic plan was based directly on the recommendations of the 1997 Assessment report, the recommendations in the federal Child and Family Services Reviews (CFSR) final report, and California's Program Improvement Plan (PIP).

The California CIP 2005–2006 strategic plan has been created in conjunction with this Reassessment report. The plan was based directly on the Reassessment recommendations and provides implementation steps and outcome indicators for each recommendation. The strategic plan is part of the CIP annual program report, submitted in June 2005.

C. Federal, State, and Foundation Context

The goals of the Reassessment include not only studying California's juvenile dependency system and making recommendations for improvement, but also ensuring that the objectives and the recommendations are consistent with other relevant state and federal initiatives. On the federal level, these include the Child and Family Services Reviews (CFSR), the title IV-E review, and the recent report from the Pew Commission on Children in Foster Care. On the state level, key parallel projects include the Program Improvement Plan (PIP), created in response to the federal CFSR, and the state Outcomes and Accountability System (also known as the California Child and Family Services Review, or C-CFSR).

1. Pew Commission on Children in Foster Care

The Pew Commission on Children in Foster Care was established in 2003 as an independent, nonpartisan entity dedicated to developing effective, practical policy recommendations to improve the foster care system. Of primary importance are preventing unnecessary placements of children in foster care and expediting the movement of such children from foster care into safe, permanent, nurturing families.

The commission included some of the nation's leading child welfare experts, heads of state and local child welfare agencies, prominent judges, social workers, foster and adoptive parents, and former foster youth. William C. Vickrey, Administrative Director of the California Courts, served as a member of the Pew Commission on Children in Foster Care.

After the release of the commission's final report, *Fostering the Future*[7], in May 2004, the California Judicial Council voted to commend the Pew Commission for its comprehensive analysis and recommendations on improving outcomes for children in foster care, and said "that the judicial branch will work with state and local entities and community partners to realize the commission goals, and urges Congress to act on the recommendations as an entire package." CIP project staff has taken the lead in disseminating the commission's recommendations in California. The June 2004 meeting of the Judicial Council's Family and Juvenile Law Advisory Committee and the 2004 Beyond the Bench conference both included presentations and discussions of the Pew Commission recommendations. The Pew recommendations were also incorporated into the *2005 Reassessment* recommendations where appropriate.

2. Child and Family Services Review and Program Improvement Plan

The federal Department of Health and Human Services Administration for Children and Families review each state's child welfare service programs using performance-based outcomes. The Child and Family Services Review (CFSR) process examined the delivery of child welfare

[7] Fostering the Future: Safety, Permanence and Well-Being for Children in Foster Care. The Pew Commission on Children in Foster Care, 2004. *www.pewfostercare.org/research/docs/FinalReport.pdf*

services and the outcomes for children and families served by child protective services, foster care, adoption, and other related programs. CIP staff served on the statewide team that prepared the state for the CFSR and served as reviewers for the 2002 on-site review.

CIP staff participated in the working group that made recommendations regarding the development of the Program Improvement Plan (PIP) that was required to address deficiencies in the state's child welfare program identified in the CFSR. CIP project participation in implementation of the PIP has been extensive, and has included the development of Judicial Council forms, development of resources including the Juvenile Court Administrative Deskbook, trainings, technical assistance to courts, and implementation of the Judicial Review and Technical Assistance Indian Child Welfare Act project.

3. California's Child Welfare Services Redesign

The *Child Welfare Services Redesign*[8] ("Redesign") report, released in September 2003, describes a long-term strategic plan to bring the new vision of child welfare services to every county. The plan contains an integrated set of policy shifts; practice improvements; alignment of partners, systems, and communities; and new accountability structures to make certain the promise of a safe and stable home is realized for all children.

The Redesign plan was created by the Child Welfare Services Stakeholders Group, which was established by the Governor's office and the California Legislature in 2000. CIP Reassessment team members served in the Stakeholders Group. This 2005 Reassessment report reflects the key objectives of the Redesign, particularly in its recommendations for concrete steps to improve coordination between child welfare agencies and the courts.

4. California Child and Family Services Review

Legislation in 2001 (Assembly Bill 636)[9] established an ongoing state Outcomes and Accountability System of child welfare services—also known as the California Child and Family Services Review (C-CFSR)—to parallel the federal process and ensure that California makes consistent progress toward meeting federal outcome and systemic goals.

[8] CWS Redesign: The Future of California's Child Welfare Services. State of California, Health and Human Services Agency, Department of Social Services. September 2003. *http://www.cdss.ca.gov/cws/res/pdf/CWSReport.pdf)*

[9] Assem. Bill 636 [Steinberg]; Stats. 2001, ch. 678.

D. Judicial Branch Activities

1. Judicial Branch Operational Plan, 2003–2006

California's judicial branch, including the Court Improvement Program, is guided by its three-year operational plan, *Leading Justice Into the Future: Operational Plan for California's Judicial Branch, 2003–2006*[10], which articulates high-priority state-level, long- and short-term objectives, linked to the six major goals outlined in the branch's strategic plan. The operational plan is a short-term agenda of results the Judicial Council wishes to achieve through its own efforts and those of its advisory committees and the Administrative Office of the Courts. The six goals of the strategic plan are (1) independence and accountability; (2) education; (3) modernization of management and administration; (4) technology; (5) access, fairness, and diversity; and (6) quality of justice and service to the public.

Many of these objectives are closely tied to the work of the Court Improvement Program and are related to the topics studied as part of the Reassessment. For example, part 1, objective 2, C states the desired outcome, by June 2006, of developing "a branchwide educational system to prepare judges for their specific case assignments." To advance this goal, the reassessment process both studied the extent to which judicial officers and other key players in the dependency system are utilizing various educational programs, and made recommendations for improvement in this area. The operational plan objectives also specifically target juvenile courts: objective 2 in part 3 is to "improve courts' management of dependency and delinquency cases," which includes item 2, to "develop and implement uniform standards for the performance, oversight, and fiscal treatment of court-appointed counsel in dependency proceedings." CFCC has been implementing this goal through its Dependency Representation: Administration, Funding, and Training (DRAFT) program since 2004 and will continue to work on this innovative program in the coming years. As another task for the judicial branch, the operational plan directs it to "work with other stakeholders to develop a comprehensive plan with approaches, programs and avenues that result in fewer children in dependency cases" and to "improve court disposition of dependency cases."

2. Center for Families, Children & the Courts

The Center for Families, Children & the Courts (CFCC) was created on the basis of recommendation 26 of the 1997 California CIP Assessment report, which called on the Judicial Council to "continue its leadership to improve the efficient processing of cases involving children and families" by establishing "a section or center within the Administrative Office of the Courts, using existing staff resources, devoted to implementation of statewide and local court improvement efforts." Recommendation 27 in the 1997 report described specific activities that

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[10] Leading Justice Into the Future: Operational Plan for California's Judicial Branch, 2003–2006. Judicial Council of California, 2003. http://www.courtinfo.ca.gov/reference/documents/opplan2003.pdf

should be undertaken by the new center, including developing "a comprehensive plan to implement court improvement projects" statewide; administering the Court Appointed Special Advocate (CASA) grant program and providing technical assistance to local courts and programs; conducting research and planning activities relating to state, national, and international trends and issues affecting the courts; developing a centralized resource center serving the courts and communities; coordinating innovative projects to assist the courts and to gather information; and developing and implementing other projects as directed by the Judicial Council. The Center for Children and the Courts was founded shortly thereafter. In 2000, the Center for Children and the Courts merged with another AOC unit, the Statewide Office of Family Court Services, to form a new division known as the Center for Families, Children & the Courts.

CFCC is a unique entity in American judicial administration and signifies the importance that the Chief Justice and the Judicial Council of California place on matters involving children and families. The CFCC undertakes numerous projects related to improving dependency court.

Trainings conducted by CFCC include the annual Beyond the Bench conference, a multidisciplinary conference that brings together juvenile dependency and delinquency professionals, including judicial officers, court administrators, child welfare professionals, public defenders, district attorneys, probation officers, educators, mental health professionals, and service providers from many of California's 58 counties to learn about the latest research and best practices with regard to improving juvenile justice and child abuse and neglect proceedings. Local, regional, and specialty trainings are also offered, or cosponsored by CFCC, often in conjunction with local courts.

California's CIP, often in collaboration with other CFCC projects, has been involved in the creation of a wide variety of training materials and resources, including

- the California Courts Online Self-Help Center;
- the *Journal of the Center for Families, Children & the Courts*;
- the pamphlet "Caregivers and the Courts: A Primer on Juvenile Dependency Proceedings for California Foster Parents and Relative Caregivers" in English and Spanish;
- the final report of a study, known as *Caregivers and the Courts: Improving Court Decisions Affecting Children in Foster Care*, which was the first major research study in the United States of participation by foster parents and relative caregivers in the dependency court process under the federal Adoption and Safe Families Act (ASFA);
- a children's activity book called *What's Happening in Court?*—over 100,000 copies of which have been distributed in California's courts, schools, and directly to children, in English and Spanish;
- a juvenile court administrative desk book;
- the California Juvenile Statistical Abstract;
- the CFCC library; and

- materials marking the 100th anniversary of the juvenile courts in California, including the *Stories From Juvenile Court* CD, an annual Children's Art & Poetry Contest, and fact sheets on the juvenile court and trends over the past decade.

Key CFCC projects that support the dependency court in California and that are related to the reassessment project include

- the *Dependency Counsel Caseload Study and Service Delivery Model Analysis*;
- the Dependency Representation: Administration, Funding, and Training (DRAFT) program;
- the Unified Courts for Families program;
- the Judicial Review and Technical Assistance (JRTA) project;
- the Permanency project;
- the Indian Child Welfare Act project;
- the CASA program; and
- the Juvenile Dependency Mediation program.

The *Dependency Counsel Caseload Study and Service Delivery Model Analysis,* completed in June 2004, identified performance and caseload standards for attorneys appointed to represent parents and children in juvenile dependency cases. The identification and implementation of court-appointed counsel caseload standards will ensure high-quality attorney service for both children and parents subject to the state's dependency adjudication process.

The findings of the caseload study serves as the foundation for the Dependency Representation: Administration, Funding, and Training (DRAFT) pilot program, which began in fiscal year 2004–2005. The DRAFT program is a voluntary pilot program involving 10 courts, in which the responsibility for dependency counsel contract administration is shifting from the local courts to the AOC.

The Unified Courts for Families project established and funded six "Mentor Courts" in California in early 2003 and added a seventh court in 2004. The selected courts are either establishing new unified family and juvenile courts or using the grant to foster the development of already existing unified courts. Over a three-year period, these courts will pilot various strategies for the coordination of proceedings involving members of the same family with cases on multiple court calendars. The Unified Courts for Families project recently published the *Unified Courts for Families Deskbook*, a resource for judicial officers and other court and court-connected staff involved in implementing unification or coordination.

The Judicial Review and Technical Assistance project is designed to improve the lives of foster children and their families by focusing on child safety, legal permanency, and child and family well-being when conducting juvenile court case file reviews and courtroom observations in compliance with state and federal laws. Specifically, the JRTA project seeks to ensure California's ongoing receipt of federal funds by assisting the courts, social service departments,

and probation departments in complying with title IV-E and California's laws implementing title IV-E. The JRTA project is funded by the California Department of Social Services. Most recently, CDSS has supplemented the JRTA project to provide for additional local and regional training focused specifically on permanency and Indian Child Welfare Act issues. JRTA is described in detail in Chapter 7.

The CASA program administers grants to 39 local CASA programs in California and provides services ranging from on-site technical assistance to research and evaluation projects for county CASA providers.

The Juvenile Dependency Mediation program provides training, technical assistance, and support in the development and implementation of Standards of Judicial Administration and Rules of Court to California's dependency mediators. Training is provided annually at the CFCC's Statewide Educational Institute.

E. Organization of 2005 Reassessment Report

The following report is divided into six chapters and a conclusion.

Chapter 2, "California's Dependency System," describes the legal framework of California's dependency system, and reports the findings of the legal-review portion of the Reassessment.

Chapter 3, "Court Hearings," provides detailed findings about the effectiveness, quality, and timeliness of state and federally mandated hearings in California. This chapter draws from a wide variety of data sources and reports such metrics as judicial officer satisfaction with hearings, the duration of hearings, the timeliness of hearings, hearing attendance or parties, and the quality of attorney and social worker performance and reports. Finally, this chapter discusses compliance with title IV-E and the Indian Child Welfare Act.

Chapter 4, "Court Management and Policy," examines the effect of court administrative policies on case processing and case outcomes. The first section, on court communications, looks at the ways that information is shared between the court and the public, as well as between the court and the professionals that have to appear there, including such issues as the adequacy of notice procedures and the availability of local rules, educational pamphlets, and interpreters. The chapter also describes the electronic case management systems available on the state and local levels and discusses court facilities.

Chapter 5, "People in Court," describes reassessment findings about judges, commissioners, referees, attorneys, social workers, and CASA volunteers who work in the dependency courts. It covers training, caseloads, resources, experience, professional relationships, and perceived quality of work by others within the system, individual perceptions of resource needs, and other issues.

Chapter 6, “Child and Family Issues and Outcomes,” focuses on outcomes for children and families, using the lenses of child safety, permanency, and child and family well-being. The chapter includes statewide data from the Child Welfare Services/Case Management System and presents findings from the reassessment research about the courts’ role in ensuring positive outcomes in these areas.

Chapter 7, “Collaboration,” describes child welfare collaborative activities at the state and local levels. The state section focuses primarily on the courts’ role in implementing California’s Program Improvement Plan (PIP), as well as other social services–court collaborations. The local section looks at a variety of collaborative efforts, highlighting successful programs from our six study sites.

Chapter 8, “Conclusion,” reiterates key findings and lists all reassessment recommendations.

F. Recommendations of the 1997 *California Court Improvement Project Report*	
	Discussion in *2005 Reassessment*
Recommendation 1. Local juvenile courts should adopt case calendaring techniques that reduce waiting time for hearings.	Chapter 3
Recommendation 2. Local juvenile courts should actively monitor the timeliness and quality of reports to the court. Judicial officers should consider holding parties accountable for late and incomplete reports.	Chapter 3
Recommendation 3. Local juvenile courts should closely monitor the granting of continuances and only grant continuances for good cause. Reasons must be stated on the record. Good cause does not include "stipulation by the parties." Attorneys should be on time for hearings and notify the court when they are going to be late.	Chapter 3
Recommendation 4. All judges hearing dependency cases should be familiar with the Resource Guidelines' recommendations. Courts should examine their current practices in light of ideal practices set out in the Guidelines and ensure that adequate time is allocated to permit a high level of judicial scrutiny and documentation.	Chapter 3
Recommendation 5. Local juvenile courts should hold the first post-disposition review within three months of the completion of the disposition.	Chapter 3
Recommendation 6. Juvenile dependency courts should utilize alternative dispute resolution techniques such as mediation and family group conferences.	Chapter 3 Chapter 7
Recommendation 7. The Judicial Council through its Juvenile Law Subcommittee should identify and correct financial disincentives to permanency planning and reunification.	Chapter 6
Recommendation 8. The Judicial Council should examine and make recommendations about how incarcerated parents can better participate in dependency proceedings.	Chapter 3
Recommendation 9. The child's attorney and the court should ensure that the child is given notice of the hearing and given an opportunity to attend if he or she wishes.	Chapter 4
Recommendation 10. The Judicial Council should provide technical assistance to improve compliance with the Indian Child Welfare Act requirements.	Chapter 2

Recommendation 11. The Judicial Council shall include in the education and training of all judicial officers conducting hearings under section 300, the development of programs to provide training prior to the time a judicial officer is assigned to juvenile dependency matters, or as soon thereafter as possible.	Chapter 5
Recommendation 12. Initial training and continuing education should address the legal and procedural aspects of dependency actions and should include but not be limited to, the issues and policies concerning children with disabilities, the psychological and medical aspects of abuse and molestation, family reunification and permanency planning. Whenever possible, training should include issues related to local and geographical policies and procedures, and should involve representatives from other agencies participating in the delivery of services.	Chapter 5
Recommendation 13. In accordance with the Resource Guidelines and ABA findings, the local juvenile courts should ensure that a single judicial officer hears all phases of a dependency case (direct calendaring), including adoptions, and that sibling cases are heard together on the same court date whenever possible.	Chapter 2 Chapter 5
Recommendation 14. Local juvenile courts should set and complete longer matters in a continuous proceeding.	Chapter 3
Recommendation 15. The Judicial Council, through its Chief Justice assignment powers, should make available visiting or retired, experienced juvenile senior judge resources to assist local juvenile courts with caseload reduction and bench coverage while local judicial officers are participating in mandatory educational programs.	Chapter 5
Recommendation 16. The Judicial Council should promote the designation of an adequate number of judicial officers and resources to each local juvenile court.	Chapter 5
Recommendation 17. In accordance with the California Rules of Court, Standards Of Judicial Administration, Section 24, presiding superior court judges should assign judicial officers to the juvenile court to serve for a minimum of three years. Priority should be given to judges who have expressed a willingness to actively participate in juvenile court.	Chapter 5

Recommendation 18. The Juvenile Law Subcommittee improvement planning should include as a priority the development of data entry and reporting protocols for dependency actions. All juvenile courts statewide should be able to use automated information systems to collect and analyze standardized, basic information on the dependency caseload. The goal should be a system capable of timely, accurate, coordinated, and useful case identification, tracking, and scheduling. Such systems should ensure appropriate confidentiality of the case records and party identification.	Chapter 4
Recommendation 19. The Judicial Council, through its Juvenile Law Subcommittee, should review the organization, cost, delivery, and quality of attorney services in dependency courts and make recommendations for improvement. Methods to increase support for and accountability of attorneys who represent children and parents might include: (1) providing written guidelines for experience and standards of payment; (2) developing a system of master attorney/mentors; (3) creating an association of attorneys who handle these cases; and (4) recommend attorney caseload standards.	Chapter 5
Recommendation 19, continued: Local juvenile courts should ensure that advocates for children and parents are present at the first court appearance.	Chapter 5
Recommendation 19, continued: Local juvenile courts should ensure that there exists parity in length of assignment, caseload levels, compensation, and investigative and support resources among all attorneys practicing in juvenile court.	Chapter 5
Recommendation 19, continued: The Judicial Council should promulgate guidelines identifying (1) the cases in which it is appropriate to appoint counsel for the child or children in the juvenile court and on appeal and (2) the special responsibilities of said counsel.	Chapter 5
Recommendation 19, continued: The Judicial Council should study and make recommendations on attorney caseload standards. Standards should address the requirements of representation of parties in dependency cases and allow variation due to local county characteristics. Caseload standards, such as those promoted by the National Council of Juvenile and Family Court Judges (NCJFCJ) and the ABA should be reviewed and considered.	Chapter 5

Recommendation 19, continued: The Judicial Council, through its Juvenile Subcommittee, should work with law schools to develop specialized curricula and clinical programs related to children's law. The Judicial Council should provide clerkship opportunities for law students interested in court policy related to children and families.	Chapter 5
Recommendation 20. The Judicial Council should seek adequate funding to ensure training for counsel in dependency cases.	Chapter 5
Recommendation 21. The use of CASAs should be expanded. Juvenile courts should continue to advocate for funding adequate to ensure high quality CASA staff and volunteer representation.	Chapter 5
Recommendation 22. All California courts should establish or continue interagency meetings on dependency case processing. For larger courts, with more than one FTE judge/commissioner hearing dependency cases, these meeting should be held monthly, focusing primarily on dependency case processing. For courts with less than one FTE judge hearing dependency cases, the meetings could be held quarterly and include all juvenile case processing issues. Although these meetings should maintain an informal atmosphere that encourages open communication among the participants, a formal agenda should be prepared for discussion and caseflow and caseload data should be presented by the court, DSS, and other interested agencies.	Chapter 7
Recommendation 23. The juvenile courts of California should increase their efforts to effectively communicate to the Legislature the complexities of the juvenile court process, the resource needs required to appropriately serve the community, and the benefits or detriment of pending legislation.	Chapter 7
Recommendation 24. The Judicial Council and local juvenile courts should provide information to the public on juvenile court procedures. The Judicial Council should develop and disseminate protocols to local juvenile courts to allow media observation of court proceedings with appropriate protection of confidentiality.	Chapter 4
Recommendation 25. The Judicial Council should conduct an assessment of local juvenile court facilities, and work with local counties and the Legislature to improve those facilities.	Chapter 4
Recommendation 26. The Judicial Council should continue its leadership to improve the efficient processing of cases involving children and families. The council should continue to expand its efforts by establishing a section or center within the Administrative Office of the Courts, using existing staff resources, devoted to implementation of statewide and local court improvement efforts.	Chapter 1

Recommendation 27. With guidance and direction from the Judicial Council and its Family and Juvenile Law Advisory Committee, the center should: 1) develop a comprehensive plan to implement court improvement projects; 2) administer the CASA grant program; 3) Conduct research and planning; 4) Develop a centralized resource center; 4) Coordinate existing and future innovative projects; and 5) Develop and implement other projects as directed by the Judicial Council	Chapter 1

Chapter 2: California's Dependency System

A. Introduction

California's dependency system simultaneously strives to preserve the family unit, while obtaining permanency for children. This chapter contains a brief outline of the basic structure of the dependency courts and the issues being addressed at each hearing. The second half of the chapter describes the legal framework that governs dependency hearings.

B. Overview

California state dependency law is set forth generally in section 300 et seq. of the California Welfare and Institutions Code[1] and rule 1400 et seq. of the California Rules of Court.[2] Many superior courts have established local rules and forms for dependency proceedings as well.

1. Goals

The goals of dependency proceedings are to preserve the family and provide for the safety, protection, and physical and emotional well-being of the child[3]. When it appears that intervention is necessary for the child's safety, substantial efforts should be made to keep the child at home and provide the family with the necessary services to alleviate any harmful conditions. If the child cannot safely remain in the home, the focus shifts to providing the family with reunification services so that the family home may again become safe for the child. When reunification with the family is not possible, then the goal shifts to providing a stable, permanent home for the child as soon as possible. The basis for each of these goals is protecting the child's best interest. In furtherance of these goals, the court strives to conduct each proceeding in as informal and nonadversarial a manner as allowed while still preserving due process.

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[1] The California Welfare and Institutions Code can be found at *http://www.leginfo.ca.gov/calaw.html*. Unless otherwise indicated, all statutory references are to the California Welfare and Institutions Code.

[2] The California Rules of Court can be found at *http://www.courtinfo.ca.gov/rules*.

[3] Cal. Welf. & Inst. Code § 300.2.

2. Structure of the Juvenile Court

California has a single level of trial courts, known as the superior court. The superior court in each of California's 58 counties has the authority to exercise jurisdiction in juvenile matters; while exercising such jurisdiction, it is referred to as the *juvenile court*.[4] In counties having more than one judge of the superior court, the presiding judge annually assigns one or more judges to hear juvenile cases. In counties where more than one judge is designated a judge of the juvenile court, the presiding judge of the superior court must also designate one judge as the presiding judge of juvenile court.[5] Some counties have courtrooms and judges that hear only juvenile dependency matters, while in other (typically smaller) counties juvenile court judges hear other types of matters as well.

3. General Procedural Information

All juvenile proceedings must be heard at a special or separate session of the court. No other matter may be heard at that session.[6] All juvenile dependency hearings are confidential and not open to the public. The public cannot be admitted to a juvenile court hearing unless requested by a parent or guardian and consented to, or requested by, the minor and upon a determination by the judge that the person has a direct and legitimate interest in the particular case or work of the court.[7] Juvenile records are confidential and are not accessible by civil or criminal subpoena. Access to the files is limited to a specific set of persons and circumstances, as defined in the code.[8]

4. Appointment of Counsel

The court must appoint counsel for a child unless it finds that the child would not benefit from legal representation.[9] In those instances, the court must appoint a Court Appointed Special Advocate (CASA).[10] In the statewide survey of judicial officers hearing dependency matters, all the respondents who preside over detention hearings indicate that they assign an attorney for the child almost 100 percent of the time (see chapter 3 for additional information).

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[4] § 245.

[5] § 246.

[6] § 345; Cal. Rules of Court, rule 1401(a).

[7] § 346; Cal. Rules of Court, rule 1401(e).

[8] See generally Cal. Welf. & Inst. Code, § 827.

[9] § 317(c).

[10] § 326.5; Cal. Rules of Court, rule 1438(b)(3).

The court must appoint counsel for any parent or guardian unable to afford counsel if the child has been removed or the child welfare agency is requesting removal from the family home, unless the court finds that the parent or guardian has knowingly and intelligently waived the right to counsel.[11] If the parent appears without counsel at the 366.26 hearing (in which parental rights may be terminated and the child placed for adoption, in a legal guardianship, or in a planned permanent living arrangement) and is unable to afford counsel, the court shall appoint counsel for the parent unless representation is knowingly and intelligently waived.[12]

5. Dependency Petition

While removal is not a requirement for the initiation of dependency proceedings, most cases do involve the removal of the child from the family home. Prior to removal, the social worker must consider (1) whether referrals to public assistance or community organizations would eliminate the need to remove the child; (2) whether there is a nonoffending parent who can protect the child; and (3) whether the perpetrator will voluntarily leave the residence, making the family home safe again. If the child is removed, the social worker must file a dependency petition in juvenile court within two court days.[13]

6. Initial or Detention Hearing

The initial hearing is commonly referred to as the detention hearing, particularly if the child is removed from the home. If the child is removed, the initial hearing must be held no later than the next court day after the petition is filed. If the child is not removed, the initial hearing must be held within 15 court days.[14] Before ordering a child detained out of the home, the court must make a determination on the record that reasonable efforts were made to prevent or eliminate the need for removal of the child from the home and that there are no services available that would prevent the need for further detention.[15] The court must also find that continuance in the home of the parent or guardian is contrary to the child's welfare.[16]

At the initial hearing, the court will appoint counsel, advise the parents of their rights, explain the court process, order visitation when appropriate, inquire about possible relative caretakers, and may order services to the parents pending the jurisdiction hearing. The court must also inquire into the child's paternity and determine whether the Indian Child Welfare Act might apply.[17]

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[11] Cal. Rules of Court, rules 1412(h)(1)(B) and 1438.

[12] § 366.26(f)(2).

[13] § 313; Cal. Rules of Court, rule 1442(b).

[14] § 315; Cal. Rules of Court, rule 1442.

[15] §§ 319(d)(1) and 11401(b); Cal. Rules of Court, rule 1446(c).

[16] §§ 319(b) and 11401(b)(3); Cal. Rules of Court, rule 1446(a).

[17] § 316.2(b); Cal. Rules of Court, rule 1413.

7. Pretrials

Pretrials are intermediary hearings held by the court in an effort to resolve a contested issue and address evidentiary or discovery issues. A pretrial can be held for any hearing type and is aimed at reducing continuances and resolving matters without holding lengthy contested hearings.

8. Jurisdiction Hearing

Section 300 of the Welfare and Institutions Code establishes the basis for jurisdiction in a dependency matter. The jurisdiction hearing must be held within 15 days of the detention order for detained children and within 30 days after the initial filing for nondetained children.[18] The court must find by a preponderance of the evidence that the child falls within one or more of the subsections of section 300, as pleaded in the petition, in order to sustain the petition.[19]

9. Disposition Hearing

In California, the disposition hearing can occur on the same day as the jurisdiction hearing and must occur within 10 court days of the jurisdiction hearing for detained children and within 30 judicial days for a nondetained child.[20] After hearing the evidence, the court must decide whether to dismiss the case, order informal services for the family without making the child a dependent, appoint a guardian with the consent of the parties, or declare the child a dependent of the court.

If the child is declared a dependent but remains in the home, the case is designated a *family maintenance case* and the child welfare agency provides services to the family while maintaining an intact family unit.

In order to place or keep a child outside the home, the court must find by clear and convincing evidence that there is no reasonable means by which the child can be protected without removal from the home. These cases are referred to as *family reunification cases*, unless the court finds that the case meets the conditions for immediate referral for permanent placement.[21]

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[18] § 334.

[19] Children come within the jurisdiction of the court when one or more of the following sections has been found applicable: a) the child has suffered, or there is a substantial risk that the child will suffer serious physical harm; b) the child has suffered, or there is a substantial risk that the child will suffer serious physical harm or illness as a result of parental failure to supervise; c) the child is suffering, or is at substantial risk of suffering serious emotional abuse; d) the child has been, or is at substantial risk of being sexually abused; e) the child is under the age of five and has suffered severe physical abuse by a parent or by any person known by the parent if the parent knew or should have reasonably known that the person was abusing the child; f) the child's parent or guardian has caused the death of another child through abuse or neglect; g) the child has been left without any provision for support; h) the child has been freed for adoption; i) the child has been subjected to an act or acts of cruelty; and j) the child's sibling has been abused or neglected and there is a substantial risk that the child will be abused or neglected.

[20] § 358(a).

[21] § 361.5(b).

If the child cannot be placed with either parent, the court and the child welfare agency must first consider any relatives seeking placement. If no relative is available or appropriate, the court must also consider placing the child with a "nonrelative extended family member." A nonrelative extended family member is an adult caregiver with an established familial or mentoring relationship with the child that is verified by the child welfare agency.

Reunification services are provided to the family to address the problems that brought the family within the court's jurisdiction. The reunification plan, prepared by the social worker, must be specific to the needs of a particular family. Section 361.5(b) provides a basis for denying a parent reunification services and proceeding directly to permanent planning, if one or more of the statutory exceptions are met by clear and convincing evidence.

10. Review Hearings

The status of a child in foster care must be reviewed no less frequently than once every six months as calculated from the date of the original disposition hearing.[22] In addition to mandated periodic review hearings, many courts regularly hold nonstatutory interim review hearings to check the status of, or progress on, a variety of issues, such as visitation, participation in case plan services, and relative placements.

In family maintenance cases, the court must determine at each review hearing, by a preponderance of the evidence, whether the conditions that brought the family within the court's jurisdiction still exist or if such conditions are likely to exist were supervision to cease.[23] If the court finds that the conditions still exist, jurisdiction may continue for another six months while the child welfare agency continues to provide in-home services to the family.

In family reunification cases, during the period in which reunification services are being provided, there is a statutory presumption that the child will be returned to the parent or guardian. Parents or guardians are informed at the jurisdiction hearing that they are entitled to receive up to 12 months of reunification services for a child that was three or older at the time of removal or up to 6 months for children under the age of three. If the child is not returned home at the review hearing, the court must find by a preponderance of the evidence that the return of the child to the parent would create a substantial risk of detriment to the child's safety, protection, or physical or emotional well-being.[24]

While reunification services are being provided to the family, the child welfare agency must also be engaged in concurrent planning, through the early development of an alternative permanent

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[22] § 366(a) and 366.3; § 11400(i), and 11400.1; Cal. Rules of Court, rule 1460(a).

[23] § 364(c).

[24] § 366.21(e) and 366.22(a); Cal. Rules of Court, rule 1461(c)(1).

plan should reunification fail.[25] The social worker must document in the case plan the services and efforts being made to finalize a permanent plan if the child cannot return home.[26]

A permanency hearing must be held no later than 12 months after the date the child entered foster care.[27] The court must specify a permanent plan for the child, including a determination of whether the child can return home. If the reunification time period has been met or exceeded and the child is not returned to the custody of parent or guardian, but the court finds at the permanency hearing that there is a substantial probability that the child will be returned to the parent or guardian within six months, or that reasonable reunification services were not provided, the court may extend reunification for six additional months provided that a permanency review hearing occurs within 18 months of the date of removal from parent or guardian.[28]

11. 366.26 Selection and Implementation Hearing

If the time for reunification services has expired, and the parent or guardian has failed to reunify with the child, the court must terminate any further reunification services and set a hearing pursuant to section 366.26 of the Welfare and Institutions Code. The 366.26 hearing, also known as a selection and implementation hearing, must occur within 120 days of the order terminating reunification services.[29]

At the selection and implementation hearing all parties may present evidence, including testimony, on which permanent plan serves the child's best interest. Unlike some other jurisdictions, California does not require the filing of a separate petition for the termination of parental rights or the establishment of legal guardianship. At the conclusion of the hearing the court determines whether adoption, legal guardianship, or a planned permanent living arrangement is the most appropriate plan. If the plan is something other than adoption the court must find that there is a compelling reason that adoption is not in the best interests of the child; such reasons are listed in section 366.26(c)(1)(A)–(E) of the Welfare and Institutions Code. The court will implement the permanent plan at the conclusion of the hearing. If jurisdiction must be maintained for any reason, a permanency review hearing must be held every six months to review the child's status.[30]

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[25] §§ 358.1(b) and 16501.1(f)(9).

[26] § 366.21(l)(2).

[27] § 366.21(f). The date entered foster care is the earlier of the date of the jurisdiction hearing or the date that is 60 days after the date on which the child was initially removed from the physical custody of his or her parent or guardian. See § 361.5(a); Cal. Rules of Court, rule 1401(a)(7).

[28] § 366.21(g).

[29] § 366.21(e); Cal. Rules of Court, rule 1460(f)(1).

[30] § 366.3(d).

If a child remains in foster care in a planned permanent living arrangement or in a guardianship, a secondary selection and implementation hearing can be held at any time to change the child's permanency status to legal guardianship or adoption. The same noticing procedures and due process rights apply to any subsequent selection and implementation hearings.

12. Finalization of an Adoption

When adoption has been identified as the permanent plan, and reunification services have been terminated to the parents, the court will sever parental rights and free the child for adoption, usually at the selection and implementation hearing. If at the time reunification services have been terminated an adoptive home as not been identified, but adoption is the permanent plan, the court may continue the matter up to 180 days to allow the child welfare agency to locate an adoptive home. Once an adoptive home has been located, the court will hold a hearing terminating parental rights, if it has not done so already. At the time parental rights are terminated, the court will set a hearing to complete the adoption. No adoption order may be made until all related appeals by the parents have been decided.

13. Appeals

Orders made at the disposition hearing and all subsequent orders, except an order setting a hearing under section 366.26, can be directly appealed without limitation.[31] While jurisdiction orders do not constitute an independent basis for appeal, they can be raised on an appeal of disposition orders.[32]

Generally, court-appointed trial practitioners representing parents and children in dependency proceedings do not file their own appeals. Trial counsel files a notice of appeal, and then the appeal is filed on behalf of a parent, legal guardian, or child by an attorney with one of the district appellate projects.

14. Extraordinary Writs

There is a separate procedure for challenging the setting of a selection and implementation hearing under section 366.26, referred to as the filing of a petition for extraordinary writ.[33] The typical situation is that a parent's reunification services were terminated at the last review hearing or no reunification services were offered to the parent or guardian and the court is moving toward implementing a permanent plan other than return to the family home. The timeliness for the extraordinary writ procedure is accelerated so that briefing, arguments, and a decision may occur within the 120-day period from the termination of reunification services to

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[31] *In re Meranda P*. (1997) 56 Cal.App.4th 1143.; also see generally Cal. Rules of Court, rule 37–37.4.

[32] *In re Jennifer V*. (1998) 197 Cal.App.3d 1206.

[33] See generally Cal. Rules of Court, rule 38 and 38.1.

the 366.26 selection and implementation hearing.[34] Trial counsel is responsible for filing the request for relief and representing the client in the Court of Appeal.[35]

C. Legal Review

California dependency law and policy are in alignment with the federal requirements set forth in title IV-B and IV-E,[36] the Indian Child Welfare Act (ICWA),[37] the Child Abuse Prevention and Treatment Act (CAPTA),[38] and the principles discussed in the *Resource Guidelines*, by the National Council of Juvenile and Family Court Judges.[39] California is also working toward implementing the ideas set forth in the American Bar Association's *Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases* (hereinafter referred to as the ABA Standards)[40] and the National Association of Counsel for Children's revised version of the ABA Standards (hereinafter referred to as the NACC Revised Standards).[41]

Contained in Appendix A is a chart detailing each requirement or recommendation listed in the sources above, along with California's implementation of that mandate or goal. The federal legal charts, title IV-B and IV-E, ICWA, and CAPTA, are organized so that the federal law is on the left, and the comparable state statute or state rule of court on the right. The recommended practices charts, *Resource Guidelines*, and ABA/NACC list the recommended practice on the left, with the comparable state statute, rule of court, or standard of judicial administration on the right. Explained below are some areas in which California has not formally implemented a recommendation or mandate (or is in the process of implementing it), the remedies proposed to address those omissions, and instances in which the recommendation or mandate has become standard court practice in the absence of a mandate.

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[34] § 38–38.3. The notice of intent to file a extraordinary writ must be filed within 7 days after the date of the order setting the 366.26 hearing. The petition for writ must be served and filed within 10 days after the record is filed in the reviewing court, and any response must be served and filed generally within 10 days or, if the petition is served by mail, within 15 days.

[35] Cal. Rules of Court, rules 38(c) and 1436.5(g).

[36] 42 U.S.C. ch. 7(IV)(B) and (E).

[37] Indian Child Welfare Act, 25 U.S.C., ch. 21.

[38] Child Abuse Prevention and Treatment and Adoption Reform, 42 U.S.C., ch. 67(I).

[39] National Council of Juvenile and Family Court Judges, *Resource Guidelines: Improving Court Practice in Child Abuse & Neglect Proceedings* (1995); available at *http://www.ncjrs.org/pdffiles/resguid.pdf.*

[40] *American Bar Association Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases*, Feb. 5, 1996, available at *http://www.abanet.org/child/childrep.html.*

[41] National Association of Counsel for Children, *ABA/NACC Revised Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Cases*, amended April 21, 1999, available at *http://naccchildlaw.org/training/standards.html*.

1. Titles IV-B and IV-E

California has enacted the requirements of title IV-B and title IV-E through state statutes and rules of court. Federal law specifies that the state must calculate the 15 months out of the most recent 22-month period from the date the child is considered to have entered foster care, using a cumulative method of calculation when a child experiences multiple exits from and entries into foster care during the 22-month period and must not include trial home visits or runaway episodes in calculating 15 months in foster care.[42] Section 16508.1(a) of the California Rules of Court recognizes that the social worker must submit to the court a recommendation that the court set a hearing for the purpose of terminating parental rights when a child has been in foster care 15 of the most recent 22 months (see Appendix A, table A.1). While there is no statutory provision setting forth the method of calculating the 15/22-month requirement, it is believed that both the courts and the child welfare agencies are properly calculating the 15/22-month requirement. In an effort to promote clarity in state law, the Administrative Office of the Courts, Center for Families, Children & the Courts, in conjunction with its partners at the California Department of Social Services and the County Welfare Directors Association, will seek to support legislation aimed at specifying the method of calculating the last 15 out of 22 months spent in foster care, so as to ensure consistent application of the federal regulation.

2. Indian Child Welfare Act (ICWA)

California has codified the requirements of the Indian Child Welfare Act into the Welfare and Institutions Code,[43] as well as enacting a state rule of court specific to the implementation of the ICWA.[44] In an ongoing effort to effectuate the consistent and proper application of the ICWA, the Administrative Office of the Courts and its collaborative partners offer regular training to judicial officers, court staff, and other parties about the ICWA. Additionally the Judicial Council of California provides mandatory statewide ICWA forms for use by the courts and the parties.

3. Child Abuse Prevention and Treatment Act (CAPTA)

California has promulgated state statutes and rules of court to implement the requirements of CAPTA. The AOC intends to further study two areas of CAPTA implementation.

One area in which California is striving for improvement involves children transitioning from one juvenile court system, either dependency or delinquency, to the other juvenile court system. Typically a child makes a transition from the dependency system to the delinquency system (see Appendix A, table A.3). CAPTA directs states to support and improve interagency collaboration between the child protection system and the juvenile justice system for the improved delivery of

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42 45 C.F.R. § 1356.21(i)(a–c).

43 §§ 265, 305.6, 360.6.

44 Cal. Rules of Court, rules 1412 and 1439.

services and treatment, including methods for continuity of treatment plan and services as children transition between the systems.[45]

In 2004, Assembly Bill 129[46] was passed, authorizing counties to create a protocol that would permit a child who meets specified criteria to be designated both a dependent child and a ward of the juvenile court, and thus known as a dual-status child. The legislation also requires the Judicial Council to evaluate the results of implementing the protocol and to report its findings to the Legislature within two years of a program's implementation.

As the first step in assisting counties with the dual-status protocol, the AOC sponsored the Transfer of Knowledge Symposium: Protocols in Juvenile Court for Dual-Status Children, on June 20, 2005, in San Francisco. The event offered assistance to county teams of juvenile court presiding judges, chief probation officers, and county welfare directors with implementation of dual jurisdiction protocols intended to improve the handling of cases involving both child welfare and juvenile justice issues and to increase access to services for children and families.

The second area of study concerns the public disclosure of information about cases of child abuse or neglect that result in a fatality or near fatality (see Appendix A, table A.3).[47] Currently California law allows for the disclosure of information when abuse or neglect has resulted in a child's death only.[48]

The Center for Families, Children & the Courts, in conjunction with its partners at the Chief Probation Officers of California, the California Department of Social Services, and the County Welfare Directors Association, will seek to study what, if anything, needs to be done to allow for the disclosure of cases of child abuse or neglect that have resulted in a near fatality.

4. Resource Guidelines

California has implemented through statutes, rules of courts, and standards of judicial administration many of the practices recommendations outlined in the *Resource Guidelines: Improving Court Practice in Child Abuse & Neglect Cases,* issued by the National Council of Juvenile and Family Court Judges in 1995. Appendix A, table A.4 offers a side-by-side comparison of the guidelines and California's implementation efforts.

In many areas, local courts have implemented recommended practices in the absence of a state directive to do so, as seen in these descriptions of procedures that follow *Resource Guidelines* recommendations.

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[45] 42 U.S.C. § 5106(a)(13).

[46] Assem. Bill 129 [Cohn]; Stats. 2004, ch. 468.

[47] 42 U.S.C. § 5106a(b)(2)(A)(x).

[48] § 827(a)(2).

a. Direct Calendaring. Direct calendaring is the preferred method of calendaring. Although there is no authority mandating the use of direct calendaring in juvenile dependency court, 81 percent of the judicial officers surveyed report that one judge is assigned to a family's case for its duration, including adoption proceedings.

b. Computerized data systems. The court staff maintains a computerized data system capable of spotting serious delays, measuring court progress in caseflow management, and compiling statistics regarding length of hearings and times between hearings. Of the 50 counties that responded to the court administrators survey (see Appendix C), all but one report having a computerized juvenile data system, and 15 of those courts are in the process of upgrading or changing their current systems. The capabilities of the systems vary, but 40 courts had the ability to schedule hearings and produce daily calendars. Fifteen courts could use the system to flag delays between hearing times for individual cases. Twenty-seven systems could generate statistics regarding the reasons for continuances, and 19 systems could calculate the timeliness of hearings. California is continuing to strive toward implementation of a statewide, fully automated case management system that will not only be able to generate statistics, but will also allow juvenile court officers to be aware of other legal matters the family may be involved in. (See chapter 4 for a further discussion of case management systems capabilities.)

c. Use of pretrials. The court should encourage the use of pretrials to verify that discovery and notice have occurred and to resolve evidentiary issues. Pretrials are a way of gathering the parties together and trying to resolve potential contested issues or noticing problems prior to a trial, thereby reducing continuances. In addition to using pretrials to resolve evidentiary matters, California courts employ numerous other alternative-dispute resolution methods aimed at resolving possibly contentious or problematic issues prior to holding a contested hearing. Over half of the judicial officers who responded to the CIP survey indicate that judicially supervised settlement conferences and court-based juvenile dependency mediation services are available in their court to resolve issues related to a dependency matter. Family group conferencing is available to just under one-half of the judicial officers, and about one-quarter of those surveyed report that non-judicially-supervised settlement conferences are used by the parties. All of these methods, in addition to pretrials, assist courts in reducing court delays and lengthy contested matters.

5. ABA and NACC Standards

Recognizing that parties in dependency proceedings should receive high-quality representation, California enacted section 317 of the Welfare and Institutions Code and rule 1438 of the California Rules of Court, detailing the requirements and expectations of attorneys representing parties in dependency court, with special attention given to those attorneys representing children.

To further improve attorney representation, the AOC Center for Families, Children & the Courts, in partnership with 10 volunteer local courts, has launched a pilot program, the Dependency

Representation, Administration, Funding, and Training (DRAFT) pilot program, to implement additional best practices for court-appointed counsel in dependency court.

In 2003, CFCC conducted a caseload study of court-appointed counsel representing parents and children in dependency court.[49] The study was designed to recommend the maximum individual caseload for court-appointed dependency counsel in light of quantifiable standards of practice. For a two-week period, attorneys were asked to record the time they spent on each case, broken down by the type of task. Focus groups of attorneys around the state then estimated the amount of time each task should take at both a minimum competency and an optimal level. Analysis of this information suggested maximum attorney caseloads of 117 for minors' counsel and 164 for parents' counsel, or an average of 141 for full-time dependency practitioners regardless of client type.

During the caseload study, other issues surfaced that affected the quality of representation and an attorney's ability to achieve the suggested caseloads. To effectuate a more comprehensive approach, the DRAFT pilot program was initiated. The program's goals are to identify, work with, and direct resources to counties where programs need to be strengthened; share resources, such as training, that many counties would not otherwise be able to afford; and monitor and enhance attorney performance.

The DRAFT pilot program is in the initial implementation stage and is expected to take two to three years to be fully operational in all 10 pilot courts. CFCC will conduct ongoing evaluation of the DRAFT courts and promote promising practices statewide.

D. Conclusion

California's juvenile court system is designed to support family preservation and child well-being while adhering to federal regulations and guidelines. In recognizing that federal law merely sets the baseline requirements, California has begun implementing nationally accepted recommended practices that will further improve the outcomes for families and children.

[49] *Dependency Counsel Caseload Study and Service Delivery Model Analysis* (June 2004). Prepared for the Administrative Office of the Courts by the American Humane Association and the Spangenberg Group.

Chapter 3: Court Hearings

To evaluate the extent to which California superior courts[1] conduct high-quality hearings, the Reassessment team conceptualized a well-functioning system as one in which

- Timely hearings are held;
- Judicial officers can make decisions based on good-quality information;
- Such information is submitted in a timely fashion;
- Parties have competent advocates;
- Parties can appear and be heard in court;
- Hearings are of sufficient duration to allow for problem solving, information exchange, and advocacy;
- Appropriate findings and orders are made; and
- Judicial appointments and attorney assignments have continuity.

Collectively, these components of high-quality hearings constitute hearing effectiveness—a concept that cannot be directly measured but can be inferred from these ingredients. Other measures—including the adequacy of a court's services and facilities, and its managerial capacities—are likewise indispensable for effective hearings; these are treated in other chapters. This chapter focuses on the essential components of courtroom proceedings.

A. Data Sources

The majority of the data presented in this chapter come from the CIP Reassessment's mail-in surveys of all judges, commissioners, and referees with a regular appointment[2] to hear dependency cases and, secondarily, from mail-in surveys of attorneys representing parents, children, and child welfare agencies, and surveys of court administrators and child welfare administrators. This chapter also presents data from a 2002 AOC study of the workload of court-appointed dependency counsel, as well as data collected on an ongoing basis by the AOC's JRTA (Judicial Review Technical Assistance) project. Unless otherwise noted, the bases for the survey tables are the full sets of respondents: 98 judicial officers, 50 court administrators, 36

[1] The superior courts in each of California's counties exercise jurisdiction in juvenile matters.

[2] Excluded were judicial officers who occasionally heard hearings when their colleagues were on vacation or in other situations.

child welfare administrators, 185 court-appointed counsel, and 141 county counsel. See Appendix C for an explanation of these data collection efforts.

B. Appointing Judicial Officers and Assigning Attorneys to Cases

About four out of five judicial officers report that their courts assign judicial officers before a detention hearing, for the duration of the case. The rest receive an assignment for the duration sometime after detention, share a caseload with another judicial officer, or specialize in certain hearings.

Reports from court administrators reflect that of the judicial officers survey. About three out of four court administrators report that cases are assigned at detention, for the duration of the case.

California has achieved universal attorney representation for its children in dependency cases. Almost all of the judicial officers responding to our survey report that they appoint an attorney to represent the child in 100 percent of the cases. These attorneys are always appointed at the detention hearing.

> California has achieved universal attorney representation for its children in dependency cases.

The frequency with which parents or guardians are appointed attorneys varies by their role in the case (table 3.1). Asked only about the parents or guardians who come to court, judicial officers report that mothers and presumed fathers are most likely to be appointed attorneys: 96 and 86 percent, respectively, of the judicial officers report that they nearly always or always appoint counsel for these types of parties. Next, biological and alleged fathers are nearly always or always appointed counsel by 70 and 60 percent of the judicial officers, respectively. De facto parents are relatively unlikely to be appointed counsel, and foster parents and relative caregivers are highly unlikely to be appointed counsel by respondents. Parents who are present are nearly always appointed an attorney at detention, while the time of appointment varies greatly for parents not present in court.

The court-appointed counsel confirm what the judicial officers report. Nearly 9 out of 10 report that they are most likely to be appointed to a case at detention when they represent children and parents who are present in court. When parents are not present in court, counsel respondents say, they are appointed to the case sometime after detention.

C. Quality of Legal Work in Hearings

Judicial officers were asked to rate their satisfaction with attorneys' performance on a variety of tasks. About two-thirds of the judicial officers are satisfied or very satisfied with attorney performance in hearings (table 3.2). It is against this high overall satisfaction rate that responses in individual categories ought to be interpreted. The judicial officers are most satisfied with the way they confer with child clients (83 percent satisfied, 6 percent dissatisfied), their showing up

for scheduled hearings (82 percent satisfied, 1 percent dissatisfied), their being knowledgeable about the facts of the case (81 percent satisfied, 1 percent dissatisfied), and the zealousness of the attorneys' advocacy (78 percent satisfied, 5 percent dissatisfied). Judicial officers are somewhat less satisfied with the number of visits attorneys made to their child clients (61 percent, 16 percent dissatisfied), and they are least satisfied with trial-related work (for example, cross-examinations and trial briefs). Finally, judicial officers are relatively dissatisfied with the motion practices of attorneys.

The judicial officers' satisfaction with attorney practices varies by hearing type (table 3.3). While about 80 percent of the judicial officers are satisfied or very satisfied regardless of hearing type, there is a discernible decrease in satisfaction with attorney practices in review hearings when the termination of services is being recommended.

Judicial officers were asked to select from a list the practices, skills, and knowledge they would like to see attorneys use more often in contested hearings (table 3.4). The top 4 responses (from a list of 14 choices) are trial briefs or other written arguments (39 percent), knowledge of the law (37 percent), knowledge of community resources (34 percent), and cross-examination (34 percent).

> I don't know what the attorney does – he seems to do the same thing as the social worker.
>
> *—Foster child*

An attorney's impact on the lives of parent and child clients is somewhat obscure to the clients. A lack of direct contact seems to be the largest reason for this, especially for children. Focus groups of children in foster care showed that, not surprisingly, social workers, group-home heads, and group-home rules were omnipresent concerns in their lives. However, even after concerted prompting, children had very little to say about their attorneys: many reported never having met them or never having had anything explained to them by their counsel, and some did not know that they had an attorney.[3] In another group home, youth were divided between those who had a generally positive disposition toward their attorneys and a second set who had either never spoken to their attorneys or did not understand what role the attorney played. In one parents' focus group, their perspectives toward their attorneys were either neutral or poor; lack of access to their busy attorneys was noted by these parents. (See chapter 4 for more discussion of this issue.)

Attorney obligation to zealously advocate ultimately advances the concerns of justice, although it can interrupt the predictable process that may be preferable from a managerial perspective. For instance, in one county, a county counsel adopts the perspective that attorneys should not have

[3] Poor attorney contact may be relatively more common for these focus group participants, as many of them were in long-term foster care.

access to case files prior to appointment. Since a father's attorney is not appointed in that county until the client is found to be the presumed or biological father, which cannot happen until a hearing has taken place, this means that detention hearings commence (even if they are not completed) without the father's having the benefit of a prepared attorney.

D. Quality of Information

1. Quality of Social Work in Hearings

That the quality of hearings is dependent on the quality of information brought to the court is nowhere clearer than at the detention hearing, where attorneys often do not have independent access to information about the case. The judicial officers survey asked respondents about their satisfaction with the quality of information in the petition or detention reports (table 3.5). The circumstances under which this information is gathered by child welfare agencies vary significantly by the extent of contact between the family and child welfare before the removal of the child. Many prior contacts (such as with families that have been in voluntary services) should result in a fairly detailed record of the family, while emergency removals from families with relatively little or no prior contact will produce only the information gathered within the short mandated time frame between removal and detention hearing.

Not surprisingly, judicial officers report high satisfaction with detention-report information about the circumstances of the removal (85 percent) and about the family's history with the agency (81 percent). Satisfaction with most other kinds of information that judicial officers may want at detention is sharply lower than that. Most strikingly, 34 percent are dissatisfied with the presentation in court of shelter care alternatives and 30 percent are dissatisfied with information presented on relatives.

Other types of information are more appropriately presented at postdetention hearings, and these were asked about separately in the judicial officers survey (table 3.6). The respondents' satisfaction with the quality of information presented at postdetention hearings varies, but it is relatively low in a number of categories. Report information is most satisfactory for allegations in the petition and regarding services to parents and guardians. The respondents are less satisfied with information about the child's mental and physical health, the parent's or guardian's role in the case plan, and the appropriateness of the child's placement. Thirty percent or more judicial officers are dissatisfied or very dissatisfied with information about the child's education needs, their participation in their case plan, their feeling about their placement and family, and the evaluation of family and non-family members for placement.

Judicial officer satisfaction with information in 366.26 hearing reports is relatively much higher (see table 3.7). About four in five are satisfied with information about the appropriateness of a child's placement, and about two-thirds are satisfied with efforts to finalize a permanent plan and to find an adoptive home. They are less satisfied with information about the children's input

regarding their placements and permanency options, with evaluations of family and nonrelated family members placement, and with efforts to find people who would accept guardianship.

Even though there was a wide range of satisfaction with particular elements of social work reports, about three-fourths of judicial officers report being satisfied or very satisfied overall with these reports—there was no variation by hearing type.

Most of the information that comes from social workers to the courts is in written reports—and these are generally written by social workers. In two out of three focus groups with social workers, the participants recommend that county counsel be available for assistance in writing complex reports, findings, and orders; or that counsel write these more complex documents; or that counsel write all reports and recommended findings and orders. Participants in two focus groups said that they have adequate access to county counsel who can be consulted with for more complex reports. However, in a third county, social workers reported that since they are writing legal documents, they are vulnerable to being accused of practicing law when they are cross-examined about their reports. That group felt that county counsel should write the more controversial reports, if not all of them.

2. Quality of Other Information

a. Social workers. Information from social workers is not only found in reports but also conveyed in their oral participation in court. The reassessment surveys did not ask about the frequency that social workers speak in court, but did ask their head administrators which of the hearings connected to their cases they routinely attend. Table 3.8 shows very high rates of attendance in both contested and uncontested matters. The presence of social workers at hearings allows for direct judicial inquiry, which could, presumably, lead to a reduction in the number of contests and continuances, since they may be able to help with any misunderstandings or any lack of detail in the written reports either before or during the hearing.

b. CASA volunteers. Among judicial officers who report that CASA volunteers are assigned to some of the children in their caseloads, every officer reports receiving written reports from CASA volunteers for at least one-half of the court hearings, and most report receiving reports in at least 8 out of 10 hearings. Most judicial officers (76 percent) find these reports very useful, and the remaining find them somewhat useful (table 3.9).

c. Caregivers. One focus group with foster parents confirmed that written communication with the court may be rare. There, only one focus group participant had used the Judicial Council's JV-290 *Caregiver Information* form, the new mechanism the Judicial Council provides for formal communication from caregivers. This group reported that foster parents receive no training in how to effectively understand court processes or communicate with the court. The foster parents said they communicated directly with the court only sporadically, preferring instead to relay their perspective to the court through the child's attorney or the foster family agency social worker. When they attend court, caregivers reported that they tend not to speak.

Seven out of 10 judicial officers report that caretakers speak never, rarely, or occasionally when in court.

d. Family reunification. Only 40 percent of the judicial officers are satisfied or very satisfied with the quality of information reported to the court regarding reunification services. Yet, about 80 percent say that they are never, rarely, or occasionally asked to make a finding of no reasonable efforts. Asked to recall the last 10 times they were asked to make this finding, and the way they handled the requests, 30 percent say they did not make the finding and 30 percent say they made it once. Less than 10 percent of the judicial officers made the finding five or more times when requested by court-appointed counsel to do so.

3. Court Appearances by Parties

There are several benefits to parents, children, and other parties for appearing at court hearings. Clearly, these appearances allow judicial officers to make findings and orders that take into account both their own observations and the directly communicated perspectives of these parties. It also expedites communication between attorneys and their clients, providing the opportunity for face-to-face contact while other contacts may be by telephone or through non-attorneys such as investigators. Parents also recognize that their appearance imparts to the court their concern and interest in resolving the dependency matter in favor of family reunification. Finally, feeling connected to the dependency court case process may encourage families to follow case plans, press their concerns in court, and otherwise participate in expediting the successful conclusion of their cases. For children, however, appearing in court can be confusing and stressful, particularly if they do not understand the proceedings, if they hear disconcerting information about their parents, or if their testimony threatens an adult whom they love or rely on.

a. Parents in court. Judicial officers provided estimates on how often parents (when their whereabouts are known) appear in court. More than one-half of the judicial officers say that mothers often or always appear in court. Appearances are less likely for fathers—about one-third of the judicial officers say that presumed fathers, and about one-fourth say that biological fathers, often or always appear in court. The failure of incarcerated parents to appear in court is one of the most common reasons for continuances (as will be discussed shortly), so it is reasonable to think that incarceration rates contribute to these rather low rates of appearances.

Attorneys who represent parents were asked why parents fail to appear in court. They were asked to choose the top three reasons out of a list of seven (see table 3.10). By a wide margin, the most pervasive reason for failure to appear is transportation difficulties (66 percent of the attorneys report this as one of the top three reasons). The second largest category—personal, work, or family reasons—captures a wide variety of reasons and, not surprisingly, is reported by 59 percent of the respondents as a major cause of failure to appear. A parent's incarceration is the third most common reason (50 percent). Excessive waiting times and multiple continuances do

not seem, on their own, to be important reasons for failure to appear. However, they may compound the difficulties introduced by personal conflicts and a lack of transportation.[4]

Indeed, nearly all parents we spoke with in focus groups reported they had difficulty finding transportation to court, regardless of their actual attendance in court. There seemed to be a pervasive resentment at the disrespect shown for the value of their time when hearings are continued with no substantive progress on their cases. The lack of private transportation among this relatively impoverished population compounds this problem in remoter areas that do not have widespread public transportation. Particularly during the start-up period of a case (when parents are, it is hoped, busy securing services), appearing in court ought to be recognized and met with meaningful hearings as often as possible.

b. Children in court. About one-fourth of the judicial officers say they strongly encourage the attendance of children at hearings, 6 percent do not, and the rest give children the option of attending (see table 3.11). Many added that they defer to the minor's counsel on this matter.

Thirty percent of the judicial officers don't know whether children 10 and older with cases in their courts are personally sent notices of hearings; 42 percent say these children always or nearly always receive notices personally (table 3.12). The study found that some judicial officers make strong efforts to support children's contact with the court. In one court, children are required to come to the courthouse—hearings will not take place when the child is not brought to the building. The children are not required to attend the hearing, but they are available for attorney-client contact and may appear at the hearing, should they wish to. In another court, judicial officers meet individually with all children once a year if they are in a planned permanent living arrangement.

E. Scheduling Issues

Judicial officers and child welfare administrators were asked to choose, from a list of 11, the 3 most common causes for a continuance in dependency court (table 3.13).[5] There were very interesting similarities in the two sets of responses. Four out of the top five reasons given for continuances are the same. The top five reasons given by judicial officers, in descending order of frequency, are: late social work report, incarcerated parent not transported, lack of or late notice, agreement by parties, and attorney not available. The top five reasons given by child welfare administrators are agreement by parties, late social

> The courts and child welfare agree on most of the reasons for hearing delays.

[4] That is, transportation and employment difficulties may be surmountable if hearings begin and end within one court appearance, rather than being continued over multiple dates.

[5] Judicial officers were asked about the reasons they grant continuances, while child welfare administrators answered this question for the court as a whole.

worker report, attorney not available, parent not available, and incarcerated parent not transported. A fair number of child welfare administrators added to the survey an extra reason for continuances that the project team did not include in the survey question: lack of attorney preparedness due to not conferring with clients before the hearing.

About one-quarter of judicial officers say that they often or always hold social workers accountable for late reports. The most common forms this takes are verbal admonishment and ordering the social worker to appear in court. They also added to the survey that they work with the workers' supervisors.

There are many reasons for continuances related to justice concerns, the availability of needed information, and managerial issues. One effect of a continuance is to delay the timely advancement of the case, which will be discussed in the analysis of court hearing timeliness data. Another effect, the effect on the people coming to court, is to make the court experience more trying. In one court, according to a court-appointed counsel focus group, the scheduled contested hearings are reviewed at the end of the prior week, and the court and attorneys determine which matters are going to result in testimony. As needed, trials are rescheduled for legitimate concerns such as whether a social work report has arrived, an attorney is available, or the estimated time needed to complete the hearing can be blocked out. However, because of the short time frame, regular notification cannot reach the clients, and if they are not verbally informed of the change, they will come into court on the wrong day.

In 1997, the CIP Assessment report recommended that continuances be granted only for good cause and that attorneys appear as scheduled and on time for their court hearings. The data in this section, on their own, suggest there are still problems in this area. This report recommends that courts examine their continuance policies to ensure that continuances are granted only for good cause.

F. Contested Hearings

Some contested hearings are the result of attorneys pressing their claims for the benefit of their clients or for due process, while others are a result of a lack of prehearing dispute-resolution options in the court, a high degree of animosity among court actors, or another undesirable state. Although the optimal level of contested hearings has never been estimated, too-high or too-low rates of contest may both warrant inquiry.

1. Judicial Officers Survey

Only 11 percent of judicial officers report that jurisdiction and disposition hearings are often or always set for contest, and 5 percent say that reviews where ongoing services are recommended are often or always set for contest (table 3.14). The responses are more diverse for how often review hearings are set for contest when ongoing services are not recommended, and for how often 366.26 hearings are set for contest. When ongoing services are not recommended, 42

percent of the judicial officers report they often or always set cases for contest. Similarly, 40 percent of 366.26 hearings are often or always set for contest. On average, respondents recall that only about one-half of the hearings set for contest actually result in a contested hearing.

When contested hearings cannot be completed at one court appearance, 42 percent of the judicial officers say, the hearings usually resume the next court day; 19 percent think that the timing varies too much to say, 14 percent say that hearings resume in two to five working days, and 21 percent think it takes longer than five working days for the contested hearing to resume.

2. *Dependency Counsel Caseload Study*

In the AOC's *Dependency Counsel Caseload Study*, court-appointed counsel reported that witnesses testified (a conservative proxy for contested hearings) in 7 to 13 percent of the hearings they participated in during their two-week study periods. During the 2002 study period, witnesses testified at 7 percent of the detention and post-permanency hearings, at 11 percent of juris-disposition hearings, and at 13 percent of 366.26 hearings (table 3.15).

G. Quality of Hearings: Social Workers' Perspective

The Reassessment team asked child welfare administrators about what they believe social workers and court officers find challenging in hearings, and how often (in hearings) these issues are problematic (table 3.16).

Perhaps because attending hearings is built into the routine of most social workers, work conflicts with attending hearings is not reported as a major challenge. Also, perhaps because of the presence of workers at hearings, very few administrators think that court officers' lack of access to case information is more than occasionally challenging. However, long waits and continuances are often or nearly always challenging for social workers (42 percent and 28 percent, respectively). According to social workers in the focus groups, such court delays are frustrating because of the time pressure they put on fulfilling other professional obligations. Court delays and excessive court hearings were critically remarked upon at all social worker focus groups.

Only a relatively small number of child welfare administrators said that meeting court report deadlines is problematic, a finding that is somewhat at odds with the perception of judicial officers.

Several items in this survey question relate to circumstances that create challenges for social workers in court. One-quarter of the child welfare administrators say that social workers being blamed for what is out of their control is often or always a problem.[6] Next, 22 percent think that

[6] Examples are workers being blamed for lack of available services or a parent who is unreachable because he or she has moved without informing child welfare.

the adversarial manner of courtroom interactions is often or nearly always a challenge for workers. These very high figures are consistent with findings presented in an earlier report about court relations.[7]

Only 8 percent of child welfare administrators say that respect for professional boundaries is often an issue, which is somewhat surprising because all three of the social worker focus groups mentioned this as an issue, and a recent report by child welfare professionals also suggests to us that this is an issue.[8] The objection is that some attorneys and judicial officers, but particularly child's attorneys, advocate for case plans using therapeutic rationales rather than legal ones, thereby encroaching on the social worker's professional domain. The complaint that "everyone thinks they're a social worker" was voiced at the focus groups; a survey respondent wrote in that this kind of encroachment can also undermine the personal change that a social worker is trying to affect in a client.

H. Duration of Hearings: Caseload Study

Children's attorneys who participated in the *Dependency Counsel Caseload Study* reported how long several of their work activities took.[9] The median lengths of dependency hearings are 10 to 15 minutes if no witnesses are present (a proxy for uncontested hearings), and between 15 and 60 minutes for hearings with witnesses present (table 3.15).

I. Timeliness of Court Hearings

The CIP Reassessment team conducted an analysis of the computerized files of dependency hearings in three of its six study sites, which we here call Court A, Court B, and Court C. The analysis is based on hearings for new section 300 proceedings in the 2003 calendar year for Courts A and B, and in the last four months of 2003 for Court C.[10]

The research presented here ought to be treated with a great deal of caution. Courts had difficulty providing statistics on timeliness of hearings in any form. According to respondents to the court administrators survey, only 7 of 50 responding courts use a case management system to produce statistics on timeliness (table 4.9). In addition, no standard guidelines exist for the data elements

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[7] S. Carnochan, et al., *Child Welfare and the Courts: An Exploratory Study of the Relationship Between Two Complex Systems* (Berkeley, Calif.: Center for Social Services Research, December 2002).

[8] *Ibid.*

[9] As grouping the reports from attorneys representing a child or a parent would double-count a large number of hearings, only data from attorneys reporting on their child cases are included.

[10] A significant change in the case management system meant that the first eight months could not be analyzed along with the more recent data.

to produce the timeliness measures mandated by ASFA. Without standard data definitions, the information produced by courts on timeliness will not be comparable. Finally, any research based on administrative data has well known limitations. Research requires a high standard of completeness and consistency in data, while data collected for administrative purposes changes in response to changes in local programs and resources.

The principal finding of the reassessment on timeliness of hearings, then, is that local courts require uniform standards of data collection and reporting, and the resources to implement them, before adequate data on timeliness can be attained. The following analysis is offered to begin a dialog on timeliness. It is not intended to draw attention to particular courts. The analysis will show several things: 1) the courts are successful at holding timely detention hearings; 2) they are very likely to begin required hearings on time; 3) because of continuances, they are sometimes far less likely to conclude on time; 4) holding timely jurisdiction hearings and 12-month review hearings for cases with detained children appear to be relatively more challenging that timely holding of other hearings.

Hearings may need more than one court appearance to be completed because of continuances, contests, referrals to mediation, and other interruptions. Because some of these delays cannot be anticipated or avoided, the analysis looks at the time lapse between a prior milestone and the first court appearance of a hearing type, as well as the time lapse to the last court appearance of the hearing, or the appearance at which the last of the appropriate findings and orders have been made. Because the data do not distinguish between hearings that were continued after substantive attempts had been made at advancing the case, and hearings that were continued without any work on the case (or even appearances by parties or counsel), the analysis assumes the former and therefore finds the lapse to the first court appearance an appropriate measure to consider. The only exception comes up in the analysis of detention hearing timeliness: because a statute allows one-day continuances, the analysis looks only at the first date of the detention hearing.

The Reassessment team also decided to curtail its examination of cases in which children were not initially detained. The timeliness analysis looks at the jurisdiction and disposition hearings but not the review hearings. For the latter hearings, data limitations would have necessitated excluding a very large number of cases, cases where children move between in-home and out-of-home placement. A change in placement causes a change in the applicable statutory timeliness guidelines. These situations would be difficult to analyze under the best of circumstances, but because local court databases do not keep track of the dates of placement changes, it was impossible to calculate their review hearing timeliness. And limiting the analysis to cases where children remain at home for the duration of the case would skew the results, because most children do not remain at home continuously. Please see Appendix C for further methodological discussion of these data.

Table 3.17 describes the timeliness requirements examined in this section. As different constraints govern hearings in cases where children are detained and those in which they are not

detained, the table presents those differences. The two types of cases are considered separately in the analysis that follows.

The three courts are in substantial compliance with the California mandate to hold a detention hearing within one court day of a filed petition. In Court A, 99 percent of detention hearings commence within the mandated time frame; in Court B, 87 percent; and in Court C, 76 percent (see table 3.18).

The next table (3.19) shows that courts vary widely in the timeliness with which they hold jurisdiction hearings. For cases with detained children, 46 percent of the jurisdiction hearings in Court A, 83 percent of the hearings in Court B, but only 26 percent of those in Court C begin in a timely fashion,—15 days from the end of the detention hearing. The corresponding figures on the lapse between the end of the detention hearing and the end of the jurisdiction hearing are 6 percent in Court A, 27 percent in Court B, and 12 percent in Court C. Another way of looking at these figures is that, among the cases that start the jurisdiction stage in a timely fashion, 14 percent of the cases in Court A, 32 percent of the cases in Court B, and 47 percent of the cases in Court C also complete that stage within the mandated 15 days. Courts are more successful at starting the jurisdiction hearing stage of nondetention cases within the mandated time frame. Eighty-six percent of such cases in Court A, 100 percent in Court B, and 85 percent in Court C began within 30 days of the petition-filed date.

Because the disposition hearing is often completed on the same day as the jurisdiction hearing is completed, disposition hearing timeliness is very often good (table 3.20). However, from a substantive perspective, the delay in completing the jurisdiction stage must temper the assessment of the disposition hearing figures. More than 70 percent of disposition hearings in the three courts begin within 10 days of a completed jurisdiction hearing. A large majority of these hearings are completed within the mandated time frame as well.[11]

Across all three courts, about 9 in 10 cases with detained children begin their 6-month hearings within the mandated six months of the date the disposition hearing is complete, and between 97 and 99 percent begin these hearings by the end of the sixth month (table 3.21). Courts are less successful in completing these reviews within the mandated time frame (between 59 and 67 percent are successful). More than 8 in 10 of the 6-month review hearings are complete within 30 days of the 6-month time frame.

Twelve-month review hearings are to be held within 12 months of the date in which a child enters foster care. Courts begin this hearing within the mandated time frame in 44 percent of cases in Court A, 57 percent in Court B, and 70 percent of Court C (table 3.22). Sixty-three percent, 76 percent, and 89 percent of the courts, respectively, begin their 12-month review

[11] Because of missing disposition hearing start dates, which necessitated the exclusion of some cases from the first-date analysis, this analysis is biased toward timeliness, as cases that completed their disposition hearing at the same time as their jurisdiction hearing have, by definition, available start-date information.

hearing within one month of the deadline. Forty-seven percent, 61 percent, and 85 percent, respectively, *complete* their 12-month review hearing within one month of the deadline.

Eighteen-month review hearings are to be held within 18 months of the date of removal from the home. A majority of cases in Courts A and B begin this phase within the mandated time frame, and about 9 in 10 begin by the end of the 18th month (table 3.23). Court C was excluded from this analysis because there were too few cases to produce reliable statistics. While only about 40 percent of cases complete their 18-month review hearing within the specified time frame, nearly 75 percent complete them within one month of the deadline.

Juvenile courts protect and advance substantive justice, procedural justice, and the best interests of children, and they do so in a highly regulated environment. Timeliness regulations help ensure that cases are advanced with reasonable speed and that children are not caught up in a protracted proceeding during which they have no permanent home. The three courts are successful at meeting many of the timelines reviewed here, but there are some key problem areas. To the extent that these courts are representative of juvenile courts in the state, the data raise several issues that courts would do well to examine in order to improve the timely progression of juvenile proceedings. Overall, the statistics for jurisdiction hearings and 12-month review hearings in cases in which children are detained show a less successful adherence to mandated deadlines than other measures examined. Undoubtedly, many factors contribute to the challenge of holding these hearings in a timely fashion, and courts should endeavor (collaboratively with child welfare, depending on the situation) to minimize all avoidable delays. Courts should also examine the feasibility of scheduling hearings in advance of the mandated deadline in order to improve the rate at which they can conclude these hearings in a timely fashion. Lastly, when court records can distinguish between hearings that took place and ones that did not, courts may be better able to pinpoint possible solutions to timeliness issues that arise for them.

J. Findings and Orders

The California AOC's Judicial Review and Technical Assistance team reviews juvenile case files for timely and appropriate findings and orders that are in line with federal title IV-E requirements. The CIP Reassessment project aggregated the file reviews that the JRTA conducted in all 58 counties in fiscal years 2002–2004 and summarize them in table 3.24. See Appendix C for a methodological explanation of these data, including their limitations.

The 2002–2004 review shows that the judicial officers in California are making appropriate findings in more than 9 out of 10 detention hearings and are doing so in a timely fashion. Most of the findings and orders that are supposed to be made at the prepermanency, permanency, and postpermanency review hearings made in 70–85 percent of the hearings. For youth 16 and older, the bench is supposed to issue findings that affirm that the case plans of these older youth contain support for their transition to independent living. Although the small number of cases of older youth makes these findings somewhat more tentative, it is still fair to say that the courts are

far less successful in meeting this requirement than in meeting all of the others that were examined. The JRTA data suggest that findings and orders are made in a timely fashion at these three postdetention hearings in a majority of the cases except for the independent living finding.

K. Hearing Issues in Indian Child Welfare Act Cases

Many people the Reassessment team spoke with were frustrated with ICWA notice issues. This reaction comprises several thoughts. First, ICWA guidelines do not exempt child welfare agencies from making inquiries with tribes when only scanty information about the possible Indian status of a family has been provided. Inquiries are then sent to tribes but cannot be processed because of the lack of information. Next, the mandated method of mail is expensive when very large numbers of tribes need to be corresponded with. In some cases there are inconsistencies between the tribal contact lists maintained by the Bureau of Indian Affairs and the state Department of Social Services. In general, the low likelihood of confirming Indian status seems to engender a sense of futility that underlies the frustration. Some caseworkers feel that the possibility of Indian heritage is strategically suggested by families at the 366.26 hearing in order to extend the time of receiving services.

Others acknowledge that while these burdens may exist, no efficacious alternative to widespread noticing has been developed, so it must continue. For them, continuing with current procedures is the only way to guarantee the rights of children with Indian heritage and their tribes, which may include access to superior services in the short run, and the preservation of primordial cultural ties in the longer run. Further, it is precisely those cases with the biggest notice problems where proper and extensive noticing is most important, as this can reestablish a cultural connection where it is tenuous or fading from memory.

Another notice problem arises when tribes receive the notice after the hearing has taken place. In one county, focus group participants think that this happens nearly always when tribes are out of the local area, and they recommend that there additional time be given between hearings when noticing to tribes is under way.

Another interesting finding was a sense that quite a bit of effort must be undertaken by advocates to convince newer judges, commissioners, and referees of the importance of Indian cultural issues and to help ensure that they follow ICWA procedures correctly. In that exchange, focus group participants added that judicial officers are rotated out of their positions very quickly and that the conversion process needs to be repeated with new members of the bench. At any time, they believe, there is a tremendous variation in the superior courts in the extent of both sensitivity to Indian issues and adherence to ICWA procedures. In another focus group, advocates agreed that success in pressing for adherence to ICWA is dependent on the bench and, to a lesser extent, attorneys. Some judicial officers, they believe, act as though they’re doing the advocate a favor in acceding to such requests, when they’re being asked to simply follow the law.

About 12 percent of the judicial officers say that in their cases, children are identified as possibly Indian often or always, 20 percent said this is sometimes the case, and for the rest, it happens less often. The survey asked judicial officers about the established Indian status of children in their caseloads over the previous year. Ten percent of the judicial officers say that 20 percent or more of the children in their caseloads have an Indian status, one-third report 0-1 percent, one-third report 2-5 percent Indian status and the remainder report between 5 and 20 percent.

Judicial officers were asked to identify the three most common problems associated with cases where Indian status has been established (table 3.25). More than four out of five say that sending notices to and receiving replies from tribes and the Bureau of Indian Affairs is problematic. The sometimes low participation rate of certain parties can be another problem. About one-fourth of the judicial officers say that tribal representatives, Indian social services, and attorneys for the tribe often come to hearings, and fewer than 10 percent said that Indian custodians often come to court (table 3.26). Because of distance, Indian experts often testify by mail, according to one focus group, which can make cross-examination difficult.

The CIP Reassessment's ICWA-related recommendations seek to extend the work done since 1997 by reiterating the suggestion that the Judicial Council continue to make compliance assistance and training available. The dialogue begun during the three focus groups about Indian issues was encouraging and productive, and the Reassessment recommends that the AOC bring together relevant players in problem-solving forums.

L. Alternative Dispute Resolution

The 50 court administrators responding to our survey reported on the availability of various alternative dispute-resolution mechanisms in their courts, and the frequency of their use. According to them, juvenile dependency mediation is used in 62 percent of the courts; judicially supervised and nonsupervised settlement conferences, in 63 and 50 percent of the courts, respectively; and family group conferencing in 52 percent of the courts. These methods are used with moderate frequency. Even moderate utilization, if the circumstances and timing are carefully chosen, can be very effective. Thirty percent of the courts make dependency drug court available, two courts have dependency mental health court, and three courts report having pilot unified courts.

Although a majority of courts have access to juvenile dependency mediation, only some of these programs are court-based. At the time of the 1997 CIP report, when there were only 10 court-based mediation programs in existence, the *Assessment* called for supporting increasing that figure.[12] According to the AOC, such programs are now available in twenty-three courts (see table B.9). In the interim, the number of court-based programs has more than doubled.

[12] M. Diamond, *Court-Based Juvenile Dependency Mediation in California* (San Francisco: Judicial Council of California, Administrative Office of the Courts, March 2003).

The judicial officers we spoke with were very positively disposed to alternative dispute-resolution techniques, including court-based mediation, as they believe that it expedites agreements at court hearings. In one county, child welfare agencies routinely use a form of family conferencing that can include families, service providers, foster parents—all relevant parties except attorneys and judicial officers; social workers from a focus group there were enthusiastic about this forum as a place for problem solving and empowerment. In another county, attorneys were supportive of mediation but felt that it could offer false hope to families that are unlikely to benefit from it.

M. Incarcerated Parents

According to the judicial officers survey, parents in local jails are often transported to court on time for their hearings. In contrast, about 5 in 10 report that parents jailed in other jurisdictions are often not transported at all. About 50 percent of judicial officers report that parents in state prisons are often transported on time, 25 percent say that they are often not transported at all, and 15 percent say that they are often transported late (table 3.27). When the county with the dependency case is in charge of transporting parents incarcerated in another jurisdiction, the parents are more likely to be transported on time than if the county relies on intercounty cooperation, or if the onus is on the county that houses the parent.

From a court management perspective, the failure to produce incarcerated parents for court appearances is a serious problem. It is the most frequent reason for granting continuances after late social work reports, more frequent than lack of or late notice. Addressing the problem will require cooperation across agencies that do not have many other areas of intersection, and across levels of government.

N. Conclusion

The courtroom is the center stage of juvenile dependency cases. There, legal arguments and witness testimony are presented, important documents such as social work reports are reviewed and debated, judicial officers make relevant inquiries to parties, parties observe and speak, claims are pressed in contested matters, appropriate findings and orders are made all with the goal of advancing and preserving the safety, well-being and legal rights of children and families. Vital in their own right is what happens on the other stages. Such activities as investigating and report writing, conferring with clients, and using alternative dispute resolution are not merely preparation for court hearings, but are activities that are indispensable to directly helping families.

This reassessment report invites courts to examine their practices in court as well as the practices that support court hearings in order to continue to improve both. Findings in this chapter suggest

areas for the court to consider as possibly in need of improvement in their environments. The report recommendations, in chapter 8, offer further guidance.

O. Data Tables

The following section contains the tables referenced throughout chapter three. Methodology for the data collection can be found in Appendix C and full copies of the surveys used in some of the data collection can be found in Appendix E.

Table 3.1
Frequency of Counsel Appointments by Judicial Officers for Parents Present in Court by Parent Type As Reported by Judicial Officers (N=98)

	Never or Rarely	Occasionally	Sometimes	Often	Nearly Always or Always	Don't Know	Missing	Total
Mother	0.0	1.0	0.0	2.0	95.9	0.0	1.0	100%
Alleged father	8.2	7.1	10.2	11.2	60.2	1.0	2.0	100%
Biological father	4.1	4.1	9.2	9.2	70.4	2.0	1.0	100%
Presumed father	1.0	1.0	1.0	7.1	85.7	2.0	2.0	100%
De facto parents	40.8	19.4	14.3	8.2	7.1	3.1	7.1	100%
Legal guardians	17.3	16.3	14.3	11.2	33.7	3.1	4.1	100%
Foster parents	82.7	10.2	1.0	0.0	0.0	1.0	5.1	100%
Relative caregivers	81.6	10.2	1.0	0.0	0.0	2.0	5.1	100%

Table 3.2
Satisfaction with Attorney Performance by Task
As Reported by Judicial Officers (N=98)

	Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied	Don't Know	Missing	Total
Conferring with child clients	32.7	50.0	7.1	5.1	1.0	1.0	3.1	100%
Appearing for scheduled hearings	39.8	41.8	12.2	1.0	0.0	0.0	5.1	100%
Being knowledgeable about the facts of the case	27.6	53.1	14.3	1.0	0.0	0.0	4.1	100%
Zealously advocating	27.6	50.0	12.2	5.1	0.0	0.0	5.1	100%
Making sound legal arguments	20.4	51.0	18.4	5.1	1.0	0.0	4.1	100%
Being otherwise adequately prepared	14.3	56.1	17.3	5.1	2.0	0.0	5.1	100%
Conferring with adult clients	19.4	50.0	14.3	11.2	0.0	1.0	4.1	100%
Providing timely discovery	16.3	51.0	17.3	5.1	1.0	3.1	6.1	100%
Direct examination	10.2	52.0	18.4	10.2	3.1	1.0	5.1	100%
Calling witnesses	12.2	49.0	26.5	4.1	2.0	1.0	5.1	100%
Cross-examination	8.2	53.1	18.4	9.2	5.1	1.0	5.1	100%
Visiting child clients	21.4	39.8	14.3	14.3	2.0	3.1	5.1	100%
Motion practices	8.2	40.8	25.5	13.3	4.1	3.1	5.1	100%
Trial briefs	7.1	25.5	30.6	12.2	6.1	12.2	6.1	100%

Table 3.3
Satisfaction with Attorney Performance by Hearing Type
As Reported by Judicial Officers (N=98)

	Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied	Don't Know	Missing	Total
Detention	32.7	51.0	9.2	1.0	0.0	2.0	4.1	100%
Jurisdiction/disposition	26.5	51.0	11.2	3.1	2.0	1.0	5.1	100%
Reviews, ongoing reunification services recommended	22.4	58.2	10.2	3.1	1.0	0.0	5.1	100%
Reviews, termination of services recommended	27.6	46.9	14.3	6.1	1.0	0.0	4.1	100%
366.26	25.5	50.0	15.3	4.1	0.0	1.0	4.1	100%

Table 3.4
Recommended Increases in Practices for Attorneys to Improve Performances in Contested Hearings by Type of Practice As Reported by Judicial Officers (N=98)

	Count	Percent
Trial briefs or other written arguments	38	38.8
Knowledge of the law	36	36.7
Cross-examination	33	33.7
Knowledge of community resources	33	33.7
Direct examination	24	24.5
Testimony of expert	24	24.5
Physical evidence	21	21.4
Legal argument, oral	20	20.4
Testimony of other witnesses	20	20.4
Testimony of social worker	18	18.4
Reports by experts	16	16.3
Testimony of parents	13	13.3
Other documentary evidence	11	11.2
Testimony of child	7	7.1
Did not check any	17	17.3

Note: Percentages may not total 100 because respondents were asked to check all that applied.

Table 3.5
Satisfaction with Information in Petition and Detention Reports by Type of Information As Reported by Judicial Officers (N=97 - 98)

	Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied	Don't Know	Missing	Total
Circumstances surrounding child's removal	22.4	62.2	8.2	6.1	1.0	0.0	0.0	100%
Family's previous history with the agency	26.5	54.1	13.3	4.1	2.0	0.0	0.0	100%
Child's physical and emotional well-being	12.2	53.1	18.4	13.3	3.1	0.0	0.0	100%
Information on relatives	2.0	30.6	37.8	20.4	9.2	0.0	0.0	100%
Basis for risk assessment	6.2	49.5	28.9	9.3	5.2	0.0	1.0	100%
Information on shelter care alternatives	3.1	26.8	34.0	25.8	8.2	2.1	0.0	100%
Supporting physical evidence of circumstances leading to removal	5.2	55.7	27.8	6.2	4.1	1.0	0.0	100%
Indian status of the child	5.1	40.8	32.7	14.3	7.1	0.0	0.0	100%
Reasonable efforts to prevent removal	8.2	41.8	33.7	13.3	3.1	0.0	0.0	100%
Preplacement preventive efforts	7.1	38.8	32.7	17.3	4.1	0.0	0.0	100%

Table 3.6
Satisfaction with Information in Jurisdiction, Disposition and Pre-permanency Review Reports by Type of Information
As Reported by Judicial Officers (N=95 - 98)

	Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied	Don't Know	Missing	Total
Allegations in the petition	17.3	57.1	15.3	7.1	2.0	0.0	1.0	100%
Child's mental and physical health	13.3	53.1	17.3	14.3	2.0	0.0	0.0	100%
Child's educational needs	4.1	43.9	22.4	25.5	4.1	0.0	0.0	100%
Child's contact with parents	10.2	59.2	20.4	9.2	1.0	0.0	0.0	100%
Child's contact with siblings	5.1	46.9	22.4	22.4	3.1	0.0	0.0	100%
Child's feelings about his or her placements	3.1	35.7	25.5	28.6	7.1	0.0	0.0	100%
Child's role in case plan	3.1	30.9	26.8	29.9	6.2	1.0	2.1	100%
Services to parents/guardians	12.2	58.2	18.4	8.2	2.0	0.0	1.0	100%
Services to children	9.2	48.0	28.6	11.2	2.0	0.0	1.0	100%
Parent's or guardian's role in case plan	10.2	52.0	26.5	8.2	2.0	0.0	1.0	100%
Appropriateness of child's placement	6.1	53.1	28.6	10.2	1.0	0.0	1.0	100%
Efforts to explore permanency options	8.2	41.8	21.4	23.5	4.1	0.0	1.0	100%
Family and nonrelated family members evaluated for placement	4.1	36.7	28.6	23.5	7.1	0.0	0.0	100%
Quality of independent living services	3.1	33.3	36.5	14.6	9.4	3.1	0.0	100%

Table 3.7
Satisfaction with Reports Prepared for the 366.26 Hearing by Type of Information
As Reported by Judicial Officers (N=97 - 98)

	Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied	Don't Know	Total
Child's input about placements and permanency options	13.3	48.0	20.4	13.3	4.1	1.0	100%
Appropriateness of child's placement	10.2	70.4	11.2	6.1	1.0	1.0	100%
Efforts to finalize permanent plan	13.3	52.0	15.3	13.3	5.1	1.0	100%
Family and nonrelated family members evaluated for placement	8.2	48.5	23.7	17.5	1.0	1.0	100%
Efforts to find an adoptive home	9.2	54.1	17.3	12.2	6.1	1.0	100%
Efforts to find people to accept guardianship	6.1	46.9	28.6	14.3	3.1	1.0	100%

Table 3.8
Types of Hearings Routinely Attended by Social Workers
As Reported by Child Welfare Administrators (N=36)

	Count	Percent
Detention, uncontested	27	75.0
Detention, contested	30	83.3
Jurisdiction, uncontested	27	75.0
Jurisdiction, contested	32	88.9
Disposition, uncontested	28	77.8
Disposition, contested	32	88.9
Reviews, ongoing services recommended	20	55.6
Reviews, termination of services recommended	25	69.4
366.26, uncontested	24	66.7
366.26, contested	34	94.4
None, unless specifically ordered	1	2.8
Do not know	1	2.8

Note: Percentages may not total 100 because respondents were asked to check all that applied.

Table 3.9
Assessment of Usefulness of Written Reports by Source
As Reported by Judicial Officers (N=40 - 82)

	CASA Volunteers	Relative Caregivers	Nonrelative Foster Parents
Very useful	75.9	18.4	32.5
Somewhat useful	20.5	55.1	52.5
Not very useful	1.2	16.3	5.0
Not useful at all	0.0	2.0	0.0
Missing	2.4	8.2	10.0
Total	100%	100%	100%

Note: Percentages are based on respondents who reported receiving written reports by the groups. Of the 98 judicial officers responding to the survey, 82 indicated they received reports from CASA volunteers, 49 indicated they received reports from relative caregivers, and 40 indicated they received reports from nonrelative caregivers.

Table 3.10
Reasons for Parents Not Appearing for Court Appearances
As Reported by Court-Appointed Counsel Representing Parents (N=151)

	Count	Percent
Transportation difficulties	99	65.6
Other difficulties for parents or families	89	58.9
Parent's incarceration	76	50.3
Improper notice	40	26.5
Parent's preferences	37	24.5
Excessive waiting times for hearings	21	13.9
Multiple continuances	15	9.9
Did not check any	3	2.0

Note: Percentages may not total 100 because respondents were asked to check the three most common reasons.

Table 3.11
Judicial Officer Practice Regarding Attendance of Children 10 and Older in Court
As Reported by Judicial Officers (N=97 - 98)

	Count	Percent
Give them the option of attending	60	61.2
Strongly encourage attendance	27	27.6
Let the attorney decide	13	13.2
Do not encourage attendance	6	6.1
Once a year, by necessity	6	6.1
Did not check any	1	1.0

Note: Percentages may not total 100 because respondents were asked to check all that applied.

Table 3.12
Frequency with which Children 10 and Older are Sent Hearing Notices
As Reported by Judicial Officers (N=98)

	Count	Percent
Never or Rarely	3	3.1
Occasionally	1	1
Sometimes	3	3.1
Often	17	17.3
Nearly Always or Always	41	41.8
Don't Know	29	29.6
Missing	4	4.1
Total	98	100%

Table 3.13
Reasons for Granting Continuances
As Reported by Judicial Officers (N= 97) and Child Welfare Administrators (N=36)

	Judicial Officers		**Child Welfare Administrators**	
	Count	Percent	Count	Percent
Social worker files report late	59	60.8	19	52.8
Incarcerated parent not transported	43	44.3	12	33.3
Lack of notice/late notice	42	43.3	10	27.8
Agreement by parties	37	38.1	19	52.8
Attorney not available	37	38.1	14	38.9
Parent not available	20	20.6	13	36.1
Not enough time to hear court case	18	18.6	5	13.9
Other reports or documents late	12	12.4	7	19.4
Attorney or party file pleadings late	2	2.1	2	5.6
Interpreter not available	0	0.0	1	2.8
Stayed by appellate court	0	0.0	0	0.0
Other	11	11.3	8	22.2
Did not check anything	0	0.0	1	2.8

Note: Percentages may not total 100 because respondents were asked to check the three most common reasons.

Table 3.14
Frequency of Hearings Set for Contest by Hearing Type
As Reported by Judicial Officers (N=97 - 98)

	Never or Rarely	Occasionally	Sometimes	Often	Nearly Always or Always	Total
Jurisdiction/disposition	7.1	43.9	37.8	7.1	4.1	100%
Reviews, ongoing reunification services recommended	28.9	53.6	12.4	2.1	3.1	100%
Reviews, terminating services recommended	6.2	27.8	23.7	32.0	10.3	100%
366.26	2.0	25.5	32.7	24.5	15.3	100%

Table 3.15
Summary Measures of Hearing Duration (in hours, minutes, and seconds) by Hearing Type and Appearance by Witnesses

Hearing Types	Detention		Jurisdiction-Disposition		Post-Permanency	
	None	Witnesses	None	Witnesses	None	Witnesses
Count	1153	90	2604	327	2518	178
Mean	0:18:38	0:36:11	0:17:42	1:24:11	0:12:23	0:28:07
Percentile 10	0:05:00	0:10:00	0:05:00	0:10:00	0:05:00	0:05:00
Percentile 25	0:10:00	0:15:00	0:09:00	0:20:00	0:05:00	0:10:00
Median (Percentile 50)	0:15:00	0:20:00	0:15:00	0:45:00	0:10:00	0:15:00
Percentile 75	0:21:30	0:45:00	0:20:00	1:40:00	0:15:00	0:30:00
Percentile 90	0:34:00	1:29:30	0:30:00	3:30:00	0:25:00	1:00:00

Hearing Types	Reviews		366.26	
	None	Witnesses	None	Witnesses
Count	3920	375	885	132
Mean	0:15:08	0:59:58	0:16:41	1:21:29
Percentile 10	0:05:00	0:07:00	0:05:00	0:10:00
Percentile 25	0:06:00	0:15:00	0:07:00	0:15:00
Median (Percentile 50)	0:10:00	0:30:00	0:10:00	1:00:00
Percentile 75	0:17:00	1:10:00	0:20:00	1:35:15
Percentile 90	0:30:00	2:30:00	0:30:00	3:00:00

Note: Data source is the Dependency Counsel Caseload Study. See Appendix C.

Table 3.16
Frequency of Agency Staff Experiencing Challenges in Court by Type of Challenge
As Reported by Child Welfare Administrators

	Never or Rarely	Occasionally	Sometimes	Often	Nearly Always or Always	Don't Know	Missing	Total
Adversarial manner of interactions	16.7	33.3	27.8	13.9	8.3	0.0	0.0	100%
Long waits for court hearing	11.1	11.1	36.1	36.1	5.6	0.0	0.0	100%
Hearing continuances	2.8	27.8	41.7	27.8	0.0	0.0	0.0	100%
Meeting court report deadlines	0.0	27.8	47.2	11.1	5.6	0.0	8.3	100%
Court officers not having access to case details to answer questions	44.4	30.6	13.9	2.8	0.0	0.0	8.3	100%
Professional boundaries are not maintained by all parties	44.4	38.9	8.3	8.3	0.0	0.0	0.0	100%
Social worker's position not well-represented by county counsel	38.9	33.3	13.9	11.1	0.0	2.8	0.0	100%
Work conflicts making court appearances difficult	30.6	36.1	22.2	11.1	0.0	0.0	0.0	100%
Worker blamed for what is out of his/her control	19.4	25.0	30.6	16.7	8.3	0.0	0.0	100%

Table 3.17
Timeliness Measures Examined in the CIP Reassessment Analysis of Court Case Management Systems

Hearing Type	Rule for Cases with Detained Children	Rule for Cases with Non-Detained Children	Source of Guideline
Detention	Hold within 1 day after date of petition filed		State law
Jurisdiction	Hold within 15 court days after completion of detention hearing	Hold within 30 court days after date of petition filed	State law
Disposition	Hold within 10 court days after completion of jurisdiction hearing	Hold within 30 court days after completion of jurisdiction hearing	State law
6-month Review Hearing	Hold first review hearing within 6 months of disposition		State law; federal law
12-month Permanency Review Hearings	Hold within 12 months of date entered foster care (First Permanency Hearing)		State law; federal law
18-month Review Hearings	Hold within 18 months of date of removal from parents' physical custody		State law; federal law

Note: See Appendix A for a description of these mandates.

Table 3.18
Timeliness of Detention Hearings for Detention Cases

	Court A		Court B		Court C	
	Count	Percent	Count	Percent	Count	Percent
Court Days Between Petition Filed Date and First Detention Hearing						
0	46	4.0	212	27.7	2	1.2
1	1081	95.1	455	59.5	123	74.5
2	4	0.4	7	0.9	28	17.0
3	2	0.2	42	5.5	2	1.2
4	4	0.4	20	2.6	3	1.8
5+	0	0.0	29	3.8	7	4.2
Total	1137	1	765	100	165	100

Note: Data source is court case management systems. For methodology, see Appendix C.

Table 3.19
Timeliness of Jurisdiction Hearings

	Court A		Court B		Court C	
	Count	Percent	Count	Percent	Count	Percent
Court Days Between Completed Detention Hearing and First Jurisdiction Hearing - Detention Cases						
0 thru 15	503	45.5	622	82.6	30	25.6
16 thru 20	405	36.6	116	15.4	30	25.6
21 thru 30	184	16.6	12	1.6	34	29.1
31 thru 45	10	0.9	1	0.1	21	17.9
46 thru 60	1	0.1	0	0.0	1	0.9
61 thru 80	3	0.3	0	0.0	1	0.9
81 thru 100	0	0.0	2	0.3	0	0.0
Total	1106	100.0	753	100.0	117	100.0
Court Days Between Completed Detention Hearing and Completed Jurisdiction Hearing - Detention Cases						
0 thru 15	69	6.2	199	26.9	14	12.0
16 thru 20	59	5.3	88	11.9	29	24.8
21 thru 30	166	15.0	173	23.4	42	35.9
31 thru 45	275	24.9	172	23.2	22	18.8
46 thru 60	156	14.1	59	8.0	6	5.1
61 thru 80	153	13.8	31	4.2	1	0.9
81 thru 100	96	8.7	11	1.5	3	2.6
101 thru 150	83	7.5	7	0.9	0	0.0
151+	49	4.4	0	0.0	0	0.0
Total	1106	100.0	740	100.0	117	100.0
Court Days Between Petition Filed Date or Completed Detention Hearing and First Jurisdiction Hearing - Nondetention Cases*						
0 thru 15	36	46.8	27	42.9	5	25.0
16 thru 20	12	15.6	27	42.9	4	20.0
21 thru 30	18	23.4	9	14.3	8	40.0
31 thru 45	11	14.3	0	0.0	3	15.0
Total	77	100.0	63	100.0	20	100.0
Court Days Between Petition Filed Date or Completed Detention Hearing and Completed Jurisdiction Hearing - Nondetention Cases*						
0 thru 15	26	33.8	11	22.0	3	15.0
16 thru 20	0	0.0	5	10.0	6	30.0
21 thru 30	9	11.7	14	28.0	8	40.0
31 thru 45	14	18.2	13	26.0	3	15.0
46 thru 60	9	11.7	3	6.0	0	0.0
61 thru 80	9	11.7	2	4.0	0	0.0
81 thru 100	6	7.8	1	2.0	0	0.0
101 thru 150	4	5.2	1	2.0	0	0.0
Total	77	100.0	50	100.0	20	100.0

Note: Data source is court case management systems. For methodology, see Appendix C.

*Detention date was used in the calculation if the child was originally detained.

Table 3.20
Timeliness of Disposition Hearings

	Court A		Court B		Court C	
	Count	Percent	Count	Percent	Count	Percent
Court Days Between Completed Jurisdiction Hearing and First Disposition Hearing - Detention Cases						
0	781	94.2	461	65.0	78	90.7
1 thru 5	2	0.2	18	2.5	0	0.0
6 thru 10	11	1.3	44	6.2	1	1.2
11 thru 15	12	1.4	42	5.9	0	0.0
16 thru 20	9	1.1	54	7.6	5	5.8
21 thru 30	9	1.1	59	8.3	2	2.3
31 thru 40	0	0.0	18	2.5	0	0.0
41+	5	0.6	13	1.8	0	0.0
Total	829	100.0	709	100.0	86	100.0
Court Days Between Completed Jurisdiction Hearing and Completed Disposition Hearing - Detention Cases						
0	743	89.5	456	64.5	78	75.0
1 thru 5	6	0.7	18	2.5	3	2.9
6 thru 10	9	1.1	29	4.1	7	6.7
11 thru 15	16	1.9	33	4.7	2	1.9
16 thru 20	8	1.0	50	7.1	3	2.9
21 thru 30	13	1.6	48	6.8	4	3.8
31 thru 40	5	0.6	36	5.1	5	4.8
41+	30	3.6	37	5.2	2	1.9
Total	830	100.0	707	100.0	104	100.0
Court Days Between Completed Jurisdiction Hearing and First Disposition Hearing - Nondetention Cases						
0	41	93.2	16	44.4	2	100.0
1 thru 5	1	2.3	0	0.0	0	0.0
6 thru 10	2	4.5	2	5.6	0	0.0
11 thru 15	0	0.0	1	2.8	0	0.0
16 thru 20	0	0.0	2	5.6	0	0.0
21 thru 30	0	0.0	2	5.6	0	0.0
31 thru 40	0	0.0	7	19.4	0	0.0
41+	0	0.0	6	16.7	0	0.0
Total	44	100.0	36	100.0	2	100
Court Days Between Completed Jurisdiction Hearing and Completed Disposition Hearing - Nondetention Cases						
0	35	79.5	16	45.7	2	100.0
1 thru 5	1	2.3	0	0.0	0	0.0
6 thru 10	1	2.3	2	5.7	0	0.0
11 thru 15	5	11.4	1	2.9	0	0.0
16 thru 20	0	0.0	2	5.7	0	0.0
31 thru 40	0	0.0	5	14.3	0	0.0
41+	2	4.5	9	25.7	0	0.0
Total	44	100.0	35	100.0	2	100

Note: Data source is court case management systems. For methodology, see Appendix C.

Table 3.21
Timeliness of 6-Month Review Hearing for Detention Cases

	Court A		Court B		Court C	
	Count	Percent	Count	Percent	Count	Percent
Months from Completed Disposition Hearing to First 6-Month Review Hearing						
0 thru 4	177	24.7	36	6.6	3	3.0
4.01 thru 5	86	12.0	45	8.3	1	1.0
5.01 thru 6	383	53.4	418	76.8	84	84.8
6.01 thru 7	66	9.2	30	5.5	10	10.1
7.01 thru 8	1	0.1	0	0.0	0	0.0
8.01 thru 9	2	0.3	1	0.2	0	0.0
9.01+	2	0.3	14	2.6	1	1.0
Total	717	100.0	544	100.0	99	100.0
Months from Completed Disposition Hearing to Completed 6-Month Review Hearing						
0 thru 4	132	18.5	28	5.2	2	2.1
4.01 thru 5	54	7.6	27	5.0	0	0.0
5.01 thru 6	257	36.0	263	48.9	61	64.9
6.01 thru 7	158	22.1	131	24.3	27	28.7
7.01 thru 8	41	5.7	46	8.6	3	3.2
8.01 thru 9	49	6.9	9	1.7	0	0.0
9.01+	23	3.2	34	6.3	1	1.1
Total	714	100.0	538	100.0	94	100.0

Note: Data source is court case management systems. For methodology, see Appendix C.

Table 3.22
Timeliness of 12-Month Review Hearing for Detention Cases

	Court A		Court B		Court C	
	Count	Percent	Count	Percent	Count	Percent
Months from Foster Care Entry Date to First 12-Month Review Hearing						
0 thru 11	48	11.2	8	2.5	0	0.0
11.01 thru 12	141	32.9	175	54.2	19	70.4
12.01 thru 13	81	18.9	63	19.5	5	18.5
13.01 thru 14	91	21.2	46	14.2	3	11.1
14.01 thru 15	61	14.2	18	5.6	0	0.0
15.01 thru 17	7	1.6	10	3.1	0	0.0
17.01+	0	0.0	3	0.9	0	0.0
Total	429	100	323	100	27	100
Months from Foster Care Entry Date to Completed 12-Month Review Hearing						
0 thru 11	24	5.6	7	2.4	0	0.0
11.01 thru 12	84	19.6	109	36.8	17	65.4
12.01 thru 13	93	21.7	65	22.0	5	19.2
13.01 thru 14	73	17.1	60	20.3	1	3.8
14.01 thru 15	61	14.3	26	8.8	3	11.5
15.01 thru 17	69	16.1	20	6.8	0	0.0
17.01+	24	5.6	9	3.0	0	0.0
Total	428	100.0	296	100.0	26	100.0

Note: Data source is court case management systems. For methodology, see Appendix C.

Table 3.23
Timeliness of 18-Month Review Hearing for Detention Cases

	Court A		Court B		Court C	
	Count	Percent	Count	Percent	Count	Percent
Months from Date of Removal to First 18-Month Review Hearing						
0 thru 17	12	8.9	4	8.2	NA	NA
17.01 thru 18	67	49.6	30	61.2	NA	NA
18.01 thru 19	43	31.9	10	20.4	NA	NA
19.01 thru 20	9	6.7	4	8.2	NA	NA
20.01 thru 21	4	3.0	1	2.0	NA	NA
Total	135	100.0	49	100.0	NA	NA
Months from Date of Removal to Completed 18-Month Review Hearing						
0 thru 17	8	5.9	1	2.2	NA	NA
17.01 thru 18	44	32.6	17	37.8	NA	NA
18.01 thru 19	48	35.6	15	33.3	NA	NA
19.01 thru 20	20	14.8	8	17.8	NA	NA
20.01 thru 21	6	4.4	4	8.9	NA	NA
21.01+	9	6.7	0	0.0	NA	NA
Total	135	100.0	45	100	NA	NA

Note: Data source is court case management systems. For methodology, see Appendix C.

Table 3.24
Summary of Title IV-E Findings and Orders
Judicial Review & Technical Assistance Project Database 2002 - 2004

	Count	Percent
Detention Hearing		
Finding: Continuance in the home is contrary to the child's welfare	729	94.4
Order: Placement and care is the State's responsibility	729	94.7
Finding: Reasonable efforts made to prevent removal	729	92.3
Findings and orders were timely	729	94.5
Pre-permanency Review Hearing		
Finding: Placement is necessary and appropriate	716	87.4
Finding: Reasonable efforts to return child have been made	716	81.3
Finding: On the extent of progress by parent	716	75.8
Finding: On the likely date of return or permanency	716	68.3
Finding: Case plan assists youth 16+ in transitioning to independent living	36	19.4
Findings were timely	716	76.7
Permanency Hearing		
Finding: Placement is necessary and appropriate	436	82.1
Finding: Reasonable efforts to return child have been made	436	77.3
Finding: On the extent of progress by parent	436	75.7
Order: Permanent Plan	436	70.2
Order: Likely date of permanency or meeting goal	436	36.5
Finding: Case plan assists youth 16+ in transitioning to independent living	34	23.5
Findings and orders were timely	436	62.8
Post-permanency Hearing		
Finding: Placement is necessary and appropriate	683	86.7
Finding: Reasonable efforts to return child have been made	683	79.4
Order: Permanent Plan	683	70.1
Order: Likely date of permanency or meeting goal	683	37.6
Finding: Case plan assists youth 16+ in transitioning to independent living	121	48.8
Findings and orders were timely	683	87.1

Note: See Appendix A for a description of Title IV-E specifications and Appendix C for source and description of the Judicial Review and Technical Assistance project.

Table 3.25
Common Problems when Determination is made that ICWA Applies
As Reported by Judicial Officers (N=98)

	Count	Percent
Notice to and replies from tribes and the Bureau of Indian Affairs cause delays	82	83.7
Finding resources associated with extended family members, the tribe, Indian Social Services or individual Indian caregivers	19	19.4
Preferences under ICWA not followed for lack of available Indian placements	17	17.3
Finding Indian expert witnesses for required testimony	15	15.3
Disputes about compliance lead to a large number of writs and appeals	15	15.3
Disputes about meeting placement preferences under ICWA	10	10.2
ICWA requirements make it difficult to make a permanent plan for children	7	7.1
Disputes among parties about meeting “active efforts” requirements	6	6.1
Disputes about standards of proof at various stages of the proceedings	3	3.1
Did not check any	10	10.2

Note: Percentages may not total 100 because respondents were asked to select the three most common problems.

Table 3.26
Individual Often Appearing in Court for ICWA Cases
As Reported by Judicial Officers (N=82)

	Count	Percent
Tribal representatives	23	28.0
Indian Social Services representatives	23	28.0
Attorney for the Tribe(s)	20	24.4
Child’s Indian custodian	7	8.5

Note: Percentages may not total 100 because respondents were asked to check all that applied. Often is defined as "at least two out of three hearings."

Table 3.27
Timeliness of Transportation for Detained Parents by Location of Detention
As Reported by Judicial Officers (N=98)

	On time	Late	Not Transported	Missing	Total
Local jails	91.8	4.1	1	3.1	100%
State prisons	50	15.3	24.5	10.2	100%
Jails in other jurisdictions	29.6	5.1	53.1	12.2	100%

Chapter 4: Court Management and Policy

A. Introduction

Thousands of people enter California's courthouses each day. This chapter offers a glimpse inside those courthouses, in an effort to illustrate how court management policies affect the experiences of court users and the working environment of court professionals. The chapter discusses the court facilities themselves, the availability of information to court users, the adequacy of court procedures, and the capabilities of courts' case management systems.

B. Facilities

Dependency participants spend many hours within California's courthouses. They interact with court employees, use courthouse equipment and facilities, and seek information about the judicial process. Given the interaction among users, staff, and facilities, court-management issues directly affect the quality of the overall court experience, including the quality of the hearings themselves. This chapter explores some of those issues, the progress that has been made since the 1997 CIP Assessment, and the areas in which California will seek further improvement.

> Buildings are more than mere physical settings. They signal how we value what is transacted inside. Courts do not need or want ornamentation or ostentation in their quarters. But courts—and the public—do deserve buildings in which the business of administering justice can be transacted effectively, efficiently, and with appropriate dignity.
>
> *—Chief Justice Ronald M. George*

Recommendation 25 from the 1997 Assessment called for an evaluation and improvement of the state's local courthouses. Prior to September 2002, California's more than 450 courthouses were owned, operated, and financed at the county level. Many of the older courthouses were in need of repair and renovation, but local budgetary constraints limited the counties' ability to modernize the buildings. To relieve the counties' financial burdens of renovation, to enhance court safety, and to help ensure equal access to justice, the California Legislature passed the Trial Courts Facilities Act of 2002, which transfers governance of California's

courthouses from the counties to the state over a five-year period.[1] In 2003, the Office of Court Construction and Management (OCCM) was created within the Administrative Office of the Courts to carry out the new law.

With regard to dependency proceedings, 39 of the 50 courts that responded to the court administrators survey report that dependency hearings are held in one courthouse within the county. At the local courthouses that hear dependency matters, only 14 percent have parent-child visitation rooms, 30 percent have staffed children's waiting rooms, and 16 percent have videoconferencing capabilities (see table 4.1 and Appendix A, table A.4). As table 4.2 shows, more than half the counties report having telephones, photocopiers, and mailboxes available for both attorneys and social workers, while just under half report having fax machines, private meeting rooms, and law libraries available.

OCCM seeks to undertake renovations that will standardize the available facilities at every courthouse, increase court security, add those services integral to creating a nonadversarial atmosphere for children, and give the parties and professionals who use the courthouse the space they need to improve the overall court experience.

C. Court Communication With Court Users and Professionals

An essential component of an efficient and user-friendly court system is the exchange of information between the court, court participants, and professionals. This section discusses some of the ways the court provides procedural and case-related information to and solicits information from court users.

1. Information Available at the Courthouse

Forty of the 50 responding courts report that local rules of court are available in print at the courthouse and on a county-based Web site. Local court forms are available at the courthouse in 44 counties and via the Internet in 34 counties. Thirty-four courts supply Judicial Council forms and brochures, and 18 courts provide local brochures relating to dependency.

Thirty-one court administrators out of 50, and 44 of the 98 judicial officers, say that the court informs parents of their potential financial responsibility for child support and legal representation costs arising from the dependency case, and 12 court administrators report that informational brochures or videos discussing parental financial responsibility are available.

Fewer courts, ranging from 10 to 18, are able to produce copies of the minute orders, restraining orders, temporary custody orders, 366.26 orders, or letters of guardianship before the parties leave the courtroom the day the order is made (table 4.3). Interviews with court administrators revealed that many court clerks are unable to produce real-time orders given the amount of

[1] Sen. Bill 1732 [Escutia]; Stats. 2002, ch. 1082.

information that needs to be entered into the system, the consistent pace at which cases are heard, and in some instances, the computer systems' inability to use data entry codes to capture standard court orders (as opposed to requiring the orders to be typed out).

2. Online Information

In July 2001, the Administrative Office of the Courts launched an online self-help center, which provides procedural and substantive information about various legal matters, including family law, juvenile law, elder law, small claims, traffic regulations, guardianships and conservatorships, name-change requirements, civil harassment, and domestic violence.[2] The juvenile dependency section, geared towards parents and caregivers, gives a brief overview of the dependency system, offers access to all Judicial Council juvenile forms, and provides links to other related information, including local court websites. State rules of court and recent court opinions are also accessible.

> I think the court experience for families is pretty awful.
>
> *—Child Welfare Agency Director*

3. Customer Service

Understanding the value of soliciting court user feedback to guide improvements in the courts, 49 out of the 50 responding court administrators report using at least one means of collecting information from parties, participants, and employees, and 45 of those courts use multiple methods. Courts have also focused on the customer service aspect of the judiciary system: 46 courts train court employees on respectfully working with the public, and 38 courts include customer service aspects as part of employees' performance reviews (table 4.4).

4. Perspectives of Parents and Children on Court Communications

For this study, focus groups were conducted with parents who were, or had been, involved in the dependency system, and with current and former foster youth. In each group, participants were asked to describe their court experiences, in particular how they felt they were treated by the court and their ability to provide information directly to the judicial officer.

The parents' focus groups, held in three counties, comprised both mothers and fathers. The participants indicated that they had attended all or nearly all of the court hearings related to their case. The consensus of the parents in each group was that they never really understood the proceedings while they were in court. The proceedings were conducted in technical and legal terms, and only afterward, with some explanation, did the parents understand the court's findings and orders. Some parents noted that at that point the orders had already been made. There was a general belief that parental participation in hearings is not warmly received or encouraged by most judicial officers. Many felt that only the attorneys could talk, even if what the attorneys were saying was inaccurate.

[2] The AOC Self-Help Center can be accessed at *http://www.courtinfo.ca.gov/selfhelp/*.

There was a marked difference between the parents' experience in general dependency proceedings and their experience in dependency drug court. In the parents' view, the judicial officers in drug court hearings—held in two of the three counties—encouraged parents to speak and actively sought to resolve the specific issues brought to their attention. The parents perceived a more family- and parent-oriented approach in the drug court hearings, as opposed to a very child-centered focus in the general hearings.

> My judge is a nice guy and cares and says he'll do something but nothing ever really happens.
>
> *—Foster youth*

Children's experiences in court were similar to that of the parents. Almost all of the children had been to court at least once, and all were from counties in which their appearance was not mandated.[3] About half of the children noted that they didn't generally feel welcomed in the courtroom and no one, including the court, was interested in what they had to say. However, about half were either asked if they wanted to speak by the judicial officer, or were allowed to address the court if they so desired. All the children agreed that the proceedings were conducted in such a way that they did not understand what was happening until after hearing. About half of the children said someone (a CASA, attorney, or social worker) explained what had happened in court to them at a later date (ranging from immediately afterwards to weeks later), while about another half said no one ever explained the proceedings to them.

> Court interpreters provide an essential service to our juvenile courts. The top six languages in need of interpreters as identified by judicial officers are:
>
> Spanish
> Vietnamese
> American Sign Language
> Cantonese
> Hmong
> Tagalog

5. Interpreters

California court users are linguistically diverse, and an essential aspect of effective court communication is having the ability to call on interpreters in court proceedings and related meetings. Ninety-five of the 98 responding judicial officers indicate that non-English-speaking parties appear in their courts, and each identified Spanish as the language in which interpreters are mostly frequently needed. Of those judicial officers, 82 percent indicate that a court-provider interpreter is available the same day as needed.[4] Nineteen courts also have access to Language Line, a phone interpreter service used when an in-person interpreter is not available.

6. Information Sharing Between Courts

California courts have been striving to implement ways to locate and access information on families that have multiple cases in the legal system. This access will ensure judicial officers have all the pertinent information available when making custody and visitation orders and will

[3] At least one court requires children be brought to the court building when a hearing is scheduled.

[4] Judicial officers were asked to identify the top languages for which people coming into dependency court need interpreters. The top six languages identified (in order) are Spanish, Vietnamese, American Sign Language, Cantonese, and Hmong and Tagalog.

eliminate the issuance of conflicting orders. Courts have had some success in sharing case information among their departments. Forty-four of the 50 responding court administrators indicate that the dependency court has access to related delinquency information, 41 can access probate information, 40 can retrieve family law information, and 38 can locate criminal case information (table 4.5). A more detailed description of case management system capabilities and the efforts being made to establish a statewide case management system is contained in section D of this chapter.

To establish effective models of county information sharing, CFCC has continued its work on the Mentor Courts project of the Unified Courts for Families (UCF). The project provides funds for local courts to improve the coordination and unification of multiple court cases. Over a three-year period, the seven mentor courts will pilot various strategies for the coordination of proceedings involving members of the same family with cases on multiple court calendars. The underlying premises of the project are that (1) a unified or coordinated family and juvenile court system is more efficient in addressing the needs of those it serves and the California public; (2) the consolidation of related cases before a single judge or judicial team, or a coordinated case management model, will result in more informed and effective decisions, greater consistency and continuity, and improved delivery of services to children and families; (3) the risk of conflicting orders and multiple court appearances by the parties will be reduced; and (4) the safety and accountability of all participants will be enhanced.

D. Notice

California has promulgated both statutory law and state rules of court specifying the persons entitled to notice in a dependency proceeding, the contents of the notice, the manner of service permitted, and the time in which notice must be served. The law contains provisions that are general in nature and applicable in all hearings, as well as specific notice requirements for individual types of hearings.[5] Generally, notice is provided to all parties as well as specified nonparties who have an interest in the proceedings, such as foster parents, preadoptive parents, present caregivers, Court Appointed Special Advocates (CASAs), siblings of the dependent child, and de facto parents. Responsibility for sending notice is shared among the court, the local child welfare agency, and the county counsel's office (table 4.6).

Effective January 1, 2003, California amended the notice statutes: children 10 years of age and older who are the subjects of a dependency proceeding are now entitled to individual notice of every hearing, including a statement that they may attend the hearing.[6] This legislation furthers recommendation 9 of the 1997 Assessment, which sought to ensure children are given notice of

[5] Cal. Welf. & Inst. Code, §§ 290.1, 290.2, 291, 292, 293, 294, 295, 296, 297, 305.5, 366.21(d), 386; Cal. Rules of Court, rules 37, 38, 38.1, 38.2, 38.3, 1407, 1439, 1440.

[6] Sen. Bill 1956 [Polanco]; Stats. 2002, ch. 416, signed into law in 2002, repealed sections 312, 335, 336, 337, and 366.23 of the Welfare and Institutions Code and enacted sections 290–297 relating to notice in dependency proceedings.

the proceedings and an opportunity to be heard. Currently, 42 percent of responding judges indicate that children 10 and older are nearly always or always sent personal notice of the hearings (table 3.12).

1. Notice of the 366.26 Selection and Implementation Hearing

The notice requirements for the selection and implementation hearing (hereinafter referred to as the 366.26 hearing) are set forth in section 294 of the California Welfare and Institutions Code. Given that parental rights may be terminated at this hearing, additional means of notice are allowed, in particular publication, to try to locate missing parents. At the 366.26 hearing, the child's previously identified permanent plan is implemented. When there are significant delays in the adoption of a permanent plan, 70 percent of the responding county counsel attorneys and 67 percent of the court-appointed counsel cite improper notice for the 366.26 hearing as the primary reason (table 4.7).

2. Sibling Notice

Pursuant to a legislative directive, California amended its noticing statutes to provide that any known siblings of a dependent child who themselves are or were dependent children are entitled to notice of the hearing. The notices must be provided to the sibling's caregiver, the sibling's attorney, and any sibling who is at least 10 years old.[7] While no statewide statistics were gathered on the frequency of timely sibling notice, many focus group participants said they find the new requirement difficult to fulfill. Social workers noted particular difficulty in locating siblings with dependency cases in other counties, emancipated former foster children, and half-siblings. In particular, focus group participants indicated that the last known addresses for former foster youth are frequently outdated.

Sibling relationships are a concern of the dependent children who participated in our focus groups. All of the participants have siblings, most of whom are either dependents or former dependents. A large number of children are not sure exactly how many siblings they have. Many of the children expressed frustration and anxiety over the lack of information they received regarding the status of their siblings' dependency cases.

Noticing issues are not restricted to the above-mentioned specific instances, and focus group and survey results suggest a general statewide problem. Lack of notice, or improper notice, was identified by judicial officers as the third most common reason for continuances. While there has not been a case-level study to pinpoint what percentage of continuances are due to improper notice, the estimates from survey and focus group respondents indicate a consensus by all court participants that this is an area in which improvement is needed. To address these issues, CFCC proposes investigating the utility of a statewide review of local noticing practices to determine

[7] Assem. Bill 579 [Chu]; Stats. 2003, ch. 558, signed into law in 2003, amended sections 290.1, 290.2, 291, 292, 293, 294, 295, and 366.21 of the Welfare and Institutions Code relating to notice in dependency proceedings.

which are effective, and implementing improved noticing practices through training and possible amendments to the state rules of court.

E. Case Tracking

Survey results indicate that California is well on its way to fulfilling recommendation 18 of the 1997 Assessment, which called for all juvenile courts to have automated case information systems. Although the level of automation varies considerably, 49 out of the 50 respondents to the court administrators survey indicate they have a computerized case management system in the dependency court. Most (86 percent) of the counties have upgraded or installed their case management system within the last five years, with 40 percent having upgraded or installed their system in 2004 or 2005. When asked if they are planning on updating their systems, 40 percent of the administrators say they have no immediate plans; 8 percent are discussing a redesign; and 30 percent say they are either currently updating or continuously update their systems.

Table 4.8 shows a number of tasks that can be or are performed using these systems. Producing calendars (88 percent) and scheduling hearings (84 percent) are indicated as the most common while producing restraining orders (6 percent) and assessing the completeness of findings and individual case orders (6 percent) are the least common.

In addition to performing automated tasks, dependency court case management systems can often be used to generate statistics for such judicial aspects as caseloads or reasons for continuances. While 87 percent of the responding courts have the ability to produce judicial caseload statistics, only 40 percent utilize the function. Similarly 55 percent of responding courts' case managements systems can produce statistics on attorney caseloads, but only 12 percent generate the numbers.[8]

Additionally, many of these systems have the ability to communicate with other systems both within and outside the court. Eighty-eight percent of the court administrators indicate that judicial officers or their clerks have access to the delinquency system, 80 percent indicate access to the family court system, and 24 percent indicate access to CLETS (California Law Enforcement Telecommunications System) restraining order information. In only one court do judicial officers have access to CWS/CMS data, and only 8 courts have access to the county's probation database. Table 4.5 shows a list of justice partners that permit a judicial officer to have access to their computerized management systems.

[8] There are many reasons it is not feasible for courts to utilize the full capabilities of a system. In interviews with the Reassessment team, dependency court managers and information systems staff said that the primary reason for the underutilization of system capabilities is a lack of resources. In general, producing sophisticated reports requires experienced programmers, which most courts do not have on staff, and those courts that do, often have them carrying out more immediate tasks such as updating systems or handling revenue-producing activities (collecting fines, for example).

1. Six Focal Courts

All six of the courts (Humboldt, Los Angles, Sacramento, San Diego, Santa Clara, and Tulare) chosen to participate in the CIP Reassessment have computerized case management systems. Both Humboldt and Tulare upgraded their systems in September 2003; Santa Clara upgraded its system in December 2003; and San Diego installed its system in December 1984. Los Angeles and Sacramento Counties did not provide information about installation and upgrades. When considering which courts to select for the Reassessment (see Appendix C for a complete methodology), the project team looked at their CMS capabilities at length, primarily for the ability to produce hearing data that could be analyzed in light of state and federal timeliness guidelines (see chapter 3 for results of the analyses).

Table 4.10 shows that, while all six courts use their systems to schedule hearings and produce calendars, none of the courts automate their systems to produce complete restraining orders.

Those in all six courts also indicated that their case management systems can communicate with the delinquency court, but only Los Angeles can communicate with Child Welfare Services and only San Diego can communicate with the sheriff, and Humboldt, Los Angeles, Sacramento, and San Diego all have access to CLETS (table 4.11).

2. State Court Database Development

California is arguably moving towards a more technological approach to case management. Almost every court has a computerized case management system. However, these court systems often do not communicate well with each other or with other stakeholders such as law enforcement and child welfare agencies. To remedy this, the Administrative Office of the Courts participates in the Data Integration Program, which will provide a method for data to be easily shared between California's superior courts and its justice partners, including child welfare agencies, law enforcement offices, the appellate courts, the Department of Corrections, the California Youth Authority, the Department of Child Support Services, and the Department of Social Services. The main purpose of the program is to facilitate and standardize the electronic exchange of information for all California courts based on best practices.

CFCC is working with the Data Integration Program to help define juvenile and family data-exchange standards that will allow the dependency courts to link to these systems. The data exchange is expected to improve the quality of information within and between courts throughout the state as well as increase efficiency and effectiveness, drive down costs and speed up implementation, support court transitions, and allow courts to better leverage state partner relationships.

The components of the data-exchange specifications and integration include a judicial branch dictionary with shared terms and definitions; data-exchange specifications with high-value exchanges; and a statewide architecture along with tools that will serve as the integration

services backbone and permit both the courts' justice partners and the public to access data when appropriate and useful. For example, domestic violence restraining orders, criminal protective orders, and arrest and bench warrants will be readily available to dependency court judicial officers.

The juvenile and family court data-exchange working group was started in February 2005 and is coordinated through CFCC. Terms specific to dependency will build on the judicial branch dictionary of shared data elements, which is based on national and branch standards developed for defining criminal and traffic exchanges. The program will select four data exchanges as a first step and use the results as requirements for the family and juvenile court case management system effort.

3. Child Welfare Services/Case Management System

Federal legislation requires that state child welfare agency data systems meet several standards (referred to as Statewide Automated Child Welfare Information Systems, or SACWIS, standards). State systems must collect comprehensive data and comply with the federal Adoption and Foster Care Analysis Reporting System (AFCARS) and the National Child Abuse and Neglect Data System (NCANDS).

Child welfare services in all 58 counties and the California Department of Social Services' Adoption Program district offices enter data into the Child Welfare Services/Case Management System. The Department of Social Services administers the state's child welfare services and maintains the CWS/CMS. The system, which has been fully operational since the end of 1997 contains child-level data on the status, demographics, and placement history of all children in foster care in the state.

A partnership between the state Department of Social Services and the Center for Social Services Research (CSSR) at the University of California at Berkeley has made aggregate data from the child welfare system accessible to the public and to other agencies. The Department of Social Services extracts quarterly data from the CWS/CMS, and CSSR uses the data to create longitudinal files and make data and research highlights available on a variety of topics, including child abuse referrals, placement indicators by foster-care cohort, adoption trends, caseload flow, and exits from foster care per year. CSSR also reports the Child and Family Services Review performance measures for each county and a revised version of these measures based on cohort files for counties. Information and measures by cohort are reported for that subgroup of children who entered out-of-home care during a defined period, for example, the first quarter of 2003.

F. Conclusion

Since the initial assessment in 1997, California has made considerable progress in improving the experiences of court users and court professionals. As the chapter detailed, numerous efforts are

underway to continue this trend, including upgrading court facilities, improving the treatment of parties by the court and court staff, and supporting the development of a statewide case management system. With the implementation of these efforts, coupled with the state's dedication to its justice system, the California court system will only continue to improve.

G. Data Tables

The following section contains the tables referenced throughout chapter four. Methodology for the data collection can be found in Appendix C and full copies of the surveys used in some of the data collection can be found in Appendix E.

Table 4.1
Resources Available in the Court for Dependency Attorneys and Social Workers As Reported by Court Administrators (N=50)

	Count	Percent
Holding cells	31	62.0
Parent/child visitation facilities	7	14.0
Children's waiting rooms with staff	15	30.0
Children's waiting rooms without staff	9	18.0
Video conferencing	8	16.0
Public break rooms	8	16.0
Vending machines	30	60.0
Cafeterias	9	18.0
None of the above	7	14.0

Note: Percentages may not total 100 because respondents were asked to check all that applied. This information is reported at the court level, not the courthouse level. For counties with multiple courthouses resource is reported as available if available at any of the courthouses.

Table 4.2
Resources Available in the Court for Dependency Attorneys and Social Workers As Reported by Court Administrators (N=50)

	Attorneys Only		Social Workers Only		Both		Not Available	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Fax machines	2	4.0	4	8.0	22	44.0	22	44.0
Telephones	2	4.0	3	6.0	32	64.0	13	26.0
Copiers	3	6.0	2	4.0	28	56.0	17	34.0
Private meeting rooms	5	10.0	0	0.0	24	48.0	21	42.0
Law libraries	3	6.0	0	0.0	23	46.0	24	48.0
Word processors	3	6.0	3	6.0	6	12.0	38	76.0
Internet	2	4.0	2	4.0	7	14.0	39	78.0
Mailboxes	5	10.0	1	2.0	37	74.0	7	14.0
None of the above	1	2.0	0	0.0	2	4.0	47	94.0

Note: Percentages may not total 100 because respondents were asked to check all that applied. This information is reported at the court level, not the courthouse level. For counties with multiple courthouses resource is reported as available if available at any of the courthouses.

Table 4.3
Types of Orders Available to Parties Before they Exit the Court
As Reported by Court Administrators (N=50)

	Count	Percent
None	20	40.0
Minute orders	12	24.0
Temporary custody orders	10	20.0
Restraining or stay away orders	18	36.0
Letters of guardianship	14	28.0
366.26 orders	10	20.0
Did not check any	2	4.0

Note: Percentages may not total 100 because respondents were asked to check all that applied.

Table 4.4
Methods of Improving Services for Dependency Court Users
As Reported by Court Administrators (N=50)

	Count	Percent
Court has suggestion box and routinely reads suggestions	15	30.0
Court periodically surveys the public on their perceptions	8	16.0
Public hearings held where the public may discuss concerns	7	14.0
Court user can access formal grievance procedure	10	20.0
Court employees trained on respectfully working with the public	46	92.0
Judicial officers trained on respectfully working with the public	24	48.0
Performance reviews of relevant court staff include question of customer service	38	76.0
Other	8	16.0
Did not check any	1	2.0

Note: Percentages may not total 100 because respondents were asked to check all that applied.

Table 4.5
Dependency Judicial Officer Access to Selected Computerized Management Systems
As Reported by Court Administrators (N=50)

	Count	Percent
Child Welfare Services (CWS/CMS)	1	2.0
Family court	40	80.0
Delinquency court	44	88.0
Probate court	41	82.0
Criminal court	38	76.0
Local child welfare agency	0	0.0
Local probation department	8	16.0
Child support (state or local)	4	8.0
Sheriff or other local law enforcement	11	22.0
CLETS restraining order	12	24.0
Did not check any	3	6.0

Note: Percentages may not total 100 because respondents were asked to check all that applied.

Table 4.6
Responsibility for Sending Notice to Court Users and Siblings by Hearing Type
As Reported by Court Administrators (N=50)

	Dependency Court		Local Child Welfare Agency		County Counsel		Missing	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Detention	9	18.0	44	88.0	5	10.0	3	6.0
Jurisdiction	12	24.0	30	60.0	7	14.0	4	8.0
Disposition	11	22.0	33	66.0	7	14.0	4	8.0
Review	6	12.0	39	78.0	7	14.0	3	6.0
366.26	15	30.0	31	62.0	8	16.0	3	6.0
Notices to siblings	5	10.0	29	58.0	7	14.0	13	26.0

Note: Percentages may not total 100 because respondents were asked to check all that applied.

Table 4.7
Reasons for Significant Delays in Adopting a Permanent Plan
As Reported by Court Appointed Counsel (N=185) and County Counsel (N=141)

	Court-Appointed Counsel		County Counsel	
Notice problems with the 366.26 hearing	124	67.0	99	70.2
Adoption assessments or other reports not ready	89	48.1	38	27.0
Attorney not prepared	6	3.2	20	14.2
Prospective adoptive parents cannot be found	56	30.3	45	31.9
Potential legal guardian not available	12	6.5	8	5.7
Too rare to say	19	10.3	10	7.1
Other	28	15.1	49	34.8
Nothing checked	3	34.8	0	0.0

Note: Percentages may not total 100 because respondents were asked to check up to two reasons.

Table 4.8
Court Operations Tasks That are or Can be Performed by the Dependency CMS
As Reported by Court Administrators (N=47 - 50)

	System could perform function but does not		System is used to perform function	
	Count	Percent	Count	Percent
Assigning cases to judicial officers	9	19.1	32	64.0
Scheduling hearings	9	19.1	42	84.0
Flagging delays between hearing times for individual cases	9	19.1	7	14.0
Producing complete minute orders	14	29.8	28	56.0
Producing blank minute orders to be filed by hand	12	25.5	16	32.0
Producing complete restraining orders	5	10.6	3	6.0
Producing case/daily calendars	6	12.8	44	88.0
Assessing completeness of findings and individual case orders	3	6.4	3	6.0
Tracking physical location of hard copy files	9	19.1	23	46.0
Did not check any	1	2.1	1	2.0

Note: Percentages may not total 100 because respondents were asked to check all that applied.

Table 4.9
Court Statistics That are or Can be Produced by the Dependency CMS
As Reported by Court Administrators (N=47 - 50)

	System could produce statistics but does not		System is used to produce statistics	
	Count	Percent	Count	Percent
Judicial caseload	22	46.8	20	40.0
Judicial findings and orders	11	23.4	11	22.0
Timeliness of hearings	12	25.5	7	14.0
Reasons for continuances	13	27.7	14	28.0
Attorney caseload	20	42.6	6	12.0
Placement, (number of children in long term foster care, number of children adopted, etc.)	7	14.9	4	8.0
Did not check any	6	12.8	1	12.0

Note: Percentages may not total 100 because respondents were asked to check all that applied.

Table 4.10
Court Operations Tasks Performed by the Dependency CMS
As Reported by Court Administrators (N=6)

	Humboldt	Los Angeles	Sacramento	San Diego	Santa Clara	Tulare
Assigning cases to judicial officers		X			X	
Scheduling hearings	X	X	X	X	X	X
Flagging delays between hearing times for individual cases					X	
Producing complete minute orders	X	X	X	X		X
Producing blank minute orders to be filed by hand			X			
Producing complete restraining orders						
Producing case/daily calendars	X	X	X	X	X	X
Assessing completeness of findings and individual case orders		X				

Table 4.11
Dependency Judicial Officer Access to Selected Computerized Management Systems
As Reported by Court Administrators (N=6)

	Humboldt	Los Angeles	Sacramento	San Diego	Santa Clara	Tulare
Child Welfare Services (CWS/CMS)		X				
Family court	X			X	X	X
Delinquency court	X	X	X	X	X	X
Probate court	X				X	X
Criminal court	X					X
Local child welfare agency						
Local probation department						
Child support (state or local)		X				
Sheriff or other local law enforcement				X		
CLETS restraining order	X	X	X	X		

Chapter 5: People in Court

The Reassessment explored the experience of persons in the court, including their background in dependency, their workload when relevant, and their need for training.

The experience, training, and assignment of judges were a particular focus of the 1997 Assessment, with six recommendations devoted to this topic[1]. The 1997 Assessment recommended that judges receive education before assignment to juvenile matters, that such education cover a broad array of topics, and that judges be assigned to the juvenile court for a minimum of three years. This Reassessment finds that substantial progress has been made in the training and experience of judges. This Reassessment also reports on the training needs of attorneys and social workers, and the interactions of the court, the county counsel, and the child welfare agency in providing training on the local level.

The 1997 Assessment also found that the high caseloads and workloads of both judges and attorneys needed to be addressed. The AOC's Judicial Workload Assessment Final Report[2] completed in 2002, set targets for juvenile judge positions by number of court filings that few courts so far have been able to achieve. The AOC's DRAFT program, discussed in chapter 2, is working to reduce attorney caseloads in 10 pilot courts.

The data for this chapter were drawn from several sources, principally the surveys of judicial officers, attorneys, court administrators, and child welfare administrators; and the focus groups and interviews conducted with foster children, foster parents, parents, Court Appointed Special Advocates (CASA volunteers), social workers, judicial officers, and attorneys. See Appendix C for an explanation of these data collection efforts.

A. Judicial Officers

It appears that the experience and assignment practice of judicial officers in dependency have undergone positive changes since 1997. A high proportion of the survey respondents had juvenile court experience before becoming bench officers. A majority have served in dependency court for more than three years, and few are required to rotate dependency positions. The

[1] Chapter 1, recommendations 11,12,13,15,16, and 17 of the *1997 California Court Improvement Project Report.*

[2] California Judicial Workload Assessment Final Report. National Center for State Courts, 2002.

caseload of dependency judges proved extremely difficult to assess and should be investigated in future studies.

1. Experience

Of the respondents to the judicial officers survey, more than one-half have been hearing dependency cases in their current assignments for more than three years, and one-third for more than five years (table 5.1). The median time in the current assignment is three years and 10 months, while the median time that respondents spent in all dependency assignments is four years and six months. Given the high response rate on the judicial officers survey, these statistics indicates that most judicial officers in dependency assignments have been serving more than three years. The size of the court is not a factor in the length of time judicial officers have served in dependency.

Both the 1997 Assessment (recommendation 17) and this 2005 Reassessment propose that, in accordance with section 24 of the California Standards of Judicial Administration, judicial officers be given juvenile court assignments of at least three years.

About 7 out of 10 survey respondents indicate that they had experience in juvenile proceedings before becoming a judicial officer. Judges are less likely than referees or commissioners to have experience in juvenile proceedings (about one-third of judges have had no experience before becoming a judicial officer). Referees and commissioners in juvenile dependency are frequently appointed directly from the juvenile dependency bar. As a whole, the respondents were most commonly a parent's or child's dependency attorney, or a child's attorney in delinquency, before they became judicial officers (table 5.2).

Both CASA and ICWA focus group participants noted that turnover of judges created many problems. Participants in a CASA focus group urged that the presiding juvenile judge be made a permanent assignment.

Given that more than one-quarter of judicial officers in dependency had no experience in juvenile proceedings before their first assignment in dependency, and that 21 percent of judges reported receiving no training in juvenile dependency before their current assisgnment, this Reassessment recommends that judicial education in a range of subjects related to dependency be made available to judicial officers throughout the state.

2. Positions Held

In the survey of court administrators, the 50 respondents report a total of 72 judges and 53 commissioners or referees. The court administrators estimated that, in full-time equivalents, these numbers represent 37 judges and 32 subordinate judicial officers. Many of the judges are from counties with populations under 300,000. In the nine largest counties in the state, judges are in the minority of the judicial officer survey respondents, who comprise 18 judges and 31 commissioners or referees.

About one-half of the judicial officers responding to the survey hear dependency cases full time, including 85 percent of the judicial officers in large courts. In the smallest courts, the majority of judicial officers hear dependency cases one-quarter of the time or less. In the small and medium courts, the majority of judicial officers hearing dependency cases spend one-half to full time on dependency (table 5.3).

3. Caseloads

The 1997 Assessment report recommended the "designation of an adequate number of judicial officers to each local juvenile court" (recommendation 16). The current caseload of judicial officers proved extremely difficult to quantify. About one-quarter of the judicial officers did not estimate their monthly caseload for the survey. Many of the judicial officers who did respond to the question do not work full time in dependency. Of the 42 judicial officers with a full-time dependency caseload who responded to this question, 25 estimated a caseload of more than 800 cases, and 11 estimated a caseload between 300 and 800.

Judicial officers in one court note that dependency filings are dropping for a variety of reasons, including implementation of the KinGAP program and more success in providing preventive services, and that the judicial caseload is lower than it has been in previous years.[3]

Although both the number of full time equivalent judicial officers in juvenile dependency and the average caseloads of these judicial officers are difficult to quantify, this Reassessment does draw certain conclusions about the need for judicial officers in dependency. There are 121 juvenile dependency judicial officers on the most current roster (see Appendix C), and only about one-half of judicial officers report that they hear dependency cases full time. The statewide number of full time equivalent judicial officers in dependency is certainly under 100, and probably well under that. With current yearly statewide dependency filings at 32,700, and the current number of children in child welfare supervised foster care at 90,600, any estimate of caseload per dependency judicial officer in California must be far in excess of the caseload recommended by the AOC's Judicial Workload Assessment Final Report. This Reassessment recommends that the Judicial Council continue its efforts to increase the number of judicial officers adjudicating dependency cases.

4. Rotations and Case Assignments

In very few courts are judicial officers hearing dependency cases required to rotate off the assignment (6 of 46 court administrators responding to this question say that judges are required to rotate). In 20 courts the judicial officers can choose to rotate, and in 20 courts judicial officers do not rotate. The majority of commissioners (reported by 12 of 21 court administrators) and referees (reported by 7 of 11 court administrators) do not rotate.

[3] Statewide dependency filings fell by 14 percent in the decade from 1994 to 2003. See Appendex B Table B13.

Three-quarters of the court administrators responding (37 of 50) say that cases are assigned to judicial officers for the duration of a case prior to or at the time of the detention hearing. In 11 courts, judicial officers specialize in different calendar types, and in 6 courts judicial officers share caseloads (the final two categories are not exclusive).

B. Attorneys

Recommendations related to attorneys in the 1997 Assessment included that caseload standards be set for attorneys in dependency cases, guidelines created for attorney representation, and resources provided for attorney training and development (recommendations 19 and 20).

1. Experience

About one-half of the respondents to the court-appointed counsel (parent's and child's attorney) survey are sole practitioners, with a much smaller number from public defender's offices, alternative public defender's offices, and nonprofit agencies.

Of the 185 court-appointed counsel responding to the survey, 125 report representing parents in trial courts, and 142 report representing children, indicating a large number of attorneys representing both parents and children. Almost one-half also report representing legal guardians, grandparents, or de facto parents in trial courts.

The list of dependency counsel in California available to the Reassessment study for survey sampling had not been updated for two years. Therefore the court appointed counsel survey results are likely to overstate the dependency experience of all dependency attorneys in the state, and these results should be treated with caution. See Appendix C for more information.

Children's and parents' attorneys reported substantial experience as dependency attorneys. The median length of experience as a dependency attorney was ten years, with an interquartile range of 5 to 16 years (table 5.4). About one-half of the responding court-appointed counsel work full time on dependency matters, with another one-quarter working between one-half time and full time.

The majority of the county counsel responding to the survey have worked as dependency attorneys for a number of years. The reported median experience as a dependency attorney is 7 years, with an interquartile range of 4 to 14 years (table 5.4). By far the majority of county counsel (82 percent) report working full time.

2. Attorney Caseloads

Attorneys were asked to estimate their caseloads. These results need to be treated with extreme caution. Fifteen percent of all respondents did not answer the question. The median caseload for

court-appointed counsel who say they worked full time on dependency matters is 273, while the mean caseload was 332. Attorney caseload was also examined in the *AOC's 2004 Dependency Counsel Caseload Study and Service Delivery Model Analysis.* The median caseload for the attorneys surveyed was 275.

C. Court Appointed Special Advocate Program

Recommendation 21 of the 1997 Assessment spoke to the expansion of the Court Appointed Special Advocate (CASA) program. This Reassessment finds that the CASA program has expanded significantly in the past decade but that it still serves a small percentage of California's children in dependency. The recommendations urge that additional funding be sought for CASA. The first CASA program in California began providing services to children in 1978. There are now 40 local CASA programs providing services in 41 of California's 58 counties. In 2003, the programs served an estimated 9,000 children—approximately 7 percent of the children in dependency in California[4].

> In 2003, California CASA programs served approximately 8,968 children: 4,505 CASA volunteers donated 680,306 hours to advocate for 8,614 of those children and program staff served 354 children.
>
> *—California CASA Program 2003 Report*

In 2003, CASA programs had been in existence from 1 to 25 years, depending on the county, with a median of 10 years. Programs reported a median of 5 staff persons and 4.25 full-time-equivalent staff. Programs reported an overall median of 108 volunteers serving cases. There was a median of 108 volunteers in Bay Area/northern coastal programs, 51 volunteers in northern/central programs, and 116 volunteers in southern programs. Many programs in the northern/central region are in small rural counties.

In 2003, CASA programs served a median of 159 children. One-fourth of the programs served 56 or fewer children, while one-fourth served more than 356 children. Typically, the ratio between volunteers and children is one-to-one. Some CASA programs have projects that serve a larger caseload, such as San Diego's Voices for Children project, which provides educational surrogates to children (see chapter 7). In addition to volunteers, 50 percent of the programs had staff serving children. The median number of children served by staff was 13 per program.

All of the 20 largest counties in California have a CASA program. However, the size of the programs varies widely, and 17 counties still have no CASA services at all. The percentage of children in dependency who are estimated to have a CASA volunteer, 7 percent, speaks to the need for expansion of the CASA program. (While many CASA programs maintain waiting lists of children, reliable information was not available on how many children are represented by

[4] All statistics on the CASA program are from *The California CASA Program 2003 Report*. AOC 2004. http://www.courtinfo.ca.gov/programs/cfcc/pdffiles/CASA2003Report.pdf

waiting lists.) The first tribal CASA program, the Karuk Tribal CASA program, was established in 2004.

In interviews and focus groups, CASA staff generally expressed that the court is supportive of their role. In Los Angeles, the CASA director is a court employee and is actively involved in court meetings and policy.

One-fifth of the judicial officers responding to the survey either say they do not know what percentage of children in their caseload have a CASA volunteer or did not respond to the question. Of those responding, 16 percent say that no children in their caseload have a CASA volunteer, 12 percent say that one-half or more have one, and the remainder say that fewer than one-half of the children have a CASA volunteer. Of those judicial officers who indicate that at least some children in their caseload have CASA volunteers, all have received CASA reports in at least 5 of the last 10 hearings, and 80 percent have received CASA reports in at least 8 of the last 10 hearings. Over 80 percent of the judicial officers receiving CASA reports say that they are very useful (table 3.9).

D. Education

The education of judicial officers has been a priority of the AOC through the CFCC and the Center for Judicial Education and Research (CJER) since the 1997 Assessment, particularly through CFCC's Beyond the Bench yearly training conference; the training provided during site visits of the Judicial Review and Technical Assistance (JRTA) teams; and CJER's yearly Juvenile Law Institute, written materials, and online course in dependency law. This Reassessment found that most judges in most courts have now met the 1997 report's basic standards for training and assignment. However, training is difficult to access in some areas of the state, and judicial officers responding to the survey indicate they have need for additional training, which has led to new recommendations on training for judicial officers.

> The conference is always a reminder of why I do the work I do. I depend on it to "lift" me up, provide new information and energize me.
>
> I was pleased with the good quality content. Our Juvenile Dependency Commissioner, County Counsel, Public Defender, children's attorneys, private attorneys and CASAs and many social workers attended. It was a great opportunity to discuss our local system.
>
> *—Comments from participants at Beyond the Bench XV, December 2004*

1. Judicial Officers

The majority of dependency courts provide dependency training to judicial officers, according to 33 of the 50 court administrators responding to the survey. Many fewer courts provide dependency training to attorneys (14 of 50) or social workers (11 of 50).

Over three-quarters of judicial officers report that they received specialized training in juvenile dependency prior to beginning their current assignment. The median number of hours of training in dependency received in the past year was 24, with 10 percent having received no training. As table 5.5 shows, the training sessions most attended by judicial officers were the Juvenile Law and Procedural Institute (by 75 percent of judicial officers), the Beyond the Bench conference (62 percent), and the AOC Center for Judicial Education and Research (60 percent), which offers a range of training opportunities.

Judicial officers were asked to characterize the written resources available to them. Seventy-six percent find the CJER juvenile bench guides helpful, followed by the California Rules of Court (65 percent), and *California Juvenile Courts: Practice and Procedure*, by Gary Seiser and Kurt Kumli (56 percent; table 5.6).

One-quarter of the judicial officers do not feel that they have serious work-related barriers to attending training sessions. Of the 74 judicial officers who feel there were barriers to attending training, 48 say that the court has trouble covering their time away and 37 say there are budget constraints. Judges in smaller courts (county populations under 300,000) are much more likely to report that travel to training sessions (12 of 34) and the few number of training opportunities in the area (9 of 34) are barriers to receiving training (table 5.7).

2. Attorneys: Court-Appointed Counsel

The 1997 Assessment urged the Judicial Council to seek enough funds to provide adequate training for counsel in dependency (recommendation 20). The majority of court-appointed counsel now say that they received specialized training in juvenile dependency prior to working in the field. One-quarter say they received no training before beginning work in juvenile dependency. The most common forms of training reported by respondents are on-the-job training (55 percent), conferences and workshops (54 percent), and formal work-related training (30 percent; table 5.8). The median time spent in training in the last year was 14 hours, with an interquartile range of 10 to 20 hours.

About one-half of the responding court-appointed attorneys say there are significant work-related barriers to attending dependency training sessions; these include a scarcity of such training opportunities in the area (35 percent) and a lack of financial compensation for attending any training sessions (31 percent; table 5.9). Mental health issues constitute the area of law where most of these attorneys say additional training would be useful (55 percent). Other areas frequently named are community resources (36 percent), special education advocacy (34 percent), Department of Social Services procedures (34 percent), and dependency law (32 percent; table 5.10). Only 13 percent of respondents reported doing law school coursework in dependency, and 9 percent reported doing law school clinical work in dependency (table 5.8).

3. Attorneys: County Counsel

An equivalent proportion (27 percent) of county counsel report that they did not receive training in juvenile dependency prior to working in the field. The most common forms of training reported by county counsel are on-the-job training (55 percent), conferences and workshops (38 percent), and formal work-related training (34 percent; table 5.8). The median hours spent in training in the past year was 20, with an interquartile range of 12 to 30 hours.

About one-half of the county counsel report significant work-related barriers to attending dependency training sessions, including workplace budget constraints (33 percent) and a lack of training opportunities in the area (11 percent; table 5.9). For county counsel, areas of law where more training would be useful are Indian Child Welfare Act issues (40 percent of respondents), trial practice (33 percent), dependency law (32 percent), and educational issues (28 percent; table 5.10).

4. Child Welfare Administrators

A focus of the CFCC since the 1997 Assessment has been collaborative training efforts between the courts and child welfare agencies. The Beyond the Bench conference brings together judges, court staff, and social welfare agency staff for training every year. Few of the 36 child welfare administrators who responded to the survey report that their departments do engage in training efforts with the courts: Some of the administrators report that their departments train court personnel (5 of 36), that court staffs train agency staffs (8 of 36), and that agencies and courts cosponsor training sessions and other events (15 of 36).

> Overall our agency and our court have a good working relationship and our court is typically very supportive of our child welfare line workers and management. Collaborative efforts could be enhanced if everyone was brought together at the beginning stages and if all parties approached the project with open agendas and an openness to accept other options. It would also be helpful if the courts and other partners had a better understanding of some of the fiscal restraints and funding restrictions that have to be addressed in order to bring services through the door.
>
> *—Child Welfare Agency Director*

Child welfare administrators report that their staff usually receive training from their own agency or the county counsel. Dependency law updates; information on practice and procedure; guidance on writing petitions, recommended findings, and other legal documents; advice on giving testimony; and the courtroom environment are all indicated by the majority of respondents as areas where either the agency or the county counsel provide training to their staff members. Few respondents say that the courts provide any training in these areas (Table 5.11).

Child welfare administrators were also asked whether their agencies provide formal training to other groups. A small number of directors responded that their agencies provide training to the county counsel or the courts, but most agencies do not provide training to either of these partners (Table 5.12).

In open-ended survey responses, child welfare administrators volunteered topics that they believed needed more court and agency collaboration. These topics could also be used to guide future training for the courts and child welfare agencies. The topics raised most frequently were effective collaboration, mediation and other forms of alternative dispute resolution, and the role of child welfare agency in dependency.

Focus groups of judicial officers and county counsel discussed their roles in training social workers. Both groups find that after training, they see significant results in the reports and the expectations of social workers in the courtrooms. In the county where county counsel work closely with social workers, county counsel also felt the training had improved the relationship between the two.

E. Conclusion

In many ways, education, training and technical assistance have been the principal areas of effort for California's Court Improvement Project. California has built a network for information delivery to the local courts, attorneys, child welfare agencies, and probation departments. The network includes Beyond the Bench, JRTA, CFCC desk books and other publications, and many seminars and conferences on special topics. As a result, California is able to bring information to the courts – such as the implementation of ICWA – in a timely and efficient fashion. Collaboration in training and technical assistance, particularly with child welfare agencies, remains a top priority for the Court Improvement Project.

F. Tables

The following section contains the tables referenced throughout chapter five. Methodology for the data collection can be found in Appendix C and full copies of the surveys used in the data collection can be found in Appendix E.

Table 5.1
Years of Experience in Current Position
As Reported by Judicial Officers (N=98)

	Current Position		Total Years	
	Count	Percent	Count	Percent
One year or less	14	14.3	10	10.2
1.1 to 2 years	18	18.4	13	13.3
2.1 to 3 years	11	11.2	10	10.2
3.1 to 5 years	21	21.4	20	20.4
5.1 to 10 years	18	18.4	20	20.4
Over 10 years	16	16.3	25	25.5
Total	98	100%	98	100%

Table 5.2
Prior Dependency Experience by Type of Judicial Officer
As Reported by Judicial Officers (N=98)

	Judges (N=54)		Commissioners (N=28)		Referees (N=16)		Total	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent
None	20	37.0	5	17.9	2	12.5	27	27.6
Child's attorney in dependency	15	27.8	12	42.9	8	50.0	35	35.7
Parent's attorney in dependency	17	31.5	14	50.0	8	50.0	39	39.8
County counsel or city attorney in dependency	3	5.6	4	14.3	4	25.0	11	11.2
Child's attorney in delinquency	12	22.2	10	35.7	6	37.5	28	28.6
Prosecutor in delinquency	14	25.9	2	7.1	1	6.3	17	17.3
Other	11	20.4	6	21.4	9	56.3	26	26.5

Note: Percentages may not total 100 because respondents were asked to check all that applied.

Table 5.3
Amount of Time Spent on Dependency Matters by Court Size
As Reported by Judicial Officers (N=98)

	Small Courts		Mid-sized Courts		Large Courts		Total	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Full time	1	2.9	5	29.4	40	85.1	46	47.4
More than 1/2 time to full time	4	11.8	5	29.4	4	8.5	13	13.4
About 1/2 time	8	23.5	4	23.5	1	2.1	13	13.4
More than 1/4 time to 1/2 time	4	11.8	2	11.8	1	2.1	7	7.2
About 1/4 time	3	8.8	0	0.0	0	0.0	3	3.1
Less than 1/4 time	14	41.2	1	5.9	0	0.0	15	15.5
Missing	0	0.0	0	0.0	1	2.1	1	0.0
Total	34	100%	17	100%	47	100%	98	100%

Note: Small courts are defined, according to 2000 census data, as courts in counties where the population is less than 300,000, mid-sized courts are in counties with a population of between 300,000 and one million, and large courts are in counties with a population of over one million residents.

Table 5.4
Years of Experience as Attorney Working in Dependency
As Reported by Court-Appointed Counsel (N=185) and County Counsel (N=141)

	Court-Appointed Counsel		County Counsel	
	Count	Percent	Count	Percent
One Year or Less	2	1.1	6	4.3
1.1 to 3 years	12	6.5	15	10.6
3.1 to 5 years	28	15.1	20	14.2
5.1 to 10 Years	50	27.0	44	31.2
Over 10 Years	93	50.3	56	39.7
Total	185	100%	141	100%

Table 5.5
Trainings Attended Since Current Assignment
As Reported by Judicial Officers (N=98)

	Count	Percent
Juvenile Law and Procedure Institute	73	74.5
Beyond the Bench Conference	61	62.2
CJER's Continuing Judicial Studies Program	60	61.2
B.E. Witkin Judicial College	47	48.0
National Council of Family and Juvenile Court Judges	23	23.5
AOC Broadcasts on juvenile law issues	22	22.4
Other AOC training on juvenile law issues	16	16.3
CFCC JRTA team trainings	14	14.3
On-line juvenile dependency course on Serranus	11	11.2
National Association of Counsel for Children Conference	4	4.1
Other juvenile training	46	46.9
Did not check any	2	2.0

Note: Percentages may not total 100 because respondents were asked to check all that applied.

Table 5.6
Written Resources Considered Most Helpful
As Reported by Judicial Officers (N=98)

	Count	Percent
CJER Juvenile Benchguides	74	75.5
California Rules of Court	64	65.3
California Juvenile Courts Practice and Procedure	55	56.1
ICWA Benchguide (California Indian Legal Services)	31	31.6
JRTA Charts and materials on Title IV-E	29	29.6
CFCC Juvenile Court Administrative Deskbook	8	8.2
NCJFCJ Resource Guidelines	2	2.0
Other resources	27	27.6

Note: Percentages may not total 100 because respondents were asked to check all that applied.

Table 5.7
Barriers to Attending Dependency Trainings by Court Size
As Reported by Judicial Officers (N=98)

	Small Courts		Mid-sized Courts		Large Courts		Total	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent
No significant work-related barriers	6	17.6	2	11.8	17	36.2	25	25.5
Court has trouble covering my time away	19	55.9	7	41.2	22	46.8	48	49.0
Court budget constraints	10	29.4	14	82.4	13	27.7	37	37.8
Few dependency trainings available in my area	9	26.5	3	17.6	3	6.4	15	15.3
Travel is difficult	12	35.3	2	11.8	0	0.0	14	14.3
Available trainings do not meet my needs	1	2.9	1	5.9	2	4.3	4	4.1
Other work related barriers	9	26.5	2	11.8	5	10.6	16	16.3
Did not check any	0	0.0	1	5.9	1	2.1	2	2.0

Note: Percentages may not total 100 because respondents were asked to check all that applied. Small courts are defined, according to 2000 census data, as courts in counties where the population is less than 300,000, mid-sized courts are in counties with a population of between 300,000 and one million, and large courts are in counties with a population of over one million residents.

Table 5.8
Specialized Training in Juvenile Dependency Received Prior to Current Assignment
As Reported by Court-Appointed Counsel (N=185) and County Counsel (N=141)

	Court-Appointed Counsel		County Counsel	
	Count	Percent	Count	Percent
None	46	24.9	38	27.0
On-the-job training	101	54.6	77	54.6
Conferences, workshops, trainings	99	53.5	53	37.6
Formal work related training	55	29.7	48	34.0
Law school coursework	24	13.0	19	13.5
Law school clinical work	17	9.2	13	9.2
Other	17	9.2	17	12.1
Did not check any	0	0.0	2	1.4

Note: Percentages may not total 100 because respondents were asked to check all that applied.

Table 5.9
Barriers to Receiving Training for Attorneys
As Reported by Court-Appointed Counsel (N=185) and County Counsel (N=141)

	Court-Appointed Counsel		County Counsel	
	Count	Percent	Count	Percent
None	95	51.4	80	56.7
Few dependency trainings in area	65	35.1	16	11.3
Not financially compensated for time	57	30.8	5	3.5
Budget constraints at workplace	26	14.1	46	32.6
Travel to trainings difficult	18	9.7	7	5.0
Trainings do not meet needs	10	5.4	1	0.7
Other work related issues	33	17.8	28	19.9
Did not check any	1	0.5	3	2.1

Note: Percentages may not total 100 because respondents were asked to check all that applied.

Table 5.10
Areas where Additional Training Would be Useful
As Reported by Court-Appointed Counsel (N=185) and County Counsel (N=141)

	Court-Appointed Counsel		County Counsel	
	Count	Percent	Count	Percent
None	6	3.2	14	9.9
Mental health issues	102	55.1	45	31.9
Community resources	66	35.7	31	22.0
Special education advocacy	63	34.1	22	15.6
DSS procedures	62	33.5	35	24.8
Dependency law	60	32.4	45	31.9
Placements	51	27.6	23	16.3
Educational issues	50	27.0	39	27.7
Child development	49	26.5	35	24.8
Sexual abuse issues	49	26.5	37	26.2
Substance abuse issues	46	24.9	36	25.5
Trial practice	46	24.9	46	32.6
ICWA	43	23.2	57	40.4
Immigration	40	21.6	37	26.2
Conflicts and ethics	38	20.5	30	21.3
Cultural competency	36	19.5	22	15.6
Child abuse and neglect	28	15.1	36	25.5
Multi-court cross over issues	25	13.5	28	19.9
Domestic violence	22	11.9	34	24.1
Communication with clients	17	9.2	5	3.5
Other	14	7.6	9	6.4
Did not check any	5	2.7	4	2.8

Note: Percentages may not total 100 because respondents were asked to check all that applied.

Table 5.11
Court-Related Training Received by County Child Welfare Staff
As Reported by Child Welfare Administrators (N=36)

	None		Through County Counsel		Through Court		Through Agency		Through Other	
	Count	Percent	Count	Percent	Count	Percent	Count	Percent	Count	Percent
Dependency law updates	2	5.6	22	61.1	1	2.8	13	36.1	9	25.0
Practice and procedure guidance	7	19.4	20	55.6	0	0.0	14	38.9	7	19.4
How to write a petition	0	0.0	16	44.4	0	0.0	22	61.1	13	36.1
How to write recommended findings and orders	2	5.6	17	47.2	1	2.8	22	61.1	8	22.2
How to write other legal documents	2	5.6	15	41.7	0	0.0	22	61.1	9	25.0
How to testify	2	5.6	23	63.9	2	5.6	17	47.2	12	33.3
The courtroom environment	7	19.4	14	38.9	3	8.3	20	55.6	7	19.4

Note: Percentages may not total 100 because respondents were asked to check all that applied.

Table 5.12
Training Provided by County Child Welfare Agency
As Reported by Child Welfare Agency Administrators (N=36)

	To County Counsel		To Court	
	Count	Percent	Count	Percent
Attachment, loss, or grief	2	5.6	0	0.0
Child abuse and neglect	3	8.3	1	2.8
Child development	1	2.8	0	0.0
Communication with clients	2	5.6	0	0.0
Community resources	3	8.3	2	5.6
Cultural competency	2	5.6	1	2.8
Domestic violence	1	2.8	0	0.0
DSS procedure	5	13.9	7	19.4
Education issues	2	5.6	1	2.8
Mental health issues	2	5.6	1	2.8
Placements	2	5.6	2	5.6
Risk assessment	5	13.9	4	11.1
Sex abuse	2	5.6	1	2.8
Substance abuse	2	5.6	2	5.6
Structured Decision Making	4	11.1	4	11.1
Other	1	2.8	1	2.8

Note: Percentages may not total 100 because respondents were asked to check all that applied.

Chapter 6: Child and Family Issues and Outcomes

As described in chapter 1, improving the outcomes for children and families in the dependency system has been articulated as a goal not only by California's Court Improvement Project but also by the federal government, the state court system as a whole (in the Judicial Council's operational plan), the California Department of Social Services (through the Child Welfare Services Redesign, Program Improvement Plan, and Child and Family Services Review), and by national organizations such as the Pew Commission on Children in Foster Care.

This chapter focuses on the Adoption and Safe Families Act (ASFA) goals of safety, permanency, and child and family well-being. It draws on goals outlined in California's Program Improvement Plan and statistics from the PIP quarterly reports to provide context to the Reassessment project findings.[1]

A. Child Safety

Ensuring the safety of children in the system is the primary responsibility of the county child welfare agency. By regularly meeting with children and parents, licensing and monitoring foster families and other placements, and engaging in a variety of other activities, agency personnel undertake the overwhelmingly important job of making sure the children—both those in foster care placements and those supervised at home with their families—are safe. Statistics from the December 2004 PIP quarterly report indicate that some safety goals have already been met, while others have seen movement in the right direction; occasionally there is some backsliding.

The court's role in ensuring child safety varies. Some of the safety goals California has been addressing in its PIP are areas outside the usual purview of the courts, such as preventive services to families who do not have court cases. Other safety goals require court and agency collaborations; both parties must be actively involved to bring about positive changes. Local courts and the Administrative Office of the Courts can play a role in ensuring child safety on the

[1] Statistics for goals and outcomes reported in this chapter come from two California Department of Social Services publications: 1) *California Program Improvement Plan Quarterly Report* (December 2004), available at http://www.dss.cahwnet.gov/cfsr/res/pdf/Oct-Dec04QtrReport.pdf , and 2) *California's Title IV-B Child and Family Services Plan Annual Progress and Services Report for Federal Fiscal Year 2005* (unpublished draft, received June 21, 2005).

case level through policy changes in areas such as preventing the recurrence of maltreatment, limiting foster care reentries and improving the stability of foster care placements. For example, to minimize both the recurrence of maltreatment and foster care reentries, legislation was passed in 2004 that permits family maintenance services to be extended beyond the previous 12-month limit.[2] This allows children to remain at home, but with court oversight and child welfare agency supervision, for as long as the family requires. Rules of court implementing this new law are pending.

Even in areas in which the court is not typically involved, judicial officers can play an oversight role. This usually means that judicial officers inquire about the child's safety and make findings and orders in light of those inquiries. Respondents to the judicial officers survey are satisfied or very satisfied with the detention report's information about reasons for removing the child (85 percent), but are far less satisfied with the basis for risk assessment (there, 56 percent were satisfied or very satisfied); regulating the quality of information they receive is one of the ways member of the bench can contribute to ensuring child safety (see table 3.5).

B. Child Permanency

> The federal and state goal of ensuring timely permanency for all children in the dependency system cannot be accomplished without the involvement of the courts.

The federal and state goal of ensuring timely permanency for all children in the dependency system cannot be accomplished without the involvement of the courts. There are few, if any, aspects of permanency in which the court does not either participate or play an important oversight role.

The 1997 Assessment included one recommendation about permanency, which directed the Judicial Council, through its Juvenile Law Subcommittee, to "identify and correct financial disincentives to permanency planning and reunification" (recommendation 7). This has been accomplished to some extent. The Kinship Guardianship Assistance Payment (KinGAP) program was enacted by the California Legislature, effective January 1, 2000.[3] This act permits stable, long-term relative caregivers to establish legal permanency for their relative children by becoming the legal guardians and then exiting the foster care system while continuing to receive foster care payments. Since this program ensures that the money relatives receive is close to what they would get as foster parents, it encourages more stable placements, as well as a more normalized childhood for children who are able to get out of the dependency system entirely. Other funding discrepancies, such as those between the federal incentive payments paid to child

[2] Assem. Bill 2795 [Wolk]; Stats. 2004, ch. 332.

[3] Sen. Bill 1901 [McPherson]; Stats. 1998, ch. 1055.

welfare agencies for completed adoptions (but not for other permanent arrangements), and between what reunifying parents may receive under Temporary Assistance to Needy Families to care for their own children what guardians or foster or adoptive parents receive, have yet to be addressed.

1. Permanency Trends

When judicial officers were asked about trends in several specific permanency measures for children over the last three years, about 6 in 10 respondents said there has been no change in certain measures, and about 3 in 10 said that things have improved; few think that measures have deteriorated (table 6.1). The noted improvements include children being adopted more often (reported by 43 percent of the judicial officers), children returning to their parents more often (reported by 32 percent), and children being placed in guardianships more often (reported by 28 percent). Overall, the time it takes for a child to reach permanency has decreased, according to 41 percent of the judicial officers, or has stayed about the same, according to 35 percent. Only 15 percent feel the time to permanency has been increasing.

PIP indicators are consistent with the judicial officers' perceptions. There has been an increase in the percentage of children who are reunified within 12 months of their last removal.[4] Similarly, the percentage of children being adopted within 24 months of their entry to foster care has increased.[5] Another PIP goal was to reduce the number of children in foster care for many months with neither a termination of parental rights nor a preadoptive or permanent placement. This goal has been met as well.[6]

The surveyed attorneys report that guardianships are established in a timely fashion more often than are adoptions (table 6.2). County counsel have a far brighter recollection of timeliness than do court-appointed counsel. Eighty-eight percent of the county counsel think that guardianships are often or always established in a timely fashion, while only 67 percent of court-appointed counsel think this. Forty-five percent of county counsel and 26 percent of court-appointed counsel think that adoptions are finalized in a timely manner.

When asked about the reasons for delays in the adoption of a permanent plan, both court-appointed and county counsel—about 7 in 10—agree that notice problems with the 366.26 hearing are a very likely reason for a delay (see table 4.7). Beyond that, the two sets of attorneys

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[4] The goal of permanency outcome 1, item 8, to increase this percentage from 53.2 to 57.2 was met by the end of 2003; by the end of 2004 the percentage was 63.4.

[5] The percentage increased from 18 to 20.9 in 2003, and to 27.6 at the end of 2004. The goal of permanency outcome 1, item 9, was met.

[6] The goal of PIP systemic factor 2, case review system, item 28, was a decrease in the percentage of children in care for at least 17 of the last 22 months without a termination of parental rights (who are not runaways, on a trial home visit, or in placement with a relative, guardian, or preadoptive parent) from 89.5 percent to 87.5 percent. This goal was exceed by December 2004; it is now 87.0 percent.

disagree. For court-appointed parents' and children's attorneys, the next most common reason is that adoption assessment reports are not ready; these attorneys are about twice as likely to see this as a common cause than are county counsel. The two groups agree that the unavailability of prospective parents is a moderate cause of delay at this stage. County counsel are over four times more likely to attribute the delay to unprepared attorneys than are court-appointed counsel although neither group rated this in high numbers. The two groups of respondents disagree most about delays that can be attributed to court-appointed counsel or to the child welfare department.

2. Permanency Planning

To achieve timely permanent plans for children, work toward those outcomes must begin early in each case. This often requires that reunification efforts begin as soon as the child is removed, that concurrent planning—planning for an alternative permanent plan should reunification fail—be done routinely, and that permanency goals be established, and regularly reevaluated. The best permanency outcomes can be achieved when all plans are considered for every child.

Reunification services are provided to most children who are removed from their homes in California. Services for at least 6 or 12 months (depending on the age of the child) are mandated, unless the case fits within one of the statutory exceptions outlined in section 361.5(b) of the Welfare and Institutions Code.[7]

To ensure that children who cannot return home do not remain in foster care for unnecessarily long periods of time, concurrent planning should begin early in each case. Although concurrent planning has been required under California as well as federal law for some time, the PIP identifies the need for further work on concurrent planning as an important step to improve permanency outcomes. Both the Department of Social Services and the courts are taking steps to ensure full implementation of concurrent planning. DSS's efforts to implement this PIP action step include adding concurrent planning to the county self-assessment process in the Child and Family Services Review, documenting successful county-level strategies for concurrent planning implementation, issuing an all-county information notice describing promising practices in this area,[8] and updating the training curriculum for child welfare staff.[9] Currently, DSS provides technical assistance to counties to improve their use of concurrent planning and their

[7] Reunification services need not be provided to a parent or guardian when the court finds by clear and convincing evidence any circumstance listed in section 361.5(b) including, but not limited to, the death of another child caused by abuse or neglect; the child being brought within the jurisdiction of the court due to severe sexual abuse or the infliction of severe physical harm to the child or a sibling; the willful abandonment of the child by the parent or guardian, constituting a serious danger to the child; the termination of parental rights or reunification services to a sibling; the conviction of the parent or guardian of a violent felony as defined in section 667.5(c) of the Penal Code. Welf. & Inst. Code, §§ 361.5(b)(4), (6), and (9)–(12); Cal. Rules of Court, rule 1456 (f)(5)(I). See also 42 U.S.C. § 671(a)(15)(D); 45 C.F.R. § 1356.21(b)(3).

[8] All-County Information Notice, ACIN 1-23-04.

[9] For details about these efforts, see the December 2004 PIP quarterly report.

implementation of system improvement plans. On the court side, the JRTA team at the AOC is collaborating with DSS to provide technical assistance and monitoring about permanency issues, including concurrent planning, as required by the PIP (see chapter 7 for a more detailed description of this project).

> The AOC's JRTA team is collaborating with DSS to provide technical assistance and monitoring about permanency issues and concurrent planning.

Although these state-level initiatives are important, the actual work of concurrent planning takes place at the county level. The Reassessment survey asked child welfare administrators to indicate which concurrent planning practices their agencies engage in, out of a list of nine case-level and management-level practices (table 6.3). Nearly all the respondents report that they consider all permanency options early in the case and make early recommendations on the family's suitability for reunification. Also, about two-thirds have the same worker responsible for both family reunification and permanency planning. Thirty percent of administrators report that reunification and adoption workers function as a team. Beyond how case work is organized, child welfare organizations encourage concurrent planning by recruiting foster and adoption homes (61 percent) and provide training and policy development (64 percent); moreover, 42 percent explain the centrality and salience of concurrent planning to their staff and the community in order to create the buy-in necessary for the meaningful implementation of this challenging goal.

Closely related to the concurrent planning requirement is a requirement that a permanency goal be established for each child in foster care at the time of the initial permanency hearing, and then reassessed later as needed. The PIP includes the goal of increasing the percentage of children for whom a permanency goal is established in a timely manner from 67.4 percent to 70.4 percent (permanency outcome 1, item 7). This goal has been attained. When asked about establishing permanency goals for children in a planned permanent living arrangement, 71 percent of the judicial officers indicate that when they enter the PPLA order, they also state a permanency goal for the child (table 6.4).

The case plan is a vital component of the dependency process, and its goals ought to be appropriate and reasonably attainable by the family. Involving families in the case plan allows workers to account for their needs and preferences as much as possible, as well as giving workers needed information to customize a workable plan. Child welfare administrators were asked what social workers do to involve parents and older children in case planning (table 6.5). Every respondent indicates that the agency simply does involve parents and children, or that it directs employees in specific methods of doing so. Parents are involved far more often than are children: 32 percent of the child welfare administrators said that parents must sign the case plan, and 75 percent say that social workers review the plan with the parents after it is written, and 56 percent say that parents are involved in the creation of the plan. Very few social workers are required to ask for the child's signature on the case plan, although 44 percent of the

administrators say that workers do involve children during its creation, and 36 percent say that a plan is reviewed with the child after it is written.[10]

Attorneys were asked about permanency planning and implementation in their caseloads and about the frequency with which social workers and judicial officers perform various functions (table 6.6). About 9 in 10 county counsel and 5 in 10 court-appointed counsel report that social workers often or always consider all permanent plans for each child. Judicial officers are very likely, according to these survey respondents, to consider all permanency plans that are presented to them (95 percent of county counsel and 82 percent of court-appointed counsel say that judicial officers do that often or always). Further, over one-half of the attorneys think that judicial officers often or always make inquiries about anything those plans may lack. A little over two-thirds of the attorneys (65 percent of the court-appointed counsel and 72 percent of the county counsel) think that, when necessary, timely 366.26 hearings are held.[11] There are certainly many circumstances under which selecting a planned permanent living arrangement before conducting a 366.26 hearing is appropriate or desirable. Still, as the attorneys report, that does not happen very often.

> The thing that seems to me to delay permanency the most is the argument about whether reasonable services are provided.
>
> —*Judicial Officer*

When asked an open-ended question to describe changes in permanent placement over the last three years, there was some convergence of opinion among judicial officers. Many felt that there has been an increased emphasis on adoption and relative placement as well a commitment to place children with families who are willing to adopt. They were also asked about what changes they would like to see occur in order to improve permanency. Many comments revolved around the notion that the bench can insist that things be done better by aggressively pursuing matters not to their liking. For instance, they said that they could: not grant continuances, hold social workers accountable, withhold approval of a placement change when the new placement is not a potentially permanent one, hold frequent hearings until a permanent plan is created, refuse to accept that a child over 8 is not adoptable, and insist that needed services are provided. Some adopted a broader perspective and thought that child welfare resources needed to be increased, and that a strengthened community could improve permanency for children.

[10] Case plans that do not take into account the needs of the clients can inadvertently encourage failure. One focus group participant, a parent who said he had severe social phobias as well as a substance-abuse addiction (and that the former exacerbated the latter), was failing at drug treatment because he was unable to convince the appropriate people about his inability to function in group settings such as 12-step meetings, an element in his case plan.

[11] Recall from the discussion of Table 4.7 that noticing in preparation for a 366.26 can be problematic.

3. Permanency Outcomes

Decreasing the number of children in planned permanent living arrangements is an important goal identified in the PIP. Specifically, the PIP seeks to reduce the number of children whose permanency goal is long-term foster care at two years after entry from 34.3 percent to 31.3 percent (permanency outcome 1, item 10). The most recent available data, from the June 2005 annual report, show that the percentage has increased to 31.1.

The court's role in decreasing the number of children with these least permanent of plans takes a few forms. First, courts must ensure that all other permanency options are seriously considered—by the social worker and the court itself—before a PPLA is ordered. Second, the courts must ensure that PPLAs, once ordered, are regularly reviewed and that the child's plan is changed to something more permanent if such an option is available. In the Reassessment survey, the judicial officers were asked, "Which of the following often happens (in at least 2 out of 3 cases) when 'planned permanent living arrangement' or 'long-term foster care' is ordered?" (See table 6.4.) Seventy-eight percent of the respondents indicate that the social worker first demonstrates that all other permanency options have been explored and rejected, and 50 percent indicate that when they enter this order, they specify where the child will be placed.

Attorneys were also asked whether other permanent plans are not considered once a child is in a PPLA (table 6.7). Very few attorneys thought this closing of options happened very often. About three-quarters of the county counsel and about 5 in 10 court-appointed counsel think this happens never, rarely, or occasionally. It is encouraging that very few of either set of attorneys think that this is the norm.

There are more common difficulties associated with finding adoptive or guardian homes for children. More than 75 percent of attorneys think that a child's older age is often or always a barrier. About 73 percent of court-appointed counsel and 69 percent of county counsel think that a child's special needs (whether mental, behavioral, or physical) are a challenge often or always. Twenty-nine percent of court-appointed counsel and 16 percent of county counsel believe that a lack of prospective families in their area is a barrier often or always.

4. Exiting the System

Children who leave the dependency system without having been adopted or placed in a guardianship face unique challenges. California enacted legislation requiring that a hearing be held before these cases are dismissed by the court.[12] The purpose of these "391" hearings (so called after the section of the Welfare and Institutions Code mandating them) is to ensure that a child is not released from the system without a place to live, a source of income, medical insurance, a job or a school program in place, and with copies of the birth certificate and other

[12] See Welf. and Inst. Code § 391 and Cal. Rules of Court, rule 1466(d).

necessary documents. Although it is mandatory for the court to conduct a 391 hearing for each child aging out of the system, the judicial officers survey found that only about 38 percent of them report holding these hearings nearly always or always for children who were aging out of the system, and a surprisingly large number admit holding them never or rarely (28 percent) or only occasionally (15 percent, table 6.8).

Child welfare administrators were asked to comment not on the 391 hearings themselves, but on the underlying services that their agencies provide or coordinate for these youth (see parts of table 6.9). Of the three relevant items in this survey question, administrators are most satisfied with Independent Living Program services (78 percent were satisfied or very satisfied). The most common response to services to assist foster youth in establishing adult connections is "neither satisfied nor dissatisfied," which may be due to the newness of this mandated service.[13] About 5 in 10 of the administrators are dissatisfied or very dissatisfied with services to help foster youth retain housing.

Attorneys are less sanguine about services for youth aging out of the system than are child welfare administrators (see parts of table 6.10). About one-half of the county counsel and one-quarter of court-appointed counsel are satisfied or very satisfied with Independent Living Program services (compared to more than three-quarters of the administrators). Less than one-third of the county counsel and one-tenth of court-appointed counsel are satisfied with services that help youth maintain important adult connections.

Equally important for youth both while they are in the system and when they are aging out of it is ensuring that they have ongoing connections with siblings and other family members who are important to them. The PIP includes the goal of increasing the baseline number of children whose primary connections (defined as "family, friends, community, and racial heritage") are preserved, but that has not yet happened.[14]

Parent-child visitation is an essential element in most case plans when children have been removed from the home. Yet nearly 60 percent of the parents' and children's court-appointed attorneys are either dissatisfied or very dissatisfied with the frequency of parent-child visitations (table 6.10). In contrast, 58 percent of the county counsel are satisfied with the frequency of visitations. And when asked to assess their satisfaction with information in social worker reports about children's contact with their parents, about 70 percent of the judicial officers report being satisfied or very satisfied with the information they receive.

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[13] Recent legislation also requires that special efforts be made—by the social worker and the court—to ensure that each child placed for six months or longer in a group home has at least one identified adult connection. Assem. Bill 408 [Steinberg]; Stats. 2003, ch. 813, and the cleanup bill, Assem. Bill 2807 [Steinberg]; Stats. 2004, ch. 810.

[14] The goal was to increase it by 3 points, from 89.3 percent to 92.3 percent (permanency outcome 2, item 14). As of January 2005, this figure had increased 1.2 percent, to 90.5 percent , which, although high, does not meet the PIP goal.

California law puts special emphasis on maintaining relationships among siblings and includes provisions for placing them together, encouraging sibling visitation, and even looking to siblings when considering whether adoption is in a particular child's best interests. About one-half of the respondents to the judicial officers survey are satisfied or very satisfied with the information they receive in social worker reports about children's contact with their siblings, and about one quarter are dissatisfied or very dissatisfied with this information. Most attorneys agree that siblings are never, rarely, or only occasionally placed together; however, court-appointed counsel are far more likely than county counsel to think that becomes the case only after placement together has been explored and rejected (table 6.11). They are also more likely to believe that sufficient sibling visitation takes place, even after one sibling is in a guardianship or adoptive home.

In one foster youth focus group, four participants said that they were only a few months away from exiting the system. Their readiness for emancipation was mixed. While none had concrete plans for work, school, or housing, three were in the process of applying to college.

C. Well-Being

Child welfare administrators were asked to rate their satisfaction with eight common services that are offered to parents in dependency cases (table 6.12). They are most satisfied with drug-testing services (75 percent are satisfied or very satisfied), followed by parenting classes (66 percent), individual counseling (64 percent), and supervised visitation (64 percent). They are most dissatisfied with in-patient drug treatment.

The administrators were also asked about their satisfaction with 14 services available to child clients (table 6.9). Respondents seem quite dissatisfied with a large number of them. Only 33 percent are satisfied or very satisfied with services to meet educational needs, and only 17 percent are satisfied with group homes for youth with special needs. While 58 percent are satisfied with psychological evaluations, and 56 percent are satisfied with individual counseling, only 15 percent are satisfied with psychiatric hospitals, and only 20 percent are satisfied with other mental health services. More than three-quarters of the respondents are satisfied with physical health care, and 50 percent are satisfied with wraparound services (services delivered to children and their families with the goal of keeping the child in school and in an intact family).

Judicial officers should receive information about the availability of reunification services, as that speaks to the realistic probability that case plans can be followed. A full quarter of those responding to our survey indicated that they are dissatisfied or very dissatisfied about information they receive about the availability of reunification services (table 6.13).

Services can be extended past 12 months in certain circumstances, including those situations in which the parents are likely to benefit by the extension, and when reasonable services are found

to have not been offered. When asked how often services are extended to the 18-month period, 37 percent of court-appointed counsel and 18 percent of county counsel say that it happens often or always (table 6.14).

When asked to choose the most common reasons (from a list of six) that extensions are granted, 79 percent of the court-appointed counsel say the parents need more time, and closely related to that, 64 percent say parents experienced delays in accessing required services (table 6.15). The third most common reason is that children are delayed in accessing needed services (29 percent). County counsel are in agreement: 71 percent say that parents need more time, and 35 percent say that delays in parents' securing services are common reasons for extension of services.

Attorneys representing children and parents were asked to select the most common barriers to acquiring services that children and parents may experience (Table 6.16). About their children's clients, attorneys report that the four most common barriers (noted by 41 – 57 percent of child attorneys) are: lack of needed services, location or transportation issues, social worker not proactive (in helping children enroll in services), and waiting lists. The top four barriers for parents, according to their attorneys are: location or transportation issues, waiting lists, lack of needed services, and that the volume of court-ordered treatment is burdensome (reported by 46 to 59 percent of parent attorneys).

D. Conclusion

The court's role in ensuring the safety, well-being, and permanency can happen in a myriad of fashions, from making judicial inquiries during hearings, to ensuring appropriately timely progression of cases, holding attorneys and social workers accountable, and finally, to working collaboratively with child welfare and in the community to improve the quality and availability of services. The courts should continue to strive to meet these goals, monitoring both short-term and long-term outcomes for families in the dependency system, and to make every effort to work collaboratively to uncover areas for improvement.

E. Data Tables

The following section contains the tables referenced throughout chapter six. Methodology for the data collection can be found in Appendix C and full copies of the surveys used in some of the data collection can be found in Appendix E.

Table 6.1
Changes Over the Last Three Years in Permanent Placements for Children
As Reported by Judicial Officers (N=68)

	More Often	Less Often	About the Same	Do Not Know	Missing	Total
Children are going to specified placements	25.0	4.4	57.4	8.8	4.4	100%
Children are going into guardianships	27.9	5.9	57.4	5.9	2.9	100%
Children are being adopted	42.6	1.5	48.5	4.4	2.9	100%
Children are returning home to their parents	32.4	5.9	55.9	4.4	1.5	100%

Overall, time to permanency has:

	Count	Percent
Increased	10	14.7
Decreased	28	41.2
Stayed about the same	24	35.3
Do not know	4	5.9
Missing	2	2.9
Total	68	100%

Note: Only judicial officers indicating they had been hearing dependency cases for three years or more were included in this sample.

Table 6.2
Frequency of Circumstances When Adoption or Guardianship is Ordered by the Court
As Reported by Court-Appointed Counsel (N=185) and County Counsel (N=141)

	Never or Rarely	Occasionally	Sometimes	Often	Nearly Always or Always	Don't Know	Missing	Total
Court-Appointed Counsel								
Adoption is selected as permanent plan before potential adoptive families have been found	15.7	27.0	25.4	22.7	2.7	5.4	1.1	100%
Adoptions are finalized in a timely fashion	11.4	21.6	27.0	18.9	7.0	13.0	1.1	100%
Guardianships are established in a timely fashion	1.1	8.1	16.2	47.0	20.0	6.5	1.1	100%
County Counsel								
Adoption is selected as permanent plan before potential adoptive families have been found	30.5	22.0	28.4	14.2	0.7	1.4	2.8	100%
Adoptions are finalized in a timely fashion	1.4	11.3	32.6	32.6	12.1	7.8	2.1	100%
Guardianships are established in a timely fashion	0.0	0.7	7.8	47.5	40.4	1.4	2.1	100%

Table 6.3
Practices Used to Implement Concurrent Planning
As Reported by Child Welfare Administrators (N=36)

	Count	Percent
None	0	0.0
Early assessment to make recommendations on family's suitability for reunification	32	88.9
Early consideration of all permanency options	34	94.4
Social worker asks family if they are interested in relinquishing child for adoption	19	52.8
Same worker responsible for family reunification and permanency planning	22	61.1
Family reunification and adoption workers function as a team	11	30.6
Family reunification and adoption workers communicate but do not work as a team	24	66.7
Recruitment of concurrent or fost-adopt homes	22	61.1
Training and policy development	23	63.9
Value clarification for staff or community	15	41.7

Note: Percentages may not total 100 because respondents were asked to check all that applied.

Table 6.4
Situations which Happen Often when Planned Permanent Living Arrangement is Ordered
As Reported by Judicial Officers (N=96)

	Count	Percent
The social worker first demonstrates that all other permanency	75	78.1
When I enter this order, I also state a permanency goal for the child	68	70.8
When I enter this order, I specify where the child will be placed	48	50.0
Varies too much to say	10	10.4
Did not check any	2	2.1

Note: Percentages may not total 100 because respondents were asked to check all that applied. Often is defined as "at least 2 out of 3 times."

Table 6.5
Practices Used to Involve Parents and Older Children in Case Planning
As Reported by Child Welfare Administrators (N=36)

	Count	Percent
Parent's signature on case plan must be requested	33	91.7
Child's signature must be requested	4	11.1
Workers must review case plan with parents after it is written	27	75.0
Workers must review case plan with child after it is written	13	36.1
Workers create case plan with parent involvement	20	55.6
Workers create case plan with child involvement	16	44.4
Our agency supports involving parents and children in the development of their case plans but we do not specifically direct social worker activity in this area	21	58.3
Other	8	22.2

Note: Percentages may not total 100 because respondents were asked to check all that applied.

Table 6.6
Frequency of Actions Regarding Permanency Planning and Implementation by Type of Action As Reported by Court-Appointed Counsel (N=185) and County Counsel (N=141)

	Never or Rarely	Occasionally	Sometimes	Often	Nearly Always or Always	Don't Know	Missing	Total
Court-Appointed Counsel								
Social workers consider all permanent plans for each child	6.5	9.7	22.7	29.2	25.9	3.8	2.2	100%
Court considers all permanent plans that are presented	2.2	3.2	8.6	28.1	53.5	2.2	2.2	100%
Court inquires about anything those plans may lack	10.3	11.9	24.3	28.6	21.1	2.2	1.6	100%
Court selects a plan of long-term foster care/planned permanent living without conducting a 366.26 hearing first	34.1	35.1	15.1	4.9	5.9	3.2	1.6	100%
When necessary, timely subsequent 366.26 hearings are held	2.7	7.6	17.8	27.6	37.8	4.9	1.6	100%
County Counsel								
Social workers consider all permanent plans for each child	0.0	0.7	5.0	29.1	62.4	1.4	1.4	100%
Court considers all permanent plans that are presented	0.0	1.4	1.4	18.4	76.6	0.7	1.4	100%
Court inquires about anything those plans may lack	2.8	12.1	22.0	25.5	34.8	0.7	2.1	100%
Court selects a plan of long-term foster care/planned permanent living without conducting a 366.26 hearing first	34.8	27.7	19.1	10.6	5.0	2.1	0.7	100%
When necessary, timely subsequent 366.26 hearings are held	0.7	7.1	15.6	27.7	44.7	3.5	0.7	100%

Table 6.7
Frequency of Difficulties Finding Family or Guardians for Youth in Planned Permanent Living Arrangements As Reported by Court-Appointed Counsel (N=185) and County Counsel (N=141)

	Never or Rarely	Occasionally	Sometimes	Often	Nearly Always or Always	Don't Know	Missing	Total
Court-Appointed Counsel								
Child's older age	0.5	3.2	14.1	51.9	25.9	2.2	2.2	100%
Child's mental, behavioral, or physical difficulties, or special needs	0.0	4.3	17.8	57.3	15.7	2.7	2.2	100%
Other permanent plans aren't considered once a child is in long-term foster care	25.9	27.6	19.5	16.2	3.8	5.4	1.6	100%
There is a general shortage of prospective adoptive families in our area	16.2	15.7	11.9	23.8	4.9	25.4	2.2	100%
County Counsel								
Child's older age	0.7	2.8	9.2	60.3	20.6	5.7	0.7	100%
Child's mental, behavioral, or physical difficulties, or sped needs	0.7	5.7	21.3	48.2	20.6	3.5	0.0	100%
Other permanent plans aren't considered once a child is in long-term foster care	49.6	27.0	13.5	2.8	1.4	5.0	0.7	100%
There is a general shortage of prospective adoptive families in our area	14.2	17.7	24.8	11.3	4.3	26.2	1.4	100%

Table 6.8
Frequency of WIC 391 Hearings for Children Aging Out of Foster Care As Reported by Judicial Officers (N=94)

	Count	Percent
Never or Rarely	26	27.7
Occasionally	14	14.9
Sometimes	4	4.3
Often	5	5.3
Nearly always or always	36	38.3
Don't Know	5	5.3
Missing	4	4.3
Total	94	100.0

Table 6.9
Satisfaction with Services Offered to Child Clients by Type of Service Offered
As Reported by Child Welfare Administrators (N=27 - 36)

	Very Satisfied	Satisfied	Neither Satisfied or Dissatisfied	Dissatisfied	Very Dissatisfied	Don't Know	Missing	Total	Not Available
ILP programs	19.4	58.3	5.6	13.9	0.0	0.0	2.8	100%	0.0
Physical health care	11.1	66.7	8.3	11.1	0.0	0.0	2.8	100%	0.0
Drug testing	8.8	52.9	17.6	14.7	0.0	5.9	0.0	100%	5.6
Psychological evaluation	19.4	38.9	16.7	22.2	2.8	0.0	0.0	100%	0.0
Individual counseling	11.1	44.4	16.7	25.0	0.0	0.0	2.8	100%	0.0
Wraparound services	14.3	35.7	21.4	25.0	0.0	0.0	3.6	100%	22.2
Drug treatment	2.9	37.1	2.9	45.7	8.6	0.0	2.9	100%	2.8
Other services for youth aging out of care	0.0	36.7	23.3	36.7	3.3	0.0	0.0	100%	16.7
Services to assist foster youth in establishing adult connections	9.4	25.0	34.4	21.9	3.1	3.1	3.1	100%	11.1
Services to meet educational needs	5.6	27.8	25.0	33.3	5.6	0.0	2.8	100%	0.0
Housing for youth aging out of care	3.7	22.2	14.8	40.7	11.1	0.0	7.4	100%	25.0
Other mental health services	5.7	14.3	20.0	51.4	8.6	0.0	0.0	100%	2.8
Group homes for youth with special needs	6.9	10.3	17.2	41.4	24.1	0.0	0.0	100%	19.4
Psychiatric hospitals	3.8	11.5	11.5	38.5	30.8	3.8	0.0	100%	27.8

Note: Only respondents indicating that a service were available was included in the satisfaction analysis.

Table 6.10
Satisfaction with Activities that Occur When Children are in Placement by Type of Activity
As Reported by Court-Appointed Counsel (N=165 - 184) and County Counsel (N=137 - 140)

	Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied	Don't Know	Missing	Total
Court-Appointed Counsel								
Frequency of social worker visits with children	3.9	33.1	35.9	20.4	4.4	1.7	0.6	100%
Frequency of social worker visits with parents	1.6	17.6	27.5	35.2	11.0	6.6	0.5	100%
CASA advocacy	22.9	36.7	18.1	7.2	7.8	6.6	0.6	100%
Frequency of child and parent visits	1.6	16.8	20.1	34.8	25.0	0.0	1.6	100%
Child's placement in the least restrictive setting	3.3	36.6	21.9	26.8	8.7	1.6	1.1	100%
Reunification services provided to parents or guardians	4.3	33.7	17.9	30.4	12.0	0.5	1.1	100%
Reunification services provided to children	1.7	30.2	21.8	27.4	14.5	2.8	1.7	100%
Evaluation of relatives and non-related extended family members for placement	3.8	26.1	15.8	37.5	15.2	0.0	1.6	100%
The quality of the independent living services available to youth	5.0	20.7	27.4	23.5	11.2	10.6	1.7	100%
The quality of other services available to youth preparing to	3.9	16.0	26.0	29.3	12.7	11.0	1.1	100%
The assistance available to youth to maintain relationships with adults who are important to them	1.6	5.5	26.8	35.5	19.1	10.4	1.1	100%
County Counsel								
Frequency of social worker visits with children	17.3	48.9	22.3	4.3	1.4	2.9	2.9	100%
Frequency of social worker visits with parents	14.4	56.1	20.1	2.2	0.7	3.6	2.9	100%
CASA advocacy	8.7	41.7	28.3	10.2	2.4	5.5	3.1	100%
Frequency of child and parent visits	10.7	47.1	21.4	10.0	5.0	3.6	2.1	100%
Child's placement in the least restrictive setting	22.1	57.1	11.4	2.1	0.7	3.6	2.9	100%
Reunification services provided to parents or guardians	32.1	52.9	7.1	3.6	0.7	1.4	2.1	100%
Reunification services provided to children	28.1	47.5	13.7	5.8	0.7	2.2	2.2	100%
Evaluation of relatives and non-related extended family members for placement	28.8	56.8	6.5	4.3	0.7	0.7	2.2	100%
The quality of the independent living services available to youth	18.0	34.5	20.1	7.2	2.2	15.8	2.2	100%
The quality of other services available to youth preparing to	12.9	26.6	18.7	14.4	2.2	23.0	2.2	100%
The assistance available to youth to maintain relationships with adults who are important to them	8.8	23.4	24.8	11.7	2.2	26.3	2.9	100%

Note: There were 14 county counsel and 19 court-appointed counsel indicating "not applicable" to CASA advocacy.

Table 6.11
Frequency of Instances Where the Following Occurs When Cases Involve Siblings
As Reported by Court-Appointed Counsel (N=185) and County Counsel (N=141)

	Never or Rarely	Occasionally	Sometimes	Often	Nearly Always or Always	Don't Know	Missing	Total
Court-Appointed Counsel								
Siblings are placed together	1.1	8.6	35.7	45.4	4.9	1.1	3.2	100%
Siblings are placed apart only after placement together has been explored and rejected	4.9	20.5	23.8	29.2	17.3	2.7	1.6	100%
Sufficient visitation takes place among siblings not placed together	14.6	35.7	31.4	10.3	2.2	4.9	1.1	100%
Sufficient visitation takes place when one or more siblings is in a guardianship or has been adopted	32.4	31.9	16.2	2.7	0.5	14.6	1.6	100%
County Counsel								
Siblings are placed together	0.0	5.0	27.7	56.0	7.8	3.5	0.0	100%
Siblings are placed apart only after placement together has been explored and rejected	2.1	8.5	13.5	31.9	40.4	2.8	0.7	100%
Sufficient visitation takes place among siblings not placed together	0.7	12.8	42.6	30.5	7.8	5.7	0.0	100%
Sufficient visitation takes place when one or more siblings is in a guardianship or has been adopted	3.5	31.2	22.7	11.3	1.4	29.8	0.0	100%

Table 6.12
Satisfaction with Services Offered to Adult Clients by Type of Service Offered
As Reported by Child Welfare Administrators (N=30 - 36)

	Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied	Don't Know	Total	Not Available
Drug testing	30.6	44.4	13.9	11.1	0.0	0.0	100%	0.0
Parenting classes	20.0	45.7	20.0	8.6	5.7	0.0	100%	2.8
Individual counseling	13.9	50.0	13.9	22.2	0.0	0.0	100%	0.0
Supervised visitation	21.2	42.4	21.2	12.1	3.0	0.0	100%	8.3
Family counseling	8.6	48.6	20.0	22.9	0.0	0.0	100%	2.8
Out-patient drug treatment	22.9	34.3	20.0	20.0	2.9	0.0	100%	2.8
Psychological evaluation	22.9	28.6	20.0	25.7	2.9	0.0	100%	2.8
In-patient drug treatment	16.7	20.0	20.0	30.0	13.3	0.0	100%	16.7

Note: Only respondents indicating that a service was available were included in the satisfaction analysis.

Table 6.13
Satisfaction with the Quality of Information Regarding the Availability of Reunification Services As Reported by Judicial Officers (N=98)

	Count	Percent
Very Satisfied	6	6.2
Satisfied	36	37.1
Neither Satisfied nor Dissatisfied	28	28.9
Dissatisfied	20	20.6
Very Dissatisfied	5	5.2
Don't know	2	2.1
Missing	1	1.0
Total	98	100.0

Table 6.14
Frequency of Reunification Services Being Extended to 18 Months As Reported by Court-Appointed Counsel (N=185) and County Counsel (N=141)

	Court-Appointed Counsel		County Counsel	
	Count	Percent	Count	Percent
Never or Rarely	7	3.8	5	3.5
Occasionally	43	23.2	30	21.3
Sometimes	64	34.6	70	49.6
Often	60	32.4	24	17.0
Nearly always or always	8	4.3	2	1.4
Don't Know	1	0.5	8	5.7
Missing	2	1.1	2	1.4
Total	185	100.0	141	100.0

Table 6.15
Reasons for Extending Reunification Services to 18 Months As Reported by Court-Appointed Counsel (N=185) and County Counsel (N=141)

	Court-Appointed Counsel		County Counsel	
	Count	Percent	Count	Percent
Parents need more time to benefit from services	145	78.8	100	71.4
Delays in parents accessing required services	117	63.6	49	35.0
Other	41	22.3	32	22.9
Delays in children accessing needed services	29	15.8	4	2.9
Varies too much to say	14	7.6	15	10.7
Our court routinely extends services to 18 months	13	7.1	10	7.1
None, our court rarely or never extends reunification services to 18 months	6	3.3	4	2.9

Note: Percentages may not total 100 because respondents were asked to check all that applied.

Table 6.16
Common Barriers to Services by Children and Parents
As Reported by Court-Appointed Counsel Representing Children (n=173) and Parents (n=150)

	Count	Percent
Barriers for children		
Lack of needed services	98	56.6
Location/transportation	90	52.0
Social worker not proactive	76	43.9
Waiting lists	71	41.0
Caregiver not proactive	48	27.7
Quality of services	43	24.9
Hours of operation	30	17.3
Language	7	4.0
Barriers for parents		
Location/transportation	88	58.7
Waiting lists	85	56.7
Lack of needed services	68	46.0
Volume of court-ordered treatment is burdensome	68	46.0
Cost	56	37.3
Hours of operation	44	29.3
Quality of services	30	20.0
Language	16	10.7
Conflicting orders with other cases	5	3.3

Chapter 7: Collaboration

A. Introduction

California's dependency courts are in a constant state of change and improvement. The best results are achieved when the courts partner with child welfare stakeholders and community agencies to identify and resolve issues from a united perspective. The Reassessment found that California courts are involved in collaborative efforts at many levels. This chapter discusses some of the partnerships that have been formed in California on a national, statewide, and local basis to improve the dependency system.

B. National Collaborative Activities

Pew Commission on Children in Foster Care

The Pew Commission on Children in Foster Care was established in 2003 as an independent, nonpartisan entity dedicated to developing effective, practical policy recommendations to improve the foster care system. Of primary importance to the Commission are preventing unnecessary placements of children in foster care and expediting the movement of such children from foster care into safe, permanent, nurturing families.

The commission included some of the nation's leading child welfare experts, heads of state and local child welfare agencies, prominent judges, social workers, foster and adoptive parents, former foster youth, and others. William C. Vickrey, Administrative Director of the California Courts, served as a member of the Pew Commission on Children in Foster Care.

After the release of the commission's final report, *Fostering the Future*[1], in May 2004, the California Judicial Council voted to commend the Pew Commission for its comprehensive analysis and recommendations on improving outcomes for children in foster care, and said "that the judicial branch will work with state and local entities and community partners to realize the commission goals, and urges Congress to act on the recommendations as an entire package."

[1] Fostering the Future: Safety, Permanence and Well-Being for Children in Foster Care. The Pew Commission on Children in Foster Care, 2004. *www.pewfostercare.org/research/docs/FinalReport.pdf*

The project staff has taken the lead in disseminating the commission's recommendations in California. The June 2004 meeting of the Judicial Council's Family and Juvenile Law Advisory Committee and the 2004 Beyond the Bench conference both included presentations and discussions of the Pew Commission recommendations. The Pew recommendations were also incorporated into the *2005 Reassessment* recommendations where appropriate.

C. Statewide Collaborative Activities

1. Child and Family Services Review

The federal Department of Health and Human Services Administration for Children and Families (ACF) reviewed each state's child welfare service programs using performance-based criteria. The Child and Family Services Review (CFSR) process examined the delivery of child welfare services and the outcomes for children and families served by child protective services, foster care, adoption, and other related programs. The primary elements of the review were statewide data collection and analysis; a weeklong, on-site review in three of California's counties, in September 2002; and a state self-assessment. The examined outcomes fell into three categories: child safety; permanency; and child and family well-being. The review also looked at seven systemic factors. The Reassessment staff served on the statewide team that prepared the state for the CFSR, as well as serving as reviewers for the 2002 on-site review. The final CFSR report for California was released on January 10, 2003. California was found not to be in substantial conformity.

2. Involvement in California's Program Improvement Plan

The Reassessment team participated in the working group that made recommendations regarding the development of the Program Improvement Plan (PIP), which was required to address deficiencies in the state's child welfare program identified in the CFSR.

California's PIP was approved by the federal government on June 24, 2003. Since that time, the California Department of Social Services, in collaboration with county welfare directors, federal staff from the Children's Bureau regional office and others has been engaged in activities related to the implementation of the PIP. The Reassessment team has actively participated throughout the PIP implementation period, particularly the provisions of the PIP related to judicial education.

In the 2003–2004 fiscal year, participation by the Reassessment team encompassed the following activities:

- Drafting and circulating for comment revised rules and a revised form implementing Assembly Bill 408, regarding the maintenance of children's significant relationships (PIP permanency outcome 1, item 8; permanency outcome 2, item 14) and requiring courts to ensure that children have notice of court proceedings;

- Developing a protocol with the Department of Social Services for the Judicial Review and Technical Assistance (JRTA) attorneys to provide technical assistance to judges in issues relating to the termination of parental rights and to concurrent planning (permanency outcome 1, items 7, 9, and 28);
- Publishing the CFCC's *Juvenile Court Administrative Deskbook* to assist judicial officers and court staff in all aspects of juvenile court administration, including general administrative tasks, the legal representation of parties, working with Indian tribes, meeting the educational needs of children, and understanding the agencies that judicial officers regularly interact with (permanency outcome 2, item 14; well-being outcome 1, item 17; well-being outcome 2, item 21; systemic factor 2, item 28);
- Implementing revised form JV-320, and circulating for comment revised rules 1461, 1462, and 1463, to ensure that a permanency goal is established for any child whose permanent plan is not adoption or guardianship (permanency outcome 1, items 7 and 10);
- Distributing a memorandum to each court in the state, explaining the outcomes and accountability process of the California Child and Family Services Review and encouraging courts to participate (systemic factor 3, item 31; systemic factor 6, item 36);
- Drafting and circulating for comment revisions to form JV-220, *Application and Order for Authorization to Administer Psychotropic Medication—Juvenile* (well-being outcome 3, item 23);
- Attending meetings of the California Social Work Education Center and planning a collaborative process to train social workers about legal issues (systemic factor 2, item 28; systemic factor 4, item 32); and
- Publishing training materials and putting on training programs, including the Centennial Conference, addressed to an interdisciplinary audience, including social workers and foster parents (systemic factor 4, items 32, 33, and 34).

In 2004–2005 the CFCC staff participated in PIP implementation in the following ways:

- Drafting and circulating for comment rules and forms implementing Assembly Bill 2795. This legislation increased the time permitted for case planning to 60 days and required more parent and child involvement in case planning. The rule changes, if enacted, will bring these changes into the rules of court and ensure judicial oversight of parent and child involvement (well-being outcome 1, items 18 and 20; systemic factor 2, item 25);
- Enacting revised form JV-320 to ensure a permanency goal is established for any child whose permanent plan is not adoption or guardianship (permanency outcome 1, items 7 and 10);
- Enacting revisions to rules 1461, 1462, and 1463 and to form JV-365, which implemented Assembly Bill 408 regarding the maintenance of children's significant relationships (permanency outcome 1, item 8; permanency outcome 2, item 14) and requiring courts to ensure children have notice of court proceedings;
- Drafting and circulating for comment additional revisions to rules 1461, 1462, and 1463 and to form JV-365. These rule and form changes, if enacted, will implement Assembly Bill 2807 (the Assembly Bill 408 "cleanup" bill), the newest legislation regarding the

maintenance of children's significant relationships (permanency outcome 1, item 8; permanency outcome 2, item 14) and revising the requirements regarding notice to children of court proceedings;

- Participating regularly in meetings of the Statewide Training Education Committee of the California Social Work Education Center at the University of California at Berkeley. The committee is addressing issues related to social worker education that were raised in the PIP, as well as social work education in general (permanency outcome 1, item 9; systemic factor 4, item 32);
- Implementing the JRTA permanency project, which provides monitoring and technical assistance to courts on the termination of parental rights, on concurrent planning, and on other permanency issues (described in the JRTA section, below) (permanency outcome 1, items 6, 7, 9, and 10; systemic factor 2, item 28);
- Providing six trainings around the state through the JRTA, along with personnel from the University of California at Davis, for probation officers on permanency issues, including the termination of parental rights, case planning, and concurrent planning (described in the JRTA section, below) (safety outcome 1, item 2, permanency outcome 1, item 9; well-being outcome 1, items 17 and 18; systemic factor 4, item 32);
- Began implementation of the JRTA Indian Child Welfare Act (ICWA) project, which involves using a facilitated process to assist individual courts and county teams with identifying areas of ICWA implementation where improvement is needed and providing technical assistance to assist local stakeholders to implement the program for improvement (described in the JRTA section, below) (permanency outcome 1, item 9; permanency outcome 2, item 14; systemic factor 2, item 28; systemic factor 4, item 32);
- Publishing training materials, and putting on training programs, including Beyond the Bench, addressed to an interdisciplinary audience, including social workers and foster parents (systemic factor 4, items 32, 33, 34);
- With CDSS, exploring the possibility of enacting trial home visit legislation; ultimately, a decision was made not to move forward on this legislation (permanency outcome 1, items 5 and 8);
- Surveying juvenile court judicial officers and court executive officers or managers about extent of court participation in the C-CFSR process (results described in C-CFSR section, below) (systemic factor 3, item 31);
- Attending the PIP midyear review meetings in Los Angeles and Sacramento in the summer of 2004.

3. Judicial Review and Technical Assistance Project

The Judicial Review and Technical Assistance (JRTA) project is an ongoing, long-term collaboration between the AOC and the California Department of Social Services (CDSS). The project works to bring about change in county court systems statewide and to improve compliance with title IV-E of the Social Security Act.

Pursuant to a contract with the CDSS, JRTA attorneys visit the 14 most populated counties each year, and the remaining 44 counties every other year, to conduct a courtesy review of court files of dependent and delinquent children in foster care placements, checking for the findings and orders necessary to maintain compliance with title IV-E and for overall compliance with state and federal laws. Follow-up visits and special technical assistance sessions for juvenile court professionals are arranged as needed. For each county visited, the juvenile court consultants compile data related to judicial findings and orders required by title IV-E and provide those data in a report to the presiding judge of the juvenile court.

The JRTA staff regularly conducts sessions tailored to address individual needs of the judicial officers, clerks, attorneys, social workers, and probation officers in each county. The workshops focus on federal laws and regulations related to families with children in title IV-E-eligible placements.

a. JRTA training of probation officers. During the 2004–2005 fiscal year, the JRTA staff, in collaboration with the University of California at Davis, participated in several regional trainings, throughout California, for probation officers, covering topics such as concurrent planning and termination of parental rights.

b. JRTA Permanency Project. A half-time attorney joined the JRTA group in December 2004 to launch a new initiative on permanency. The permanency project is developing and implementing a program to provide technical assistance to judicial officers in various aspects of the termination of parental rights and of concurrent planning, as required by the Program Improvement Plan. Training will be made available to system participants, including attorneys, local child welfare agency staff, and probation officers. Initial assistance will be offered to judicial officers in the 11 largest counties in fiscal year 2005, and then tailored trainings to each court system in fiscal years 2005-2006.

c. ICWA Project. This initiative promotes full compliance with the Indian Child Welfare Act in California by making available a range of cross-disciplinary facilitation and training services provided by the CFCC staff and outside consultants. A half-time attorney joined the JRTA group in March 2005 to launch the ICWA Project, and a court analyst (at 60 percent time) was hired in May 2005. The services will be tailored to the needs of the local county or region and cover areas such as: when ICWA applies, notice to tribes, placement preferences, qualified expert witnesses, and tribal participation and intervention. In addition, the local protocols, standing orders, grievance procedures, legal and data-supported

> I wish someone would publish a guide that tells courts exactly when ICWA notice is required. If a parent only knows the relative's first name, with 5 possible tribal affiliations, must the court require the department to send out notice, notice I know will be rejected for lack of information?
>
> *—Judicial Officer*

research memoranda, journal articles, and other materials compiled and developed during the county-based facilitations and training sessions will be made available on a statewide basis.

4. California Citizen Review Panel

The California Department of Social Services (CDSS) has taken the lead in the development of the California Citizen Review Panel. This panel examines and evaluates the policies, procedures, and practices of state and local child welfare agencies, as well as other state agencies whose actions affect the delivery of child welfare services. CFCC, along with community stakeholders, are essential members of the panel and provide their expertise in child welfare and dependency law.

5. California Social Work Education Center (CalSWEC), Statewide Training and Education Committee

CFCC staff, in collaboration with county child welfare agencies, regional training academies, the California State University at Long Beach, the Casey Foundation, and other stakeholders, has participated in the development and implementation of statewide standards for public child welfare training. During the last two years, the focus has been on curriculum development for new county child welfare workers and current county supervisors.

6. California's Child Welfare Services Redesign

The Redesign plan was created by the Child Welfare Services Stakeholders Group, which was established by the Governor's office and the California Legislature in 2000. Convened by the California Department of Social Services (CDSS), the Stakeholders Group was charged to (1) examine the current reality of child welfare services in California, (2) build on effective child welfare practices inside the state and elsewhere, and (3) recommend comprehensive, integrated system changes to improve outcomes for children and families. The stakeholders group was made up of 60 individuals representing all aspects of the public and private child welfare community, including representatives of the courts. In 2001 and 2002, the CWS Stakeholders Group created the conceptual framework for the Redesign and issued recommendations for 30 major strategies intended to improve the outcomes for California's children and families. The following year, the group moved its work into regional areas to increase the expertise available at regional, county, and local levels. More than 150 individuals statewide translated the 30 conceptual strategies into plans to guide state, county and community redesign efforts. The CWS Stakeholders Group convened its final meeting in June 2003 to review the recommendations for the final report.

The *Child Welfare Services Redesign*[2] ("Redesign") report, released in September 2003, describes a long-term strategic plan to bring the new vision of child welfare services to every

[2] CWS Redesign: The Future of California's Child Welfare Services. State of California, Health and Human Services Agency, Department of Social Services. September 2003. *http://www.cdss.ca.gov/cws/res/pdf/CWSReport.pdf)*

county. The plan contains an integrated set of policy shifts; practice improvements; alignment of partners, systems, and communities; and new accountability structures to make certain the promise of a safe and stable home is realized for all children.

Since the 2003 report, the Stakeholders Group was re-formed as Champions for Children, a broad-based group of those who support the CWS Redesign and are committed to its successful implementation. Christopher Wu, supervising attorney at CFCC, serves as a member of the Champions for Children group.

This 2005 Reassessment report reflects the key objectives of the Redesign, particularly in its recommendations for concrete steps to improve coordination between child welfare agencies and the courts.

7. Local Court Involvement in the California Child and Family Services Review

Legislation in 2001 (Assembly Bill 636)[3] established an ongoing state Outcomes and Accountability System of child welfare services—also known as the California Child and Family Services Review (C-CFSR)—to parallel the federal process and ensure that California makes consistent progress toward meeting federal outcome and systemic goals.

The C-CFSR process involves a number of steps. When fully implemented, the C-CFSR process will be a triannual review with a third of the counties completing all the steps in the review process every third year, with annual updates to their County System Improvement Plans. Counties are provided with statistical reports on key federal and state indicators for safety, permanency, and well-being, and they develop, through a collaborative process that includes the courts, a County System Improvement Plan, describing specific measurable improvements in performance outcomes that the county will achieve within a defined time frame. County Peer Quality Case Reviews use peers from other counties to analyze specific practice areas and identify key patterns of agency strengths and concerns for the host county. California Department of Social Services (CDSS) staff provides monitoring, guidance, and technical assistance to each county; and, as the C-CFSR system is fully implemented, CDSS will compile the county information to fulfill the requirements for the statewide Self-Assessment and Program Improvement Plan under the federal review process.

The PIP requires California to develop and implement a new outcome-based quality assurance system. In recognition of the judiciary's role in the development process, CFCC distributed a memo to all juvenile court presiding judges and court executive officers in the state, encouraging them to become involved in this important assessment and reform effort. The memo also described the Reassessment process and encouraged courts' involvement in that process as well.

[3] Assem. Bill 636 [Steinberg] 2001, ch. 678.

As part of the Reassessment, judicial officers and court executives or dependency court managers were asked, via surveys, the extent to which they or other representatives of their court participated in the various C-CFSR activities. The Reassessment found that, of survey respondents, juvenile dependency judicial officers from 29 of California's 58 courts report that they themselves, or someone else from their court, participated in the C-CFSR self-assessment process. Judicial officers participated in various ways: they attended meetings, served as consultants, attended presentations, and were regularly updated during the process. Similarly, judicial officers from 26 juvenile dependency courts (44 percent) report that they themselves, or someone else from their court, participated in the development of their county's system improvement plan.

The Reassessment team did not survey court actors regarding the Peer Quality Case Review, because that process specifically involved agency rather than court staff. We were not able to determine the reasons for nonparticipation by judicial officers and court staff in the self-assessment phase or system improvement plan of the C-CFSR. Only 1 to 2 percent of the responding judicial officers indicated that they were "invited to join, but declined" to participate, in either the self-assessment or system-improvement processes, while a much higher percentage (60 percent) indicated simply that they did not participate.

The CFCC staff will continue to provide education and information to judicial officers and court staff about future C-CFSR activities in an effort to increase participation rates at the local level.

D. Local Collaborative Programs

California courts are dedicated to forming and preserving collaborative partnerships with agencies and community organizations to improve the lives of children and families in the state. Below are just a fraction of some of the partnerships and innovative programs being implemented in California. The programs listed are largely from the six focal courts of this Reassessment, but similar efforts are being made throughout the state.

> Judges have to be the champions of collaboration.
>
> *—Presiding Juvenile Court Judge*

1. Regular/Local Stakeholder Meetings

California's stakeholders and courts have dedicated themselves to participation in local and regional collaborative meetings. Twenty-nine of the 36 county child welfare administrators report participating in regular meetings with the juvenile court, and 20 county agencies take part in policymaking interdisciplinary planning groups. Thirty-two of the 47 responding courts to the judicial officers survey indicate that the juvenile court stakeholders (judicial officers, court staff, social workers, service providers, volunteers, and attorneys) regularly convene in

interdisciplinary groups to discuss dependency policy matters. Many child welfare administrators confirmed that they meet regularly with the court and other stakeholders to work on policy issues as well as address operations issues as they come up. The most effective collaborations are based in leadership, respect, interdependence, and goal orientation.

> Collaboration with the court is frequently around the question of "what can CWS do more of/differently" rather than around the question of what the two groups could accomplish together.
>
> *—Child Welfare Agency Director*

2. Mental Health

To assist the court with understanding and effectively addressing the mental health needs of families in dependency court, the Los Angeles Juvenile Court and the Los Angeles County Department of Mental Health joined forces to create the Juvenile Court Mental Health Unit. Department of Mental Health clinicians, under the direction of a psychiatrist, provide on-site consultation services to the court and court personnel. These services include reviewing requests for court authorization for psychotropic medication, advising the court what types of mental health evaluations should be ordered, providing information about mental health placement and treatment resources, facilitating multiagency cooperation to meet treatment goals, and interviewing children at court when there is an urgent mental health concern.

3. Education

a. Foster Youth Information System. The San Diego County Office of Education Foster Youth Services Program—in partnership with the San Diego Juvenile Court, San Diego Child Welfare Services, local school districts, advocacy agencies, substitute care providers, and community colleges—have established the Foster Youth Information System (FYIS). The system was created to streamline communication between all the agencies working with a dependent or delinquent child by storing the child's health and educational records in one database and allowing authorized persons to access that information online. The first version of the system, introduced 15 months ago, contains some educational information and immunization records. The second version, due for release in June 2005, will include information on psychotropic medications, well-child exams, medical conditions, school attendance records, and school grades.

b. School–Dependency Court Liaison. Recognizing the educational hurdles that foster children face, the Los Angeles Juvenile Court partnered with the Los Angeles Unified School District to create the position of School–Dependency Court Liaison. The liaison, working from the Children's Courthouse, assists the court by locating and obtaining foster children's school records and related information, conveying school information to the court and other authorized persons, assisting with the enrollment of children in appropriate school programs, providing referrals to community agencies, and various other education-related tasks.

c. Educational Surrogates. In San Diego, the Court Appointed Special Advocate program (CASA) is carried out by Voices for Children, a nonprofit organization. Voices for Children estimates that between 55 and 60 percent of children with CASAs have some special-education needs. In recognition of the need for specially trained educational advocates, five years ago Voices for Children established a specialized type of CASA called an educational surrogate. Educational surrogates limit their advocacy to educational concerns and advocate for the children in such ways as requesting educational assessments to identify disabilities; attending Individualized Education Program meetings; advocating for appropriate goals and objectives in the IEP and overseeing their implementation; monitoring the children's academic progress; and tracking school credits to ensure they are properly transferred between schools. Surrogates prepare written court reports regarding the children's educational needs and progress before each hearing. There are currently between 42 and 48 active educational surrogates, who have assisted 127 children in the first five months of 2005.

4. Immigration

Although no one knows exactly how many foster children in California are undocumented, anecdotal information from focus groups and interviews suggests the number is noteworthy. The Special Immigrant Juvenile Status (SIJS), created by section 153 of the Immigration and Nationality Act of 1990, allows qualified dependent children to obtain an immigrant visa and be eligible for permanent resident status. Dependent children are eligible if the juvenile court finds that the child is a dependent of the court, eligible for long-term foster care, and that it is not in the child's best interest to return to the country of last residence.

The San Diego County Juvenile Court has partnered with the Volunteer Lawyer Program of San Diego, the San Diego Health and Human Services Agency (HHSA), and the San Diego County Public Defender's Office to identify and assist eligible youth in obtaining SIJS. The Volunteer Lawyer Program is a private, pro bono legal services organization that accepts between 40 and 50 SIJS cases each year, through referrals from HHSA and the public defender's office. An average case takes several months to prepare and at least a year from the date of filing before a decision by the federal Department of Homeland Security is made.

Several areas were identified in which California could make improvements to expedite the preparation process and increase the likelihood of SIJS being granted. CFCC will research and propose, as necessary, changes or additions to the California Rules of Court, Judicial Council forms, the Welfare and Institutions Code, and judicial officer training.

5. Substance Abuse

Nineteen of the responding court administrators report having a drug court program available to parents involved in dependency proceedings. The drug court programs available in three of the six focal counties are highlighted in Appendix E.

6. Family Group Conferencing

Family group conferencing is designed to strengthen families and facilitate a child's return home by involving the family in decisions regarding the child, while keeping the child placed within the parents' social network. The program employs a strengths-based approach, focused on building on the family's positive qualities, while simultaneously seeking support for the family from the community and from local service providers.

In 15 counties, respondents to the court administrators survey report using family group conferencing in dependency matters. Santa Clara County began using family group conferencing in November 1996, and the juvenile court administrator believes it has had a positive impact on families and increased rates of reunification. Participation is voluntary and available only to families deemed a low risk by the child welfare agency. Meetings are held with the parents, extended family members, children when appropriate, community organizations, and the facilitator. The facilitator assists family members in identifying their strengths and areas of concern, formulating possible resolutions, and planning for the implementation of changes.

E. Conclusion

Foster care is not the ideal situation for any child or family. The courts, in conjunction with child welfare stakeholders, and community agencies, are dedicated to participating in collaborative efforts to improve the lives of families and children in California.

Chapter 8: Conclusion

The California judicial branch strives to provide high-quality, timely, and respectful service to the children and families served in dependency cases. The overarching goal guiding juvenile court activities is providing for safety, permanency, and child and family well-being, as well as adhering to legal requirements and ensuring due process for all parties. The judicial branch cannot accomplish these goals alone. System improvements must result from coordinated efforts among child welfare stakeholders and communities. Judicial leadership at the state and local levels is also required. This leadership takes the form of participating in and directing such collaborative efforts, as well as taking the lead on judicial branch objectives. Finally, all of these efforts must take place within a context of limited resources. The recommendations of the *California Juvenile Dependency Court Improvement Program Reassessment* focus on children in the juvenile dependency system, but because many of the recommendations are applicable to children and youth in the delinquency system as well, expansion in and coordination with this area should be explored.

The recommendations below include a range of activities—from rule making to judicial training to piloting programs—that encompass these values of collaboration and judicial leadership. They derive from new information gathered during the reassessment; from the leadership, advice, and information provided by the working group; from the Administrative Office of the Courts' staff and its other juvenile projects; and from an ongoing commitment to the goals and recommendations in the National Center for State Courts' 1997 *California Court Improvement Project Report*. The 2005 recommendations are organized under six guiding principles. These principles are grouped together, followed by the entire set of specific recommendations. Implementing these recommendations will require long-term commitment and, for some, substantial new resources. Success will ultimately require that all branches of government give the highest priority to families and children in the child welfare and dependency court systems.

A. Guiding Principles

Guiding Principle 1. The judicial branch should take a leadership role, and partner with other stakeholders at the state and local levels, to improve the experiences of and outcomes for children and families in the dependency system, increase permanency, and reduce the number of children in the system.

Guiding Principle 2. Dependency hearings must be timely and must provide each party

with meaningful notice and an opportunity to be heard. Sufficient information must be accessible and available for informed judicial decision making.

Guiding Principle 3. Courthouse procedures must ensure accountability, efficiency, open communication, safety, and respect for each party's rights.

Guiding Principle 4. The dependency system must be staffed by well-trained judicial officers, attorneys, and other professionals who are given the resources and reasonable caseloads to do their jobs effectively.

Guiding Principle 5. National, state, and local collaborative efforts should be increased.

Guiding Principle 6. The California courts must ensure their compliance with all relevant state and federal laws.

B. Report Recommendations

I. The judicial branch should take a leadership role, and partner with other stakeholders at the state and local levels, to improve the experiences of and outcomes for children and families in the dependency system, increase permanency, and reduce the number of children in the system.

A. *Self-assessment process:* It is recommended that the Judicial Council develop a self-assessment process and a self-assessment tool for use by each local court. The Judicial Council should provide technical assistance to the courts on how to implement the process, how to use the self-assessment tool, and how to effect change in areas identified as deficient. The self-assessment would review, among other areas, the court's leadership role and involvement in collaborative efforts in the following:

1. Ensuring the timely availability of all necessary services for families;
2. Ensuring that case plans are individualized and culturally competent;
3. Preserving children's connections, including proximity of foster care placements to parents or other relatives, placement with siblings, and visitation with parents and siblings; preserving connections with community, heritage, faith, and friends; and ensuring that each child who exits the system does so with at least one ongoing relationship with a significant adult;
4. Overseeing children's educational services;
5. Overseeing children's mental health assessments and services;
6. Ensuring families' access to timely, accurate assessments of substance use, mental health, and presence of domestic violence, in order to determine appropriate services;
7. Ensuring timely and complete social worker reports;
8. Granting continuances only for good cause;

9. Engaging in mutually beneficial collaborative endeavors with other stakeholders in conducting training programs, submitting grant applications, and developing court policies, among other activities;
10. Managing the adversarial nature of proceedings while protecting due process rights and ensuring zealous advocacy; and
11. Supporting mediation and other forms of alternative dispute resolution outside the courtroom.

B. *Timely permanency, concurrent planning, and placement stability:* It is recommended that the Judicial Council provide training about placement stability, federal and state permanency requirements, and concurrent planning to ensure that California meets the national standards for timely permanency. Courts should provide leadership and oversight locally to ensure that California meets these national standards, that concurrent planning is taking place, and that proper documentation is created by the child welfare agency when termination of parental rights is not sought; and the courts should carefully consider whether to terminate parental rights and order a plan of adoption in cases where an adoptive home has not been identified.

C. *Legal orphans:* It is recommended that, without limiting any child's access to adoption, the Judicial Council consider review procedures to reduce the number of children who have lost their parents through termination of parental rights but have who have not, over the long term, been adopted (so-called legal orphans).

D. *Reasonable efforts:* Courts must oversee the quality and timeliness of the provision of services to prevent removal, maintain and reunify families, and finalize a permanent plan, and must enter appropriate "reasonable efforts" findings. It is recommended that, to improve the quality of these services, the Judicial Council encourage courts to make informed findings regarding reasonable efforts.

E. *Role of judicial officer:* It is recommended that the Judicial Council consider changing section 24 of the California Standards of Judicial Administration, which addresses the role of the juvenile court judicial officer, from a standard, which is optional, to a rule of court, which would be mandatory.

F. *Expedited appeals, children's counsel on appeal:* It is recommended that the Judicial Council explore revising the rule about expedited dependency appeals to include all appeals, rather than just appeals of decisions to terminate reunification services, and to include a requirement that counsel for children be appointed in dependency appeals.

G. *Increased relative placements, decreased use of temporary children's shelters:* It is recommended that the Judicial Council work collaboratively with local courts, state and local social service agencies, and law enforcement to provide information and training about placement preferences and recent legal changes regarding background checks, with

the goal of increasing the percentage of children placed with relatives as their first placement and decreasing the use of temporary children's shelters.

II. Dependency hearings must be timely and must provide each party with meaningful notice and an opportunity to be heard. Sufficient information must be accessible and available for informed judicial decision making.

A. *Implementation of Resource Guidelines:* It is recommended that the Judicial Council, which, by adopting section 24.5 of the California Standards of Judicial Administration, has endorsed the National Council of Juvenile and Family Court Judges' *Resource Guidelines: Improving Court Practice in Child Abuse & Neglect Cases*, identify key aspects of the guidelines to be piloted and studied (as modified to meet California needs and state law), and consider which aspects of section 24.5 should be considered a rule.

B. *Meaningful detention hearings:* It is recommended that the Judicial Council provide training and technical assistance to any court that does not routinely appoint counsel on or before the first hearing or that has identified other problems that limit due process or informed judicial decision making at detention.

C. *Parent and child participation in case planning:* It is recommended that the Judicial Council, in making rule or form revisions implementing Assembly Bill 2795, include a requirement that courts inquire about and make findings on the extent to which parents, children, and caretakers were given the opportunity to participate in, and did in fact participate in, the creation of the case plan.

D. *Incarcerated parents' participation:* It is recommended that, in order to develop protocols to ensure the timely participation of incarcerated parents to the greatest extent possible, the Judicial Council study issues related to incarcerated parents' participation in dependency hearings, including when such parents must be given the opportunity to appear in person, and when other means, such as videoconferencing, can be used, and which entity should be responsible for prisoner transport from out-of-county jails.

E. *Continuous trials:* It is recommended that the Judicial Council consider adopting a rule of court requiring that longer dependency matters be set and heard as a continuous proceeding.

F. *Three-month reviews:* It is recommended that the Judicial Council study the use of 3-month review hearings to provide heightened judicial oversight for two groups of children: those under age three during the reunification period and those whose parents have had their parental rights terminated and an adoption is not yet finalized.

G. *Children's participation in court:* It is recommended that the Judicial Council study ways to provide meaningful opportunities for children's participation in court, including

adequate notice, provisions for children's transportation to court, children's waiting rooms, children's participation in mediation, and after-school hearing times.

H. *Wait time for hearings:* It is recommended that the Judicial Council develop guidelines for case calendaring techniques that reduce the waiting time for hearings. Ideally, courts should use time-certain scheduling of cases or, at least should schedule cases within no more than half-day blocks.

I. *Transfer- in/out protocols:* It is recommended that the Judicial Council explore the development of more detailed transfer-in and transfer-out protocols on a statewide or regional level.

J. *Termination of jurisdiction (California Welf. & Inst. Code, § 391) hearings:* It is recommended that the Judicial Council provide training for all system participants about the requirements for, and the importance of, termination of jurisdiction hearings for children who are aging out of foster care, to ensure that these hearings occur regularly and address all required issues.

III. Courthouse procedures must ensure accountability, efficiency, open communication, safety, and respect for each party's rights.

A. *Customer feedback:* It is recommended that the Judicial Council develop tools to assist courts in getting feedback from the public.

B. *Educational materials:* It is recommended that the Judicial Council develop educational materials such as videos and brochures made available for families at each courthouse where dependency cases are heard and that the council collaborate with local courts to develop, distribute, and translate educational materials in order to make such materials available as broadly as possible.

C. *Information sharing among courts:* It is recommended that the Judicial Council encourage increased information sharing among court divisions, and between courts and other agencies, and address barriers to information sharing in order to better meet the needs of dependency clients.

D. *Notice, generally:* Courts should implement systems to check on the progress of noticing efforts prior to reaching scheduled hearing dates, particularly for section 366.26 hearings, so notice mistakes do not cause lengthy delays. It is recommended that the Judicial Council review all notice procedures, particularly new sibling notice requirements, to ensure consistency in notice procedures, including assignment of the person responsible for notices.

E. *Case management systems and performance measures:* It is recommended that the Judicial Council encourage the development and use of case management systems that collect and analyze standardized information on the dependency caseload, generate performance measures, and interface with other stakeholders' case management systems. Such systems should ensure the use of performance measures that will enable courts to monitor and adjust their policies and practices to conform to federal and state timeliness requirements, other mandates, and recommended practices for courts, judges, and attorneys.

IV. The dependency system must be staffed by well-trained judicial officers, attorneys, and other professionals who are given the resources and reasonable caseloads to do their jobs effectively.

A. *Core court services:* It is recommended that the Judicial Council identify and seek to broadly replicate essential court-based and court-connected services—beyond hearing and deciding cases—that make up the "core court services" of any dependency system. Each core court service should be an evidence-based program such as, but not limited to,

1. Dependency mediation;
2. Other alternative dispute -resolution techniques;
3. Dependency drug courts and other problem-solving courts;
4. Interpreter services; and
5. Other services that facilitate timely reunification and permanency.

In addition, the Judicial Council should pilot and evaluate other types of programs that, if found effective, could be identified as core court services and expanded statewide.

B. *Interdisciplinary training:* It is recommended that the Judicial Council continue Beyond the Bench and other successful interdisciplinary training programs and expand training opportunities and outreach as needed.

C. *Attorney training:* It is recommended that the Judicial Council promote consistent and adequate training of counsel in dependency cases. This should begin in the Dependency Representation, Administration, Funding and Training (DRAFT) pilot courts and should ultimately be implemented statewide.

D. *Law student training and internships:* It is recommended that the Judicial Council work with law schools to develop specialized curricula and clinical programs related to children's law, explore funding sources for such programs, and continue to provide clerkship opportunities for law students interested in court policy related to children and families.

E. *Social workers:* It is recommended that the Judicial Council continue to work collaboratively with the California Department of Social Services, County Welfare

Directors Association, CalSWEC, and local child welfare agencies to develop a standardized curriculum for social workers regarding, statutory requirements, court practices and procedures, and the child welfare agencies' interface with the courts. The Judicial Council and the courts should take a leadership role to ensure that efforts continue to facilitate improved communication and heightened mutual respect among all dependency court professionals.

F. *Judicial education, content:* It is recommended that the Judicial Council consider including advanced trial-management and courtroom-management skills in training programs, focusing on the unique dependency courtroom environment. Initial training and continuing education should address the legal and procedural aspects of dependency actions and should include, but not be limited to, the issues and policies concerning children with disabilities, the psychological and medical aspects of abuse and molestation, family reunification, and permanency planning. Whenever possible, training should include issues related to local and regional policies and procedures, and it should involve representatives from other agencies, including community agencies, participating in the delivery of services.

G. *Judicial education, availability:* It is recommended that the Judicial Council ensure that all judicial officers—including those in small or remote counties and those who hear many case types but do not have time to attend training sessions in all subject areas—have easier access to training, by increasing the number of courses offered by remote means, including those offered online, via closed-circuit television broadcasts, and on videos available by mail.

H. *Research and information exchange:* It is recommended that the Judicial Council continue studying California's dependency system—work that began with the Court Improvement Program Reassessment—disseminate research findings, and facilitate an exchange of best-practices ideas and resources among local courts.

I. *Access to resources:* It is recommended that the Judicial Council provide leadership, training, and technical assistance to courts and other system participants on access to financial resources, including funds from Proposition 63, First 5, the Victim Compensation Program, and other sources.

J. *Ensure appropriate judicial resources:* It is recommended that the Judicial Council continue its efforts to increase the number of judges adjudicating dependency cases and to define work appropriate for subordinate judicial officers.

K. *Three-year minimum judicial assignments:* It is recommended that the Judicial Council, in accordance with section 24 of the California Standards of Judicial Administration, continue to encourage courts to assign judicial officers to the juvenile court to serve for a

minimum of three years, with priority given to judges who have expressed a willingness to actively participate in juvenile court.

L. *Attorney caseload and resources:* It is recommended that the Judicial Council ensure that caseloads and lengths of assignment are reasonable, and compensation and investigative and support resources adequate, among all dependency attorneys in DRAFT-program pilot courts and, ultimately, statewide. (The DRAFT program involves a direct contractual relationship between the AOC and court-appointed attorneys, is designed to evaluate the efficacy of the caseload standards developed by the American Humane Association, to develop and implement uniform performance and compensation standards for court-appointed counsel in the 10 participating courts, and to increase and enhance training and oversight of dependency counsel providers). (1997 CIP Assessment recommendation19, updated.)

M. *Attorney performance standards:* It is recommended that the Judicial Council create performance standards for parents' and children's attorneys. These should be incorporated into the attorney contracts in participating DRAFT pilot courts, and after testing and refinement, adopted statewide as either a standard of judicial administration or a rule of court.

N. *Court Appointed Special Advocates:* It is recommended that the Judicial Council continue to maintain the quality and number of CASA programs and seek additional funding for such programs and continue to work with them statewide to ensure high-quality advocacy and effective program governance.

O. *Foster youth internships:* It is recommended that the Judicial Council develop an internship program at the Administrative Office of the Courts for foster youth to facilitate a mutually beneficial exchange of ideas.

P. *Caregiver information:* It is recommended that the Judicial Council and local courts continue to collaborate with state and local child welfare agencies to provide information for caregivers statewide, emphasizing their rights to participate in court proceedings.

V. National, state, and local collaborative efforts should be increased.

A. *Collaboration to support Pew Commission federal funding recommendations:* It is recommended that the Judicial Council work collaboratively with other interested agencies and organizations to support the federal funding recommendations made by the Pew Commission on Children in Foster Care.

B. *Communication with the Legislature:* It is recommended that the Judicial Council, through its Office of Governmental Affairs, continue to be involved in the legislative and budget processes in order to effectively communicate to the Legislature the complexities

of the juvenile court process, the resources needed to appropriately serve the community, and the benefits or detriments of pending legislation.

C. *Judicial Council/Department of Social Services collaboration:* It is recommended that the Judicial Council continue to collaborate with the California Department of Social Services on projects, including future federal reviews and legislative efforts to ensure compliance with federal law.

D. *Multidisciplinary statewide commission:* It is recommended that the Judicial Council explore the feasibility and efficacy of establishing a multidisciplinary statewide commission in California, as recommended by the Pew report. The commission would monitor and report on issues such as the extent to which child welfare programs and courts are responsive to the needs of the children in their care and would broaden public awareness of and support for meeting the needs of vulnerable children and families. Considerations should include the formation of regional commissions that would perform these activities in their respective areas and act as liaisons between the statewide commission and local communities.

E. *Local stakeholder meetings:* It is recommended that the Judicial Council continue to encourage all California courts to establish or continue interagency meetings on dependency case processing and related system issues. It is recommended that the Judicial Council encourage courts to include representatives from community agencies in local stakeholder meetings both to inform the community about dependency court practice and to use these agencies as resources for training court and court-connected staff. The local stakeholders group should provide information and assistance to the statewide and regional commissions.

F. *Community partnerships:* Judges should take an active role in their communities to educate individuals and organizations about the role of the juvenile courts, the needs of children and families within the courts, and the ways that individuals and community agencies can help meet those needs.

VI. The California courts must ensure their compliance with all relevant state and federal laws.

A. *Federal legal compliance and tracking:* It is recommended that the Judicial Council continue to assess the relationship between federal requirements and California state laws and rules and make recommendations for changes to California law or rules, as needed.

B. *ICWA technical assistance:* It is recommended that the Judicial Council provide educational and technical assistance to courts and agencies to improve compliance with the Indian Child Welfare Act.

Legal Review Table A.1:
Title 42, United States Code, Chapter 7, Subchapter IV, Part B (hereinafter referred to as Title IV-B)
Title 42, United States Code, Chapter 7, Subchapter IV, Part E (hereinafter referred to as Title IV-E)

Issue	**Federal Statutes and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act**	**Comparable California Dependency Statutes[1] and Rules of Court[2]**	**Comparable California Delinquency Statutes and Rules of Court**
State Plan	The State shall have a plan approved by the Secretary to meet the requirements to receive federal payments for foster care and adoption assistance. 42 U.S.C. § 671(a); 45 C.F.R. § 1356.20. A State must have a plan for child welfare services which has been developed jointly by the Secretary and the State agency designated pursuant to subsection (b)(1) of this section. 42 U.S.C. § 622(a). The purpose of this program is to enable States to develop and establish, or expand, and to operate coordinated programs of community-based family support services, family preservation services, time-limited family reunification services, and adoption	*California's Child and Family Services State Plan Title IV-B Annual Progress and Services Report*: Federal Fiscal Year 2004, published June 30, 2003, revised September 22, 2003.[3] It is the intent of the Legislature to conform state statutes to recently enacted federal legislation, the Adoption and Safe Families Act of 1997 (Public Law 105-89), and to reinvest any incentive payments received through implementation of the federal act into the child welfare system in order to	*California's Child and Family Services State Plan Title IV-B Annual Progress and Services Report*: Federal Fiscal Year 2004, published June 30, 2003, revised September 22, 2003.

[1] All cited California statutes can be found at *http://www.leginfo.ca.gov/calaw.html*. Unless otherwise indicated, all statutory references are to the California Welfare and Institutions Code.

[2] All cited California Rules of Court can be found at *http://www.courtinfo.ca.gov/rules*.

[3] To obtain a copy of the State Plan, contact Christopher Wu, Attorney, Administrative Office of the Courts, Center for Families, Children & the Courts, at 415-865-7721.

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
	promotion and support services to accomplish the following objectives: to prevent child maltreatment among families at risk through the provision of supportive family services; to assure children's safety within the home and preserve intact families in which children have been maltreated, when the family's problems can be addressed effectively; to address the problems of families whose children have been placed in foster care so that reunification may occur in a safe and stable manner in accordance with the Adoption and Safe Families Act of 1997; and to support adoptive families by providing support services as necessary so that they can make a lifetime commitment to their children. 42 U.S.C. § 629(b).	provide adoption services. Welf. & Inst. Code, § 16131.	
Reasonable Efforts to Prevent Removal	The State must make reasonable efforts to maintain the family unit and prevent the unnecessary removal of a child from his/her home, as long as the child's safety is assured; to effect the safe reunification of the child and family (if temporary out-of-home placement is necessary to ensure the immediate safety of the child); and to make and finalize alternate permanency plans in a timely manner when reunification is not appropriate or possible. 45 C.F.R. § 1356.21(b)(1); 42 U.S.C. § 671(a)(15).	The court shall also make a determination on the record, referencing the social worker's report or other evidence relied upon, as to whether reasonable efforts were made to prevent or eliminate the need for removal of the child from his or her home . . . and whether there are available services that would prevent the need for further detention. Welf. & Inst. Code, §§ 319(d)(1) and 11401(b); Cal. Rules of Court, rule 1446(c).	The court shall make the following finding on the record and reference the probation officer's report or other evidence relied upon to make its determinations: whether reasonable efforts have been made to safely maintain the minor in the home of his or her parent or legal guardian and to prevent or eliminate the need for removal of the minor from his or her home. Welf. & Inst. Code, §§ 636(d)(2)(B), 727.4(d)(5), and 11401(b); Cal. Rules of Court, rule 1475(d)(3).

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
	This finding must be made within 60 days of the date of removal. 45 C.F.R. § 1356.21(b)(1)(i).	This finding must be made at the detention hearing. Welf. & Inst. Code, § 319(d)(1).	This finding shall be made at the detention hearing if possible, but in no case later than 60 days following the minor's removal from the home. Welf. & Inst. Code, § 636(d)(2)(B)
Removal Findings and Orders	A child's removal from the home must have been the result of a judicial determination (unless the child was removed pursuant to a voluntary placement agreement) to the effect that continuation of residence in the home would be contrary to the welfare, or that placement would be in the best interest, of the child. The contrary to the welfare determination must be made in the first court ruling that sanctions (even temporarily) the removal of a child from home. 45 C.F.R. § 1356.21(c); 42 U.S.C. § 672(a)(1). Court must order that the child's placement and care are the responsibility of the State agency administering the State plan or any other public agency with whom the State agency administering or supervising the administration of the State plan approved under section 671 of this title has made an agreement which is still in effect. 42 U.S.C. § 672(a)(2); 45 C.F.R. § 1356.71(d)(1)(iii). Removal from the home of a specified	The court shall order the release of the child from custody unless a prima facie showing has been made that the child comes within Section 300 and the court finds that continuance in the parent's or guardian's home is contrary to the child's welfare. Welf. & Inst. Code, §§ 319(b) and 11401(b)(3); Cal. Rules of Court, rule 1446(a). This finding must be made at the time of the first court ruling authorizing removal of the child from the home. Welf. & Inst. Code, § 319(c). If the court orders the child detained, the court must order that temporary care and custody of the child be vested with the county welfare department pending disposition or further order of the court. Welf. & Inst. Code, § 319(e); Cal. Rules of Court, rule 1446(d). The court shall order the release of the child	The court shall make the following finding on the record and reference the probation officer's report or other evidence relied upon to make its determinations: whether continuance in the home of the parent or legal guardian is contrary to the minor's welfare. Welf. & Inst. Code, §§ 636(d) and 11401(b)(3); Cal. Rules of Court, rule 1475(d). This finding must be made at the time of the first court ruling authorizing removal of the child from the home. Welf. & Inst. Code, § 636(d)(4). If the court orders the child detained, temporary placement and care of the child is the responsibility of the probation officer pending disposition or further order of the court. Welf. & Inst. Code, § 636(d)(3)(B) and 727(a); Cal. Rules of Court, rule 1475(d)(2). In all cases in which a minor is adjudged a ward

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
	relative- For the purposes of meeting the requirements of section 472(a)(1) of the Act, a removal from the home must occur pursuant to: a voluntary placement agreement entered into by a parent or guardian which leads to a physical or constructive removal (i.e., a non-physical or paper removal of custody) of the child from the home; or a judicial order for a physical or constructive removal of the child from a parent or specified relative. A removal has not occurred in situations where legal custody is removed from the parent or relative and the child remains with the same relative in that home under supervision by the State agency. A child is considered constructively removed on the date of the first judicial order removing custody, even temporarily, from the appropriate specified relative or the date that the voluntary placement agreement is signed by all relevant parties. 42 U.S.C. § 672(a); 45 C.F.R. § 1356.21(k).	from custody unless a prima facie showing has been made that the child comes within Section 300, the court finds that continuance in the parent's or guardian's home is contrary to the child's welfare, and any of the following circumstances exist: there is a substantial danger to the physical health of the child or the child is suffering severe emotional damage, and there are no reasonable means by which the child's physical or emotional health may be protected without removing the child from the parents' or guardians' physical custody; there is substantial evidence that a parent, guardian, or custodian of the child is likely to flee the jurisdiction of the court; the child has left a placement in which he or she was placed by the juvenile court; the child indicates an unwillingness to return home, if the child has been physically or sexually abused by a person residing in the home. Welf. & Inst. Code, § 319(b), see also Welf. & Inst. Code, §§ 301, 332, 16506, and 16507.3.	or dependent child of the court, the court may limit the control to be exercised over the ward or dependent child by any parent or guardian and shall, in its order, clearly and specifically set forth all those limitations, but no ward or dependent child shall be taken from the physical custody of a parent or guardian, unless upon the hearing the court finds one of the following facts: that the parent or guardian is incapable of providing or has failed or neglected to provide proper maintenance, training, and education for the minor; the minor has been tried on probation while in custody and has failed to reform; or the welfare of the minor requires that custody be taken from the minor's parent or guardian. Welf. & Inst. Code, § 726(a). Any change in the permanent plan of a minor placed with a fit and willing relative or in a planned permanent living arrangement shall be made only by order of the court pursuant to a Section 778 petition or at a regularly scheduled and noticed status review hearing or permanency planning hearing. Any change in the permanent plan of a minor placed in a guardianship shall be made only by order of the court pursuant to a motion filed in accordance with Section 728. Welf. & Inst. Code, § 727.3(e).
Voluntary Agreements	The term "voluntary placement" means an out-of-home placement of a minor, by or with participation of a State agency, after the parents or guardians of the minor have requested	In any case in which a social worker after investigation of an application for petition or other investigation he or she is authorized to make, determines that a child is within the jurisdiction of the juvenile court or will	*There is no delinquency corollary under California law.*[4]

[4] Any explanatory text is represented in italics.

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
	the assistance of the agency and signed a voluntary placement agreement. The term "voluntary placement agreement" means a written agreement, binding on the parties to the agreement, between the State agency, any other agency acting on its behalf, and the parents or guardians of a minor child which specifies, at a minimum, the legal status of the child and the rights and obligations of the parents or guardians, the child, and the agency while the child is in placement. 42 U.S.C. § 672(f). In any case where the placement of a minor child in foster care occurred pursuant to a voluntary placement agreement entered into by the parents or guardians of such child as provided in subsection (a) of this section, and such parents or guardians request (in such manner and form as the Secretary may prescribe) that the child be returned to their home or to the home of a relative, the voluntary placement agreement shall be deemed to be revoked unless the State agency opposes such request and obtains a judicial determination, by a court of competent jurisdiction, that the return of the child to such home would be contrary to the child's best interests. 42 U.S.C § 672(g).	probably soon be within that jurisdiction, the social worker may, in lieu of filing a petition or subsequent to dismissal of a petition already filed, and with consent of the child's parent or guardian, undertake a program of supervision of the child. If a program of supervision is undertaken, the social worker shall attempt to ameliorate the situation which brings the child within, or creates the probability that the child will be within, the jurisdiction of Section 300 by providing or arranging to contract for all appropriate child welfare services pursuant to Sections 16506 and 16507.3, within the time periods specified in those sections. No further child welfare services shall be provided subsequent to these time limits. If the family has refused to cooperate with the services being provided, the social worker may file a petition with the juvenile court pursuant to Section 332. Nothing in this section shall be construed to prevent the social worker from filing a petition pursuant to Section 332 when otherwise authorized by law. Welf. & Inst. Code, §§ 301, 332, 16506, and 16507.3. Prior to entering into a voluntary placement agreement with a parent or guardian, the social worker shall make every attempt to keep the family together by offering appropriate child welfare services except in the case of a voluntary placement pending relinquishment as provided for in subdivision (c) of Section 16507.4. Welf. & Inst. Code, § 16507.2 and 16507.4.	

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
		Children voluntarily placed shall be limited to a period not to exceed six months. Subject to the availability of federal funding, voluntary placement services for federally eligible children may be extended for an additional six months, for a total period not to exceed 12 months for either of the following: families who have a custodial parent or guardian in residential substance abuse treatment who is demonstrating progress that indicates the problems warranting the initial placement are likely to be resolved within the extended time period or families whose minor child is seriously emotionally disturbed, who requires placement in a residential treatment facility, who otherwise would be likely to be found to fit the description in subdivision (c) of Section 300, and who reasonably may be expected to be returned home within the extended time period. Welf. & Inst. Code, § 16507.3(a). An out-of-home placement of a minor without adjudication by the juvenile court may occur only when both of the following conditions exist: there is a mutual decision between the child's parent or guardian and the county welfare department in accordance with regulations promulgated by the State Department of Social Services and there is a written agreement between the county welfare department and the parent or guardian specifying the terms of the voluntary placement. Welf. & Inst. Code, § 16507.4(b).	

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
Notice	The foster parents of a child and any pre-adoptive parent or relative providing care for the child are provided with notice of, and any opportunity to be heard in, any review or hearing held with respect to the child. The right to notice and opportunity to be heard does not make that person a party or provide then with standing. 42 U.S.C. § 675(5)(G); 45 C.F.R. § 1356.21(o).	The clerk shall give notice with an attached copy of the petition to . . . the child, if 10 years or older and the petition is filed under section 300; the child, if the child is 8 years or older and the petition is filed under sections 601 or 602; the child's foster parent, preadoptive parents, present caregiver, any court-appointed special advocate and the district attorney if the district attorney has requested notice. Cal. Rules of Court, rule 1407(e).	Notice of any hearing pursuant to Section 727, 727.2, or 727.3 shall be mailed by the probation officer to the minor, the minor's parent or guardian, any adult provider of care to the minor including, but not limited to, foster parents, relative caregivers, preadoptive parents, community care facility, or foster family agency and to the counsel of record if the counsel of record was not present at the time that the hearing was set by the court, by first-class mail addressed to the last known address of the person to be notified, or shall be personally served on those persons, not earlier than 30 days nor later than 15 days preceding the date of the hearing. The notice shall contain a statement regarding the nature of the status review or permanency planning hearing and any change in the custody or status of the minor being recommended by the probation department. The notice shall also include a statement informing the foster parents, relative caregivers, or preadoptive parents that he or she may attend all hearings or may submit any information he or she deems relevant to the court in writing. The foster parents, relative caregiver, and preadoptive parents are entitled to notice and opportunity to be heard but need not be made parties to the proceedings. Proof of notice shall be filed with the court. Welf. & Inst. Code, § 727.4(a); Cal. Rules of Court, rule 1407(e).
		The social worker or probation officer shall give notice of any hearing held pursuant to section 366.21 or 366.22 to a foster parent, a relative caregiver, a certified foster parent	The social worker or probation officer shall give notice of any hearing held pursuant to section 366.21 or 366.22 to a foster parent, a relative caregiver, a certified foster parent who has been

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
		who has been approved for adoption, or the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency or by a licensed county adoption agency, and the notice shall indicate that the person notified may attend all hearings or may submit any information he or she deems relevant to the court in writing. Welf. & Inst. Code, § 293(f); Cal. Rules of Court, rule 1460(b). The social worker or probation officer shall give notice of review hearings held pursuant to section 366.3 . . . to the foster parents, Indian custodian, relative caregivers, community care facility or foster family agency having physical custody of the child. Welf. & Inst. Code, § 295(a)(6). Prior to the any permanency hearing involving a child in the physical custody of a foster parent, relative caregiver, or a certified foster parent who has been approved for adoption may file with the court a report containing his or her recommendation for disposition. Welf. & Inst. Code, § 366.21(d).	approved for adoption, or the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency or by a licensed county adoption agency, and the notice shall indicate that the person notified may attend all hearings or may submit any information he or she deems relevant to the court in writing. Welf. & Inst. Code, § 293(f); Cal. Rules of Court, rule 1460(b). The social worker or probation officer shall give notice of review hearings held pursuant to section 366.3 . . . to the foster parents, Indian custodian, relative caregivers, community care facility or foster family agency having physical custody of the child. Welf. & Inst. Code, § 295(a)(6). Prior to permanency planning hearing involving the physical custody of a foster parent, relative caregiver, pre-adoptive parent, or legal guardian, that person may present to the court a report containing his or her recommendations. Welf. & Inst. Code, § 727.3(a)(2).
Procedures for Jurisdictional and Dispositional Hearings		Upon the filing of a petition, the court shall set the same for a hearing within 30 days, except when the minor is detained, then within 15 days of the detention order. Welf. & Inst. Code § 334. If the court orders a child detained, and counsel or a party requests that evidence of	Upon the filing of a petition, the court shall set the same for a hearing within 30 days, except when the minor is detained . . . then within 15 judicial days of the detention order. Welf. & Inst. Code § 657(a)(1). At the detention hearing, or any time thereafter, a minor who is alleged to come within the

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
		prima facie be presented the court shall set a prima facie hearing within 3 court days to consider evidence of a prima facie case or shall set the matter for jurisdictional hearing within 10 court days. Cal. Rules of Court, rule 1447(d).	provisions of Section 601 or 602 may, with the consent of counsel, admit in court the allegations of the petition and waive the jurisdictional hearing. Welf. & Inst. Code § 657(b).
Reasonable Efforts to Reunify the Family	In determining reasonable efforts made to the child, the child's health and safety shall be the paramount concern. 42 U.S.C. § 671(a)(15)(a) and (b); 45 C.F.R. § 1356.21(b). The State must make reasonable efforts to maintain the family unit and prevent the unnecessary removal of a child from his/her home, as long as the child's safety is assured; to effect the safe reunification of the child and family (if temporary out-of-home placement is necessary to ensure the immediate safety of the child); and to make and finalize alternate permanency plans in a timely manner when reunification is not appropriate or possible. In determining reasonable efforts to be made with respect to a child and in making such reasonable efforts, the child's health and safety must be the State's paramount concern. 45 C.F.R. § 1356.21(b).	In determining the reasonable services to be offered or provided, the child's health and safety shall be the paramount concerns. Welf. & Inst. Code § 16501.1(b)(2). Family reunification services shall be provided or arranged for by county welfare department staff in order to reunite the child separated from his or her parent because of abuse, neglect, or exploitation. These services shall not exceed 12 months except as provided in subdivision (a) of Section 361.5 and subdivision (c) of Section 366.3. Family reunification services shall be available without regard to income to families whose child has been adjudicated or is in the process of being adjudicated a dependent child of the court under the provisions of Section 300. Family reunification services shall include a plan for visitation of the child by his or her grandparents, where the visitation is in the best interests of the child and will serve to maintain and strengthen the family relationships of the child. Welf. & Inst. Code § 16507(a).	In determining the reasonable services to be offered or provided, the child's health and safety shall be the paramount concerns. Welf. & Inst. Code § 16501.1(b)(2). If the court orders the care, custody, and control of the minor to be under the supervision of the probation officer for placement . . . the juvenile court shall order the probation department to ensure the provision of reunification services to facilitate the safe return of the minor to his or her home or the permanent placement of the minor, and to address the needs of the minor while in foster care, except where such services are not required by law. Welf. & Inst. Code § 727.2(a). "Reasonable efforts" means: efforts made to prevent or eliminate the need for removing the minor from the minor's home; efforts to make it possible for the minor to return home, including, but not limited to, case management, counseling, parenting training, mentoring programs, vocational training, educational services, substance abuse treatment, transportation, and therapeutic day services; and efforts to complete whatever steps are necessary to finalize a permanent plan for the minor. Welf. & Inst. Code § 727.4(d)(5).

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
		Parents/guardians receiving reunification services may not receive more than six months of services for a child under the age of three at the time of removal, and not more than twelve months of services for a child over the age of three at the time of removal. Welf. & Inst. Code § 361.5(a)(1)–(2). Notwithstanding prior sections, court-ordered services may be extended to a maximum period not to exceed eighteen months after the child's original removal if the court finds that there is a substantial probability that the child will be returned to the physical custody of his or her parent or guardian within the extended time period . . . or that reasonable services have not been provided to a parent or guardian. Welf. & Inst. Code § 361.5(a)(3). Family maintenance services shall be provided or arranged for by county welfare department staff in order to maintain the child in his or her own home. These services shall be limited to six months, and may be extended in periods of six-month increments if it can be shown that the objectives of the service plan can be achieved within the extended time periods, and provided within the county's allocation. Family maintenance services shall be available without regard to income and shall only be provided to any of the following: families whose child or children have been adjudicated a dependent of the court under Section 300, and where the	

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
		court has ordered the county welfare department to supervise while the child remains in the child's home; families whose child is in potential danger of abuse, neglect, or exploitation, who are willing to accept services and participate in corrective efforts, and where it is safe for the child to remain in the child's home only with the provision of services; families in which the child is in the care of a previously noncustodial parent, under the supervision of the juvenile court; or family maintenance services shall be provided to any individual and child who are referred pursuant to Section 11254 and who are not placed in foster care and who meet any of the criteria of subdivision (b) of Section 11254. The services shall not be limited to 12 months and shall be provided until the individual reaches 18 years of age. Welf. & Inst. Code § 16506.	
	If continuation of reasonable efforts… is determined to be inconsistent with the permanency plan for the child, reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child. 42 U.S.C. § 671(a)(15)(C).	The case plan includes services to make and finalize a permanent placement for the child if efforts to reunify fail. Welf. & Inst. Code, § 366.21(l)(2).	The case report must include a description of the efforts made to achieve legal permanence for the child if reunification fails. Cal. Rules of Court, rule 1461(b)(2); Welf. & Inst. Code, § 727.3(a)(1) and 727.3(a)(3).
		Evidence of any of the following circumstances may not, in and of itself, be deemed a failure to provide or offer	

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
		reasonable services: the child has been placed with a foster family that is eligible to adopt a child, or has been placed in a preadoptive home; the case plan includes services to make and finalize a permanent placement for the child if efforts to reunify fail; and services to make and finalize a permanent placement for the child, if efforts to reunify fail, are provided concurrently with services to reunify the family. Welf. & Inst. Code, § 366.21(*l*).	
Exception to Continuation of Reasonable Efforts	Reasonable reunification efforts are not required to be made with respect to a parent of a child if a court of competent jurisdiction has determined that: the parent has subjected the child to aggravated circumstances; the parent has committed murder or voluntary manslaughter of another child of the parent; aided, abetted, attempted, conspired or solicited to commit such a murder or voluntary manslaughter; committed a felony assault that results in serious bodily injury to the child or another child of the parent; the parental rights of the parent to a sibling have been terminated involuntarily. 42 U.S.C. § 671(a)(15)(D); 45 C.F.R. § 1356.21(b)(3). When a child has been determined by a court of competent jurisdiction to be an abandoned infant or, whose parent(s) has been convicted of one of	Reunification services need not be provided to a parent or guardian when the court finds by clear and convincing evidence any circumstance listed in section 361.5(b) including but not limited to: causing the death of another child through abuse or neglect, the child was brought within the jurisdiction of the court due to severe sexual abuse or the infliction of severe physical harm to the child or a sibling, the parent or guardian has willfully abandoned the child constituting a serious danger to the child, parental rights or reunification services have been terminated to another sibling, the parent or guardian has been convicted of a violent felony as defined in section 667.5(c) of the Penal Code. Welf. & Inst. Code, §§ 361.5(b)(4), (6), and (9)–(12); Cal. Rules of Court, rule 1456 (f)(5)(I).	Reunification services need not be provided to a parent or legal guardian if the court finds by clear and convincing evidence any of the following: that reunification services were previously terminated for that parent or guardian to the same minor; the parent has been convicted of murder or voluntary manslaughter of another child of the parent, aided, abetted, attempted, conspired or solicited to commit such a murder or voluntary manslaughter; committed a felony assault that results in serious bodily injury to the child or another child of the parent; or the parental rights of the parent to a sibling have been terminated involuntarily and it is not in the child's best interest to reunify with the parent or guardian. Welf. & Inst. Code, § 727.2(b).

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
	the felonies listed at paragraph (b)(3)(ii) of this section the petition to terminate parental rights must be filed within 60 days of the judicial determination declaring the child an abandoned infant or that reasonable efforts to reunify the child and parent are not required. 45 C.F.R. § 1356.21(i)(1)(D).		
	If reasonable efforts of the type described in subparagraph (B) are not made with respect to a child as a result of a determination made by a court of competent jurisdiction in accordance with subparagraph (D) a permanency hearing shall be held for the child within 30 days after the determination; and reasonable efforts shall be made to place the child in a timely manner in accordance with the permanency plan, and to complete whatever steps are necessary to finalize the permanent placement of the child. 42 U.S.C. § 671(a)(15)(E).	If no reunification services are offered to the parent or guardian, the court shall, at the dispositional hearing, that shall include a permanency planning, determine whether to set a 366.26 hearing to determine the child's permanent plan, and if so determined, the 366.26 shall be held within 120 days. Welf. & Inst. Code, § 361.5(f).	If no reunification services are offered to the parent or guardian, the permanency planning hearing . . . shall occur within 30 days of the date of the hearing at which the decision is made not to offer services. Welf. & Inst. Code, § 727.2(b)(3).
	In accordance with paragraph (b)(3) of this section, when a court determines that reasonable efforts to return the child home are not required, a permanency hearing must be held within 30 days of that determination, unless the requirements of the permanency hearing are fulfilled at the hearing in which the court	If no reunification services are offered to the parent or guardian, the court shall, at the dispositional hearing, that shall include a permanency planning, determine whether to set a 366.26 hearing to determine the child's permanent plan, and if so determined, the 366.26 shall be held within 120 days. Welf. & Inst. Code, § 361.5(f).	If no reunification services are offered to the parent or guardian, the permanency planning hearing . . . shall occur within 30 days of the date of the hearing at which the decision is made not to offer services. Welf. & Inst. Code, § 727.2(b)(3).

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
	determines that reasonable efforts to reunify the child and family are not required. 45 C.F.R. § 1356.21(h)(2).		
Trial Home Visits	A trial home visit may not exceed six months in duration, unless a court orders a longer trial home visit. If a trial home visit extends beyond six months and has not been authorized by the court, or exceeds the time period the court has deemed appropriate, and the child is subsequently returned to foster care, that placement must then be considered a new placement and judicial determinations regarding contrary to the welfare and reasonable efforts to prevent removal are required. 45 C.F.R. § 1356.21(e).	*California law does not provide for trial home visits.*	
Child's Case Plan	Each child will have a case plan designed to achieve placement in a safe setting that is the least restrictive and most appropriate setting available. 42 U.S.C. § 675(5)(A). The case plan for each child must be a written document, which is a discrete part of the case record, developed jointly with the parent(s) or guardian of the child in foster care and be developed within a reasonable period, but in no event later than 60 days from the child's removal from the home. The case plan must include discussions of how the case plan is designed to achieve a safe placement	A written case plan shall be completed within a maximum of 60 days of the initial removal of the child or of the in-person response if the child has not been removed from his or her home, or by the date of the dispositional hearing, whichever occurs first. At a minimum, the case plan shall be updated in conjunction with each status review hearing but no less frequently than once every six months. Each updated case plan shall include a description of the services that have been provided to the child under the plan and an evaluation of the appropriateness and effectiveness of those services. If out-of-home placement is used to attain case plan goals, the decision regarding choice of placement shall be based upon selection of a	When a minor is detained . . . following a finding by the court that continuance in the home is contrary to the minor's welfare and the minor is at risk of entering foster care, the probation officer shall, within 60 calendar days of initial removal, or by the date of the disposition hearing, whichever occurs first, complete a case plan. If the probation officer believes that reasonable efforts by the minor, his or her parent or legal guardian, and the probation officer will enable the minor to safely return home, the case plan shall focus on those issues and activities associated with those efforts, including a description of the strengths and needs of the minor and his or her family and identification of the services that will be provided to the minor and his or her family in order to reduce or

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
	for the child, in the least restrictive (most family-like) setting available, and in close proximity to the home of the parent(s) when the case plan goal is reunification; a discussion of how the placement is consistent with the best interests; any special needs of the child; a description of the services offered and provided to prevent removal of the child from the home and to reunify the family; and document the steps to finalize a placement when the case plan goal is or becomes adoption or placement in another permanent home. When the case plan goal is adoption, at a minimum, such documentation shall include child-specific recruitment efforts such as the use of State, regional, and national adoption exchanges including electronic exchange systems. 45 CFR § 1356.21(g).	safe setting that is the least restrictive or most family-like and the most appropriate setting that is available and in close proximity to the parent's home, proximity to the child's school, consistent with the selection of the environment best suited to meet the child's special needs and best interests, or both. The case plan shall include a description of the schedule of the social worker contacts with the child and the family or other caretakers; the frequency of contact between the natural parents or legal guardians and the child; provisions for the development and maintenance of sibling relationships; if out-of-home placement is made in a foster family home, group home, or other child care institution that is either a substantial distance from the home of the child's parent or out of state, the reasons why that placement is in the best interest of the child; the services to be provided to assist in reunification and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail. When the permanent plan is adoption or placement in another permanent home, it shall include documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangements for the child; to place the child with an adoptive family, an appropriate and willing relative, a legal guardian, or in another planned permanent living arrangement; and to finalize the adoption or legal guardianship. At a minimum, the documentation shall include child specific recruitment efforts, such as the	eliminate the need for the minor to be placed in foster care and make it possible for the minor to safely return to his or her home. Welf. & Inst. Code, § 636.1(a) and (b). If, based on the information available to the probation officer, the probation officer believes that foster care placement is the most appropriate disposition, the case plan shall include, but not be limited to: a description of the circumstances that resulted in the minor being placed in foster care; an assessment of the minor's and family's strengths and needs and the type of placement best equipped to meet those needs; a description of the type of home or institution in which the minor is to be placed, including a discussion of the safety and appropriateness of the placement (an appropriate placement is a placement in the least restrictive, most family-like environment, in closest proximity to the minor's home, that meets the minor's best interests and special needs); specific time-limited goals and related activities designed to enable the safe return of the minor to his or her home, or in the event that return to his or her home is not possible, activities designed to result in permanent placement or emancipation; the projected date of completion of the case plan objectives and the date services will be terminated; scheduled visits between the minor and his or her family and an explanation if no visits are made. When placement is made in a foster family home, group home, or other child care institution that is either a substantial distance from the home of the minor's parent or legal guardian or out-of-state,

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
		use of state, regional, and national adoption exchanges, including electronic exchange systems, when the child has been freed for adoption. For a child who is 16 years of age or older, the case plan shall include a written description of the programs and services that will help the child prepare for the transition from foster care to independent living. Welf. & Inst. Code, § 16501.1(d)–(f).	the case plan shall specify the reasons why the placement is the most appropriate and is in the best interest of the minor. When an out-of-state group home placement is recommended or made, documentation of the recommendation of the multidisciplinary team and the rationale for this particular placement shall be included. The case plan shall also address what in-state services or facilities were used or considered and why they were not recommended. When out-of-home services are used and the goal is reunification, the case plan shall describe the services that were provided to prevent removal of the minor from the home, those services to be provided to assist in reunification, and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail. The updated case plan prepared for a permanency planning hearing shall include a recommendation for a permanent plan for the minor. If, after considering reunification, adoptive placement, legal guardianship, or permanent placement with a fit and willing relative the probation officer recommends placement in a planned permanent living arrangement, the case plan shall include documentation of a compelling reason or reasons why termination of parental rights is not in the minor's best interest. Welf. & Inst. Code §§ 636.1(c), 707.6(a)-(*l*), and § 727.1(a).
Independent Living Services	For foster children age 16 or older, findings that the services set forth in the case plan include those needed to assist the child in making the transition from foster care to	For each youth 16 years of age or older, the court shall also determine whether services have been made available to assist him or her in making the transition from foster care to independent living. Welf. & Inst. Code, §§	In the case of a minor who has reached 16 years of age, the court shall, in addition, determine the services needed to assist the minor to make the transition from foster care to independent living. Welf. & Inst. Code, §§ 706.6(o), 727.3(a)(4),

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
	independent living. 42 U.S.C. § 675(5)(C).	366.21(f) and 16501.1(f)(14).	and 727.2(e)(6).
Placement Preferences	The State shall consider giving preference to an adult relative over a non-related caregiver when determining placement of the child provided that the relative caregiver meets all relevant State child protection standards. U.S.C. § 671(a)(19).	When a child is removed from the physical custody of his or her parents . . . preferential consideration shall be given to a request by a relative of the child for placement of the child with a relative. Welf. & Inst. Code, §§ 361.3(a) and 16000(a). Notwithstanding any other provision of law, the application of any person who, as a relative caretaker or foster parent, has cared for a dependent child for whom the court has approved a permanent plan for adoption, or who has been freed for adoption, shall be given preference with respect to that child over all other applications for adoptive placement if the agency making the placement determines that the child has substantial emotional ties to the relative caretaker or foster parent and removal from the relative caretaker or foster parent would be seriously detrimental to the child's emotional well- being. Welf. & Inst. Code,	When the court orders the care, custody, and control of the minor to be under the supervision of the probation officer for foster care placement . . . the probation officer shall consider, in order of priority, placement with relatives, tribal members, and foster family, group care, and residential treatment pursuant to Section 7950 of the Family Code. Welf. & Inst. Code, § 727.1(a). Any change in the permanent plan of a minor placed with a fit and willing relative or in a planned permanent living arrangement shall be made only by order of the court pursuant to a Section 778 petition or at a regularly scheduled and noticed status review hearing or permanency planning hearing. Welf. & Inst. Code, § 727.3(e).

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
		§ 366.26(k).	
Procedures for Review Hearings	The status of each child is reviewed periodically but no less frequently than once every six months by either a court or by administrative review. 42 U.S.C. § 675(5)(B); 45 C.F.R. § 1355.34(c)(2)(ii); 45 C.F.R. § 1355.20.	The status of every dependent child in foster care shall be reviewed periodically as determined by the court but no less than frequently than once every six months as calculated from the date of the original dispositional hearing. Welf. & Inst. Code, §§ 366(a), 366.3, 11400(i) and 11404.1; Cal. Rules of Court, rule 1460(a). Every hearing conducted by the juvenile court reviewing the status of a dependent child shall be placed on the appearance calendar. The court shall advise all persons present at the hearing of the date of the future hearing and of their right to be present and represented by counsel. Welf. & Inst. Code, § 366.21(a).	The status of every minor declared a ward and ordered to be placed in foster care shall be reviewed by the court no less frequently than once every six months. The six-month time periods shall be calculated from the date the minor entered foster care. Welf. & Inst. Code, §§ 727.2(c), 11400(i), and 11404.1; Cal. Rules of Court, rule 1496.
Date Entered Foster Care	Date a child is considered to have entered foster care means the earlier of: the date of the first judicial finding that the child has been subjected to child abuse or neglect; or, the date that is 60 calendar days after the date on which the child is removed from the home pursuant to § 1356.21(k). 42 U.S.C. § 675(5)(F), 45 CFR § 1355.20(a).	… A child shall be deemed to have entered foster care on the earlier of the date of the jurisdictional hearing held pursuant to Section 356 or the date that is 60 days after the date on which the child was initially removed from the physical custody of his or her parent or guardian. Welf. & Inst. Code, § 361.5(a); Cal. Rules of Court, rule 1401(a)(7).	"Date of entry into foster care" means the date that is 60 days after the date on which the minor was removed from his or her home, unless one of the exceptions below applies: if the minor is detained pending foster care placement, and remains detained for more than 60 days, then the date of entry into foster care means the date the court adjudges the minor a ward and orders the minor placed in foster care under the supervision of the probation officer; if, before the minor is placed in foster care, the minor is committed to a ranch, camp, school, or other institution pending placement, and remains in that facility for more than 60 days, then the "date of entry into foster care" is the date the minor is physically placed in foster care; or if at the time the wardship petition was filed, the

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
			minor was a dependent of the juvenile court and in out-of-home placement, then the "date of entry into foster care" is the earlier of the date the juvenile court made a finding of abuse or neglect, or 60 days after the date on which the child was removed from his or her home. Welf. & Inst. Code, § 727.4(d)(4); Cal. Rules of Court, rule 1401(a)(7)(B).
Review Hearing Findings and Orders	The status of each child is reviewed periodically but no less frequently than once every six months by either a court or by administrative review in order to determine the safety of the child, the continuing necessity for, and appropriateness of the placement, the extent of compliance with the case plan, and the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care, and to project a likely date by which the child may be returned to and safely maintained in the home or placed for adoption or legal guardianship. 42 U.S.C. § 675(5)(B); 45 C.F.R. § 1355.34(c)(2)(ii); 45 C.F.R. § 1355.20.	At any status review hearing prior to permanency planning, the court shall order the return of the child to the physical custody of his or her parent or legal guardian unless the court finds, by a preponderance of the evidence, that the return of the child to his or her parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. Welf. & Inst. Code, §§ 366.21(e) and 366.22(a); Cal Rules of Court, rule 1461(c)(1). The status of every dependent child in foster care shall be reviewed periodically as determined by the court but no less frequently than once every six months, as calculated from the date of the original dispositional hearing, until the hearing described in Section 366.26 is completed. The court shall consider the safety of the child and shall determine all of the following: the continuing necessity for and appropriateness of the placement; the extent of the agency's compliance with the case plan in making reasonable efforts to return the child to a safe home and to complete any	At any status review hearing prior to the first permanency hearing, the court shall order the return of the child to the physical custody of his or her parent or legal guardian unless the court finds, by a preponderance of the evidence, that the return of the child to hid or her parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. Welf. & Inst. Code, § 727.2(f). At any status review hearing prior to the first permanency planning hearing, the court shall consider the safety of the minor and make findings and orders which determine the following: the continuing necessity for and appropriateness of the placement; the extent of the probation department's compliance with the case plan in making reasonable efforts to safely return the minor to the minor's home or to complete whatever steps are necessary to finalize the permanent placement of the minor; whether there should be any limitation on the right of the parent or guardian to make educational decisions for the minor. That limitation shall be

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
		steps necessary to finalize the permanent placement of the child, including efforts to maintain relationships between a child who is 10 years of age or older who is placed in a group home, and individuals other than the child's siblings who are important to the child, consistent with the child's best interests; whether there should be any limitation on the right of the parent or guardian to make educational decisions for the child; whether the child has other siblings under the court's jurisdiction, and, if any siblings exist, all of the following: the nature of the relationship between the child and his or her siblings; the appropriateness of developing or maintaining the sibling relationships; if the siblings are not placed together in the same home, why the siblings are not placed together and what efforts are being made to place the siblings together, or why those efforts are not appropriate; if the siblings are not placed together, the frequency and nature of the visits between siblings; the impact of the sibling relationships on the child's placement and planning for legal permanence; the continuing need to suspend sibling interaction, if applicable; and the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care. Welf. & Inst. Code, § 366(a)(1). The court shall project a likely date by which the child may be returned to and safely	specifically addressed in the court order and may not exceed what is necessary to protect the minor. If the court specifically limits the right of the parent or guardian to make educational decisions for the minor, the court shall at the same time appoint a responsible adult to make educational decisions for the minor; the extent of progress that has been made by the minor and parent or guardian toward alleviating or mitigating the causes necessitating placement in foster care; the likely date by which the minor may be returned to and safely maintained in the home or placed for adoption, appointed a legal guardian, permanently placed with a fit and willing relative, or referred to another planned permanent living arrangement; in the case of a minor who has reached 16 years of age, the court shall, in addition, determine the services needed to assist the minor to make the transition from foster care to independent living. The court shall make these determinations on a case-by-case basis and reference in its written findings the probation officer's report and any other evidence relied upon in reaching its decision. Welf. & Inst. Code, § 727.2(e).

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
		maintained in the home or placed for adoption, legal guardianship, or in another planned permanent living arrangement. Welf. & Inst. Code, § 366(a)(2). Whether or not the child is returned to a parent or legal guardian, the court shall specify the factual basis for its conclusion that the return would be detrimental or would not be detrimental. The court also shall make appropriate findings pursuant to subdivision (a) of Section 366; and, where relevant, shall order any additional services reasonably believed to facilitate the return of the child to the custody of his or her parent or legal guardian. The court shall also inform the parent or legal guardian that if the child cannot be returned home by the 12-month permanency hearing, a proceeding pursuant to Section 366.26 may be instituted. This section does not apply in a case where the court has ordered that reunification services shall not be provided. Welf. & Inst. Code, § 366.21(e). If the time period in which the court-ordered services were provided has met or exceeded the time period set . . . and a child is not returned to the custody of a parent or legal guardian at the permanency hearing . . . the court shall do one of the following: (1) Continue the case for up to six months for a permanency review hearing, provided that the hearing shall occur within 18 months of the date the child was originally taken from the	

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
		physical custody of his or her parent or legal guardian. The court shall continue the case only if it finds that there is a substantial probability that the child will be returned to the physical custody of his or her parent or legal guardian and safely maintained in the home within the extended period of time. (2) Order that a hearing be held within 120 days, pursuant to Section 366.26, but only if the court does not continue the case to the permanency planning review hearing and there is clear and convincing evidence that reasonable services have been provided or offered to the parents or legal guardians. (3) Order that the child remain in long-term foster care, but only if the court finds by clear and convincing evidence, based upon the evidence already presented to it, including a recommendation by the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency or by a licensed county adoption agency, that there is a compelling reason for determining that a hearing held pursuant to Section 366.26 is not in the best interest of the child because the child is not a proper subject for adoption and has no one willing to accept legal guardianship. If the court orders that a child who is 10 years of age or older remain in long-term foster care at a group home, the court shall determine whether the agency has made reasonable efforts to maintain the child's relationships with individuals other than the child's siblings who are important to	

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
		the child, consistent with the child's best interests, and may make any appropriate order to ensure that those relationships are maintained. Welf. & Inst. Code, § 366.21(g). In any case in which the court orders that a hearing pursuant to Section 366.26 shall be held, it shall also order the termination of reunification services to the parent or legal guardian. The court shall continue to permit the parent or legal guardian to visit the child pending the hearing unless it finds that visitation would be detrimental to the child. The court shall make any other appropriate orders to enable the child to maintain relationships with other individuals, other than the child's siblings, who are important to the child consistent with the child's best interest. Welf. & Inst. Code, § 366.21(h). Whenever a court orders that a hearing pursuant to Section 366.26 shall be held, it shall direct the agency supervising the child and the licensed county adoption agency, or the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency, to prepare an assessment that shall include: current search efforts for an absent parent or parents or legal guardians; a review of the amount of and nature of any contact between the child and his or her parents or legal guardians and other members of his or her extended family since the time of placement. Welf. & Inst. Code, § 366.21(i).	

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
Procedures for Permanency Hearings	Permanency hearing means the hearing required by section 475(5)(C) of the Act to determine the permanency plan for a child in foster care. Within this context, the court (including a Tribal court) or administrative body determines whether and, if applicable, when the child will be: returned to the parent; placed for adoption, with the State filing a petition for termination of parental rights; referred for legal guardianship; placed permanently with a fit and willing relative; or placed in another planned permanent living arrangement, but only in cases where the State agency has documented to the State court a compelling reason for determining that it would not be in the best interests of the child to follow one of the four specified options above. The permanency hearing must be held no later than 12 months after the date the child is considered to have entered foster care in accordance with the definition at § 1355.20 of this part or within 30 days of a judicial determination that reasonable efforts to reunify the child and family are not required. After the initial permanency hearing, subsequent permanency hearings must be held not less frequently than every 12 months during the continuation of foster care.	The case of any dependent child whom the court has removed from the custody of the parent or guardian must be set for review hearing within 12 months of the date the child entered foster care, as defined in rule 1401, and no later than 18 months from the date of the initial removal. Notice of the hearing must be given as provided in rule 1460. CA Rules of Court, rule 1461(a); Welf. & Inst. Code, §§ 366.21(f), 366.21(g), 366.22, 366.3, § 11400(j), and 11404.1. The permanency hearing shall be held no later than 12 months after the date the child entered foster care, as that date is determined pursuant to subdivision (a) of Section 361.5. At the permanency hearing, the court shall determine the permanent plan for the child, which shall include a determination of whether the child will be returned to the child's home and, if so, when, within the time limits of subdivision (a) of Section 361.5. The court shall order the return of the child to the physical custody of his or her parent or legal guardian unless the court finds, by a preponderance of the evidence, that the return of the child to his or her parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. The social worker shall have the burden of establishing that detriment. The court shall also determine whether reasonable services that were designed to aid the parent or legal guardian to overcome the problems that led	For every minor declared a ward and ordered to be placed in foster care, a permanency planning hearing shall be conducted within 12 months of the date the minor entered foster care. Subsequent permanency planning hearings shall be conducted periodically, but no less frequently than once every 12 months thereafter during the period of placement. It shall be the duty of the probation officer to prepare a written social study report including an updated case plan and a recommendation for a permanent plan, and submit the report to the court prior to each permanency planning hearing. Welf. & Inst. Code, § 727.3(a)(1), 11400(j), and 11404.1; Cal. Rules of Court, rule 1496. At all permanency planning hearings, the court shall determine the permanent plan for the minor. The court shall order one of the following permanent plans, which are, in order of priority: (1) Return of the minor to physical custody of the parent or legal guardian. The court shall order the return of the minor to the physical custody of his or her parent or legal guardian unless: reunification services were not offered; the court finds, by a preponderance of the evidence, that the return of the minor to his or her parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the minor. The probation department shall have the burden of establishing that detriment. (2) Order that the permanent plan for the minor will be to return the minor to the physical custody of the parent or legal guardian, order

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
	The permanency hearing must be conducted by a family or juvenile court or another court of competent jurisdiction or by an administrative body appointed or approved by the court which is not a part of or under the supervision or direction of the State agency. Paper reviews, ex parte hearings, agreed orders, or other actions or hearings which are not open to the participation of the parents of the child, the child (if of appropriate age), and foster parents or preadoptive parents (if any) are not permanency hearings. 45 C.F.R. § 1355.20; 45 C.F.R. § 1356.21(b)(2)(i); 42 U.S.C. § 675(5)(C).	to the initial removal and continued custody of the child have been provided or offered to the parent or legal guardian. For each youth 16 years of age and older, the court shall also determine whether services have been made available to assist him or her in making the transition from foster care to independent living. The failure of the parent or legal guardian to participate regularly and make substantive progress in court-ordered treatment programs shall be prima facie evidence that return would be detrimental. In making its determination, the court shall review and consider the social worker's report and recommendations and the report and recommendations of any child advocate appointed pursuant to Section 356.5, shall consider the efforts or progress, or both, demonstrated by the parent or legal guardian and the extent to which he or she availed himself or herself of services provided, and shall make appropriate findings pursuant to subdivision (a) of Section 366. Whether or not the child is returned to his or her parent or legal guardian, the court shall specify the factual basis for its decision. If the child is not returned to a parent or legal guardian, the court shall specify the factual basis for its conclusion that the return would be detrimental. The court also shall make a finding pursuant to subdivision (a) of Section 366. Welf. & Inst. Code, § 366.21(f). If the time period in which the court-ordered services were provided has met or exceeded	further reunification services to be provided to the minor and his or her parent or legal guardian for a period not to exceed six months and continue the case for up to six months for a subsequent permanency planning hearing, provided that the subsequent hearing shall occur within 18 months of the date the minor was originally taken from the physical custody of his or her parent or legal guardian. The court shall continue the case only if it finds that there is a substantial probability that the minor will be returned to the physical custody of his or her parent or legal guardian and safely maintained in the home within the extended period of time or that reasonable services have not been provided to the parent or guardian. The court shall inform the parent or legal guardian that if the minor cannot be returned home by the next permanency planning hearing, a proceeding pursuant to Section 727.31 may be initiated. The court shall not continue the case for further reunification services if it has been 18 months or more since the date the minor was originally taken from the physical custody of his or her parent or legal guardian. (3) Identify adoption as the permanent plan and order that a hearing be held within 120 days, pursuant to the procedures described in Section 727.31. The court shall only set a hearing pursuant to Section 727.31 if there is clear and convincing evidence that reasonable services have been provided or offered to the parents. When the court sets a hearing pursuant to Section 727.31, it shall order that an adoption assessment report be prepared. (4) Order a legal guardianship, pursuant to procedures described

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
		the time period set forth in subdivision (a) of Section 361.5, as appropriate, and a child is not returned to the custody of a parent or legal guardian at the permanency hearing held pursuant to subdivision (f), the court shall do one of the following: (1) Continue the case for up to six months for a permanency review hearing, provided that the hearing shall occur within 18 months of the date the child was originally taken from the physical custody of his or her parent or legal guardian. The court shall continue the case only if it finds that there is a substantial probability that the child will be returned to the physical custody of his or her parent or legal guardian and safely maintained in the home within the extended period of time or that reasonable services have not been provided to the parent or legal guardian. For the purposes of this section, in order to find a substantial probability that the child will be returned to the physical custody of his or her parent or legal guardian and safely maintained in the home within the extended period of time, the court shall be required to find all of the following: that the parent or legal guardian has consistently and regularly contacted and visited with the child; that the parent or legal guardian has made significant progress in resolving problems that led to the child's removal from the home; the parent or legal guardian has demonstrated the capacity and ability both to complete the objectives of his or her treatment plan and to provide for the child's safety, protection, physical and	in subdivisions (c) to (f), inclusive, of Section 728. (5) Place the minor with a fit and willing relative. "Placement with a fit and willing relative" means placing the minor with an appropriate relative on a permanent basis. When a minor is placed with a fit and willing relative, the court may authorize the relative to provide the same legal consent for the minor's medical, surgical, and dental care, and education as the custodial parent of the minor. (6) Place the minor in a planned permanent living arrangement. A "planned permanent living arrangement" means any permanent living arrangement described in Section 11402 and not listed in paragraphs (1) to (5), inclusive, such as placement in a specific, identified foster family home, program, or facility on a permanent basis, or placement in a transitional housing placement facility. When the court places a minor in a planned permanent living arrangement, the court shall specify the goal of the placement, which may include, but shall not be limited to, return home, emancipation, guardianship, or permanent placement with a relative. The court shall only order that the minor remain in a planned permanent living arrangement if the court finds by clear and convincing evidence, based upon the evidence already presented to it, that there is a compelling reason, as defined in subdivision (c), for determining that a plan of termination of parental rights and adoption is not in the best interest of the minor. Welf. & Inst. Code, § 727.3(b).

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
		emotional well-being, and special needs. The court shall inform the parent or legal guardian that if the child cannot be returned home by the next permanency review hearing, a proceeding pursuant to Section 366.26 may be instituted. The court shall not order that a hearing pursuant to Section 366.26 be held unless there is clear and convincing evidence that reasonable services have been provided or offered to the parent or legal guardian. (2) Order that a hearing be held within 120 days, pursuant to Section 366. 26, but only if the court does not continue the case to the permanency planning review hearing and there is clear and convincing evidence that reasonable services have been provided or offered to the parents or legal guardians. (3) Order that the child remain in long-term foster care, but only if the court finds by clear and convincing evidence, based upon the evidence already presented to it, including a recommendation by the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency or by a licensed county adoption agency, that there is a compelling reason for determining that a hearing held pursuant to Section 366.26 is not in the best interest of the child because the child is not a proper subject for adoption and has no one willing to accept legal guardianship. If the court orders that a child who is 10 years of age or older remain in long-term foster care at a group home, the court shall determine	

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
	For a case in which no reunification services are offered, the permanency hearing must be held within 30 days of disposition. 45 CFR § 1356.21(h)(2).	whether the agency has made reasonable efforts to maintain the child's relationships with individuals other than the child's siblings who are important to the child, consistent with the child's best interests, and may make any appropriate order to ensure that those relationships are maintained. Welf. & Inst. Code, § 366.21(g). If no reunification services are offered to the parent or guardian, the court shall, at the dispositional hearing, that shall include a permanency planning, determine whether to set a 366.26 hearing to determine the child's permanent plan, and if so determined, the 366.26 shall be held within 120 days. Welf. & Inst. Code, § 361.5(f).	If no reunification services are offered to the parent or guardian, the permanency planning hearing . . . shall occur within 30 days of the date of the hearing at which the decision is made not to offer services. Welf. & Inst. Code, § 727.2(b)(3).
Reasonable Efforts to Finalize the Permanent Plan	The State agency must obtain a judicial determination that it has made reasonable efforts to finalize the permanency plan that is in effect (whether the plan is reunification, adoption, legal guardianship, placement with a fit and willing relative, or placement in another planned permanent living arrangement) within twelve months of the date the child is considered to have entered foster care in accordance with the definition at § 1355.20 of this part, and at least once every twelve months thereafter while the child is in foster care. 45 C.F.R. § 1356.21(b)(2)(i).	The court shall determine whether or not reasonable efforts to make and finalize a permanent placement for the child have been made. Welf. & Inst. Code, § 366.3(d)(4).	At any status review hearing prior to the first permanency planning hearing, the court shall consider the safety of the minor and make findings and order which determine the extent of the probation department's compliance with the case plan in making reasonable efforts to safely return the minor to the minor's home or to complete whatever steps are necessary to finalize the permanent placement of the minor. Welf. & Inst. Code, § 727.2(e)(2).
Termination	When a child has been in foster care	For every child who is in foster care, or who	Where a minor has been declared a ward of the

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
of Parental Rights—15 out of 22 Months Requirement	under the responsibility of the State for 15 of the most recent 22 months, or a court of competent jurisdiction has determined a child to be an abandoned infant or has made a determination under U.S.C. § 671(a)(15)(D), the State "shall file a petition to terminate the parental rights of the child's parents" unless the child is being cared for by a relative, there exists a compelling reason why filing such a petition is not in the best interests of the child or the State has not provided the family of the child, consistent with the time period in the State case plan, such services as the State deems necessary for the safe return of the child to the child's home. 42 U.S.C. § 675(5)(E), 45 CFR § 1356.21(i)(2)	enters foster care, on or after January 1, 1999, and has been in foster care for 15 of the most recent 22 months, the social worker shall submit to the court a recommendation that the court set a hearing for the purpose of terminating parental rights. The social worker shall concurrently initiate and describe a plan to identify, recruit, process and approve a qualified family for adoption of the child unless: there is a compelling reason or reasons why it is unlikely that the child will be adopted and therefore termination of parental rights would not be in the best interest of the child; one of the conditions set forth in Section 366.26(1)(c) applies; a hearing under Section 366.26 is already set; the court has found at the previous hearing that there is a substantial probability that the child will be returned to the child's home within the extended period of time permitted; the court has found at the previous hearing that reasonable reunification services have not been offered or provided; the court has found at each and every hearing at which the court was required to consider reasonable efforts or services that reasonable efforts were not made or that reasonable services were not offered or provided; or if the social worker documents in the case record a compelling reason why such a hearing is not in the best interest of the child; or that reasonable efforts to safely return the child home are continuing consistent with the time period provided for in paragraph (1) of subdivision (g) of Section 366.21. Welf. &	juvenile court and has been in foster care for 15 of the most recent 22 months, the probation department shall follow the procedures to terminate the parental rights of the minor's parents, unless the probation department has documented in the probation department file a compelling reason for determining that termination of the parental rights would not be in the minor's best interests, or the probation department has not provided the family with reasonable efforts necessary to achieve reunification. Welf. & Inst. Code, § 727.32(a).

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
	The State must calculate the 15 out of the most recent 22 month period from the date the child is considered to have entered foster care, use a cumulative method of calculation when a child experiences multiple exits from and entries into foster care during the 22 month period and must not include trial home visits or runaway episodes in calculating 15 months in foster care. 45 CFR § 1356.21(i)(a–c).	Inst. Code, §§ 16508.1(a)-(c) and 366.26(c)(2).	When a minor experiences multiple exits from and entries into foster care during the 22-month period, the 15 months shall be calculated by adding together the total number of months the minor spent in foster care in the past 22 months. However, trial home visits and runaway episodes should not be included in calculating the 15 months in foster care. Welf. & Inst. Code, § 727.32(b).
Adoption Procedures		At the hearing, that shall be held in juvenile court for all children who are dependents of the juvenile court, the court, in order to provide stable, permanent homes for these children, shall review the report, . . . shall indicate that the court has read and considered it, shall receive other evidence that the parties may present, and then shall make findings and orders in the following order of preference: terminate the rights of the parent or parents and order that the child be placed for adoption and, upon the filing of a petition for adoption in the juvenile court, order that a hearing be set. The court shall proceed with the adoption after the appellate rights of the natural parents have been exhausted. On making a finding under paragraph (3) of subdivision (c), identify adoption as the permanent placement goal and order that efforts be made to locate an	This section applies to all minors placed in out-of-home care pursuant to Section 727.2 or 727.3 and for whom the juvenile court orders a hearing to consider permanently terminating parental rights to free the minor for adoption. At the beginning of any proceeding pursuant to this section, if the minor is not being represented by previously retained or appointed counsel, the court shall appoint counsel to represent the minor, and the minor shall be present in court unless the minor or the minor's counsel so requests and the court so orders. If a parent appears without counsel and is unable to afford counsel, the court shall appoint counsel for the parent, unless this representation is knowingly and intelligently waived. The same counsel shall not be appointed to represent both the minor and the parent. Private counsel appointed under this section shall receive a reasonable sum for compensation and expenses. Whenever the

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
		appropriate adoptive family for the child within a period not to exceed 180 days. Welf. & Inst. Code, § 366.26(b)(1) and (2). If the court determines . . . by a clear and convincing standard, that it is likely the child will be adopted, the court shall terminate parental rights and order the child placed for adoption. The fact that the child is not yet placed in a preadoptive home nor with a relative or foster family who is prepared to adopt the child, shall not constitute a basis for the court to conclude that it is not likely the child will be adopted. A finding under subdivision (b) or paragraph (1) of subdivision (e) of Section 361.5 that reunification services shall not be offered, under subdivision (e) of Section 366.21 that the whereabouts of a parent have been unknown for six months or that the parent has failed to visit or contact the child for six months or that the parent has been convicted of a felony indicating parental unfitness, or, under Section 366.21 or 366.22, that the court has continued to remove the child from the custody of the parent or guardian and has terminated reunification services, shall constitute a sufficient basis for termination of parental rights unless the court finds a compelling reason for determining that termination would be detrimental to the child. Welf. & Inst. Code, § 366.26(c)(1). If the court finds that termination of parental rights would not be detrimental to the child . .	court orders that a hearing pursuant to this section shall be held, it shall direct the agency supervising the minor and the licensed county adoption agency, or the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency, to prepare an assessment that shall include all of the following: (1) Current search efforts for an absent parent or parents. (2) A review of the amount and nature of any contact between the minor and his or her parents and other members of his or her extended family since the time of placement. Although the extended family of each minor shall be reviewed on a case-by-case basis, “extended family” for the purpose of the paragraph shall include, but not be limited to, the minor’s siblings, grandparents, aunts, and uncles. (3) An evaluation of the minor’s medical, developmental, scholastic, mental, and emotional status. (4) A preliminary assessment of the eligibility and commitment of any identified prospective adoptive parent or guardian, particularly the caretaker, to include a social history, including screening for criminal records and prior referrals for child abuse or neglect, the capability to meet the minor’s needs, and the understanding of the legal and financial rights and responsibilities of adoption and guardianship. If a proposed guardian is a relative of the minor, and the relative was assessed for foster care placement of the minor prior to January 1, 1998, the assessment shall also consider, but need not be limited to, all of the factors specified in subdivision (a) of Section

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
		. and that the child has a probability for adoption but is difficult to place for adoption and there is no identified or available prospective adoptive parent, the court may identify adoption as the permanent placement goal and, without terminating parental rights, order that efforts be made to locate an appropriate adoptive family for the child within a period not to exceed 180 days. During this 180-day period, the public agency responsible for seeking adoptive parents for each child shall, to the extent possible, ask each child who is 10 years of age or older who is placed in a group home for six months or longer from the date the child entered foster care, to identify any individuals, other than the child's siblings, who are important to the child, in order to identify potential adoptive parents. The public agency may ask any other child who is younger than 10 years of age to provide that information, as appropriate. During the 180-day period, the public agency shall, to the extent possible, contact other private and public adoption agencies regarding the availability of the child for adoption. During the 180-day period, the public agency shall conduct the search for adoptive parents in the same manner as prescribed for children in Sections 8708 and 8709 of the Family Code. At the expiration of this period, another hearing shall be held and the court shall proceed pursuant to paragraph (1) or (3) of subdivision (b). For purposes of this section, a child may only be found to be difficult to	361.3. (5) The relationship of the minor to any identified prospective adoptive parent or guardian, the duration and character of the relationship, the motivation for seeking adoption or guardianship, and a statement from the minor concerning placement and the adoption or guardianship, unless the minor's age or physical, emotional, or other condition precludes his or her meaningful response, and if so, a description of the condition. (6) An analysis of the likelihood that the minor will be adopted if parental rights are terminated. Whenever the court orders that a hearing pursuant to procedures described in this section be held, it shall order that the licensed county adoption agency, or the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency, has exclusive responsibility for determining the adoptive placement and making all adoption-related decisions. If the court, by order of judgment, declares the minor free from the custody and control of both parents, or one parent if the other does not have custody and control, the court shall at the same time order the minor referred to the State Department of Social Services when it is acting as an adoption agency in counties that are not served by a county adoption agency or a licensed county adoption agency for adoptive placement by the agency. The order shall state that responsibility for custody of the minor shall be held jointly by the probation department and the State Department of Social Services when it is acting as an adoption agency in counties that are not served

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
		place for adoption if there is no identified or available prospective adoptive parent for the child because of the child's membership in a sibling group, or the presence of a diagnosed medical, physical, or mental handicap, or the child is the age of seven years or more. Welf. & Inst. Code, § 366.26(c)(3).	by a county adoption agency or the licensed county adoption agency. The order shall also state that the State Department of Social Services, when it is acting as an adoption agency in counties that are not served by a county adoption agency or the licensed county adoption agency, has exclusive responsibility for determining the adoptive placement and for making all adoption-related decisions. However, no petition for adoption may be granted until the appellate rights of the natural parents have been exhausted. The notice procedures for terminating parental rights for minors described by this section shall proceed exclusively pursuant to Section 366.26. Welf. & Inst. Code, § 727.31.
Permanency Plans other than Adoption	If the State concludes, after considering reunification, adoption, legal guardianship, or permanent placement with a fit and willing relative, that the most appropriate permanency plan for a child is placement in another planned permanent living arrangement, the State must document to the court the compelling reason for the alternate plan. 45 CFR § 1356.21(h)(3)	If the child is not returned to a parent or legal guardian at the permanency review hearing, the court shall order that a hearing be held pursuant to Section 366.26 in order to determine whether adoption, guardianship, or long-term foster care is the most appropriate plan for the child. However, if the court finds by clear and convincing evidence, based on the evidence already presented to it … that there is a compelling reason for determining that a hearing held under Section 366.26 is not in the best interest of the child because the child is not a proper subject for adoption and has no one willing to accept legal guardianship, then the court may, only under these circumstances, order that the child remain in foster care. Welf. & Inst. Code, § 366.22(a)	The court shall only order that the minor remain in a planned permanent living arrangement if the court finds by clear and convincing evidence, based upon the evidence already presented to it, that there is a compelling reason for determining that a plan of termination of parental rights and adoption is not in the best interest of the minor. Welf. & Inst. Code, § 727.3(b)(6).

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
		A compelling reason for determining that a plan of termination of parental rights and adoption is not in the best interest of the minor is any of the following: the parents or guardians have maintained regular visitation and contact with the child and the child would benefit from continuing the relationship; a child 12 years of age or older objects to termination of parental rights; the child is placed in a residential treatment facility, adoption is unlikely or undesirable, and continuation of parental rights will not prevent finding the child a permanent family placement if the parents cannot resume custody when residential care is no longer needed; the child is living with a relative or foster parent who is unable or unwilling to adopt the child because of exceptional circumstances, that do not include an unwillingness to accept legal or financial responsibility for the child, but who is willing and capable of providing the child with a stable and permanent environment and the removal of the child from the physical custody of his or her relative or foster parent would be detrimental to the emotional well-being of the child; there would be substantial interference with a child's sibling relationship, taking into consideration the nature and extent of the relationship, including, but not limited to, whether the child was raised with a sibling in the same home, whether the child shared significant common experiences or has existing close and strong bonds with a sibling, and whether	A compelling reason for determining that a plan of termination of parental rights and adoption is not in the best interest of the minor is any of the following: (1) documentation by the probation department that adoption is not in the best interest of the minor and is not an appropriate permanency goal. That documentation may include, but is not limited to, documentation that: the minor is 12 years of age or older and objects to termination of parental rights; the minor is an older teen who specifically requests that emancipation be established as his or her permanent plan; the parent or guardian and the minor have a significant bond, but the parent or guardian is unable to care for the minor because of an emotional or physical disability, and the minor's caregiver has committed to raising the minor to the age of majority and facilitating visitation with the disabled parent or guardian; the minor agrees to continued placement in a residential treatment facility that provides services specifically designed to address the minor's treatment needs, and the minor's needs could not be served by a less restrictive placement. (2) Documentation by the probation department that no grounds exist to file for termination of parental rights. (3) Documentation by the probation department that the minor is an unaccompanied refugee minor, or there are international legal obligations or foreign policy reasons that would preclude terminating parental rights. (4) A finding by the court that the probation department was required to make reasonable efforts to reunify the minor with the family pursuant to subdivision (a) of

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
		ongoing contact is in the child's best interest, including the child's long-term emotional interest, as compared to the benefit of legal permanence through adoption. If the court finds that termination of parental rights would be detrimental to the child . . . it shall state its reasons in writing or on the record. Welf. & Inst. Code, § 366.26(c)(1)(A)– (E). At the hearing, that shall be held in juvenile court for all children who are dependents of the juvenile court, the court, in order to provide stable, permanent homes for these children, shall review the report, shall indicate that the court has read and considered it, shall receive other evidence that the parties may present, and then shall make findings and orders in the following order of preference: (3) Appoint a legal guardian for the child and order that letters of guardianship issue. (4) Order that the child be placed in long-term foster care, subject to the periodic review of the juvenile court under Section 366.3. Welf. & Inst. Code, § 366.26(b)(3) and (4).	Section 727.2, and did not make those efforts. (5) Documentation by the probation department that the minor is living with a relative who is unable or unwilling to adopt the minor because of exceptional circumstances that do not include an unwillingness to accept legal or financial responsibility for the minor, but who is willing and capable of providing the minor with a stable and permanent home environment, and the removal of the minor from the physical custody of his or her relative would be detrimental to the minor's emotional well-being. Welf. & Inst. Code, § 727.3(c). At all permanency planning hearings, the court shall determine the permanent plan for the minor. The court shall order one of the following permanent plans, which are, in order of priority: (4) Order a legal guardianship. (5) Place the minor with a fit and willing relative. (6) Place the minor in a planned permanent living arrangement. Welf. & Inst. Code, § 727.3(b)(4)–(6).
Administrative Review Hearings	When an administrative body, appointed or approved by the court, conducts the permanency hearing, the procedural safeguards set forth in the definition of permanency hearing must be so extended by the administrative body. 45 CFR § 1356.21(h)(4).	Subsequent to completion of the hearing conducted pursuant to Section 366.25 or 366.26, the agency responsible for placement and care of a minor . . . shall ensure that a child in foster care shall receive administrative reviews periodically but no less frequently than once every six months. The administrative review shall determine the appropriateness of the placement, the continuing appropriateness and extent of	Status review hearings may be heard by an administrative review panel. Welf. & Inst. Code, § 727.2(h). The administrative review shall be open to participation by the minor and parents or legal guardians and all those persons entitled to notice; the minor and his or her parents or legal guardians receive proper notice; the administrative review panel is composed of

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
		compliance with the permanent plan for the child, the extent of compliance with the case plan, and adequacy of services provided to the child. Welf. & Inst. Code, § 16503(a).	persons appointed by the presiding judge of the juvenile court, the membership of which shall include at least one person who is not responsible for the case management of, or delivery of services to, the minor or the parents who are the subjects of the review; and the findings of the administrative review panel shall be submitted to the juvenile court for the court's approval and shall become part of the official court record. Welf. & Inst. Code, § 727.4(d)(7)(B).
	The term "administrative review" means a review open to the participation of the parents of the child, conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of, or the delivery of services to, either the child or the parents who are the subject of the review. 42 U.S.C. § 675(6).	The term "administrative review" means a review open to the participation of the parents of a child in foster care conducted by a panel of appropriate persons at least one of whom is not responsible for the case management of or the delivery of services to either the child or the parents who are the subject of the review. Welf. & Inst. Code, § 16503(b). If the child is in a placement other than the home of a legal guardian and jurisdiction has not been dismissed, the status of the child shall be reviewed at least every six months. The review of the status of a child for whom the court has ordered parental rights terminated and who has been ordered placed for adoption shall be conducted by the court. The review of the status of a child for whom the court has not ordered parental rights terminated and who has not been ordered placed for adoption may be conducted by the court or an appropriate local agency. Welf. & Inst. Code, § 366.3(d).	

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
Right to Counsel–Children		The court must appoint counsel for the child unless the court finds that the child would not benefit from the appointment and makes the findings required by rule 1438(b). Cal. Rules of Court, rule 1412(h)(1)(A). Any counsel entering an appearance on behalf of a minor shall continue to represent that minor unless relieved by the court upon the substitution of other counsel or for cause. Welf. & Inst. Code, § 634.6.	Where a minor is alleged to be a person described in section 601 or 602, the court shall appoint counsel for the minor, whether he is unable to afford counsel or not, unless there is an intelligent waiver of the right to counsel by the minor. Welf. & Inst. Code, §§ 634 and 679; Cal. Rules of Court, rule 1412(h)(2)(A). When the minor is placed out-of-home and the juvenile court orders a hearing to consider permanently terminating parental rights and free the minor for adoption . . . at the beginning of any proceeding pursuant to this section, if the minor is not being represented by previously retained or appointed counsel, the court shall appoint counsel to represent the minor, and the minor shall be present in court unless the minor or the minor's counsel so requests and the court so orders. The same counsel shall not be appointed to represent both the minor and the parent. Welf. & Inst. Code, § 727.31(a).
Right to Counsel–Parents		The court must appoint counsel for any parent or guardian unable to afford counsel if the child is placed in out-of-home care or the recommendation of the petitioner is for out-of-home care, unless the court finds the parent or guardian has knowingly and intelligently waived the right to counsel. Cal. Rules of Court, rules 1412(h)(1)(B) and 1438.	The court may appoint counsel for a parent or guardian who is unable to afford counsel. Welf. & Inst. Code, § 634. When the minor is placed out-of-home and the juvenile court orders a hearing to consider permanently terminating parental rights and free the minor for adoption. . . if a parent appears without counsel and is unable to afford counsel, the court shall appoint counsel for the parent,

Issue	Federal Statues and Regulations Relating to Title IV-B and Title IV-E of the Social Security Act	Comparable California Dependency Statutes and Rules of Court	Comparable California Delinquency Statutes and Rules of Court
		If the parent appears without counsel at the 366.26 hearing and is unable to afford counsel the court shall appoint counsel for the parent, unless this representation is knowingly and intelligently waived. Welf. & Inst. Code, § 366.26(f)(2).	unless this representation is knowingly and intelligently waived. The same counsel shall not be appointed to represent both the minor and the parent. Private counsel appointed under this section shall receive a reasonable sum for compensation and expenses as specified in subdivision (f) of paragraph (3) of Section 366.26. Welf. & Inst. Code, § 727.31(a).
Advisement of Constitutional Rights		The court must advise the child, parent, and guardian in section 300 cases, and the child in section 601 or section 602 cases, of the following rights: any right to assert the privilege against self-incrimination; the right to confront and cross-examine the persons who prepared reports or documents submitted to the court by the petitioner, and the witnesses called to testify at the hearing; the right to use the process of the court to bring in witnesses; the right to present evidence to the court. The child, parent or guardian, and their attorneys have the right to receive probation officer or social worker reports, and to inspect the documents used by the preparer of the report. Unless prohibited by court order, the child, parent or guardian, and their attorneys also have the right to receive all documents filed with the court. Cal. Rules of Court, rule 1412(j).	The court must advise the child, parent, and guardian in section 300 cases, and the child in section 601 or section 602 cases, of the following rights: any right to assert the privilege against self-incrimination; the right to confront and cross-examine the persons who prepared reports or documents submitted to the court by the petitioner, and the witnesses called to testify at the hearing; the right to use the process of the court to bring in witnesses; the right to present evidence to the court. The child, parent or guardian, and their attorneys have the right to receive probation officer or social worker reports, and to inspect the documents used by the preparer of the report. Unless prohibited by court order, the child, parent or guardian, and their attorneys also have the right to receive all documents filed with the court. Cal. Rules of Court, rule 1412(j).

Legal Review Table A.2:
Indian Child Welfare Act- Title 25, United States Code, Chapter 21 (hereinafter referred to as ICWA)

Requirement	**Federal Indian Child Welfare Act (ICWA) Requirements**	**Comparable California Statutes[1] and Rules of Court[2] Implementing ICWA Requirements**
ICWA Applicability	See generally 25 U.S.C. §§ 1911 and 1912.	This rule applies to all proceedings under section 300 et seq. and to proceedings under section 601 and section 602 et seq. in which the child is at risk of entering foster care or is in foster care including detention hearings, jurisdiction hearings, disposition hearings, reviews, hearings under section 366.26, and subsequent hearings affecting the status of the Indian child. Cal. Rules of Court, rule 1439(b). A determination by an Indian tribe that an unmarried person, who is under the age of 18 years, is either (1) a member of an Indian tribe or (2) eligible for membership in an Indian tribe and a biological child of a member of an Indian tribe shall constitute a significant political affiliation with the tribe and shall require the application of the federal Indian Child Welfare Act to the proceedings. Welf. & Inst. Code, § 360.6(c).
Emergency Removal	Nothing in this subchapter shall be construed to prevent the emergency removal of an Indian child who is a resident of or is domiciled on a reservation, but temporarily located off the reservation, from his parent or Indian custodian or the emergency placement of such child in a foster home or institution, under applicable State law, in order to prevent imminent physical damage or harm to the child. The State authority, official, or agency involved shall insure that the emergency removal or placement terminates immediately when such removal or placement is no longer necessary to	If the Indian child is temporarily off a reservation that exercises exclusive jurisdiction, the juvenile court must exercise temporary jurisdiction if there is an immediate threat of serious physical harm to the child. Absent extraordinary circumstances, temporary emergency custody must terminate within 90 days, unless the court determines by clear and convincing evidence, including the testimony of at least one qualified expert witness, that return of the child is likely to cause serious damage to the child. The child must be returned immediately to the parent or Indian custodian when the emergency placement is no longer necessary to prevent serious harm

[1] All cited California statutes can be found at *http://www.leginfo.ca.gov/calaw.html*. Unless otherwise indicated, all references are to the California Welfare and Institutions Code.

[2] All cited California Rules of Court can be found at *http://www.courtinfo.ca.gov/rules*.

Requirement	Federal Indian Child Welfare Act (ICWA) Requirements	Comparable California Statutes and Rules of Court Implementing ICWA Requirements
	prevent imminent physical damage or harm to the child and shall expeditiously initiate a child custody proceeding subject to the provisions of this subchapter, transfer the child to the jurisdiction of the appropriate Indian tribe, or restore the child to the parent or Indian custodian, as may be appropriate. 25 U.S.C. § 1922.	to the child. Cal. Rules of Court, rules 1439(c)(1)(A)–(C).
Jurisdiction	An Indian tribe shall have jurisdiction exclusive as to any State over any child custody proceeding involving an Indian child who resides or is domiciled within the reservation of such tribe, except where such jurisdiction is otherwise vested in the State by existing Federal law. Where an Indian child is a ward of a tribal court, the Indian tribe shall retain exclusive jurisdiction, notwithstanding the residence or domicile of the child. 25 U.S.C. § 1911(a).	If the Indian child resides or is domiciled on an Indian reservation that exercises exclusive jurisdiction under the Act over child custody proceedings, the petition under section 300 must be dismissed. Cal. Rules of Court, rule 1439(c)(1); Welf. & Inst. Code § 305.5.
	In any State court proceeding for the foster care placement of, or termination of parental rights to, an Indian child not domiciled or residing within the reservation of the Indian child's tribe, the court, in the absence of good cause to the contrary, shall transfer such proceeding to the jurisdiction of the tribe, absent objection by either parent, upon the petition of either parent or the Indian custodian or the Indian child's tribe: *Provided*, That such transfer shall be subject to declination by the tribal court of such tribe. 25 U.S.C. § 1911(b).	If the Indian child is not domiciled or residing on a reservation that exercises exclusive jurisdiction, the tribe, parent, or Indian custodian may petition the court to transfer the proceedings to the tribal jurisdiction, and the juvenile court must transfer the proceedings to tribal jurisdiction unless there is good cause not to do so. Either parent may object to the transfer. The tribe may decline the transfer of the proceedings. If the tribe does not intervene or the tribal court does not request transfer to tribal jurisdiction, the court should proceed to exercise its jurisdiction regarding the Indian child under section 300 et seq., in accordance with the procedures and standards of proof as required by both juvenile law and the Act. Cal. Rules of Court, rule 1439(c)(2)–(3).
	In any State court proceeding for the foster care placement of, or termination of parental rights to, an Indian child, the Indian custodian of the child and the Indian child's tribe shall have a right to intervene at any point in the proceeding. 25 U.S.C. § 1911(c).	The tribe of an Indian child is entitled to intervene as a party at any stage of a dependency proceeding concerning the Indian child. Cal. Rules of Court, rule 1412(i).
		In the case of an Indian child, the notice shall contain a statement that the parent or Indian custodian and the tribe have a right to

Requirement	Federal Indian Child Welfare Act (ICWA) Requirements	Comparable California Statutes and Rules of Court Implementing ICWA Requirements
		intervene at any point in the proceedings . . . Welf. & Inst. Code §§ 291(d)(8), 292(d)(2), 293(d)(2), 294(e)(7), and 295(d)(2).
	The United States, every State, every territory or possession of the United States, and every Indian tribe shall give full faith and credit to the public acts, records, and judicial proceedings of any Indian tribe applicable to Indian child custody proceedings to the same extent that such entities give full faith and credit to the public acts, records, and judicial proceedings of any other entity. 25 U.S.C. § 1911(d).	
	States and Indian tribes are authorized to enter into agreements with each other respecting care and custody of Indian children and jurisdiction over child custody proceedings, including agreements which may provide for orderly transfer of jurisdiction on a case-by-case basis and agreements which provide for concurrent jurisdiction between States and Indian tribes. Such agreements may be revoked by either party upon one hundred and eighty days' written notice to the other party. Such revocation shall not affect any action or proceeding over which a court has already assumed jurisdiction, unless the agreement provides otherwise. 25 U.S.C. § 1919.	Notwithstanding any other provision of law, the director may enter into an agreement, in accordance with U.S.C. § 1919, with any California Indian tribe or any out-of-state Indian tribe, that has reservation lands that extend to this state. Welf. & Inst. Code § 10553.1(a)
Inquiry		The court, the county welfare department, and the probation department have an affirmative and continuing duty to inquire whether a child for whom a petition under section 300, 601, or 602 is to be, or has been, filed is or may be an Indian child. In juvenile wardship proceedings, if the probation officer believes that the child is at risk of entering foster care or is in foster care, he or she must ask the child, if the child is old enough, and the parents or legal guardians whether the child may be an Indian child or may have Indian ancestors. In dependency cases, the social worker must ask the child, if the child is old enough, and the parents or legal guardians whether the child may be an Indian child or may have Indian ancestors. At the first appearance by a parent or guardian in any dependency case, or in juvenile wardship proceedings in which

Requirement	Federal Indian Child Welfare Act (ICWA) Requirements	Comparable California Statutes and Rules of Court Implementing ICWA Requirements
		the child is at risk of entering foster care or is in foster care, the parent or guardian must be ordered to complete form JV-130, Parental Notification of Indian Status. The circumstances that may provide probable cause for the court to believe the child is an Indian child include, but are not limited to, the following: A person having an interest in the child, including the child, an Indian tribe, an Indian organization, an officer of the court, or a public or private agency, informs the court or the county welfare agency or the probation department or provides information suggesting that the child is an Indian child; the residence of the child, the child's parents, or an Indian custodian is in a predominantly Indian community; or the child or the child's family has received services or benefits from a tribe or services that are available to Indians from tribes or the federal government, such as the Indian Health Service. Cal. Rules of Court, rule 1439(d).
Notice Proceedings	In any involuntary proceeding in a State court, where the court knows or has reason to know that an Indian child is involved, the party seeking the foster care placement of, or termination of parental rights to, an Indian child shall notify the parent or Indian custodian and the Indian child's tribe, by registered mail with return receipt requested, of the pending proceedings and of their right of intervention. If the identity or location of the parent or Indian custodian and the tribe cannot be determined, such notice shall be given to the Secretary in like manner, who shall have fifteen days after receipt to provide the requisite notice to the parent or Indian custodian and the tribe. No foster care placement or termination of parental rights proceeding shall be held until at least 10 days after receipt of notice by the parent or Indian custodian and the tribe or the Secretary: *Provided*, That the parent or Indian custodian or the tribe shall, upon request, be granted up to 20 additional days to prepare for such proceeding. 25 U.S.C. § 1912(a).	The parent or legal guardian and Indian custodian of an Indian child, and the Indian child's tribe, must be notified of the pending petition and the right of the tribe to intervene in the proceedings, and proof of such notice, including copies of notices sent and all return receipts and responses received, must be filed with the juvenile court. If at any time after the filing of the petition the court knows or has reason to know that the child is or may be an Indian child, the following notice procedures must be followed. Notice of Involuntary Child Custody Proceedings for an Indian Child, (Juvenile Court) (JV-135) must be sent, with a copy of the petition, by registered or certified mail with return receipt requested, and additional notice by first class mail is recommended. Notice to the tribe must be to the tribal chair. Notice must be sent to all tribes of which the child may be a member or may be eligible for membership. If the identity or location of the parent or Indian custodian or tribe cannot be determined, notice must be sent to the specified office of the Secretary of the Interior, which has 15 days to provide notice as required. Notice must be sent whenever there is reason to believe the child may be an Indian child, and for every hearing thereafter unless and until it is determined that the act does not apply. If, after a reasonable time following sending of notice

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		under this rule—but in no event less than 60 days—no determinative response to the notice is received, the court may determine that the act does not apply to the case unless further evidence of the applicability of the act is later received. If an Indian child's tribe has exercised its right of intervention in the proceedings after receiving form JV-135, subsequent notices may be sent in the corm provided to all other parties. All other provisions of this section continue to apply. Cal. Rules of Court, rule 1439(f); Welf. & Inst. Code §§ 290.1(10); 291(c)–(e); 292(c) and (d); 293(c) and (d); 294(a), (c), and (e); and 295(a), (c), and (d). In the case of an Indian child, notice to the Indian custodian and the tribe shall be completed at least 10 days before the hearing. Welf. & Inst. Code § 294(c)(2). In the case of an Indian child, if notice is given to the Bureau of Indian Affairs, the bureau shall have 15 days after receipt to provide the requisite notice to the parent or Indian custodian and the tribe. Welf. & Inst. Code § 294(c)(3). If it is determined that the Act applies, the juvenile court hearing shall not proceed until at least 10 days after those entitled to notice under the Act have received notice. If requested, the parent, Indian custodian, or tribe shall be granted a continuance of up to 20 days to prepare for the proceeding. The tribe may intervene at any point in the proceeding. The indigent parent and indigent Indian custodian have a right to court-appointed counsel. All parties, including the parent, Indian child, Indian custodian, and tribe, and their respective attorneys, have the right to examine all court documents related to the dependency case. Cal. Rules of Court, rule 1439(h); Welf. & Inst. Code § 294(e)(7).
Determination of Status		Determination of tribal membership or eligibility for membership is made exclusively by the tribe. A tribe's determination that the child is or is not a member of or eligible for membership in the tribe is conclusive. Information that the child is not enrolled in the tribe is not determinative of status as an Indian child. The tribe must be a

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		federally recognized tribe, group, or community as defined by the Bureau of Indian Affairs (BIA) of the Department of the Interior as eligible for services provided to Indians by the Secretary of the Interior because of their status as Indians, including any Alaskan Native Villages … Absent a contrary determination by the tribe, a determination by the BIA that a child is or is not an Indian is conclusive. The Indian Child Welfare Act applies when a tribe determines that an unmarried minor is: a member of an Indian tribe; or eligible for membership in an Indian tribe and a biological child of a member of an Indian tribe. Cal. Rules of Court, rule 1439(g).
Appointment of Counsel	In any case in which the court determines indigency, the parent or Indian custodian shall have the right to court-appointed counsel in any removal, placement, or termination proceeding. The court may, in its discretion, appoint counsel for the child upon a finding that such appointment is in the best interest of the child. Where State law makes no provision for appointment of counsel in such proceedings, the court shall promptly notify the Secretary upon appointment of counsel, and the Secretary, upon certification of the presiding judge, shall pay reasonable fees and expenses out of funds which may be appropriated pursuant to section 13 of this title. 25 U.S.C. § 1912(b).	The court must appoint counsel for the child unless the court finds that the child would not benefit from the appointment and makes the findings required by rule 1438(b). Cal. Rules of Court, rule 1412(h)(1)(A); Welf. & Inst. Code § 317(c). The court must appoint counsel for any parent or guardian unable to afford counsel if the child is placed in out-of-home care, or the recommendation of the petitioner is for out-of-home care, unless the court finds the parent or guardian has knowingly and intelligently waived the right to counsel. Cal. Rules of Court, rule 1412(h)(1)(B); Welf. & Inst. Code § 317(b).
Procedures, Findings, and Orders for Foster Placement and Legal Guardianships	No foster care placement may be ordered in such proceeding in the absence of a determination, supported by clear and convincing evidence, including testimony of qualified expert witnesses, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. 25 U.S.C. § 1912(e).	The court may not order foster care placement of an Indian child, or establish a guardianship of an Indian child unless the court finds by clear and convincing evidence that continued custody with the parent or Indian custodian is likely to cause the Indian child serious emotional or physical damage. Testimony by a qualified expert witness is required. Stipulation by the parent or Indian custodian or failure to object may waive the requirement of producing evidence of the likelihood of serious damage only if the court is satisfied that the party has been fully advised of the requirements of the Act, and has knowingly, intelligently, and voluntarily waived them. Failure to meet non-Indian family and community child-rearing standards, or the existence of other behavior or conditions that meet the removal standards of section 361 will not support an order for placement absent the finding that continued custody with the parent

Requirement	Federal Indian Child Welfare Act (ICWA) Requirements	Comparable California Statutes and Rules of Court Implementing ICWA Requirements
		or Indian custodian is likely to cause serious emotional or physical damage. Cal. Rules of Court, rules 1439(i)(1)– (3) and rule 1439(j). "Qualified expert witness" means a person qualified to address the issue of whether continued custody by a parent or Indian custodian is likely to result in serious physical or emotional damage to the child. Persons most likely to be considered such an expert are: a member of a tribe with knowledge of Indian family organization and child rearing; or a lay expert with substantial experience in Indian child and family services and extensive knowledge of the social and cultural standards and child-rearing practices of Indian tribes, specifically the child's tribe, if possible; or a professional person with substantial education and experience in Indian child and family services and in the social and cultural standards of Indian tribes, specifically the child's tribe, if possible; or a professional person having substantial education and experience in the area of his or her specialty. Cal. Rules of Court, rule 1439(a)(10).
Placement Preferences	In any adoptive placement of an Indian child under State law, a preference shall be given, in the absence of good cause to the contrary, to a placement with a member of the child's extended family; other members of the Indian child's tribe; or other Indian families. Any child accepted for foster care or preadoptive placement shall be placed in the least restrictive setting which most approximates a family and in which his special needs, if any, may be met. The child shall also be placed within reasonable proximity to his or her home, taking into account any special needs of the child. In any foster care or preadoptive placement, a preference shall be given, in the absence of good cause to the contrary, to a placement with: (i) a member of the Indian child's extended family; (ii) a foster home licensed, approved, or specified by the Indian child's tribe; (iii) an Indian foster home licensed or approved by an authorized non-Indian licensing authority; or (iv) an institution for children approved by an Indian tribe or operated by an Indian organization which has a program suitable to meet the Indian child's needs. In the case of a	Foster and adoptive placements of Indian children must follow a specified order in the absence of good cause to the contrary. Placement standards shall be the prevailing social and cultural standards of the Indian community in which the parent or extended family member resides, or with which the parent or extended family member maintains social and cultural contacts. The foster or pre-adoptive placement must be in the least restrictive setting, within reasonable proximity to the Indian child's home, and capable of meeting any special needs of the Indian child. In a foster or pre-adoptive placement, preference must be given in the following order: to a member of the Indian child's extended family; to a foster home licensed or approved by the Indian child's tribe; to a state- or county-licensed or certified Indian foster home; to a children's institution approved by the tribe or operated by an Indian organization and offering a program to meet the Indian child's needs. In an adoptive placement, preference must be given in the following order: to a member of the Indian child's extended family; to other members of the Indian child's tribe; to other Indian families. An Indian child may be placed in a non-Indian home only

Requirement	Federal Indian Child Welfare Act (ICWA) Requirements	Comparable California Statutes and Rules of Court Implementing ICWA Requirements
	placement under subsection (a) or (b) of this section, if the Indian child's tribe shall establish a different order of preference by resolution, the agency or court effecting the placement shall follow such order so long as the placement is the least restrictive setting appropriate to the particular needs of the child, as provided in subsection (b) of this section. Where appropriate, the preference of the Indian child or parent shall be considered: *Provided*, That where a consenting parent evidences a desire for anonymity, the court or agency shall give weight to such desire in applying the preferences. The standards to be applied in meeting the preference requirements of this section shall be the prevailing social and cultural standards of the Indian community in which the parent or extended family resides or with which the parent or extended family members maintain social and cultural ties. A record of each such placement, under State law, of an Indian child shall be maintained by the State in which the placement was made, evidencing the efforts to comply with the order of preference specified in this section. Such record shall be made available at any time upon the request of the Secretary or the Indian child's tribe. 25 U.S.C. § 1915.	if the court finds that a diligent search has failed to locate a suitable Indian home. The court may modify the preference order only for good cause, which may include the following considerations: the requests of the parent or Indian custodian; the requests of the Indian child; the extraordinary physical or emotional needs of the Indian child as established by a qualified expert witness; the unavailability of suitable families based on a diligent effort to identify families meeting the preference criteria. The burden of establishing good cause for the court to alter the preference order shall be on the party requesting that a different order be considered. The tribe, by resolution, may establish a different preference order, which shall be followed if it provides for the least restrictive setting. The preferences and wishes of the Indian child and the parent shall be considered, and weight given to a consenting parent's request for anonymity. Cal. Rules of Court, rule 1439(k). It is in the best interest of an Indian child that the child's membership in the child's Indian tribe and connection to the tribal community be encouraged and protected. Welf. & Inst. Code, § 360.6(a)(2)
Active Efforts	Any party seeking to effect a foster care placement of, or termination of parental rights to, an Indian child under State law shall satisfy the court that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family and that these efforts have proved unsuccessful. 25 U.S.C. § 1912(d).	In addition to the findings required under section 361, in order to place an Indian child out of the custody of a parent or Indian custodian, or to issue orders under section 366.26, the court must find that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family, and that these efforts were unsuccessful. The court shall consider all available information regarding the prevailing social and cultural conditions of the Indian child's tribe. Efforts to provide services shall include attempts to utilize the available resources of extended family members, the tribe, Indian social service agencies, and individual Indian caregivers. Cal. Rules of Court, rule 1439(*l*).
Voluntary Placement and	Where any parent or Indian custodian voluntarily consents to a foster care placement or to termination of parental	Consent to a voluntary termination of parental rights, relinquishment of parental rights, or consent to adoption shall be

Requirement	Federal Indian Child Welfare Act (ICWA) Requirements	Comparable California Statutes and Rules of Court Implementing ICWA Requirements
Relinquishment	rights, such consent shall not be valid unless executed in writing and recorded before a judge of a court of competent jurisdiction and accompanied by the presiding judge's certificate that the terms and consequences of the consent were fully explained in detail and were fully understood by the parent or Indian custodian. The court shall also certify that either the parent or Indian custodian fully understood the explanation in English or that it was interpreted into a language that the parent or Indian custodian understood. Any consent given prior to, or within 10 days after, birth of the Indian child shall not be valid. 25 U.S.C. § 1913(a). In any voluntary proceeding for termination of parental rights to, or adoptive placement of, an Indian child, the consent of the parent may be withdrawn for any reason at any time prior to the entry of a final decree of termination or adoption, as the case may be, and the child shall be returned to the parent. 25 U.S.C. § 1913(c). After the entry of a final decree of adoption of an Indian child in any State court, the parent may withdraw consent thereto upon the grounds that consent was obtained through fraud or duress and may petition the court to vacate such decree. Upon a finding that such consent was obtained through fraud or duress, the court shall vacate such decree and return the child to the parent. No adoption which has been effective for at least two years may be invalidated under the provisions of this subsection unless otherwise permitted under State law. 25 U.S.C. § 1913(d). Any parent of Indian custodian may withdraw consent to a foster care placement under State law at any time and, upon such withdrawal, the child shall be returned to the parent or Indian custodian. 25 U.S.C. § 1913(b).	executed in writing and recorded before a judicial officer of competent jurisdiction. The court must certify that the terms and consequences of the consent were explained in detail, in the language of the parent or Indian custodian, and fully understood by the parent or Indian custodian. If confidentiality is requested or appropriate, the consent may be executed in chambers. Cal. Rules of Court, rule 1439(m)(3). Item 5 of form AODPT-225 (Parent of Indian Child Agrees to End Parental Rights) states: I am the parent and I understand and say: I agree to give up my parental rights. I agree to the adoption of my child by the parents listed above. I understand what will happen when I sign this form. No one has threatened me or made promises to me to get me to sign this form. I understand that until the judge signs an Adoption Order or an order to end my parental rights, I can change my mind and my child will be returned to me. I want the court to let me know if the adoption is canceled so I can ask the court to give custody of my child back to me. The court will give custody of my child back to me if the judge decides it is in my child's best interest. I do not give up any of my rights under the Indian Child Welfare Act by signing this form. My child was at least 10 days old when I signed this form. In any case in which a social worker after investigation of an application for petition or other investigation he or she is authorized to make, determines that a child is within the jurisdiction of the juvenile court or will probably soon be within that jurisdiction, the social worker may, in lieu of filing a petition or subsequent to dismissal of a petition already filed, and with consent of the child's parent or guardian, undertake a program of supervision of the child. If a program of supervision is undertaken, the social worker shall attempt to ameliorate the situation which brings the child within, or creates the probability that the child will be within, the jurisdiction of Section 300 by providing or arranging to contract for all appropriate child welfare services pursuant to Sections 16506 and 16507.3, within the time periods specified in those sections. No

Requirement	Federal Indian Child Welfare Act (ICWA) Requirements	Comparable California Statutes and Rules of Court Implementing ICWA Requirements
		further child welfare services shall be provided subsequent to these time limits. If the family has refused to cooperate with the services being provided, the social worker may file a petition with the juvenile court pursuant to Section 332. Nothing in this section shall be construed to prevent the social worker from filing a petition pursuant to Section 332 when otherwise authorized by law. Welf. & Inst. Code, §§ 301(a), 332, 16506, and 16507.3.
Termination of Parental Rights	No termination of parental rights may be ordered in such proceeding in the absence of a determination, supported by evidence beyond a reasonable doubt, including testimony of qualified expert witnesses, that the continued custody of the child by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. 25 U.S.C. § 1912(f).	The court may not terminate parental rights to an Indian child unless there is proof beyond a reasonable doubt that continued custody by the parent or Indian custodian is likely to result in serious emotional or physical damage to the child. The evidence must be supported by the testimony of a qualified expert witness. Stipulation by the parent or Indian custodian or failure to object may waive the requirement of producing evidence of the likelihood of serious damage only if the court is satisfied that the party has been fully advised of the requirements of the Act, and has knowingly, intelligently and voluntarily waived them. In order to terminate parental rights to an Indian child the court must find that active efforts have been made to provide remedial services and rehabilitative programs designed to prevent the breakup of the Indian family, and that these efforts were unsuccessful. Stipulation by the parent or Indian custodian or failure to object may waive the requirement of this finding only if the court is satisfied that the party has been fully advised of the requirements of the Act, and has knowingly, intelligently and voluntarily waived them. Cal. Rules of Court, rule 1439(m)(1), (2), and (4).
Petition to Invalidate Orders of Removal or Termination of Parental Rights	Any Indian child who is the subject of any action for foster care placement or termination of parental rights under State law, any parent or Indian custodian from whose custody such child was removed, and the Indian child's tribe may petition any court of competent jurisdiction to invalidate such action upon a showing that such action violated any provision of sections 1911, 1912, and 1913 of this title. 25 U.S.C. § 1914. Where any petitioner in an Indian child custody proceeding before a State court has improperly removed the child from	If it is determined that the Act applies, the Indian child, a parent, an Indian custodian, or the child's tribe may petition any court of competent jurisdiction to invalidate a foster placement or termination of parental rights. If the Indian child is a dependent child of the juvenile court or the subject of a pending petition, the juvenile court is the only court of competent jurisdiction with the authority to hear the petition to invalidate the foster placement or termination of parental rights. Cal. Rules of Court, rule 1439(n).

Requirement	Federal Indian Child Welfare Act (ICWA) Requirements	Comparable California Statutes and Rules of Court Implementing ICWA Requirements
	custody of the parent or Indian custodian or has improperly retained custody after a visit or other temporary relinquishment of custody, the court shall decline jurisdiction over such petition and shall forthwith return the child to his parent or Indian custodian unless returning the child to his parent or custodian would subject the child to a substantial and immediate danger or threat of such danger. 25 U.S.C. § 1920.	
Post-hearing Actions	Notwithstanding State law to the contrary, whenever a final decree of adoption of an Indian child has been vacated or set aside or the adoptive parents voluntarily consent to the termination of their parental rights to the child, a biological parent or prior Indian custodian may petition for return of custody and the court shall grant such petition unless there is a showing, in a proceeding subject to the provisions of section 1912 of this title, that such return of custody is not in the best interests of the child. 25 U.S.C. § 1916(a). Whenever an Indian child is removed from a foster care home or institution for the purpose of further foster care, preadoptive, or adoptive placement, such placement shall be in accordance with the provisions of this chapter, except in the case where an Indian child is being returned to the parent or Indian custodian from whose custody the child was originally removed. 25 U.S.C. § 1916(b).	If a final decree of adoption is set aside, or if the adoptive parents voluntarily consent to the termination of their parental rights, a biological parent or prior Indian custodian may petition for a return of custody of the Indian child. The court shall grant the petition for return unless there is a showing that return is contrary to the best interests of the Indian child. The hearing on the petition to return shall be conducted in accordance with the Act and the relevant sections of this rule. Cal. Rules of Court, rule 1439(n). Whenever an Indian child is removed from a foster home or institution for placement in a different foster home, institution, or pre-adoptive or adoptive home, the placement shall be in accordance with the Act and the relevant sections of this rule. Cal. Rules of Court, rule 1439(o).
Access to Records	Each party to a foster care placement or termination of parental rights proceeding under State law involving an Indian child shall have the right to examine all reports or other documents filed with the court upon which any decision with respect to such action may be based. 25 U.S.C. § 1912(c). Any State court entering a final decree or order in any Indian child adoptive placement after November 8, 1978, shall provide the Secretary with a copy of such decree or order together with such other information as may be	The child, parent or guardian, and their attorneys have the right to receive probation officer or social worker reports, and to inspect the documents used by the preparer of the report. Unless prohibited by court order, the child, parent, or guardian, and their attorneys also have the right to receive all documents filed with the court. Cal. Rules of Court, rule 1412(j)(4). Upon granting a decree of adoption of an Indian child, the court shall provide the Secretary of the Interior with a copy of the decree and other information needed to show: the name and tribal affiliation of the Indian child; the names and addresses of the

Requirement	Federal Indian Child Welfare Act (ICWA) Requirements	Comparable California Statutes and Rules of Court Implementing ICWA Requirements
	necessary to show: the name and tribal affiliation of the child; the names and addresses of the biological parents; the names and addresses of the adoptive parents; and the identity of any agency having files or information relating to such adoptive placement. Where the court records contain an affidavit of the biological parent or parents that their identity remain confidential, the court shall include such affidavit with the other information. The Secretary shall insure that the confidentiality of such information is maintained and such information shall not be subject to the Freedom of Information Act. Upon the request of the adopted Indian child over the age of eighteen, the adoptive or foster parents of an Indian child, or an Indian tribe, the Secretary shall disclose such information as may be necessary for the enrollment of an Indian child in the tribe in which the child may be eligible for enrollment or for determining any rights or benefits associated with that membership. Where the documents relating to such child contain an affidavit from the biological parent or parents requesting anonymity, the Secretary shall certify to the Indian child's tribe, where the information warrants, that the child's parentage and other circumstances of birth entitle the child to enrollment under the criteria established by such tribe. 25 U.S.C. §§ 1951, 1917.	biological parents; the names and addresses of the adoptive parents; and the agency maintaining files and records regarding the adoptive placement. If a biological parent has executed an affidavit requesting that his or her identity remain confidential, the court shall provide the affidavit to the Secretary of the Interior, who shall ensure the confidentiality of the information. Cal. Rules of Court, rule 1439(p).

Legal Review Table A.3:
Child Abuse Prevention and Treatment and Adoption Reform- Title 42, United States Code, Chapter 67, Subchapter I
(hereinafter referred to as CAPTA)

Requirement	**Child Abuse Prevention and Treatment and Adoption Reform (CAPTA) Requirements**	**Comparable California Statutes[1] and Rules of Court[2] Implementing CAPTA Requirements**
State Plan	A State plan submitted under paragraph (1) shall, to the maximum extent practicable, be coordinated with the State plan under part B of title IV of the Social Security Act [42 U.S.C..A. § 620 et seq.] relating to child welfare services and family preservation and family support services, and shall contain an outline of the activities that the State intends to carry out using amounts received under the grant to achieve the purposes of this subchapter. 42 U.S.C. § 5106a(b)(2).	*California's Child and Family Services State Plan Title IV-B Annual Progress and Services Report:* Federal Fiscal Year 2004, published June 30, 2003, revised September 22, 2003.[3]
Immunity from Prosecution	The Secretary shall make grants to the States for purposes of assisting the States in improving the child protective services system of each such State in provisions for immunity from prosecution under State and local laws and regulations for individuals making good faith reports of suspected or known instances of child abuse or neglect. 42 U.S.C. § 5106a(b)(2)(A)(vii).	No mandated reporter shall be civilly or criminally liable for any report required or authorized by this article. Any other person reporting a known or suspected instance of child abuse or neglect shall not incur civil or criminal liability as a result of any report authorized by this article unless it can be proven that a false report was made and the person knew that the report was false or was made with reckless disregard of the truth or falsity of the report. No person required to make a report nor any person taking photographs at his or her direction shall incur any civil or criminal liability for taking photographs of a suspected victim of child abuse or

[1] All cited California statutes can be found at *http://www.leginfo.ca.gov/calaw.html*. Unless otherwise indicated, all references are to the California Welfare and Institutions Code.

[2] All cited California Rules of Court can be found at *http://www.courtinfo.ca.gov/rules*.

[3] To obtain a copy of the State Plan, contact Christopher Wu, Attorney, Administrative Office of the Courts, Center for Families, Children & the Courts, at 415-865-7721.

Requirement	Child Abuse Prevention and Treatment and Adoption Reform (CAPTA) Requirements	Comparable California Statutes and Rules of Court Implementing CAPTA Requirements
		neglect, or causing photographs to be taken of a suspected victim of child abuse or neglect, without parental consent, or for disseminating the photographs with the reports required by this article. However, this section shall not be construed to grant immunity from this liability with respect to any other use of the photographs. Cal. Pen. § 11172(a).
Protection of Abused or Neglected Children	The Secretary shall make grants to the States for purposes of assisting the States in improving the child protective services system of each such State in procedures for immediate steps to ensure and protect the safety of the abused or neglected child and of any other child under the same care who may also be in danger of abuse or neglect. 42 U.S.C. § 5106a(b)(2)(A)(vii).	Any peace officer may, without a warrant, take into temporary custody a minor when the officer has reasonable cause for believing that the minor is a person described in Section 300, and, in addition, that the minor has an immediate need for medical care, or the minor is in immediate danger of physical or sexual abuse, or the physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety; . . . who is in a hospital and release of the minor to a parent poses an immediate danger to the child's health or safety; who is a dependent child of the juvenile court, or concerning whom an order has been made under Section 319, when the officer has reasonable cause for believing that the minor has violated an order of the juvenile court or has left any placement ordered by the juvenile court; or who is found in any street or public place suffering from any sickness or injury which requires care, medical treatment, hospitalization, or other remedial care. Welf. & Inst. Code, §§ 305, 305.6, 300; 309.
Confidentiality, Disclosure, and Expungement of Records	The Secretary shall make grants to the States for purposes of assisting the States in improving the child protective services system of each such State in methods to preserve the confidentiality of all records in order to protect the rights of the child and of the child's parents or guardians, including requirements ensuring that reports and records shall only be made available to: individuals who are the subject of the reports; federal, state, or local government entities, or any agent of such entities; child abuse review panels; a grand jury or court,	Except as provided in Section 828, a case file may be inspected only by the following: court personnel; the district attorney, a city attorney, or city prosecutor authorized to prosecute criminal or juvenile cases under state law; the minor who is the subject of the proceeding; his or her parents or guardian; the attorneys for the parties and judges, referees, other hearing officers, probation officers, and law enforcement officers who are actively participating in criminal or juvenile proceedings involving the minor; the superintendent or designee of the school district where the minor is enrolled or attending school; members of the child

Requirement	Child Abuse Prevention and Treatment and Adoption Reform (CAPTA) Requirements	Comparable California Statutes and Rules of Court Implementing CAPTA Requirements
	upon a finding that information in the record is necessary for the determination of an issuer before the court or grand jury; and other entities or classes on individuals statutorily authorized by the State to receive such information. 42 U.S.C. § 5106a(b)(2)(A)(viii). The Secretary shall make grants to the States for purposes of assisting the States in improving the child protective services system of each such State in provisions to require a State to disclose confidential information to any Federal, State, or local government entity, or any agent of such entity, that has a need for such information in order to carry out its responsibilities under law to protect children from abuse and neglect. 42 U.S.C. § 5106a(b)(2)(A)(ix).	protective agencies as defined in Section 11165.9 of the Penal Code; the State Department of Social Services to carry out its duties pursuant to Division 9 (commencing with Section 10000), and Part 5 (commencing with Section 7900) of Division 12 of the Family Code to oversee and monitor county child welfare agencies, children in foster care or receiving foster care assistance, and out-of-state placements; to authorized legal staff or special investigators who are peace officers employed by, or who are authorized representatives of, the State Department of Social Services, as necessary to the performance of their duties to inspect, license, and investigate community care facilities, and to ensure that the standards of care and services provided in those facilities are adequate and appropriate and to ascertain compliance with the rules and regulations to which the facilities are subject, . . . members of children's multidisciplinary teams, persons or agencies providing treatment or supervision of the minor; a judge, commissioner, or other hearing officer assigned to a family law case with issues concerning custody or visitation, or both, involving the minor, and the following persons, if actively participating in the family law case: a family court mediator assigned to a case involving the minor, a court-appointed evaluator or a person conducting a court-connected child custody evaluation, investigation, or assessment, and counsel appointed for the minor in the family law case; . . . a court-appointed investigator who is actively participating in a guardianship case involving the minor; a local child support agency for the purpose of establishing paternity and establishing and enforcing child support orders; juvenile justice commissions; or any other person who may be designated by court order of the judge of the juvenile court upon filing a petition. Welf. & Inst. Code, § 827(a)(1). Access to juvenile case files pertaining to matters within the

Requirement	Child Abuse Prevention and Treatment and Adoption Reform (CAPTA) Requirements	Comparable California Statutes and Rules of Court Implementing CAPTA Requirements
		jurisdiction of the juvenile court pursuant to Section 300 shall be limited as follows: If a juvenile case file, or any portion thereof, is privileged or confidential pursuant to any other state law or federal law or regulation, the requirements of that state law or federal law or regulation prohibiting or limiting release of the juvenile case file or any portions thereof shall prevail. Unless a person . . . is entitled to access under the other state law or federal law or regulation without a court order, all those seeking access, pursuant to other authorization, to portions of, or information relating to the contents of, juvenile case files protected under another state law or federal law or regulation, shall petition the juvenile court. The juvenile court may only release the portion of, or information relating to the contents of, juvenile case files protected by another state law or federal law or regulation if disclosure is not detrimental to the safety, protection, or physical or emotional well-being of a child who is directly or indirectly connected to the juvenile case that is the subject of the petition. Welf. & Inst. Code, § 827(a)(3)(A). Prior to the release of the juvenile case file or any portion thereof, the court shall afford due process, including a notice of and an opportunity to file an objection to the release of the record or report to all interested parties. Welf. & Inst. Code § 827(a)(3)(B). A juvenile case file, any portion thereof, and information relating to the content of the juvenile case file, may not be disseminated by the receiving agencies to any persons or agencies, other than those persons or agencies authorized to receive documents pursuant to this section. Welf. & Inst. Code § 827(a)(4).
	The Secretary shall make grants to the States for purposes of assisting the States in improving the child protective services system of each such State	Juvenile case files, except those relating to matters within the jurisdiction of the court pursuant to Section 601 or 602, that pertain to a deceased child who was within the

Requirement	Child Abuse Prevention and Treatment and Adoption Reform (CAPTA) Requirements	Comparable California Statutes and Rules of Court Implementing CAPTA Requirements
	in provisions which allow for public disclosure of the findings or information about the case of child abuse or neglect which has resulted in child fatality or near fatality. 42 U.S.C. § 5106a(b)(2)(A)(x).	jurisdiction of the juvenile court pursuant to Section 300, shall be released to the public pursuant to an order by the juvenile court after a petition has been filed and interested parties have been afforded an opportunity to file an objection. Any information relating to another child or which could identify another child, except for information about the deceased, shall be redacted from the juvenile case file prior to release, unless a specific order is made by the juvenile court to the contrary. Welf. & Inst. Code § 827(a)(2).
	The Secretary shall make grants to the States for purposes of assisting the States in improving the child protective services system of each such State in provisions requiring, and procedures in place facilitating, the prompt expungement of any records that are accessible to the general public or are used for purposes of employment or other background checks in cases determined to be unsubstantiated or false, except that nothing in this section shall prevent State child protective services agencies from keeping information on unsubstantiated reports in their casework files to assist in future risk and safety assessment. 42 U.S.C. § 5106a(b)(2)(A)(xii).	*No corollary because in California dependency records are not accessible to the general public. For information on the accessibility of juvenile dependency records see generally Welf. & Inst. Code § 827.*[4]
Appointment of a Guardian ad litem/Court Appointed Special Advocate	The Secretary shall make grants to the States for purposes of assisting the States in improving the child protective services system of each such State in provisions and procedures requiring that in every case involving an abused or neglected child which results in a judicial proceeding, a guardian ad litem, who has received training appropriate to the role, and who may be an attorney or a court appointed special advocate who has received training appropriate to that role (or both), shall be appointed	A CAPTA guardian ad litem must be appointed for every child who is subject to a juvenile dependency petition under Welfare and Institutions Code section 300. An attorney appointed under rule 1438 will serve as the child's CAPTA guardian ad litem under Welfare and Institutions Code section 326.5. If the court finds that the child would not benefit from the appointment of counsel, the court must appoint a Court Appointed Special Advocate (CASA) to serve as the child's CAPTA guardian ad litem. The court must identify on the record the person appointed as the

[4] Any explanatory text is represented in italics.

Requirement	Child Abuse Prevention and Treatment and Adoption Reform (CAPTA) Requirements	Comparable California Statutes and Rules of Court Implementing CAPTA Requirements
	to represent the child in such proceedings to obtain first-hand, a clear understanding of the situation and needs of the child and to make recommendations to the court concerning the best interest of the child. 42 U.S.C. § 5106a(b)(2)(A)(xiii); 42 U.S.C. § 5106a(a)(2)(B)(ii).	child's CAPTA guardian ad litem. Cal. Rules of Court, rule 1448(c). If the court finds that the child would not benefit from representation by counsel, the court must appoint a Court Appointed Special Advocate for the child, to serve as the CAPTA guardian ad litem, as required in section 326.5. Cal. Rules of Court, rule 1438(b)(3) and (e); Welf. & Inst. Code § 326.5. On or before January 1, 2002, the superior court of each county must amend its local rules regarding the representation of parties in dependency proceedings. The amended rules must address procedures for appointment of a Child Abuse Prevention and Treatment Act (CAPTA) guardian ad litem, who may be an attorney or a CASA, in cases in which a prosecution is initiated under the Penal Code arising from neglect or abuse of the child. Cal. Rules of Court, rule 1438(a)(2)(H). The appointment of an attorney to represent the child does not prevent the appointment of a CASA volunteer for that child and the courts are encouraged to appoint both an attorney and a CASA volunteer for the child in as many cases as possible. Cal. Rules of Court, rule 1438(e)(4).
Collaboration Between Dependency and Delinquency Courts	The Secretary shall make grants to the States for purposes of assisting the States in improving the child protective services system of each such State in supporting and enhancing interagency collaboration between the child protection system and the juvenile justice system for improved delivery of services and treatment, including methods for continuity of treatment plan and services as children transition between the systems. 42 U.S.C. § 5106(a)(13).	Whenever a minor appears to come within the description of both Section 300 and Section 601 or 602, the county probation department and the child welfare services department shall, pursuant to a jointly developed written protocol . . . initially determine which status will serve the best interests of the minor and the protection of society. The recommendations of both departments shall be presented to the juvenile court with the petition that is filed on behalf of the minor, and the court shall determine which status is appropriate for the minor . . . Welf. & Inst. Code § 241.1(a). Notwithstanding the provisions of subdivision (d), the

Requirement	Child Abuse Prevention and Treatment and Adoption Reform (CAPTA) Requirements	Comparable California Statutes and Rules of Court Implementing CAPTA Requirements
		probation department and the child welfare services department, in consultation with the presiding judge of the juvenile court, in any county may create a jointly written protocol to allow the county probation department and the child welfare services department to jointly assess and produce a recommendation that the child be designated as a dual status child, allowing the child to be simultaneously a dependent child and a ward of the court. This protocol shall be signed by the chief probation officer, the director of the county social services agency, and the presiding judge of the juvenile court prior to its implementation. No juvenile court may order that a child is simultaneously a dependent child and a ward of the court pursuant to this subdivision unless and until the required protocol has been created and entered into. Welf. & Inst. Code § 241.1(e).
Reunification Services Not Required	The Secretary shall make grants to the States for purposes of assisting the States in improving the child protective services system of each such State in provisions, procedures, and mechanisms that assure the State does not require reunification of a surviving child with a parent who has been found by a court of competent jurisdiction to have committed murder of another child of such parent; to have committed voluntary manslaughter of another child of such parent; aided or abetted, attempted, conspired, or solicited to commit such murder or voluntary manslaughter or to have committed a felony assault that results in serious bodily injury to the surviving child or another child of such parent. Conviction of any of the above constitutes grounds under State law for termination of parental rights of the convicted parent to the surviving children. 42 U.S.C. § 5106a(b)(2)(A)(xvi).	Reunification services need not be provided to a parent or guardian described in this subdivision when the court finds, by clear and convincing evidence, any of the following: the parent or guardian of the child has caused the death of another child through abuse or neglect; the child was brought within the jurisdiction of the court under subdivision (e) of Section 300 because of the conduct of that parent or guardian; the child has been adjudicated a dependent pursuant to any subdivision of Section 300 as a result of severe sexual abuse or the infliction of severe physical harm to the child or a sibling, as defined in this paragraph, by a parent or guardian and the court makes a factual finding that it would not benefit the child to pursue reunification services with the offending parent or guardian; or the parent or guardian of the child has been convicted of a violent felony, as defined in subdivision (c) of Section 667.5 of the Penal Code. Welf. & Inst. Code §§361.5(b)(4), (5), (6) & (12), and § 727.2(b). For the purpose of this section, “violent felony” shall mean any of the following: murder or voluntary manslaughter, or

Requirement	Child Abuse Prevention and Treatment and Adoption Reform (CAPTA) Requirements	Comparable California Statutes and Rules of Court Implementing CAPTA Requirements
		any felony in which the defendant inflicts great bodily injury on any person other than an accomplice. Cal. Pen. Code § 667.5(c)(1) and (8).
Abandoned Infants	The Secretary shall make grants to the States for purposes of assisting the States in improving the child protective services system of each such State in provisions, procedures, and mechanisms for the expedited termination of parental rights in the case of any infant determined abandoned under State law. 42 U.S.C. § 5106a(b)(2)(A)(xv)(I).	Reunification services need not be provided to a parent or guardian described in this subdivision when the court finds, by clear and convincing evidence: that the child has been found to be a child described in subdivision (g) of Section 300, that the parent or guardian of the child willfully abandoned the child, and the court finds that the abandonment itself constituted a serious danger to the child; or that the parent or other person having custody of the child voluntarily surrendered physical custody of the child pursuant to Section 1255.7 of the Health and Safety code. Welf. & Inst. Code § 361.5(b)(9); Cal. Rules of Court, rule 1456(f)(5)(I). If the court, pursuant to paragraph . . . (9) of subdivision (b) or paragraph (1) of subdivision (e), does not order reunification services, it shall, at the dispositional hearing, that shall include a permanency hearing, determine if a hearing under Section 366.26 shall be set in order to determine whether adoption, guardianship, or long-term foster care is the most appropriate plan for the child. If the court so determines, it shall conduct the hearing pursuant to Section 366.26 within 120 days after the dispositional hearing. Welf. & Inst. Code § 361.5(f).
Medical Neglect	The State plan shall contain an outline of the activities that the State intends to carry out using amounts received under the grant to achieve the purposes of this subchapter, including an assurance that the State has in place procedures for responding to the reporting of medical neglect (including instances of withholding of medically indicated treatment from disabled infants with life-threatening conditions), procedures or programs, or both (within the State child protective services system), to	Any child who comes within any of the following descriptions is within the jurisdiction of the juvenile court which may adjudge that person to be a dependent child of the court: the child has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness, as a result of the willful or negligent failure of the parent or guardian to provide the child with adequate food, clothing, shelter, or medical treatment. Whenever it is alleged that a child comes within the jurisdiction of the court on the basis of the parent's or guardian's willful failure to provide

Requirement	Child Abuse Prevention and Treatment and Adoption Reform (CAPTA) Requirements	Comparable California Statutes and Rules of Court Implementing CAPTA Requirements
	provide for authority, under State law, for the State child protective services system to pursue any legal remedies, including the authority to initiate legal proceedings in a court of competent jurisdiction, as may be necessary to prevent the withholding of medically indicated treatment from disabled infants with life-threatening conditions. 42 U.S.C. § 5106a(b)(2)(B)(iii).	adequate medical treatment or specific decision to provide spiritual treatment through prayer, the court shall give deference to the parent's or guardian's medical treatment, nontreatment, or spiritual treatment through prayer alone in accordance with the tenets and practices of a recognized church or religious denomination, by an accredited practitioner thereof, and shall not assume jurisdiction unless necessary to protect the child from suffering serious physical harm or illness. Welf. & Inst. Code § 300(b).
Appellate Rights	Individuals who disagree with an official finding of abuse or neglect can appeal such finding. 42 U.S.C. § 5106a(b)(2)(A)(xv)(II); 42 U.S.C. § 5106a(a)(2)(B)(i).	*Persons who disagree with an official finding of abuse and neglect can appeal such findings under California Rules of Court, rules 37– 38.4.* Cal. Rules of Court, rules 37– 37.4, and 38– 38.4.

Legal Review Table A.4:
Resource Guidelines- Improving Court Practice in Child Abuse & Neglect Proceedings
Issued by the National Council of Juvenile and Family Court Judges, 1995[1]
(hereinafter referred to as the Resource Guidelines or R.G.)

Best Practice	**Resource Guidelines – Improving Court Practice in Child Abuse & Neglect Proceedings**	**Comparable California Statutes[2], Rules of Court[3], and California Standards of Judicial Administration[4] Implementing the Resource Guidelines**
Generally		To improve the fair and efficient administration of child abuse and neglect cases in the California juvenile dependency system, judges and judicial officers assigned to the juvenile court, in consultation with the presiding judge of the juvenile court and the presiding judge of the superior or consolidated court, are encouraged to follow the resource guidelines of the National Council of Juvenile and Family Court Judges, entitled "Resource Guidelines: Improving Court Practice in Child Abuse & Neglect Cases." Cal. Standards of Judicial Administration § 24.5(a).
Authority of the Juvenile Court and Role of Judges	The juvenile court must have the authority through statute or rule of court to order, enforce, and review delivery of services and treatment for children and families, including the power to sanction parties for failure to comply. R.G. II-A.	Any willful disobedience or interference with any lawful order of the juvenile court of or a judge or referee therefore constitutes contempt of the court. Welf. & Inst. Code § 213. The court shall also determine whether reasonable services that were designed to aid the parent or legal guardian to overcome the problem that led to the initial removal and continued custody of the child have been provided or offered to the parent or legal guardian. Welf. & Inst. Code,

[1] All cited references to the Resource Guidelines can be found at *http://www.ncjrs.org/pdffiles/resguid.pdf.*

[2] All cited California statutes can be found at *http://www.leginfo.ca.gov/calaw.html*. Unless otherwise indicated, all statutory references are to the California Welfare and Institutions Code.

[3] All cited California Rules of Court can be found at *http://www.courtinfo.ca.gov/rules*.

[4] All cited California Standards of Judicial Administration can be found at *http://www.courtinfo.ca.gov/rules*. The standards were adopted by the Judicial Council of the State of California pursuant to the authority contained in section 6, article VI, California Constitution.

Best Practice	Resource Guidelines – Improving Court Practice in Child Abuse & Neglect Proceedings	Comparable California Statutes, Rules of Court, and California Standards of Judicial Administration Implementing the Resource Guidelines
		§§ 366.21(e)–(g).
	Whenever possible judges should be assigned to juvenile courts rather than judicial officers. R.G. II-D.	The presiding judge of the superior court should assign judges to the juvenile court to serve for a minimum of three years. Priority should be given to judges who have expressed an interest in the assignment. Cal. Standards of Judicial Administration § 24(a). The presiding judge of the juvenile court in consultation with the presiding judge of the superior court should: motivate and educate other judges regarding the significance of juvenile court and work to ensure that sufficient judges and staff, facilities, and financial resources are assigned to the juvenile court to allow adequate time to hear and decide the matters before it. Cal. Standards of Judicial Administration § 24(b). Judges of the juvenile court in consultation with the presiding judge of the juvenile court and the presiding judge of the superior court, to the extent that it does not interfere with the adjudication process, are encouraged to: provide active leadership within the community in determining the needs and obtaining and developing resources and services for at-risk children and families; investigate and determine the availability of specific prevention, intervention, and treatment services in the community for at-risk children and their families; exercise their authority by statute or rule to review, order, and enforce the delivery of specific services and treatment for children at risk and their families; exercise a leadership role in the development and maintenance of permanent programs of interagency cooperation and coordination among the court and the various public agencies that serve at-risk children and their families; take an active part in the formation of a community-wide network to promote and unify private and public sector efforts to focus attention and resources for at-risk children and their families; maintain close liaison with school authorities and encourage coordination of policies and programs; educate the community and its institutions through every available means concerning the role of the juvenile court in meeting the complex needs of at-risk children and their families; evaluate the criteria established by child protection agencies for initial removal

Best Practice	Resource Guidelines – Improving Court Practice in Child Abuse & Neglect Proceedings	Comparable California Statutes, Rules of Court, and California Standards of Judicial Administration Implementing the Resource Guidelines
		and reunification decisions and communicate the court's expectations of what constitutes "reasonable efforts" to prevent removal or hasten return of the child; encourage the development of community services and resources to assist homeless, truant, runaway, and incorrigible children; be familiar with all detention facilities, placements, and institutions used by the court; and act in all instances consistent with the public safety and welfare. Cal. Standards of Judicial Administration § 24(e). The juvenile court should: (1) Take responsibility, with the other juvenile court participants at every stage of the child's case, to ensure that the child's educational needs are met, regardless of whether the child is in the custody of a parent or is suitably placed in the custody of the child welfare agency or probation department and regardless of where the child is placed in school. Each child under the jurisdiction of the juvenile court with exceptional needs has the right to receive a free, appropriate public education, specially designed, at no cost to the parents, to meet the child's unique special education needs. Each child with disabilities under the jurisdiction of the juvenile court has the right to receive accommodations. The court should also ensure that each parent or guardian receives information and assistance concerning his or her child's educational entitlements as provided by law. (2) Provide oversight of the social service and probation agencies to ensure that a child's educational rights are investigated, reported, and monitored. The court should work within the statutory framework to accommodate the sharing of information between agencies. (3) Require that court reports, case plans, assessments, and permanency plans considered by the court address a child's educational entitlements and how those entitlements are being satisfied, and contain information to assist the court in deciding whether the right of the parent or guardian to make educational decisions for the child should be limited. Information concerning whether the school district has met its obligation to provide educational services to the child, including special educational services if the child has exceptional needs and to provide accommodations if the child has disabilities should also be included, along with a recommendation for disposition. (4) Facilitate coordination of services by joining the local educational agency as a

Best Practice	Resource Guidelines – Improving Court Practice in Child Abuse & Neglect Proceedings	Comparable California Statutes, Rules of Court, and California Standards of Judicial Administration Implementing the Resource Guidelines
		party when it appears that an educational agency has failed to fulfill its legal obligations to provide special education and related services or accommodations to a child in the juvenile court who has been identified as having exceptional needs or educational disabilities. (5) Make appropriate orders limiting the educational rights of a parent or guardian who cannot be located or identified, or who is unwilling or unable to be an active participant in ensuring that the child's educational needs are met, and appoint a responsible adult as educational representative for such a child or, if a representative cannot be identified and the child may be eligible for special education and related services or already has an individualized education program, refer the child to the local educational agency for special education and related services and prompt appointment of a surrogate parent. (6) Ensure that special education, related services, and accommodations to which the child is entitled are provided whenever the child's school placement changes. Cal. Standards of Judicial Administration § 24(g).
Judicial Education	Judges should encourage the continuing education of all who serve in the juvenile and family court system, including themselves. R.G. II-A.	Each newly appointed or elected trial court judicial officer shall complete three weeks of new judge education provided by the Center for Judicial Education and Research (CJER) within the following time frames: (i) a one-week orientation program shall be completed within six months of taking the oath as a judicial officer. Elevated judges and commissioners and referees who become judges are excluded from this requirement if they have previously attended the one-week program. (ii) The two-week Judicial College shall be completed within two years of taking the oath as a judicial officer. Cal. Rules of Court, rule 970(e)(1). Each judicial officer whose principal judicial assignment is to hear juvenile dependency matters or who is the sole judicial officer hearing juvenile dependency matters should attend judicial education programs as follows: (1) Within one year of beginning a juvenile dependency assignment, the judicial officer should receive basic education on California juvenile dependency law and procedure designed primarily for judicial officers. All other judicial officers who hear juvenile dependency matters, including retired judicial officers who sit on court assignment, should participate in appropriate educational programs, including written

Best Practice	Resource Guidelines – Improving Court Practice in Child Abuse & Neglect Proceedings	Comparable California Statutes, Rules of Court, and California Standards of Judicial Administration Implementing the Resource Guidelines
		materials and videotapes designed for self-study. (2) The judicial officer should annually attend the CJER Juvenile Law and Procedure Institute and one additional education program related to juvenile dependency law, including programs sponsored by CJER, the California Judges Association, the Judicial Council, the National Judicial College, the National Council of Juvenile and Family Court Judges, and other programs approved by the presiding judge. The use of video- and audiotapes may substitute for attendance. Cal. Standards of Judicial Administration § 25.2(c). The presiding judge of the juvenile court should: develop orientation and in-service training programs for judicial officers, attorneys, volunteers, law enforcement personnel, court personnel, and child advocates to ensure that all are adequately trained concerning all issues relating to special education rights and responsibilities, including the right of each child with exceptional needs to receive a free, appropriate public education and the right of each child with educational disabilities to receive accommodations and promote the establishment of a library or other resource center in which information about juvenile court practice (including books, periodicals, videotapes, and other training materials) can be collected and made available to all participants in the juvenile system. Cal. Standards of Judicial Administration § 24(d)(2) and (3).
Calendaring and Case Management	Direct calendaring (judge assigned to a case for its life) is the preferred method of calendaring. R.G. II-B. The court must demonstrate strong commitment to timely decisions in child abuse and neglect cases and design explicit processes to ensure timely hearings. R.G. II-C(1) and (2).	A strong judicial commitment is essential to reducing delay and, once achieved, maintaining a current docket. The presiding judge of each court should take an active role in advancing the goals of delay reduction and in formulating and implementing local rules and procedures to accomplish the following: the expeditious and timely resolution of cases, after full and careful consideration consistent with the ends of justice; the identification and elimination of local rules, forms, practices, and procedures that are obstacles to delay reduction, are inconsistent with statewide case management rules, or prevent the court from effectively managing its cases; the formulation and implementation of a system of

Best Practice	Resource Guidelines – Improving Court Practice in Child Abuse & Neglect Proceedings	Comparable California Statutes, Rules of Court, and California Standards of Judicial Administration Implementing the Resource Guidelines
		tracking cases from filing to disposition; and the training of judges and nonjudicial administrative personnel in delay reduction rules and procedures adopted in the local jurisdiction. Cal. Standards of Judicial Administration §§ 2(b) and (c). Cases in which the minor is detained and the sole allegation is that the minor is a person described in Welfare and Institutions Code section 300 shall be granted precedence on the calendar of the court for the day on which the case is set for hearing. Welf. & Inst. Code § 345. The court must not continue a hearing beyond the time set by statute unless the court determines the continuance is not contrary to the interests of the child. In considering the child's interests, the court must give substantial weight to a child's needs for stability and prompt resolution of custody status, and the damage of prolonged temporary placements. Cal. Rules of Court, rule 1422(a)(1).
	There should be rules of court setting forth specific deadlines for each hearing. R.G. II-C(2).	California has established statutory deadlines and rules of court specifying deadlines for each type of dependency hearing. Welf. & Inst. Code, §§ 315, 334, 321, 358(a)(1) and (2), 366, 366.3(a), 364(d), 366.21(f) and (g); Cal. Rules of Court, rules 1442(a), (d), and (f), 1447(d), and 1451(a) and (b).
	Court staff maintains a computerized data system capable of spotting serious delays, measuring court progress in case flow management, and compiling statistics regarding length of hearings and times between hearings. R.G. II-C(3).	
	Hearings should be set in open court, at a specific time, and all parties provided a written court order w/ the date and specifying actions to be taken by each party and a list of appropriate deadlines. R.G. II-C(4).	Every hearing conducted by the juvenile court reviewing the status of a dependent child shall be placed on the appearance calendar. The court shall advise all persons present at the hearing of the date of the future hearing and of their right to be present and represented by counsel. Welf. & Inst. Code, § 366.21(a). All written findings and orders of the court shall be served by the clerk of

Best Practice	Resource Guidelines – Improving Court Practice in Child Abuse & Neglect Proceedings	Comparable California Statutes, Rules of Court, and California Standards of Judicial Administration Implementing the Resource Guidelines
		the court personally or by first-class mail within three judicial days of their issuance on the petitioner, the minor or the minor's counsel, the parent or the parent's counsel, and the guardian or the guardian's counsel. Welf. & Inst. Code, § 248.5.
Court Facilities	Juvenile dependency courtrooms should be separated and apart from those used for adult criminal and civil cases and ideally separate from those used for other juvenile court proceedings. R.G. II-F. The judge should exercise some discretion in protecting the privacy interests of each party. Person not directly involved with in the hearing should not be allowed in the courtroom. R.G. II-F. The courtroom should be child-friendly. R.G. II-F.	All cases under this chapter shall be heard at a special or separate session of the court, and no other matter shall be heard at such a session. No person on trial, awaiting trial, or under accusation of crime, other than a parent, guardian, or relative of the minor, shall be permitted to be present at any such session, except as a witness. Welf. & Inst. Code § 345, and Cal. Rules of court, rule 1410(a). Unless requested by a parent or guardian and consented to or requested by the minor concerning whom the petition has been filed, the public shall not be admitted to a juvenile court hearing. The judge or referee may nevertheless admit such persons as he deems to have a direct and legitimate interest in the particular case or the work of the court. Welf. & Inst. Code § 346 and Rules of Court, rule 1410(e). Each court should endeavor to provide a children's waiting room located in the courthouse for minors under 16 who are present for court or accompanying adults to court. Cal. Standards of Judicial Administration § 1.3 The testimony of a minor may be taken in chambers and outside the presence of the minor's parent or parents, if the minor's parent or parents are represented by counsel, the counsel is present and any of the following circumstances exist: the court determines that testimony in chambers is necessary to ensure truthful testimony; the minor is likely to be intimidated by a formal courtroom setting; or the minor is afraid to testify in front of his or her parent or parents. Cal. Welf. & Inst. Code, § 350(2)(b).
Competent Representation	Juvenile and family courts should take active steps to ensure that the parties in child abuse and neglect cases have access to competent representation. R.G. II-E.	All parties who are represented by counsel at dependency proceedings shall be entitled to competent counsel. Welf. & Inst. Code § 317.5 and Cal. Rules of Court, rule 1438(c).

Best Practice	Resource Guidelines – Improving Court Practice in Child Abuse & Neglect Proceedings	Comparable California Statutes, Rules of Court, and California Standards of Judicial Administration Implementing the Resource Guidelines
		The presiding judge of the juvenile court should: encourage attorneys who practice in juvenile court, to continue their practice in juvenile court for substantial periods of time (a substantial period of time is at least two years and preferably from three to five years); encourage county agencies to hire attorneys for juvenile court who are interested in serving in the juvenile court for a substantial part of their career, are allowed to remain in juvenile court assignments for significant periods of time, and have the same promotional and salary opportunities as attorneys practicing in other assignments within a law office; establish minimum standards of practice to which all court-appointed and public office attorneys will be expected to conform; and ensure that attorneys appointed in the juvenile court are compensated in a manner equivalent to attorneys appointed by the court in other types of cases. Cal. Standards of Judicial Administration § 24(c).
	Attorneys for parents and children must be appointed, present and actively involved in the first court hearing and all hearings thereafter. R.G. II-E(1).	At each hearing the court must advise an unrepresented child, parent, or guardian of the right to be represented by counsel and, if applicable, of the right to have counsel appointed, subject to a claim by the court or the county for reimbursement as provided by law. In cases petitioned under section 300 the court must: appoint counsel for the child unless the court finds that the child would not benefit from the appointment and makes the findings required by rule 1438(b); and must appoint counsel for any parent or guardian unable to afford counsel if the child is placed in out-of-home care or the recommendation of the petitioner is for out-of-home care, unless the court finds the parent or guardian has knowingly and intelligently waived the right to counsel. In cases petitioned under section 601 or section 602 the court must appoint counsel for any child who appears without counsel, unless the child knowingly and intelligently waives the right to counsel. If the court determines that the parent or guardian can afford counsel but has not retained counsel for the child, the court must appoint counsel for the child and order the parent or guardian to reimburse the county. The court may appoint counsel for a parent or guardian who desires but cannot afford counsel. If the parent has retained counsel for the child and a conflict arises, the court must take steps to ensure that the child's interests are protected. Cal. Rules of

Best Practice	Resource Guidelines – Improving Court Practice in Child Abuse & Neglect Proceedings	Comparable California Statutes, Rules of Court, and California Standards of Judicial Administration Implementing the Resource Guidelines
		Court, rule 1412(g) and Welf. & Inst. Code, §§ 317, 633, 634, and 700.
	Courts should consider setting prerequisites for appointments, training and experience. R.G. II-E(1).	The presiding judge of the juvenile court should: establish relevant prerequisites for court-appointed attorneys and advocates in the juvenile court, and ensure that attorneys who appear in juvenile court have sufficient training to perform their jobs competently, as follows: require that all court-appointed attorneys meet minimum training and continuing legal education standards as a condition of their appointment to juvenile court matters; and encourage the leaders of public law offices that have responsibilities in juvenile court to require their attorneys who appear in juvenile court to have at least the same training and continuing legal education required of court-appointed attorneys. CAL. Standards of Judicial Administration § 24(d)(1) and (4). Only those attorneys who have completed a minimum of eight hours of training or education in the area of juvenile dependency, or who have sufficient recent experience in dependency proceedings in which the attorney has demonstrated competency, may be appointed to represent parties. In addition to a summary of dependency law and related statutes and cases, training and education for attorneys must include information on child development, child abuse and neglect, substance abuse, domestic violence, family reunification and preservation, and reasonable efforts. Within every three years attorneys must complete at least 8 hours of continuing education related to dependency proceedings. Cal. Rules of Court, rule 1438(c)(3).
	The roles of court appointed special advocates (CASA), guardian ad litems, and minor's attorney should be clearly defined. II-E(2).	*The role of a court-appointed minor's attorney is defined in California Welfare and Institutions Code sections 317, 317.5, and 317.6; and Cal. Rules of Court rule 1438.* *The roles of a court-appointed special advocates and guardian ad litems are defined in CA. Welfare and Institutions Code sections 317(c), 326.5, and 356.5; and CA. Rules of Court rules 1412, 1438, and 1448.*
Emergency Orders &	Police or agency should have virtually immediate access to the court in emergency situations. When court is closed there	California law allows any peace officer to detain a child, under a specified set of circumstances, without judicial approval. Once a minor

Best Practice	Resource Guidelines – Improving Court Practice in Child Abuse & Neglect Proceedings	Comparable California Statutes, Rules of Court, and California Standards of Judicial Administration Implementing the Resource Guidelines
Removal	should be 24-hour access to judges via pagers. R.G. II-H(2). If an emergency arises during hours when the court is in operation, the court should provide a hearing on the same day. R.G. II-H(2). Ex-parte orders may be issued by phone under the following guidelines: the court must review the agency's effort to notify parents, counsel should be appointed as soon as parents are notified, and a preliminary protective hearing should be scheduled immediately. R.G. II-H(3) and (4). Ex-parte hearings should be recorded and a written report should be filed by the agency or the police officer after hearing containing a complete description of the circumstances of the removal. R.G. II-H(5).	has been taken into custody and not released to a parent or guardian, the juvenile court must hold within one judicial day of the filing of a petition to determine whether the minor shall be further detained. Cal. Welf. & Inst. Code, § 315. Any peace officer may, without a warrant, take into temporary custody a minor: (a) When the officer has reasonable cause for believing that the minor is a person described in Section 300, and, in addition, that the minor has an immediate need for medical care, or the minor is in immediate danger of physical or sexual abuse, or the physical environment or the fact that the child is left unattended poses an immediate threat to the child's health or safety. In cases in which the child is left unattended, the peace officer shall first attempt to contact the child's parent or guardian to determine if the parent or guardian is able to assume custody of the child. If the parent or guardian cannot be contacted, the peace officer shall notify a social worker in the county welfare department to assume custody of the child. (b) Who is in a hospital and release of the minor to a parent poses an immediate danger to the child's health or safety. (c) Who is a dependent child of the juvenile court, or concerning whom an order has been made under Section 319, when the officer has reasonable cause for believing that the minor has violated an order of the juvenile court or has left any placement ordered by the juvenile court. (d) Who is found in any street or public place suffering from any sickness or injury which requires care, medical treatment, hospitalization, or other remedial care. Cal. Welf. & Inst. Code, §§ 305 and 305.6.
Voluntary Placements	Voluntary placements should be defined and regulated by statute, in writing, contain an advisement of rights to parents, and approved by the court based on a written report from the agency. Their use should be limited to a set period of time. R.G. II-G. The agency should be required to prepare a case plan whenever a child is placed pursuant to a voluntary agreement. R.G. II-G.	*Voluntary placements are defined and regulated under Welfare and Institutions Code sections 16507.2–16507.7, and 301. These sections require: a written agreement between the county welfare department and the parent or guardian specifying the terms of the voluntary placement; limit the time a voluntary placement may be used; and specify the procedures for the initiation and continuation of a voluntary placement.*

Best Practice	Resource Guidelines – Improving Court Practice in Child Abuse & Neglect Proceedings	Comparable California Statutes, Rules of Court, and California Standards of Judicial Administration Implementing the Resource Guidelines
Court Reports–Generally	Strict deadlines must be set for submission and distribution of reports. R.G. V-F, VI-F, R.G. VII-F. The report should include a statement of family changes that are needed to correct the problems necessitating state intervention with timetables for accomplishing them; a description of services to be provided to the family; and the actions to be taken by the parents to correct the problems. R.G. V-F and VI-F. When the agency recommends foster placement an affidavit of reasonable efforts should be submitted including a description of efforts made by the agency to avoid the need for placement and why they were not successful; why the child cannot be protected from the problems in the home even with services; and what relatives and friends have been contacted for placement. R.G. V-F and VI-F. The report should also include a description of the placement and where it is located; visitation arrangements; placement of siblings and visitation; an appropriate long-term plan for the child's future and proposed child support. R.G. V-F and VI-F.	*Many counties in California have local rules setting forth deadlines for the submission and distribution of reports.* At least 10 calendar days prior to the hearing, the social worker shall file a supplemental report with the court and provide the parent or legal guardian and counsel for the child with a copy of the report, including his or her recommendation for disposition. Cal. Welf. & Inst. Code, § 366.21(c). Each case plan shall include a description of the services that have been provided to the child under the plan and an evaluation of the appropriateness and effectiveness of those services. If out-of-home placement is used to attain case plan goals, the decision regarding choice of placement shall be based upon selection of a safe setting that is the least restrictive or most family-like and the most appropriate setting that is available and in close proximity to the parent's home, proximity to the child's school, consistent with the selection of the environment best suited to meet the child's special needs and best interests, or both. The case plan shall include a description of the schedule of the social worker contacts with the child and the family or other caretakers; the frequency of contact between the natural parents or legal guardians and the child; provisions for the development and maintenance of sibling relationships; if out-of-home placement is made in a foster family home, group home, or other child care institution that is either a substantial distance from the home of the child's parent or out of state, the reasons why that placement is in the best interest of the child; the services to be provided to assist in reunification and the services to be provided concurrently to achieve legal permanency if efforts to reunify fail. For a child who is 16 years of age or older, the case plan shall include a written description of the programs and services that will help the child, consistent with the child's best interest, prepare for the transition from foster care to independent living. Welf. & Inst. Code, §§ 16501.1(f), 636.1, 707.6(a)-(*l*), and 727.1(a).
Hearings–Generally	The court should review notice to ensure that all parties were properly noticed. R.G. III-E.	At each hearing under section 300 et seq., the court must determine whether notice has been given as required by law, and must make an appropriate finding noted in the minutes. Cal. Rules of Court, rule

Best Practice	Resource Guidelines – Improving Court Practice in Child Abuse & Neglect Proceedings	Comparable California Statutes, Rules of Court, and California Standards of Judicial Administration Implementing the Resource Guidelines
		1412(k).
	Findings and orders should be written in plain language and include: who is to have custody of the child, where the child is to be placed, specify the terms of visitation, list the responsibilities of all parties prior to the next hearing, the date and time of the next hearing. R.G. III-G.	At the disposition hearing, the court may: (1) dismiss the petition with specific reasons stated in the minutes; or (2) place the child under a program of supervision as provided in section 301 and order that services be provided; or (3) appoint a legal guardian for the child; or (4) declare dependency and appoint a legal guardian for the child; or (5) declare dependency, permit the child to remain at home and order that services be provided; or (6) declare dependency, permit the child to remain at home, limit the control to be exercised by the parent or guardian and order that services be provided; or (7) declare dependency, remove physical custody from the parent or guardian. After stating on the record or in writing the factual basis for the order, order custody to the noncustodial parent, terminate jurisdiction, and direct that Judicial Council form Custody Order--Juvenile (JV-200) be prepared and filed under rule 1457; or after stating on the record or in writing the factual basis for the order, order custody to the noncustodial parent with services to one or both parents; or make a general placement order and consider granting specific visitation rights to the child's grandparents. Cal. Rules of Court, rule 1456(a).
	Accurate and factually complete records should be made at each hearing. R.G. IV-A.	If the hearing is before a judge or a referee acting as a temporary judge by stipulation, an official court reporter or other authorized reporting procedure shall record all proceedings. If the hearing is before a referee not acting as a temporary judge, the judge may direct an official court reporter or other authorized reporting procedure to record all proceedings. Cal. Rules of Court, rules 1411(a) and (b); and Cal. Welf. & Inst. Code, § 347. The court must make a clear written record at review hearings to facilitate meaningful judicial review. *In re Julia M.* (1999) 69 CA.4th 41 at 52.
	Advise parties of their rights, including the right to court appointed counsel and ensure they have received a copy of the appropriate documentation (petition, reports, case plan, etc.). R.G. III-E.	The court must advise the child, parent, and guardian in section 300 cases, and the child in section 601 or section 602 cases, of the following rights: (1) the right to assert the privilege against self-incrimination; (2) the right to confront and cross-examine the persons who prepared reports

Best Practice	Resource Guidelines – Improving Court Practice in Child Abuse & Neglect Proceedings	Comparable California Statutes, Rules of Court, and California Standards of Judicial Administration Implementing the Resource Guidelines
		or documents submitted to the court by the petitioner, and the witnesses called to testify at the hearing; (3) the right to use the process of the court to bring in witnesses; and (4) the right to present evidence to the court. The child, parent or guardian, and their attorneys have the right to receive probation officer or social worker reports, and to inspect the documents used by the preparer of the report. Unless prohibited by court order, the child, parent or guardian, and their attorneys also have the right to receive all documents filed with the court. Cal. Rules of Court, rules 1412(j) and (g); and Welf. & Inst. Code, §§ 353 and 317.
	Review the appropriateness of the child's placement, agency's efforts to reunify the family or reach a permanent plan for the child, parties participation in reunification services, the adequacy of the case plans, and the frequency and nature of visitation with the parents, guardians, or siblings. R.G. V-G, VI-E. VII-E.	The court is require to review the appropriateness of the child's placement, agency's efforts to reunify the family or reach a permanent plan for the child, parties participation in reunification services, the adequacy of the case plans, and the frequency and nature of visitation with the parents, guardians, or siblings, at each review hearing. Cal. Welf. & Inst. Code, §§ 364, 366.21(f), 366.22(a), and 366.3
Continuances	Continuances should only be allowed in cases involving new evidence, bad notice, improper notice, witnesses cannot be located and unforeseen personal emergencies. R.G. II-C(5), and IV-B. Juvenile court proceedings generally should go forward when related criminal proceedings are pending. R.G. IV-B. No continuances should be allowed by stipulation or granted by administrative personnel. The reason for any continuance must be on the record. II-C(5).	Continuances may be granted only on a showing of good cause, and only for the time shown to be necessary. Stipulation between counsel of parties, convenience of parties, and pending criminal or family law matters are not in and of themselves good cause. Cal. Rules of Court, rules 1422(a)(2) and (b)(1). In order to obtain a continuance, written notice with supporting documents must be filed and served on all parties at least two court days prior to the date set for hearing, unless the court finds good cause for hearing an oral motion. The court must state in its order the facts requiring any continuance that is granted. Cal. Rules of Court, rules 1422 (a)(4), (5), and 1422 (b)(2) and (3).
Stipulations	Before accepting a stipulation or agreement, the court should take the time to thoroughly review the agreement, ensure all issues have been thoroughly considered by all parties and that the parties understand the content of the stipulation or admission. R.G. IV-C, VI-C, VII-C.	An admission by the parent or guardian shall be made personally by the parent or guardian. The parents or guardian may elect to admit the allegations of the petition, plead no contest, or submit the jurisdictional determination to the court based on the information provided to the court, and waive further jurisdictional hearing. Upon admission, plea of no

Best Practice	Resource Guidelines – Improving Court Practice in Child Abuse & Neglect Proceedings	Comparable California Statutes, Rules of Court, and California Standards of Judicial Administration Implementing the Resource Guidelines
	Written copies of stipulations or admitted facts should be provided to the parties and their counsel. R.G. IV-C. When a combined stipulation of adjudication and disposition is proposed, the judge should take special care that the stipulation is complete and well considered, especially by the parents. R.G. V-D.	contest, or submission, the court shall make the following findings noted in the order of the court: (1) notice has been given as required by law; (2) the birthdate and county of residence of the child; (3) the parent or guardian has knowingly and intelligently waived the right to a trial on the issues by the court, the right to assert the privilege against self-incrimination, and the right to confront and to cross-examine adverse witnesses and to use the process of the court to compel the attendance of witnesses on the parent or guardian's behalf; (4) the parent or guardian understands the nature of the conduct alleged in the petition and the possible consequences of an admission, plea of no contest, or submission; (5) the admission, plea of no contest, or submission by the parent or guardian is freely and voluntarily made; (6) there is a factual basis for the parent or guardian's admission; (7) those allegations of the petition as admitted are true as alleged; (8) the child is described under one or more specific subdivisions of section 300. Cal. Rules of Court, rule 1449(d)–(f).
Party Presence	The following should always be present: Judge/ judicial officer, parents, relatives w/ legal standing or other custodial adults, assigned caseworker must be present, or their supervisor, agency attorney, attorney for parents, legal advocate for the child, court reporter, and security. R.G. III-B, IV-D, V-E, VI-D, VII-D, VIII-F, IX-C. The following should be present as needed: age-appropriate children, extended family members, adoptive parents, judicial case management staff, law enforcement, service providers, probation or parole officer, and school officials. R.G. III-B, IV-D, V-E, VI-D, VII-D, VIII-F, IX-C.	The following persons are entitled to be present: the child; all parents, de facto parents, Indian custodians, and guardians of the child or, if no parent or guardian resides within the state or, if their places of residence are not known, any adult relatives residing within the county or, if none, any adult relatives residing nearest the court; counsel representing the child or the parent, de facto parent, guardian or adult relative, Indian custodian or the tribe of an Indian child; the probation officer or social worker; the prosecuting attorney; any court-appointed special advocate; a representative of the Indian child's tribe; the court clerk; the official court reporter, as provided in rule 1411; and at the court's discretion, a bailiff; and any other person entitled to notice of the hearing under sections 290.1 and 290.2. Cal. Rules of Court, rule 1410(b).
Detention Hearings– Generally	A primary goal of the court should be to make the preliminary protective hearing as thorough and meaningful as possible, including conducting an in-depth inquiry concerning the circumstances of the case and hearing from all interested parties present. R.G. III-A. The court should create a problem-solving atmosphere, taking	The court must control all proceedings with a view to the expeditious and effective ascertainment of the jurisdictional facts and of all information relevant to the present condition and welfare of the child. Cal. Rules of Court, rule 1412(a), and Welf. & Inst. Code, §§ 350 and 680. Unless there is a contested issue of fact or law, the proceedings must be

Best Practice	Resource Guidelines – Improving Court Practice in Child Abuse & Neglect Proceedings	Comparable California Statutes, Rules of Court, and California Standards of Judicial Administration Implementing the Resource Guidelines
	active steps to defuse hostilities, gain party cooperation and assist the parties in attacking the problem. R.G. III-A. A sworn and complete petition or complaint should be filed at or prior to the preliminary hearing and should be complete and accurate. R.G. III-C. Detention reports should be submitted at least one hour prior to the preliminary hearing and describe the circumstances of the removal, any allegations of abuse or neglect, and all efforts made to try to ensure safety and prevent removal. R.G. III-F. The preliminary protective hearing should occur within 72 hours after the child has been places outside the parent's care. R.G. III-A.	conducted in a nonadversarial atmosphere. Cal. Rules of Court, rule 1412(b), and Welf. & Inst. Code, §§ 350 and 680. A proceeding in the juvenile court to declare a child to be a dependent child of the court is commenced by the filing with the court, by the social worker, of a petition, in conformity with the requirements of this article. Welf. & Inst. Code, §§ 325 and 332, and Cal. Rules of Court, rule 1407. If a minor has been taken into custody under this article and not released to a parent or guardian, the juvenile court shall hold a hearing (which shall be referred to as a "detention hearing") to determine whether the minor shall be further detained. This hearing shall be held as soon as possible, but in any event before the expiration of the next judicial day after a petition to declare the minor a dependent child has been filed. If the hearing is not held within the period prescribed by this section, the minor shall be released from custody. Cal. Welf. and Inst. Code § 315.
Detention–Findings & Orders	Specify why continuation of the child in the home would be contrary to the child's welfare. R.G. III-D and G. Specify whether reasonable efforts have been made to preserve the family and prevent placement. R.G. III-A, D, and G.	The court shall order the release of the child from custody unless a prima facie showing has been made that the child comes within Section 300 and the court finds that continuance in the parent's or guardian's home is contrary to the child's welfare. Welf. & Inst. Code, §§ 319(b), 636(d) and 11401(b)(3); Cal. Rules of Court, rules 1446(a) and 1475(c). The court shall also make a determination on the record… whether reasonable efforts were made to prevent or eliminate the need for removal of the child from his or her home…and whether there are available services that would prevent the need for further detention. Welf. & Inst. Code, §§ 319(d)(1), 636(d)(2), 727.4(d)(5) and 11401(b); Cal. Rule of Court, rules 1446(c) and 1475(d).
Jurisdictional/ Dispositional Hearings–Generally	Adjudication should occur within 60 days of removal or the detention hearing, pursuant to a rule of court or guideline, and disposition should be completed within 30 days after adjudication. R.G. IV-B and C.	Upon the filing of a petition, the court shall set the same for a hearing within 30 days, except when the minor is detained, then within 15 days of the detention order. Welf. & Inst. Code §§ 334 and 657(a)(1). If the court orders a child detained, and counsel or a party requests that evidence of prima facie be presented the court shall set a prima facie hearing within 3 court days to consider evidence of a prima facie case or

Best Practice	Resource Guidelines – Improving Court Practice in Child Abuse & Neglect Proceedings	Comparable California Statutes, Rules of Court, and California Standards of Judicial Administration Implementing the Resource Guidelines
		shall set the matter for jurisdictional hearing within 10 court days. Cal. Rules of Court, rule 1447(d). If a child has been removed from the custody of a parent or guardian, the court must not grant a continuance that would cause the disposition hearing under section 361 to be completed more than 60 days after the detention hearing unless the court finds exceptional circumstances. In no event shall the disposition hearing be continued more than six months after the detention hearing. Cal. Rules of Court, rule 1422(a)(3).
	Disposition should be considered separately from adjudication to ensure that there is an appropriate focus on dispositional issues. It may be appropriate to allow the dispositional hearing to follow in a bifurcated manner immediately after the adjudicatory hearing if all required reports are available and have been received by all parties at least five days in advance and the judge has had an opportunity to review the reports. R.G. V-B and C.	After finding that a child is a person described in Section 300, the court shall hear evidence on the question of the proper disposition to be made of the child. Welf. & Inst. Code § 358(a).
	The court should set rules or develop forms regarding both the timing and content of agency predisposition reports, and those rules or forms should be carefully designed to assist judges in preparing written findings of fact and conclusions of law. R.G. V-F.	Before determining the appropriate disposition, the court shall receive in evidence the social study of the child made by the social worker, any study or evaluation made by a child advocate appointed by the court, and other relevant and material evidence as may be offered, including, but not limited to, the willingness of the caregiver to provide legal permanency for the child if reunification is unsuccessful. In any judgment and order of disposition, the court shall specifically state that the social study made by the social worker and the study or evaluation made by the child advocate appointed by the court, if there be any, has been read and considered by the court in arriving at its judgment and order of disposition. Any social study or report submitted to the court by the social worker shall include the individual child's case plan developed pursuant to Section 16501.1. Cal. Welf. & Inst. Code, §§ 358(b). 358.1, and 16501.1.
	Paternity issues should be resolved as early as possible. R.G. IV-A.	At the detention hearing, or as soon thereafter as practicable, the court shall inquire of the mother and any other appropriate person as to the

Best Practice	Resource Guidelines – Improving Court Practice in Child Abuse & Neglect Proceedings	Comparable California Statutes, Rules of Court, and California Standards of Judicial Administration Implementing the Resource Guidelines
	When parents are missing, parties should be expected to enlist the assistance of the Parent Locator Service, for free. R.G. IV-A.	identity and address of all presumed or alleged fathers. The presence at the hearing of a man claiming to be the father shall not relieve the court of its duty of inquiry. Welf. & Inst. Code, § 316.2(a).
Jurisdictional/ Dispositional– Findings & Orders	Court must determine which allegations of the petition have been proven or admitted, whether there is a legal basis for continued court and agency intervention, whether reasonable efforts have been made to prevent the need for placement or safely reunify the family, and when applicable, specify why continuation of child in the home would be contrary to the child's welfare. R.G. IV-E. When there has been a recommendation that a child be placed outside the home, the judicial findings should address the feasibility of in-home services as an alternate to removal. R.G. V-H. The court's findings must be in writing and provide enough detailed information to justify agency and court choices for treatment and services. R.G. IV-G.	At the jurisdictional hearing, the court shall first consider only the question whether the minor is a person described by Section 300. Welf. & Inst. Code §§ 355(a) and 356. The court shall order the release of the child from custody unless a prima facie showing has been made that the child comes within Section 300, the court finds that continuance in the parent's or guardian's home is contrary to the child's welfare, and any of the following circumstances exist: there is a substantial danger to the physical health of the child or the child is suffering severe emotional damage, and there are no reasonable means by which the child's physical or emotional health may be protected without removing the child from the parents' or guardians' physical custody; there is substantial evidence that a parent, guardian, or custodian of the child is likely to flee the jurisdiction of the court; the child has left a placement in which he or she was placed by the juvenile court; the child indicates an unwillingness to return home, if the child has been physically or sexually abused by a person residing in the home. Welf. & Inst. Code, § 319(b), see also Welf. & Inst. Code, §§ 301, 332, 16506, and 16507. A referee shall promptly furnish to the presiding judge of the juvenile court and the minor, if the minor is 14 or more years of age or if younger has so requested, and shall serve upon the minor's attorney of record and the minor's parent or guardian or adult relative and the attorney of record for the minor's parent or guardian or adult relative a written copy of his or her findings and order and shall also furnish to the minor, if the minor is 14 or more years of age or if younger has so requested, and to the parent or guardian or adult relative, with the findings and order, a written

Best Practice	Resource Guidelines – Improving Court Practice in Child Abuse & Neglect Proceedings	Comparable California Statutes, Rules of Court, and California Standards of Judicial Administration Implementing the Resource Guidelines
		explanation of the right of such persons to seek review of the order by the juvenile court. Cal. Welf. & Inst. Code, § 248. All written findings and orders of the court shall be served by the clerk of the court personally or by first-class mail within three judicial days of their issuance on the petitioner, the minor or the minor's counsel, the parent or the parent's counsel, and the guardian or the guardian's counsel. Cal. Welf. & Inst. Code, § 248.5.
Review Hearings– Generally	It should be common court practice to hold reviews every two to three months, even when mandated to be every six. R.G. VI-B. The court should re-examine long term case goals and change any that are no longer appropriate. R.G. VI-A. The record should convey the recent history of the case including services provided to the child and family since the last hearing and progress made toward ending state intervention. R.G. VI-H.	The status of every dependent child in foster care shall be reviewed periodically as determined by the court but no less frequently than once every six months… Welf. & Inst. Code § 366(a)(1) and Cal. Rules of Court, rule 1460(a). At each review hearing, the court is required to examine long term placement and reunification goals and change those that are no longer appropriate. Welf. & Inst. Code §§ 366(a), 366.21(e) and (f), and 366.22(a); Cal. Rules of Court, rules 1460 (e), (f), and (h), 1461(c)(1), and 1462(b)(1). The court shall consider the safety of the child and shall determine all of the following: …the extent of the agency's compliance with the case plan in making reasonable efforts to return the child to a safe home and to complete any steps necessary to finalize the permanent placement of the child, …and the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care. Cal. Welf. & Inst. Code, § 366(a)(1)(B) and (E).
Review Hearings– Findings & Orders	The court must determine whether the child is in need of continued placement outside the home or continued agency intervention, whether the agency has made reasonable efforts to eliminate the need for placement, what additional agency efforts are necessary to meet the family's needs and move the case toward completion, whether the parents are in compliance with the case plan, identify specifically what further actions the parents need to complete identify a long-term placement goal and an expected date for final reunification or other	At any status review hearing prior to permanency planning, the court shall order the return of the child to the physical custody of his or her parent or legal guardian unless the court finds, by a preponderance of the evidence, that the return of the child to his or her parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child. Welf. & Inst. Code, §§ 366.21(e) and 366.22(a); Cal Rules of Court, rule 1460(e)(2) and 1461(c)(1).

Best Practice	Resource Guidelines – Improving Court Practice in Child Abuse & Neglect Proceedings	Comparable California Statutes, Rules of Court, and California Standards of Judicial Administration Implementing the Resource Guidelines
	permanent plan. R.G. VI-E and G.	The court shall consider the safety of the child and shall determine all of the following: the continuing necessity for and appropriateness of the placement; the extent of the agency's compliance with the case plan in making reasonable efforts to return the child to a safe home and to complete any steps necessary to finalize the permanent placement of the child, including efforts to maintain relationships between a child who is 10 years of age or older who is placed in a group home, and individuals other than the child's siblings who are important to the child, consistent with the child's best interests; whether there should be any limitation on the right of the parent or guardian to make educational decisions for the child; whether the child has other siblings under the court's jurisdiction, and… the extent of progress which has been made toward alleviating or mitigating the causes necessitating placement in foster care. Welf. & Inst. Code, § 366(a)(1).
Permanency Planning Hearings–Generally	Only courts should conduct permanency planning hearings. R.G. VII-A.	Permanency planning hearings must be conducted by the court. Welf. & Inst. Code, § 366.21(f). The review of the status of a child for whom the court has ordered parental rights terminated and who has been ordered placed for adoption shall be conducted by the court. Cal. Welf. & Inst. Code, § 366.3(d).
	Hearings should occur, at a minimum, at least once a year. R.G. VII-B.	The court must conduct a review hearing if it has been 12 months since a hearing held pursuant to Section 366.26 or an order that the child remain in long-term foster care pursuant to Section 366.21, 366.22, 366.26, or subdivision (g); or it has been 12 months since a review was conducted by the court. Cal. Welf. & Inst. Code, § 366.3(d).
	Permanency planning reports should include a detailed statement of the facts and systematically discuss possible permanent options. R.G. VII-F.	When the permanent plan is adoption or placement in another permanent home, it shall include documentation of the steps the agency is taking to find an adoptive family or other permanent living arrangements for the child; to place the child with an adoptive family, an appropriate and willing relative, a legal guardian, or in another planned permanent living arrangement; and to finalize the adoption or legal guardianship. At a minimum, the documentation shall include child specific recruitment

Best Practice	Resource Guidelines – Improving Court Practice in Child Abuse & Neglect Proceedings	Comparable California Statutes, Rules of Court, and California Standards of Judicial Administration Implementing the Resource Guidelines
		efforts, such as the use of state, regional, and national adoption exchanges, including electronic exchange systems, when the child has been freed for adoption. Welf. & Inst. Code, § 16501.1(f)(13).
Permanency Planning Hearings– Findings & Orders	Judge should decide whether a child is to be permanently returned home. When the goal is other than return home, the court should systemically choose among permanent alternatives and the court record should reflect and reinforce the systematic nature of the permanent plan decision. R.G. VII-E. Set forth the child's permanent plan as one of the following: returned home on a specific date, legally freed for adoption, transfer of custody to an individual or couple on a permanent basis, long term foster care, or extend foster care for a specific time with a continued goal of family reunification. R.G. VII-E and G.	… At the permanency hearing, the court shall determine the permanent plan for the child, which shall include a determination of whether the child will be returned to the child's home and, if so, when, within the time limits of subdivision (a) of Section 361.5. The court shall order the return of the child to the physical custody of his or her parent or legal guardian unless the court finds, by a preponderance of the evidence, that the return of the child to his or her parent or legal guardian would create a substantial risk of detriment to the safety, protection, or physical or emotional well-being of the child… Whether or not the child is returned to his or her parent or legal guardian, the court shall specify the factual basis for its decision. Welf. & Inst. Code, § 366.21(f). If the time period in which the court-ordered services were provided has met or exceeded the time period set forth in subdivision (a) of Section 361.5, as appropriate, and a child is not returned to the custody of a parent or legal guardian at the permanency hearing held pursuant to subdivision (f), the court shall do one of the following: (1) Continue the case for up to six months for a permanency review hearing, provided that the hearing shall occur within 18 months of the date the child was originally taken from the physical custody of his or her parent or legal guardian. The court shall continue the case only if it finds that there is a substantial probability that the child will be returned to the physical custody of his or her parent or legal guardian and safely maintained in the home within the extended period of time or that reasonable services have not been provided to the parent or legal guardian… (2) Order that a hearing be held within 120 days, pursuant to Section 366. 26, but only if the court does not continue the case to the permanency planning review hearing and there is clear and convincing evidence that reasonable services have been provided or offered to the parents or legal guardians. (3) Order that the child remain in long-term foster care, but only if the court finds by clear and convincing evidence, … that there is a compelling reason for determining that a hearing held pursuant to Section

Best Practice	Resource Guidelines – Improving Court Practice in Child Abuse & Neglect Proceedings	Comparable California Statutes, Rules of Court, and California Standards of Judicial Administration Implementing the Resource Guidelines
		366.26 is not in the best interest of the child because the child is not a proper subject for adoption and has no one willing to accept legal guardianship. Welf. & Inst. Code, § 366.21(g).
Termination of Parental Rights– Generally	The same court with jurisdiction over the initial dependency should retain jurisdiction over termination hearings and the same judge hearing earlier stages of the care should the termination case.	*In California, there is not a separate petition for the termination of parental rights. After termination or denial of reunification services to the parents, the dependency court holds a hearing pursuant to Welfare and Institutions Code section 366.26, known as a selection and implementation hearing. At that hearing, the court will select a permanent plan for the child, and if appropriate terminate parental rights to free the child for adoption. See Welf. & Inst. Code § 366.26.*
	The petition must set forth the allegations sufficiently precise to give the parties notice of the issues, and should cite the statutory grounds relied upon and provide a summary of facts in support of each. R.G. VIII-B(1).	The petition shall be verified and may be dismissed without prejudice if not verified. The petition shall contain all of the following: the name of the court; the title of the proceeding; each code section and subdivision under which the petition is filed, and if under section 602, the specific code sections and subdivisions alleged to have been violated, and as to each count, whether it is a misdemeanor or felony; the name, age, and address of the child; ff known, the names and addresses of the parents and guardians; if not known, or if no parent or guardian resides in California, the names and addresses of any adult relative known to reside within the county, or of the adult relative residing nearest the county; a concise statement of facts, separately stated, supporting the allegation that the child is described by each section and subdivision under which the petition is filed; whether the child is detained and, if so, the date and the precise time the child was taken into custody; a notice of the financial obligations under sections 903, 903.1, and 903.2; if applicable, the intent to aggregate other offenses under section 726. Cal. Rules of Court, rule 1407(a).
	The court should specify what steps should be taken to locate missing parents and dictate a timeframe for completion. Efforts required to identify or locate parents and notice should be stricter than for adjudication, and personal service should be used when possible. R.G. VIII-B(2).	If the parent's whereabouts are unknown and the parent cannot, with reasonable diligence, be served in any manner specified in paragraphs (1) to (6), inclusive, the petitioner shall file an affidavit with the court at least 75 days before the hearing date, stating the name of the parent and describing the efforts made to locate and serve the parent. If the court

Best Practice	Resource Guidelines – Improving Court Practice in Child Abuse & Neglect Proceedings	Comparable California Statutes, Rules of Court, and California Standards of Judicial Administration Implementing the Resource Guidelines
		determines that there has been due diligence in attempting to locate and serve the parent and the probation officer or social worker recommends adoption, service shall be to that parent's attorney of record, if any, by certified mail, return receipt requested. If the parent does not have an attorney of record, the court shall order that service be made by publication of citation requiring the parent to appear at the date, time, and place stated in the citation, and that the citation be published in a newspaper designated as most likely to give notice to the parent. Publication shall be made once a week for four consecutive weeks. Whether notice is to the attorney of record or by publication, the court shall also order that notice be given to the grandparents of the child by first-class mail. In any case where the residence of the parent becomes known, notice shall immediately be served upon the parent. If the identity of one or both of the parents, or alleged parents, of the child is unknown, or if the name of one or both parents is uncertain, then that fact shall be set forth in the affidavit and the court, if ordering publication, shall order the published citation to be directed to either the father or mother, or both, of the child, and to all persons claiming to be the father or mother of the child, naming and otherwise describing the child. Cal. Welf. & Inst. Code §§ 294 (f)(7) and (8).
	Termination trials should be set within 60 days after completion of service of process and should be heard on consecutive court days. R.G. VIII-E.	The 366.26 hearing must be scheduled within 120 days of the date that reunification services were denied or ordered terminated. Welf. & Inst. Code, §§ 361.5(b), 366.21(e), and 366.22(a).
	The court should encourage the use of pre-trials, to ensure discovery and notice have occurred and resolve evidentiary issues. R.G. VIII-D	
	The appellate court should give priority to appeals of abuse and neglect and termination of parental rights cases, and should establish and administer an accelerated schedule in each case. R.G. VIII-A	An appeal from the juvenile court shall have precedence over all other cases, as provided by statute. Cal. Welf. & Inst. Code §§ 395 and 800.
	There should be periodic review to assure that reasonable	The status of the child shall be reviewed every six months to ensure that

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	efforts continue to be made to place the child following the termination of parental rights. R.G. VIII-I(2). Judges must be familiar with basic aspects of the adoption process, including the basic eligibility criteria and available benefits for adoptive families. R.G. VIII-I(2).	the adoption or legal guardianship is completed as expeditiously as possible. Cal. Welf. and Inst. Code, § 366.3(a); and Cal. Rules of Court, rule 1466(a).
Termination of Parental Rights– Voluntary Relinquishment	Voluntary relinquishments should be taken in court and the judge should make sure the parents understand the consequences of termination, right to a trial, to counsel, and the availability of less drastic legal alternatives. R.G. VIII-C.	Either birth parent may relinquish a child to the department or a licensed adoption agency for adoption by a written statement signed before two subscribing witnesses and acknowledged before an authorized official of the department or agency. The relinquishment, when reciting that the person making it is entitled to the sole custody of the child and acknowledged before the officer, is prima facie evidence of the right of the person making it to the sole custody of the child and the person's sole right to relinquish. Cal. Fam. Code, § 8700(a).
Termination of Parental Rights– Findings & Orders	The court should address the grounds for termination of parental rights or not terminating parental rights, and whether termination is in the child's best interest. R.G. VIII-G. The court should prepare written findings whether or not termination of parental rights is granted addressing whether the grounds for termination were satisfied and, if so, whether termination was in the best interest of the child. R.G. VIII-H.	If the court determines, based on the assessment and any other relevant evidence, by a clear and convincing standard, that it is likely the child will be adopted, the court shall terminate parental rights and order the child placed for adoption …unless the court finds a compelling reason for determining that termination would be detrimental to the child due to one or more of the following circumstances: (A) The parents or guardians have maintained regular visitation and contact with the child and the child would benefit from continuing the relationship. (B) A child 12 years of age or older objects to termination of parental rights. (C) The child is placed in a residential treatment facility, adoption is unlikely or undesirable, and continuation of parental rights will not prevent finding the child a permanent family placement if the parents cannot resume custody when residential care is no longer needed. (D) The child is living with a relative or foster parent who is unable or unwilling to adopt the child because of exceptional circumstances. (E) There would be substantial interference with a child's sibling relationship, taking into consideration the nature and extent of the relationship, including, but not limited to, whether the child was raised with a sibling in the same home, whether the child shared significant common experiences or has existing close and strong bonds with a sibling, and whether ongoing contact is in

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		the child's best interest, including the child's long-term emotional interest, as compared to the benefit of legal permanence through adoption. If the court finds that termination of parental rights would be detrimental to the child pursuant to subparagraph (A), (B), (C), (D), or (E), it shall state its reasons in writing or on the record. Welf. & Inst. Code, § 366.26(c)(1).
Post Termination Plan	The plan should be promptly prepared, submitted to the court following termination of parental rights, set forth a strategy and timetable for early permanent placement, and include the steps the agency will take to locate and evaluate adoptive parents and proposed adoption subsidies. The plan should be submitted to parties well in advance of the hearing. R.G. VIII-I(1).	If a juvenile court orders a permanent plan of adoption or legal guardianship, the court shall retain jurisdiction over the child until the child is adopted or the legal guardianship is established, except as provided for in Section 366.29. The status of the child shall be reviewed every six months to ensure that the adoption or legal guardianship is completed as expeditiously as possible. Cal. Welf. & Inst. Code, § 366.3(a). The proceeding for the adoption of a child who is a dependent of the juvenile court shall be in the juvenile court if the court finds pursuant to this section that adoption is the appropriate permanent plan and the petition for adoption is filed in the juvenile court. Upon the filing of a petition for adoption, the juvenile court shall order that an adoption hearing be set. The court shall proceed with the adoption after the appellate rights of the natural parents have been exhausted. The full report shall be read and considered by the court prior to the adoption and this shall be reflected in the minutes of the court. Cal. Welf. & Inst. Code, § 366.26(e). At the time application for adoption of a child who is potentially eligible for Adoption Assistance Program benefits is made, and at the time immediately prior to the finalization of the adoption decree, the department or the licensed adoption agency, whichever is appropriate, shall provide the prospective adoptive family with information, in writing, on the availability of Adoption Assistance Program benefits, with an explanation of the difference between these benefits and foster care payments. The department or the licensed adoption agency shall also provide the prospective adoptive family with information, in writing, on the availability of reimbursement for the nonrecurring expenses incurred in the adoption of the Adoption Assistance Program eligible child. The

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		department or licensed adoption agency shall also provide the prospective adoptive family with information on the availability of mental health services through the Medi-Cal program or other programs. Cal. Welf. & Inst. Code § 16119(a), et seq.
Adoption Hearings	The same court that terminated parental rights should handle the adoption proceedings. R.G. IX-B. The judge's key responsibilities when hearing an adoption petition for a child in foster care are: (1) ensure parental rights have been relinquished or terminated and the appeal process is over; (2) verify that all required consents are provided to the court; (3) review the home studies or court reports; (4) make sure the adoptive parents understand the legal consequences of adoption; and (5) resolve conflicts. R.G. IX-B.	The proceeding for the adoption of a child who is a dependent of the juvenile court shall be in the juvenile court if the court finds pursuant to this section that adoption is the appropriate permanent plan and the petition for adoption is filed in the juvenile court. Upon the filing of a petition for adoption, the juvenile court shall order that an adoption hearing be set. The court shall proceed with the adoption after the appellate rights of the natural parents have been exhausted. The full report required by Section 8715 of the Family Code shall be read and considered by the court prior to the adoption and this shall be reflected in the minutes of the court. The person preparing the report may be called and examined by any party to the proceeding. Cal. Welf. & Inst. Code, § 366.26(e).

Legal Review Table A.5:

American Bar Association Standards for Practice for Lawyers Who Represent Children in Abuse and Neglect Proceedings (hereinafter referred to as the ABA Standards

National Association of Counsel for Children Version of the ABA Standards (hereinafter referred to as the NACC Standards)

Standard	**American Bar Association[1] and National Association of Counsel for Children[2] Standards**	**Comparable California Statutes[3] and Rules of Court[4] Implementing the ABA/NACC Standards**
Child's Attorney–Role	Provide the same duties of undivided loyalty, confidentiality, and competent representation to the child as is due an adult client. Ensure the child's independent voice is heard by advocating the child's articulated position. When a lawyer is expected to act in the dual role of guardian ad litem and lawyer or record, the preference for appointment is as the "child's attorney" and the obligations owed are that of an attorney-client relationship.	In any case in which the child is four years of age or older, counsel shall interview the child to determine the child's wishes and to assess the child's well-being, and shall advise the court of the child's wishes. Cal. Welf. & Inst. Code, § 317(e).
Child's attorney–Basic Obligations	Ensure the child's ability to provide client-based directions by structuring all communications to account for the individual child's age, level of education, cultural context, and degree of language acquisition. Obtain copies of all pleadings and relevant notices; participate in depositions, negotiations, discovery, pretrial conferences, and hearings; inform other parties and their representatives that he or she is representing the child and expects reasonable notification	

[1] American Bar Association Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Proceedings, February 5, 1996 is available at *http://www.abanet.org/child/childrep.html*.

[2] National Association of Counsel for Children version of the American Bar Association Standards of Practice for Lawyers Who Represent Children in Abuse and Neglect Proceedings, adopted October 13, 1996 and revised April 21, 1999 is available at *http://naccchildlaw.org/training/standards.html*.

[3] All cited California statutes can be found at *http://www.leginfo.ca.gov/calaw.html*. Unless otherwise indicated, all statutory references are to the California Welfare and Institutions Code.

[4] All cited California Rules of Court can be found at *http://www.courtinfo.ca.gov/rules*.

Standard	American Bar Association and National Association of Counsel for Children Standards	Comparable California Statutes and Rules of Court Implementing the ABA/NACC Standards
	prior to case conferences, changes of placement, and other changes of circumstances affecting the child and the child's family; attempt to reduce case delays and ensure that the court recognizes the need to speedily promote permanency for the child; counsel the child concerning litigation, the child's rights, the court system, the proceedings, the lawyer's role, and what to expect in the legal process; develop a theory and strategy of the case to implement at hearings, including factual and legal issues; and identify appropriate family and professional resources for the child The lawyer should zealously advocate a position on behalf of the child.	
Child's Attorney–Conflict of Interest	If a lawyer appointed as guardian ad litem determines that there is a conflict caused by performing both roles, the lawyer should continue to perform as the child's attorney and withdraw as guardian ad litem. The lawyer should request appointment of a guardian ad litem without revealing the basis for the request. If the lawyer is appointed as a "child's attorney" for siblings, there may also be a conflict which could require that the lawyer decline representation or withdraw from representing all the children.	*A proposal to add rule 1438.5 establishing conflict of interest guidelines for court-appointed counsel for children in juvenile dependency matters is currently circulating for public comment.*
Child's Attorney–Client under Disability	Determine, on an individual basis, the child's ability to contribute to a determination with respect to each issue in which the child is called upon to direct the representation. Children of certain ages are not, per se, "impaired", "disabled", incompetent" or lack capacity to determine their position in litigation.	
Child's Attorney–Client Preferences *ABA STANDARD*	The child's attorney should elicit the child's preferences in a developmentally appropriate manner, advise the child, and provide guidance. Represent the child's expressed preferences and follow the child's direction throughout the course of litigation. While the lawyer may attempt to persuade the child to accept a particular position, the lawyer may not advocate apposition contrary to the child's expressed position except as provided by these Abuse and Neglect Standards or the Code of Professional	In any case in which the child is four years of age or older, counsel shall interview the child to determine the child's wishes and to assess the child's well-being, and shall advise the court of the child's wishes. Cal. Welf. & Inst. Code, § 317(e).

Standard	American Bar Association and National Association of Counsel for Children Standards	Comparable California Statutes and Rules of Court Implementing the ABA/NACC Standards
	Responsibility. To the extent that a child does not or will not express a preference about particular issues, the child's attorney should determine and advocate the child's legal issues. To the extent that a child cannot express a preference, the child's attorney shall make a good faith effort to determine the child's wishes and advocate accordingly or request appointment of a guardian ad litem. If the child's attorney determines that the child's expresses preference would be seriously injurious to the child, the lawyer may request appointment of a separate guardian ad litem and continue to represent the child's expressed preference, unless such position is prohibited by law or without factual foundation.	A CAPTA guardian ad litem must be appointed for every child who is subject to a juvenile dependency petition under Welfare and Institutions Code section 300. An attorney appointed under rule 1438 will serve as the child's CAPTA guardian ad litem under Welfare and Institutions Code section 326.5. If the court finds that the child would not benefit from the appointment of counsel, the court must appoint a Court Appointed Special Advocate (CASA) to serve as the child's CAPTA guardian ad litem. The court must identify on the record the person appointed as the child's CAPTA guardian ad litem. Cal. Rules of Court, rule 1448(c).
NACC STANDARD	Represent the child's expressed preferences and follow the child's direction throughout the course of litigation except as specifically provided herein. Client directed representation does not include "robotic allegiance" to each directive of the client. Client directed representation involves the attorney's counseling function and requires good communication between attorney and client. The goal of the relationship is an outcome, which serves the client, mutually arrived upon by the attorney and client, following the exploration of all available options. While the default position for attorneys representing children is a client directed model, there will be occasions when this model cannot serve the client. In such cases, the attorney may rely upon a substituted judgment process or call for the appointment of a guardian ad litem. To the extent that a child cannot meaningfully participate in the formulation of the client's position the attorney shall substitute	In any case in which the child is four years of age or older, counsel shall interview the child to determine the child's wishes and to assess the child's well-being, and shall advise the court of the child's wishes. Cal. Welf. & Inst. Code, § 317(e).

Standard	American Bar Association and National Association of Counsel for Children Standards	Comparable California Statutes and Rules of Court Implementing the ABA/NACC Standards
	his/ her judgment for the child's and formulate and present a position, which serves the child's interests. Such formulation must be accomplished through the use of objective criteria, rather than solely the life experience or instincts of the attorney. The criteria shall include, but not be limited to: determination of the child's circumstances through a full and efficient investigation; assessment of the child at the moment of the determination' examination of each option in light of the two child welfare paradigms- psychological parent and family networks; and utilization of medical, mental health, educational, social work and other experts. If the child's attorney determines that the child's expresses preference would be seriously injurious to the child, the lawyer shall, after unsuccessful use of the attorney's counseling role, request appointment of a separate guardian ad litem and continue to represent the child's expressed preference, unless such position is prohibited by law or without factual foundation.	
Child's Attorney–Child's Interests	The determination of the child's legal interest should be based on objective criteria as set forth in the law that is related to the purposes of the proceedings. The criteria should address the child's specific needs and preferences, the goal of expeditious resolution of the case so the child can remain or return home or be placed in a safe, nurturing, and permanent environment, and the use of the least restrictive or detrimental alternatives available.	A primary responsibility of any counsel appointed to represent a child pursuant to this section shall be to advocate for the protection, safety, and physical and emotional well-being of the child. Cal. Welf. & Inst. Code, § 317(c).
Child's Attorney–Actions to be Taken	Visit with the child prior to court hearings and when apprised of emergencies or significant events impacting on the child.	Attorneys or their agents are expected to meet regularly with clients, including clients who are children, regardless of the age of the child or the child's ability to communicate verbally, to contact social workers and other professionals associated with the client's case, to work with other counsel and the court to resolve disputed aspects of a case without contested hearing, and to adhere to the mandated timelines. The attorney for the child must have sufficient contact with the child to establish and maintain an adequate and professional attorney-client relationship. The attorney for the child is not required to assume the

Standard	American Bar Association and National Association of Counsel for Children Standards	Comparable California Statutes and Rules of Court Implementing the ABA/NACC Standards
		responsibilities of a social worker and is not expected to perform services for the child that are unrelated to the child's legal representation. Cal. Rules of court, rule 1438(b)(4).
	Conduct thorough, continuing, and independent investigations and discovery which may include, but should not be limited to: reviewing the child's social services, psychiatric, psychological, drug and alcohol, medical, law enforcement, school and other records relevant to the case; reviewing the court files of the child and siblings, case-related records of the social service agency and other service providers; contacting lawyers for other parties and nonlawyer guardians ad litem or CASAs for background information; contacting and meeting with the parents/ legal guardians/ caretakers of the child, with permission of their lawyer; obtaining necessary authorizations for the release of information; interviewing individuals involved with the child; reviewing relevant photographs, video or audio tapes and other evidence; and file petitions, motions, responses or objections as necessary to represent the child.	The counsel shall make or cause to have made any further investigations that he or she deems in good faith to be reasonably necessary to ascertain the facts, including the interviewing of witnesses, and he or she shall examine and cross-examine witnesses in both the adjudicatory and dispositional hearings. He or she may also introduce and examine his or her own witnesses, make recommendations to the court concerning the child's welfare, and participate further in the proceedings to the degree necessary to adequately represent the child. Cal. Welf. & Inst. Code, § 317(e).
	Consistent with the child's wishes, seek appropriate services, by court order if necessary, to access entitlements, to protect the child's interest and to implement a service plan.	In addition counsel shall investigate the interests of the child beyond the scope of the juvenile proceeding and report to the court other interests of the child that may need to be protected by the institution of other administrative or judicial proceedings. Cal. Welf. & Inst. Code, § 317(e).
	Consistent with the child's wishes, assure that a child with special needs receives appropriate services to address the physical, mental, or developmental disabilities.	
	Participate in settlement negotiations to seek expeditious resolution of the case, keeping in mind the effect of continuances and delays on the child.	
	As developmentally appropriate, the child's attorney should consult with the child prior to any settlement becoming binding.	On or before January 1, 2002, the superior court of each county must amend its local rules regarding the representation of parties

Standard	American Bar Association and National Association of Counsel for Children Standards	Comparable California Statutes and Rules of Court Implementing the ABA/NACC Standards
		in dependency proceedings. The amended rules must address the following as needed: timelines and procedures for settlements, mediation, discovery, protocols, and other issues related to contested matters;… Cal. Rules of Court, rule 1438(a)(2)(B).
Child's attorney–Hearings	Attend all hearings and participate in all telephone or other conferences with the court unless a particular hearing involves issues completely unrelated to the child. Explain to the child, in a developmentally appropriate manner, what is expected to happen before, during and after each hearing. Make appropriate motions, including motions in limine and evidentiary objections, to advance the child's position at trial or during other hearings, file evidentiary briefs when necessary, and preserve legal issues for appeal. Present and cross examine witnesses, offer exhibits, and provide independent evidence as necessary. If appropriate, the child's attorney should make a closing argument and provide proposed findings of fact and conclusions of all. In most circumstances, the child should be present at significant court hearings, regardless of whether the child will testify. The lawyer should ensure the state/ custodian meets its obligation to transport the child to and from the hearing. The child's attorney may request authority from the court to pursue issues on behalf of the child, administratively or judicially, even if those issues do not specifically arise from the court appointment.	Child's counsel must make or cause to have made any further investigations that he or she deems in good faith to be reasonably necessary to ascertain the facts, including the interviewing of witnesses, and he or she shall examine and cross-examine witnesses in both the adjudicatory and dispositional hearings. He or she may also introduce and examine his or her own witnesses, make recommendations to the court concerning the child's welfare, and participate further in the proceedings to the degree necessary to adequately represent the child. Cal. Welf. & Inst. Code, § 317(e). In addition counsel shall investigate the interests of the child beyond the scope of the juvenile proceeding and report to the court other interests of the child that may need to be protected by the institution of other administrative or judicial proceedings. Cal. Welf. & Inst. Code, § 317(e).

Standard	American Bar Association and National Association of Counsel for Children Standards	Comparable California Statutes and Rules of Court Implementing the ABA/NACC Standards
	Ensure continued representation of the child at all further hearings, including at administrative or judicial actions that result in changes to the child's placement or services, so long as the court maintains its jurisdiction.	Counsel shall continue to represent the child unless relieved by the court upon the substitution of other counselor or for cause. Cal. Welf. & Inst. Code, § 317(d).
Childs attorney–Child's Testimony	The child's attorney should decide whether to call the child as a witness. The decision should be made individually and include consideration of the child's need or desire to testify, any repercussions of testifying, the necessity of the child's direct testimony, the availability of other evidence which may substitute for direct testimony by the child, and the child's developmental ability to provide direct testimony and withstand possible cross-examination. Ultimately, the child's attorney is bound by the child's direction concerning testifying. If the child does not want to testify or would be harmed by being forced to testify, the lawyer should seek a stipulation of the parties not to call the child as a witness or seek a protective order from the court. If the child is compelled to testify, the lawyer should seek to minimize the adverse consequences by seeking any appropriate accommodations permitted by local law. Prepare the child for the possibility that the judge may render a decision against the child's wishes, which will not be the child's fault. Prepare the child to testify, including familiarizing the child with the courtroom, court procedures, and what to expect during questioning. Ensure that questions to the child are phrased in a syntactically and linguistically appropriate manner.	The testimony of a minor may be taken in chambers and outside the presence of the minor's parent or parents, if the minor's parent or parents are represented by counsel, the counsel is present and any of the following circumstances exist: the court determines that testimony in chambers is necessary to ensure truthful testimony; the minor is likely to be intimidated by a formal courtroom setting; or the minor is afraid to testify in front of his or her parent or parents. Cal. Welf. & Inst. Code 250(b)(1).

Standard	American Bar Association and National Association of Counsel for Children Standards	Comparable California Statutes and Rules of Court Implementing the ABA/NACC Standards
	Be familiar with the current law and empirical knowledge about children's competency, memory, and suggestibility and, where appropriate, attempt to establish the competency and reliability of the child.	
Child's attorney–Post-Hearing	Review all written orders to ensure that they conform with the court's verbal orders and statutorily required findings and notices. Discuss the orders and their consequences with the child. Monitor the implementation of the court's orders and communicate to the responsible agency and, if necessary, the court, any non-compliance.	
Child's attorney–Appeals	Consider and discuss with the child, as developmentally appropriate, the possibility of an appeal. If the child wishes to appeal the order, and the appeal has merit, the lawyer should take all steps necessary to perfect the appeal and seek appropriate temporary orders or extraordinary writs necessary to protect the interests of the child during the pendency of the appeal. If the child's attorney determines that an appeal would be frivolous or that he or she lacks the necessary experience or expertise to handle the appeal, the lawyer should notify the court and seek to be discharged or replaced. Participate in an appeal filed by another party unless discharged. If the lawyer's appointment does not include appellate representation, and the issues raised in the appeal affect the child's interests, the lawyer should seek an appointment on appeal or seek appointment of appellate counsel to represent the child's position on appeal.	*Generally, court-appointed trial practitioners representing parents and children in dependency proceedings do not file their own appeals. Appeals are filed on behalf of a parent, legal guardian or child by an attorney with one of the district appellate projects.*[5]

[5] Any explanatory text is represented in italics.

Standard	American Bar Association and National Association of Counsel for Children Standards	Comparable California Statutes and Rules of Court Implementing the ABA/NACC Standards
	Explain the outcomes of the appellate decision to the child.	
Child's attorney–Cessation of Representation	Discuss the end of the legal representation and determine what contacts, if any, the child's attorney and the child will continue to have.	
Courts–Structuring child representation	The child's attorney should be independent from the court, court services, the parties, and the state. The administrative office for the state trial, family, or juvenile court system should cause to be published and disseminated to all relevant courts a set of uniform, written rules and procedures for court-appointed lawyers for minor children. Assure that CASAs and nonlawyer guardian ad litems are trained to understand the role of the child's attorney and understand the need for effective coordination of their efforts with the activities of the child's attorney. Require that reports from agencies be prepared and presented to the parties in a timely fashion.	*All California Rules of Court pertaining to representing minor child in dependency court are available on the Judicial Council website.* http://www.courtinfo.ca.gov/rules. Non lawyer guardian ad litems must be trained under the guidelines established by the National Court Appointed Special Advocate Association. Cal. Welf. & Inst. Code, § 356.5. Regulations for CASA organizations are governed by Cal. Rules of Court, rule 1424. *Local rules provide time requirements for when agency reports must be prepared and presented to the parties.*
Courts–Appointment of Child's Attorney	The child's attorney should be appointed immediately after the earliest of: the involuntary removal of the child for placement due to allegations of neglect, abuse or abandonment; the filing of a petition alleging child abuse and neglect, for review of foster care placement, or for the termination of parental rights; or allegations of child maltreatment, based upon sufficient cause, are made by a party in the context of the proceedings that were not originally initiated by a petition alleging child maltreatment.	Where a child is not represented by counsel, the court shall appoint counsel for the child unless the court finds that the child would not benefit from the appointment of counsel. The court shall state on the record its reasons for that finding. Cal. Welf. & Inst. Code, § 317(c). In order to find that a child would not benefit from the appointment of counsel, the court must find all of the following: the child understands the nature of the proceedings; is able to communicate and advocate effectively with the court, other counsel, other parties, including social workers, and other professionals involved in the case; and under the circumstances of the case, the child would not gain any benefit by being

Standard	American Bar Association and National Association of Counsel for Children Standards	Comparable California Statutes and Rules of Court Implementing the ABA/NACC Standards
		represented by counsel. Cal. Rules of Court, rule 1438(b).
		The counsel appointed by the court shall represent the parent, guardian, or child at the detention hearing and at all subsequent proceedings before the juvenile court. Counsel shall continue to represent the parent or child unless relieved by the court upon the substitution of other counsel or for cause. The representation shall include representing the parent or the child in termination proceedings and in those proceedings relating to the institution or setting aside of a legal guardianship. Cal. Welf. & Inst. Code, § 317(d).
	At the time the court appoints a child's attorney, it should enter a written order addressing compensation and expense costs for the lawyer, unless these are otherwise formally provided for by agreement or contract with the court, or through another government agency.	The court may fix the compensation for the services of appointed counsel. Cal. Welf. & Inst. Code, § 317(c).
	Upon appointment of a child's attorney, enter an order authorizing the lawyer access between the child and the lawyer and to all privileged information regarding the child, without the necessity of a further release.	For the sole purpose of fulfilling his or her obligation to provide legal representation of the child, counsel for a child shall have access to all records with regard to the child maintained by a health care facility, health care providers, a physician and surgeon or other health practitioner or a child care custodian. Notwithstanding any other law, counsel shall be given access to all records relevant to the case which are maintained by state or local public agencies. All information requested from a child protective agency regarding a child who is in protective custody, or from a child's guardian ad litem, shall be provided to the child's counsel within 30 days of the request. Cal. Welf. & Inst. Code, § 317(f).
	Prior to appointment, the court should determine that the lawyer has been trained in the representation of children and skilled in litigation.	Every party in a dependency proceeding who is represented by an attorney is entitled to competent counsel. "Competent counsel" means an attorney who is a member in good standing of the State Bar of California, who has participated in training in the law of

Standard	American Bar Association and National Association of Counsel for Children Standards	Comparable California Statutes and Rules of Court Implementing the ABA/NACC Standards
		juvenile dependency, and who demonstrates adequate forensic skills, knowledge and comprehension of the statutory scheme, the purposes and goals of dependency proceedings, the specific statutes, rules of court, and cases relevant to such proceedings, and procedures for filing petitions for extraordinary writs. The court may require evidence of the competency of any attorney appointed to represent a party in a dependency proceeding. Only those attorneys who have completed a minimum of eight hours of training or education in the area of juvenile dependency, or who have sufficient recent experience in dependency proceedings in which the attorney has demonstrated competency, may be appointed to represent parties. In addition to a summary of dependency law and related statutes and cases, training and education for attorneys must include information on child development, child abuse and neglect, substance abuse, domestic violence, family reunification and preservation, and reasonable efforts. Within every three years attorneys must complete at least 8 hours of continuing education related to dependency proceedings. Cal. Rules of Court, rule 1438(c)(1)–(3). On or before January 1, 2002, the superior court of each county must amend its local rules regarding the representation of parties in dependency proceedings. The amended rules must address the following as needed: … procedures for the screening, training, and appointment of attorneys representing parties, with particular attention to the training requirements for attorneys representing children; and the establishment of minimum standards of experience, training, and education of attorneys representing parties, including additional training and education in the areas of substance abuse and domestic violence as required. Cal. Rules of Court, rule 1438(a)(2)(C) and (D). The attorney for a child must have a caseload that allows the attorney to perform the duties required by Welfare and Institutions Code section 317(e) and this rule and to otherwise

Standard	American Bar Association and National Association of Counsel for Children Standards	Comparable California Statutes and Rules of Court Implementing the ABA/NACC Standards
		adequately counsel and represent the child. To enhance the quality of representation afforded to children, attorneys appointed under this rule must not maintain a maximum full-time caseload that is greater than that which allows them to meet requirements set forth in (3) and (4) above. Cal. Rules of Court, rule 1438(d)(5); and Cal. Welf. & Inst. Code, § 317(c).
	Trial judge should ensure that individual lawyers are appointed from the ranks of eligible members of the bar under a fair, systematic, and sequential appointment plan.	
	The court should permit the child to be represented by a retained private lawyer if it determines that this lawyer is the child's independent choice.	The minor and any person who is entitled to that notice have the right to be represented at the hearing by counsel of his or her own choice. Cal. Welf. & Inst. Code, § 349.
	The court should make it clear that the person paying for the retained lawyer does not have the right to direct the representation of the child or to receive privileged information about the case from the lawyer.	
Courts– Training of Judges, Staff, and Counsel	Trial judges who are regularly involved in child-related matters should participate in training for the child's attorney conducted by the courts, the bar, or any other group.	
	The appropriate state administrative office of the trial, family, or juvenile courts should provide educational programs, live or on tape, on the role of the child's attorney.	*The Administrative Office of the Courts, Education Division provides educational programs (in-person, on tape, or via the internet) on a wide range of issues related to party representation.*[6]
	The court system should assure that there are periodic opportunities for lawyers who have taken the "basic" training to receive continuing and "new developments" training.	
	Courts should provide individual court-appointed lawyers who are	

[6] For a list of educational programming provided by the Education Division please contact Christopher Wu, supervising staff attorney, at 415-865-7721.

Standard	American Bar Association and National Association of Counsel for Children Standards	Comparable California Statutes and Rules of Court Implementing the ABA/NACC Standards
	new to child representation the opportunity to practice under the guidance of a senior lawyer mentor.	
Courts– Lawyer Compensation	A child's attorney should receive adequate and timely compensation throughout the term of appointment that reflects the complexity of the case and includes both in court and out-of-court preparation, participation in case reviews, and post-dispositional hearings, and involvement in appeals. To the extent that the court arranges for child representation through contract of agreement with a program in which lawyers represent children, the court should assure that the rate of payment for these legal services is commensurate with the fees paid to equivalently experienced individual court-appointed lawyers who have similar qualifications and responsibilities. The child's attorney should have access to, or be provided with reimbursement for, experts, investigative services, paralegals, research costs, and other services. The trial judge should review requests for compensation for reasonableness based upon the complexity of the case and the hours expended. Each state should set a uniform level of compensation for lawyers appointed by the courts to represent children. Any per/hour level of compensation should be the same for all representation of children in all types of child abused and neglect-related proceedings.	*The Administrative Office of the Courts, Center for Families, Children & the Courts is currently beginning implementation of a pilot program, the Dependency Representation, Administration, Funding and Training (DRAFT) to address issues of standardization, compensation, and training for all court appointed dependency counsel. Currently the program aims are to : develop and implement caseload standards; investigate establishing regionalized rate structures and benefits packages; identify of all potential conflicts and ethical issues presented by the DRAFT pilot program and create a methodology to address these issues; develop of a peer technical assistance model for court-appointed counsel that utilizes the expertise of existing dependency court practitioners; and implement attorney qualifications and training requirements.*[7]
Courts– Reasonable Lawyer Caseloads	Trial court judges should control the size of court-appointed cases of individual, government agency-funded or court contracted lawyers representing children.	On or before January 1, 2002, the superior court of each county must amend its local rules regarding the representation of parties in dependency proceedings. The amended rules must address the following as needed: … the establishment of procedures to determine appropriate caseloads for attorneys representing

[7] For more information on the DRAFT program, please contact Leah Wilson, Supervising Court Services Analyst at (415) 865-7977.

Standard	American Bar Association and National Association of Counsel for Children Standards	Comparable California Statutes and Rules of Court Implementing the ABA/NACC Standards
		children. Cal. Rules of Court, rule 1438(a)(2)(E). The appointed counsel shall have a caseload and training that assures adequate representation of the child. Cal. Welf. & Inst. Code, § 317(c). *California's AOC conducted the first systematic research study of dependency court-appointed counsel caseloads in 2003-2004. The results of the study served as the framework for the DRAFT program, described above.*[8]
	If judges or court administrators become aware that lawyers are close to or exceeding suggested levels, they should take action to reduce those caseloads and seek ways to hire additional attorneys.	

[8] Copies of the study are available by contacting the Center for Families, Children, and the Courts at 415-865-7739.

Appendix B: Data Tables

This appendix contains data and tables with information about the demographic characteristics, dependency system and dependency court characteristics at the individual county level.

Section 1 contains demographic information for California and all 58 counties compiled using the Census 2000 Demographic Profile Highlights and information on poverty status in 1999 by age which is available as part of Summary file 4. As defined by the Census website, [1] the Profile includes four tables (labeled DP-1 thru DP-4) which provide various demographic, social, economic, and housing characteristics for the United States, states, counties, minor civil divisions in selected states, places, metropolitan areas, American Indian and Alaska Native areas, Hawaiian home lands and congressional districts. It includes 100-percent data from Summary File 1 and sample data from the Summary File 3 data set.

The Center for Families, Children & the Courts (CFCC) has initiated a project to make statistical information about children and families in the courts and related institutions available on the Internet. Section 2 includes tables from the California Juvenile Statistical Abstract, a compilation of statewide data about children and families involved in the courts and with related institutions. It consists of representative, reliable statistics from a wide variety of governmental and nongovernmental sources. The CJSA reproduces existing, published resources and disseminates unpublished data from the Administrative Office of the Courts (AOC) and other organizations. These data can be used for needs assessment, budgeting, program evaluation, grant writing, and other vital organizational functions. The CJSA is available to the public and to court constituents on the Internet (http://www.courtinfo.ca.gov/programs/cfcc/programs/description/cjsa.htm).

As part of the CIP Reassessment, surveys were sent to all 58 Court Executive Officers or Dependency Court Managers in California (one per county). Section 3 provides information collected through the survey from the 50 responding counties. The survey collected data related primarily to the day-to-day administration and facilities at each court and are descriptive in nature (see Appendix C for complete survey methodology).

Note: Complete references and information for each of the tables are included at the end of this appendix.

[1] This information about Demographic profiles is available through the census website (http://www.census.gov/census2000/states/ca.html).

Section 1: Demographic Data

Table B.1
Population of California Residents by Percent within Age Group and County
2000 Census

	Total Population	Under 5 Years	Under 18 Years
California	33,871,648	7.3%	27.3%
Alameda	1,443,741	6.8%	24.6%
Alpine	1,208	5.0%	22.8%
Amador	35,100	4.2%	20.6%
Butte	203,171	5.7%	24.0%
Calaveras	40,554	4.4%	22.8%
Colusa	18,804	8.1%	31.6%
Contra Costa	948,816	7.0%	26.5%
Del Norte	27,507	5.5%	25.1%
El Dorado	156,299	5.7%	26.1%
Fresno	799,407	8.5%	32.1%
Glenn	26,453	7.5%	30.8%
Humboldt	126,518	5.6%	23.2%
Imperial	142,361	7.7%	31.4%
Inyo	17,945	5.4%	24.4%
Kern	661,645	8.4%	31.9%
Kings	129,461	8.1%	29.0%
Lake	58,309	5.3%	24.1%
Lassen	33,828	5.0%	21.8%
Los Angeles	9,519,338	7.7%	28.0%
Madera	123,109	7.7%	29.6%
Marin	247,289	5.4%	20.3%
Mariposa	17,130	4.4%	21.6%
Mendocino	86,265	6.0%	25.5%
Merced	210,554	8.9%	35.5%
Modoc	9,449	5.6%	25.6%
Mono	12,853	5.7%	23.0%
Monterey	401,762	7.8%	28.4%
Napa	124,279	6.1%	24.1%
Nevada	92,033	4.7%	23.1%
Orange	2,846,289	7.6%	27.0%
Placer	248,399	6.4%	26.5%
Plumas	20,824	4.5%	22.7%
Riverside	1,545,387	7.9%	30.3%
Sacramento	1,223,499	7.3%	27.6%
San Benito	53,234	8.8%	32.2%
San Bernardino	1,709,434	8.4%	32.3%
San Diego	2,813,833	7.1%	25.7%
San Francisco	776,733	4.1%	14.5%
San Joaquin	563,598	8.0%	31.0%
San Luis Obispo	246,681	5.0%	21.7%
San Mateo	707,161	6.4%	22.9%
Santa Barbara	399,347	6.5%	24.9%
Santa Clara	1,682,585	7.1%	24.7%
Santa Cruz	255,602	6.1%	23.8%
Shasta	163,256	5.9%	26.1%
Sierra	3,555	4.1%	23.3%
Siskiyou	44,301	5.1%	24.0%
Solano	394,542	7.3%	28.3%
Sonoma	458,614	6.0%	24.5%
Stanislaus	446,997	8.0%	31.1%
Sutter	78,930	7.3%	29.0%
Tehama	56,039	6.3%	27.4%
Trinity	13,022	4.2%	22.8%
Tulare	368,021	8.9%	33.8%
Tuolumne	54,501	4.5%	20.7%
Ventura	753,197	7.5%	28.4%
Yolo	168,660	6.5%	25.2%
Yuba	60,219	8.2%	31.0%

Source: U.S. Census Bureau, Summary File 1 (SF 1) and Summary File 3 (SF 3)

Table B.2A
Race and Ethnicity of California Residents by Percent of Population and County (continued in Table B.2B)
2000 Census

	Total Population	White	White Non-Hispanic	Black or African American	Am Indian and Alaska Native	Asian
California	33,871,648	59.5%	46.7%	6.7%	1.0%	10.9%
Alameda	1,443,741	48.8%	40.9%	14.9%	0.6%	20.4%
Alpine	1,208	73.7%	71.8%	0.6%	18.9%	0.3%
Amador	35,100	85.8%	82.4%	3.9%	1.8%	1.0%
Butte	203,171	84.5%	80.0%	1.4%	1.9%	3.3%
Calaveras	40,554	91.2%	87.5%	0.7%	1.7%	0.9%
Colusa	18,804	64.3%	48.0%	0.5%	2.3%	1.2%
Contra Costa	948,816	65.5%	57.9%	9.4%	0.6%	11.0%
Del Norte	27,507	78.9%	70.1%	4.3%	6.4%	2.3%
El Dorado	156,299	89.7%	84.9%	0.5%	1.0%	2.1%
Fresno	799,407	54.3%	39.7%	5.3%	1.6%	8.1%
Glenn	26,453	71.8%	62.6%	0.6%	2.1%	3.4%
Humboldt	126,518	84.7%	81.6%	0.9%	5.7%	1.7%
Imperial	142,361	49.4%	20.2%	4.0%	1.9%	2.0%
Inyo	17,945	80.1%	74.4%	0.2%	10.0%	0.9%
Kern	661,645	61.6%	49.5%	6.0%	1.5%	3.4%
Kings	129,461	53.7%	41.6%	8.3%	1.7%	3.1%
Lake	58,309	86.2%	80.5%	2.1%	3.0%	0.8%
Lassen	33,828	80.8%	70.6%	8.8%	3.3%	0.7%
Los Angeles	9,519,338	48.7%	31.1%	9.8%	0.8%	11.9%
Madera	123,109	62.2%	46.6%	4.1%	2.6%	1.3%
Marin	247,289	84.0%	78.6%	2.9%	0.4%	4.5%
Mariposa	17,130	88.9%	84.9%	0.7%	3.5%	0.7%
Mendocino	86,265	80.8%	74.9%	0.6%	4.8%	1.2%
Merced	210,554	56.2%	40.6%	3.8%	1.2%	6.8%
Modoc	9,449	85.9%	81.1%	0.7%	4.2%	0.6%
Mono	12,853	84.2%	76.5%	0.5%	2.4%	1.1%
Monterey	401,762	55.9%	40.3%	3.7%	1.0%	6.0%
Napa	124,279	80.0%	69.1%	1.3%	0.8%	3.0%
Nevada	92,033	93.4%	90.3%	0.3%	0.9%	0.8%
Orange	2,846,289	64.8%	51.3%	1.7%	0.7%	13.6%
Placer	248,399	88.6%	83.4%	0.8%	0.9%	2.9%
Plumas	20,824	91.8%	88.7%	0.6%	2.5%	0.5%
Riverside	1,545,387	65.6%	51.0%	6.2%	1.2%	3.7%
Sacramento	1,223,499	64.0%	57.8%	10.0%	1.1%	11.0%
San Benito	53,234	65.2%	46.0%	1.1%	1.2%	2.4%
San Bernardino	1,709,434	58.9%	44.0%	9.1%	1.2%	4.7%
San Diego	2,813,833	66.5%	55.0%	5.7%	0.9%	8.9%
San Francisco	776,733	49.7%	43.6%	7.8%	0.4%	30.8%
San Joaquin	563,598	58.1%	47.4%	6.7%	1.1%	11.4%
San Luis Obispo	246,681	84.6%	76.1%	2.0%	0.9%	2.7%
San Mateo	707,161	59.5%	49.8%	3.5%	0.4%	20.0%
Santa Barbara	399,347	72.7%	56.9%	2.3%	1.2%	4.1%
Santa Clara	1,682,585	53.8%	44.2%	2.8%	0.7%	25.6%
Santa Cruz	255,602	75.1%	65.5%	1.0%	1.0%	3.4%
Shasta	163,256	89.3%	86.4%	0.8%	2.8%	1.9%
Sierra	3,555	94.2%	90.3%	0.2%	1.9%	0.2%
Siskiyou	44,301	87.1%	83.3%	1.3%	3.9%	1.2%
Solano	394,542	56.4%	49.2%	14.9%	0.8%	12.7%
Sonoma	458,614	81.6%	74.5%	1.4%	1.2%	3.1%
Stanislaus	446,997	69.3%	57.3%	2.6%	1.3%	4.2%
Sutter	78,930	67.5%	60.2%	1.9%	1.6%	11.3%
Tehama	56,039	84.8%	78.5%	0.6%	2.1%	0.8%
Trinity	13,022	88.9%	86.6%	0.4%	4.8%	0.5%
Tulare	368,021	58.1%	41.8%	1.6%	1.6%	3.3%
Tuolumne	54,501	89.4%	85.1%	2.1%	1.8%	0.7%
Ventura	753,197	69.9%	56.8%	1.9%	0.9%	5.3%
Yolo	168,660	67.7%	58.1%	2.0%	1.2%	9.9%
Yuba	60,219	70.6%	65.3%	3.2%	2.6%	7.5%

Source: U.S. Census Bureau, Summary File 1 (SF 1) and Summary File 3 (SF 3)
Note: Ethnic and racial population data will not equal 100% because data is reported for individuals of one or more ethnicies and races.

Table B.2B
Race and Ethnicity of California Residents by Percent of Population and County
2000 Census (Continued)

	Total Population	Native Hawaiian/ Pacific Islander	Some other race	Total Non-White & Non-Hispanic	American Indian alone or in any combo	Two or more races	Hispanic or Latino (of any race)
California	33,871,648	0.3%	16.8%	53.3%	1.8%	4.7%	32.4%
Alameda	1,443,741	0.6%	8.9%	59.1%	1.6%	5.6%	19.0%
Alpine	1,208	0.1%	1.4%	28.2%	23.3%	5.0%	7.8%
Amador	35,100	0.1%	5.0%	17.6%	2.9%	2.4%	8.9%
Butte	203,171	0.1%	4.8%	20.0%	3.5%	3.9%	10.5%
Calaveras	40,554	0.1%	2.1%	12.5%	3.4%	3.3%	6.8%
Colusa	18,804	0.4%	26.7%	52.0%	3.3%	4.5%	46.5%
Contra Costa	948,816	0.4%	8.1%	42.1%	1.6%	5.1%	17.7%
Del Norte	27,507	0.1%	3.9%	29.9%	8.9%	4.1%	13.9%
El Dorado	156,299	0.1%	3.5%	15.1%	2.1%	3.0%	9.3%
Fresno	799,407	0.1%	25.9%	60.3%	2.6%	4.7%	44.0%
Glenn	26,453	0.1%	18.2%	37.4%	3.2%	3.9%	29.6%
Humboldt	126,518	0.2%	2.4%	18.4%	8.1%	4.4%	6.5%
Imperial	142,361	0.1%	39.1%	79.8%	2.4%	3.6%	72.2%
Inyo	17,945	0.1%	4.6%	25.6%	11.8%	4.1%	12.6%
Kern	661,645	0.1%	23.2%	50.5%	2.6%	4.1%	38.4%
Kings	129,461	0.2%	28.3%	58.4%	2.5%	4.8%	43.6%
Lake	58,309	0.2%	4.1%	19.5%	4.6%	3.5%	11.4%
Lassen	33,828	0.4%	3.2%	29.4%	4.6%	2.7%	13.8%
Los Angeles	9,519,338	0.3%	23.5%	68.9%	1.5%	4.9%	44.6%
Madera	123,109	0.2%	24.4%	53.4%	4.1%	5.2%	44.3%
Marin	247,289	0.2%	4.5%	21.4%	1.1%	3.5%	11.1%
Mariposa	17,130	0.1%	2.7%	15.1%	5.5%	3.4%	7.8%
Mendocino	86,265	0.1%	8.6%	25.1%	6.5%	3.9%	16.5%
Merced	210,554	20.0%	26.1%	59.4%	2.2%	5.7%	45.3%
Modoc	9,449	0.1%	5.7%	18.9%	5.8%	2.8%	11.5%
Mono	12,853	0.1%	9.5%	23.5%	3.2%	2.2%	17.7%
Monterey	401,762	0.4%	27.8%	59.7%	1.9%	5.0%	46.8%
Napa	124,279	0.2%	10.9%	30.9%	1.8%	3.7%	23.7%
Nevada	92,033	0.1%	1.9%	9.7%	2.2%	2.6%	5.7%
Orange	2,846,289	0.3%	14.8%	48.7%	1.3%	4.1%	30.8%
Placer	248,399	0.2%	3.4%	16.6%	1.9%	3.2%	9.7%
Plumas	20,824	0.1%	1.8%	11.3%	4.1%	2.6%	5.7%
Riverside	1,545,387	0.3%	18.7%	49.0%	2.1%	4.4%	36.2%
Sacramento	1,223,499	0.6%	7.5%	42.2%	2.5%	5.8%	16.0%
San Benito	53,234	0.2%	24.9%	54.0%	2.2%	5.1%	47.9%
San Bernardino	1,709,434	0.3%	20.8%	56.0%	2.2%	5.0%	39.2%
San Diego	2,813,833	0.5%	12.8%	45.0%	1.6%	4.7%	26.7%
San Francisco	776,733	0.5%	6.5%	56.4%	1.1%	4.3%	14.1%
San Joaquin	563,598	0.3%	16.3%	52.6%	2.3%	6.0%	30.5%
San Luis Obispo	246,681	0.1%	6.2%	23.9%	2.0%	3.4%	16.3%
San Mateo	707,161	1.3%	10.2%	50.2%	1.0%	5.0%	21.9%
Santa Barbara	399,347	0.2%	15.2%	43.1%	2.2%	4.3%	34.2%
Santa Clara	1,682,585	0.3%	12.1%	55.8%	1.3%	4.7%	24.0%
Santa Cruz	255,602	0.1%	15.0%	34.5%	2.0%	4.4%	26.8%
Shasta	163,256	0.1%	1.7%	13.6%	4.7%	3.5%	5.5%
Sierra	3,555	0.1%	1.0%	9.7%	3.1%	2.4%	6.0%
Siskiyou	44,301	0.1%	2.8%	16.7%	6.1%	3.6%	7.6%
Solano	394,542	0.8%	8.0%	50.8%	2.0%	6.4%	17.6%
Sonoma	458,614	0.2%	8.4%	25.5%	2.4%	4.1%	17.3%
Stanislaus	446,997	0.3%	16.8%	42.7%	2.5%	5.4%	31.7%
Sutter	78,930	0.2%	13.0%	39.8%	2.9%	4.6%	22.2%
Tehama	56,039	0.1%	8.3%	21.5%	3.8%	3.4%	15.8%
Trinity	13,022	0.1%	0.9%	13.4%	8.0%	4.4%	4.0%
Tulare	368,021	0.1%	30.8%	58.2%	2.5%	4.6%	50.8%
Tuolumne	54,501	0.2%	2.9%	14.9%	3.4%	2.8%	8.2%
Ventura	753,197	0.2%	17.7%	43.2%	1.8%	3.9%	33.4%
Yolo	168,660	0.3%	13.8%	41.9%	2.2%	5.2%	25.9%
Yuba	60,219	0.2%	9.9%	34.7%	5.2%	5.9%	17.4%

Source: U.S. Census Bureau, Summary File 1 (SF 1) and Summary File 3 (SF 3)

Note: Ethnic and racial population data will not equal 100% because individuals could select more than one ethnicity or race.

Table B.3
Characteristics of California Residents by Population Size and County
2000 Census

	Average household size	Average family size	High school graduate or higher	Foreign Born	Speak a language other than English at home (5 years and older)	Median family income (dollars)	Families below poverty level	Youth under 18 living in poverty in 1999*
California	2.87	3.43	76.8%	26.2%	39.5%	53,025	10.6%	5.3%
Alameda	2.71	3.31	82.4%	27.2%	36.8%	65,857	7.7%	3.4%
Alpine	2.50	2.96	88.3%	3.2%	8.2%	50,250	12.0%	6.5%
Amador	2.39	2.81	84.0%	3.4%	7.6%	51,226	6.1%	3.2%
Butte	2.48	3.02	82.3%	7.7%	12.5%	41,010	12.2%	5.8%
Calaveras	2.44	2.85	85.7%	3.0%	6.2%	47,379	8.7%	3.7%
Colusa	3.01	3.51	64.0%	27.6%	42.0%	40,138	13.0%	6.3%
Contra Costa	2.72	3.23	86.9%	19.0%	26.0%	73,039	5.4%	2.7%
Del Norte	2.58	3.08	71.6%	5.7%	9.9%	36,056	16.4%	7.7%
El Dorado	2.63	3.04	89.1%	7.2%	10.1%	60,250	5.0%	2.1%
Fresno	3.09	3.59	67.5%	21.1%	40.9%	38,455	17.6%	10.3%
Glenn	2.84	3.33	68.5%	17.8%	31.2%	37,023	12.5%	8.1%
Humboldt	2.39	2.95	84.9%	4.5%	8.3%	39,370	12.9%	5.4%
Imperial	3.33	3.77	59.0%	32.2%	67.9%	35,226	19.4%	9.7%
Inyo	2.31	2.88	82.3%	7.6%	11.8%	44,970	9.3%	4.0%
Kern	3.03	3.50	68.5%	16.9%	33.4%	39,403	16.8%	9.2%
Kings	3.18	3.56	68.8%	16.0%	36.8%	38,111	15.8%	8.9%
Lake	2.39	2.92	77.3%	6.6%	10.2%	35,818	12.9%	5.6%
Lassen	2.59	3.08	79.6%	2.3%	13.8%	43,398	11.1%	4.8%
Los Angeles	2.98	3.61	69.9%	36.2%	54.2%	46,452	14.4%	6.8%
Madera	3.18	3.52	65.4%	20.1%	37.0%	39,226	15.9%	9.0%
Marin	2.34	2.90	91.2%	16.6%	19.5%	88,934	3.7%	1.6%
Mariposa	2.37	2.86	85.1%	2.8%	5.2%	42,655	10.5%	3.7%
Mendocino	2.53	3.04	80.8%	10.2%	16.1%	42,168	10.9%	5.6%
Merced	3.25	3.69	63.8%	24.8%	45.2%	35,532	10.9%	9.8%
Modoc	2.39	2.91	77.1%	5.9%	11.3%	35,978	16.4%	7.8%
Mono	2.43	2.98	87.9%	12.4%	17.4%	50,487	6.3%	2.9%
Monterey	3.14	3.65	68.4%	29.0%	47.3%	51,169	9.7%	5.2%
Napa	2.62	3.16	80.4%	18.1%	25.3%	61,410	5.6%	2.8%
Nevada	2.47	2.88	90.3%	4.4%	6.4%	52,697	5.5%	2.4%
Orange	3.00	3.48	79.5%	29.9%	41.4%	64,611	7.0%	3.6%
Placer	2.63	3.06	90.5%	7.1%	10.6%	65,858	3.9%	1.8%
Plumas	2.29	2.77	88.0%	2.5%	5.5%	46,119	9.0%	3.9%
Riverside	2.98	3.47	75.0%	19.0%	32.9%	48,409	10.7%	5.8%
Sacramento	2.64	3.24	83.3%	16.1%	24.4%	50,717	10.3%	5.6%
San Benito	3.32	3.64	74.9%	18.8%	37.9%	60,665	6.7%	3.8%
San Bernardino	3.15	3.58	74.2%	18.6%	34.1%	46,574	12.6%	6.8%
San Diego	2.73	3.29	82.6%	21.5%	33.1%	53,438	8.9%	4.4%
San Francisco	2.30	3.22	81.2%	36.8%	45.8%	63,545	7.8%	2.0%
San Joaquin	3.00	3.48	71.2%	19.5%	33.8%	46,919	13.5%	7.5%
San Luis Obispo	2.49	3.01	85.6%	8.9%	14.7%	52,447	6.8%	2.7%
San Mateo	2.74	3.29	85.3%	32.3%	41.5%	80,737	3.5%	1.5%
Santa Barbara	2.80	3.33	79.2%	21.2%	32.8%	54,042	8.5%	4.2%
Santa Clara	2.92	3.41	83.4%	34.1%	45.4%	81,717	4.9%	2.2%
Santa Cruz	2.71	3.25	83.2%	18.2%	27.8%	61,941	6.7%	3.2%
Shasta	2.52	2.98	83.3%	4.0%	6.5%	40,491	11.3%	5.7%
Sierra	2.32	2.83	85.2%	3.0%	6.3%	42,756	9.0%	3.5%
Siskiyou	2.35	2.87	83.8%	5.4%	9.0%	36,890	14.0%	6.5%
Solano	2.90	3.33	83.8%	16.9%	24.6%	60,597	6.1%	3.1%
Sonoma	2.60	3.12	84.9%	14.3%	19.9%	61,921	4.7%	2.2%
Stanislaus	3.03	3.47	70.4%	18.3%	32.4%	44,703	12.3%	6.5%
Sutter	2.87	3.35	73.0%	19.3%	30.4%	44,330	12.1%	6.2%
Tehama	2.62	3.08	75.7%	7.9%	14.4%	37,277	13.0%	6.7%
Trinity	2.29	2.80	81.0%	1.6%	4.1%	34,343	14.1%	6.1%
Tulare	3.28	3.67	61.7%	22.6%	43.8%	36,297	18.8%	11.1%
Tuolumne	2.36	2.82	84.3%	3.2%	5.8%	44,327	8.1%	3.7%
Ventura	3.04	3.46	80.1%	20.7%	33.0%	65,285	6.4%	3.4%
Yolo	2.71	3.25	79.8%	20.3%	32.1%	51,623	9.5%	4.3%
Yuba	2.87	3.34	71.8%	13.2%	21.9%	34,103	16.3%	8.6%

Source: U.S. Census Bureau, Summary File 1 (SF 1) and Summary File 3 (SF 3)

Section 2: California Juvenile Statistical Abstract

Table B.4
Children in Child Welfare Supervised Foster Care by Supervising County and In-County Placement
January 1, 2001-2003

	2001	% in In-County Placement	2002	% in In-County Placement	2003	% in In-County Placement
California	98,893		93,986		90,664	
Alameda	4,620	64.1	4,627	63.7	4,345	63.3
Alpine	***	0.0	***	0.0	***	33.3
Amador	37	27.0	31	35.4	28	25.0
Butte	614	75.0	707	74.1	712	77.8
Calaveras	81	59.2	105	60.9	132	62.8
Colusa	17	35.2	35	60.0	27	29.6
Contra Costa	2,219	72.4	2,251	73.7	2,180	73.8
Del Norte	141	75.8	126	79.3	116	73.2
El Dorado	209	71.2	207	68.5	182	69.2
Fresno	3,369	84.3	3,376	83.5	3,299	83.9
Glenn	56	57.1	56	50.0	55	52.7
Humbolt	267	84.6	290	84.4	263	87.0
Imperial	365	86.3	406	87.4	392	84.4
Inyo	26	50.0	32	56.2	35	62.8
Kern	2,523	88.7	2,710	90.7	2,906	91.5
Kings	335	73.1	340	78.2	369	73.4
Lake	152	71.0	169	70.4	171	72.5
Lassen	53	64.1	76	71.0	62	64.5
Los Angeles	40,382	85.0	35,811	85.3	33,628	84.9
Madera	212	73.1	215	65.1	232	56.4
Marin	149	65.7	137	73.7	113	74.3
Mariposa	27	74.0	31	64.5	54	66.6
Mendocino	347	77.5	360	71.1	336	65.7
Merced	379	58.0	435	66.4	514	71.9
Modoc	26	42.3	27	70.3	23	60.8
Mono	10	30.0	6	33.3	6	33.3
Monterey	364	70.0	327	76.4	384	80.4
Napa	139	65.4	151	70.1	138	73.9
Nevada	107	67.2	114	71.9	110	69.0
Orange	4,243	71.8	4,181	72.3	3,827	74.8
Placer	381	56.6	384	57.8	422	58.5
Plumas	36	55.5	42	57.1	43	55.8
Riverside	4,357	79.4	4,323	78.5	4,481	81.5
Sacramento	5,643	75.8	5,164	75.1	4,865	76.6
San Benito	36	69.4	63	60.3	91	64.8
San Bernardino	5,485	73.8	5,479	72.5	5,467	72.8
San Diego	6,861	88.7	6,755	88.0	6,441	88.4
San Francisco	2,416	50.9	2,317	52.8	2,336	52.7
San Joaquin	1,564	77.1	1,636	76.3	1,678	78.7
San Luis Obispo	343	85.7	348	84.7	390	84.3
San Mateo	525	55.2	507	57.1	513	58.8
Santa Barbara	393	74.5	349	76.5	296	77.0
Santa Clara	2,551	67.2	2,446	65.5	2,429	65.2
Santa Cruz	340	77.3	299	73.9	282	78.3
Shasta	567	80.9	582	83.5	620	83.3
Sierra	***	50.0	***	0.0	***	25.0
Siskiyou	165	70.3	183	68.8	159	68.5
Solano	504	76.1	605	78.6	585	79.3
Sonoma	515	74.9	566	74.7	591	75.2
Stanislaus	816	75.4	817	74.4	725	74.3
Sutter	221	45.7	233	46.3	207	54.1
Tehama	165	69.6	192	71.8	193	72.0
Trinity	50	70.0	43	74.4	47	68.0
Tulare	1,301	81.0	1,272	82.2	1,233	83.3
Tuolumne	108	72.2	126	67.4	126	63.4
Ventura	796	83.0	713	84.2	671	83.3
Yolo	382	42.4	403	38.9	430	37.4
Yuba	299	40.1	318	41.1	289	41.1
Missing	604	11.0	482	15.3	415	20.7

*** Between 1 and 4 (masked to protect confidentiality).
Source: Center for Social Services Research CWS/CMS 2003 Quarter 2 Extract

Table B.5
Annual Recipients of Foster Care by County and Race/Ethnicity
July 2003

	Total	White	Hispanic	Black	Asian/Pacific Islander	Amer. Indian or Alaska Native
California*	83,921	26,449	27,166	26,776	2,673	815
Alameda	3,498	606	869	1178	835	10
Alpine	2	0	2	0	0	0
Amador	28	24	2	0	0	2
Butte	742	575	50	69	22	26
Calaveras	145	138	3	3	0	1
Colusa	32	19	12	0	1	0
Contra Costa	1,804	628	143	914	112	7
Del Norte	144	100	6	2	0	36
El Dorado	192	181	9	1	1	0
Fresno	2,929	770	1358	671	100	30
Glenn	77	62	12	1	1	1
Humboldt	327	226	20	15	20	46
Imperial	330	68	230	17	0	15
Inyo	31	23	2	1	0	5
Kern	2,804	1180	1166	412	17	29
Kings	339	104	168	58	2	7
Lake	233	170	29	16	1	17
Lassen	120	97	12	5	0	6
Los Angeles*	33,356	4943	12736	14898	560	177
Madera	211	63	130	15	0	3
Marin	145	78	17	45	4	1
Mariposa	46	38	0	3	1	4
Mendocino	398	287	46	12	1	52
Merced	602	243	269	72	16	2
Modoc	31	25	0	2	1	3
Mono	12	10	1	0	0	1
Monterey	495	137	291	56	10	1
Napa	142	100	25	16	1	0
Nevada	124	107	11	1	2	3
Orange	2,614	1776	680	109	48	1
Placer	342	294	27	7	5	9
Plumas	74	62	6	1	0	5
Riverside	3,831	1827	1323	632	21	28
Sacramento	4,568	2063	652	1618	181	54
San Benito	70	13	57	0	0	0
San Bernardino	4,869	2000	1493	1328	22	26
San Diego	5,102	2106	1503	1288	131	74
San Francisco	2,434	241	225	1774	181	13
San Joaquin	1,401	529	421	380	62	9
San Luis Obispo	423	334	68	19	1	1
San Mateo	482	114	159	167	42	0
Santa Barbara	318	135	143	31	6	3
Santa Clara	2,183	575	1163	301	123	21
Santa Cruz	242	122	106	12	2	0
Shasta	552	486	15	25	3	23
Sierra	21	16	0	4	0	1
Siskiyou	172	155	5	3	0	9
Solano	558	231	40	269	15	3
Sonoma	451	301	101	21	15	13
Stanislaus	680	323	259	45	51	2
Sutter	206	158	22	22	2	2
Tehama	197	170	16	6	0	5
Trinity	53	50	2	1	0	0
Tulare	1,164	531	511	94	19	9
Tuolumne	130	111	8	2	0	9
Ventura	756	260	398	77	18	3
Yolo	446	267	127	42	6	4
Yuba	243	197	17	15	11	3

*California total and Los Angeles subtotal include 42 children with missing race/ethnic origin.
Source: California Department of Social Services

Table B.6
Annual Recipients of Foster Care by County and Asian/Pacific Islander Ethnicity
July 2003

	Total Asian/ Pacific Islander	Asian Indian	Cambodian	Chinese	Filipino	Laotian	Samoan	Vietnamese	Other Asian or Pacific Islander
California	2,673	130	462	396	521	152	141	338	533
Alameda	835	63	48	304	121	21	6	178	94
Alpine	0	0	0	0	0	0	0	0	0
Amador	0	0	0	0	0	0	0	0	0
Butte	22	0	0	0	2	8	0	0	12
Calaveras	0	0	0	0	0	0	0	0	0
Colusa	1	0	0	0	0	0	0	0	1
Contra Costa	112	1	79	4	11	0	2	0	15
Del Norte	0	0	0	0	0	0	0	0	0
El Dorado	1	0	0	0	0	0	0	1	0
Fresno	100	2	32	1	3	29	0	0	33
Glenn	1	0	0	0	0	1	0	0	0
Humboldt	20	3	0	0	4	10	0	0	3
Imperial	0	0	0	0	0	0	0	0	0
Inyo	0	0	0	0	0	0	0	0	0
Kern	17	1	0	2	3	0	1	0	10
Kings	2	0	0	0	2	0	0	0	0
Lake	1	0	0	0	1	0	0	0	0
Lassen	0	0	0	0	0	0	0	0	0
Los Angeles	560	22	67	34	146	7	66	50	168
Madera	0	0	0	0	0	0	0	0	0
Marin	4	0	1	0	0	1	0	0	2
Mariposa	1	0	0	0	0	0	1	0	0
Mendocino	1	0	0	0	1	0	0	0	0
Merced	16	0	0	0	2	12	0	0	2
Modoc	1	0	0	0	1	0	0	0	0
Mono	0	0	0	0	0	0	0	0	0
Monterey	10	0	0	0	6	0	1	1	2
Napa	1	0	0	0	1	0	0	0	0
Nevada	2	0	0	0	0	0	0	0	2
Orange	48	1	3	3	3	0	4	25	9
Placer	5	0	2	0	2	0	0	0	1
Plumas	0	0	0	0	0	0	0	0	0
Riverside	21	5	2	0	5	2	0	1	6
Sacramento	181	5	71	5	6	19	10	12	53
San Benito	0	0	0	0	0	0	0	0	0
San Bernardino	22	5	5	1	2	1	2	1	5
San Diego	131	2	10	6	63	5	11	14	20
San Francisco	181	1	57	30	37	1	26	9	20
San Joaquin	62	8	21	1	17	8	0	3	4
San Luis Obispo	1	0	1	0	0	0	0	0	0
San Mateo	42	1	4	0	21	0	6	1	9
Santa Barbara	6	0	1	0	1	0	0	0	4
Santa Clara	123	5	6	4	39	5	5	36	23
Santa Cruz	2	0	1	0	0	0	0	0	1
Shasta	3	0	0	0	0	0	0	0	3
Sierra	0	0	0	0	0	0	0	0	0
Siskiyou	0	0	0	0	0	0	0	0	0
Solano	15	1	0	0	6	0	0	0	8
Sonoma	15	2	8	0	0	0	0	0	5
Stanislaus	51	1	25	1	1	10	0	5	8
Sutter	2	1	0	0	1	0	0	0	0
Tehama	0	0	0	0	0	0	0	0	0
Trinity	0	0	0	0	0	0	0	0	0
Tulare	19	0	14	0	0	4	0	0	1
Tuolumne	0	0	0	0	0	0	0	0	0
Ventura	18	0	0	0	13	1	0	1	3
Yolo	6	0	4	0	0	0	0	0	2
Yuba	11	0	0	0	0	7	0	0	4

Source: California Department of Social Services

Table B.7
Annual Recipients of Foster Care by County and Primary Language Spoken
July 2003

	Total	Sign Language (ASL & Other)	Spanish	Total Asian Pacific/ Islander Languages	English	Other Non-English Languages
California*	83,921	39	6,678	740	76,218	170
Alameda	3,498	1	614	486	2,279	118
Alpine	2	0	0	0	2	0
Amador	28	0	0	0	28	0
Butte	742	1	0	0	741	0
Calaveras	145	0	0	0	145	0
Colusa	32	0	0	0	32	0
Contra Costa	1,804	1	3	2	1,795	3
Del Norte	144	0	0	0	144	0
El Dorado	192	0	0	0	192	0
Fresno	2,929	0	15	8	2,899	7
Glenn	77	0	0	0	77	0
Humboldt	327	0	0	9	318	0
Imperial	330	0	230	0	100	0
Inyo	31	0	0	0	31	0
Kern	2,804	0	0	0	2,804	0
Kings	339	0	0	0	339	0
Lake	233	0	0	0	233	0
Lassen	120	0	0	0	120	0
Los Angeles*	33,356	36	5,157	108	27,959	20
Madera	211	0	59	0	152	0
Marin	145	0	0	0	145	0
Mariposa	46	0	0	0	46	0
Mendocino	398	0	2	0	396	0
Merced	602	0	9	8	585	0
Modoc	31	0	0	0	31	0
Mono	12	0	0	0	12	0
Monterey	495	0	11	0	484	0
Napa	142	0	2	0	140	0
Nevada	124	0	0	0	124	0
Orange	2,614	0	13	3	2,598	0
Placer	342	0	0	1	341	0
Plumas	74	0	0	0	74	0
Riverside	3,831	0	30	4	3,797	0
Sacramento	4,568	0	0	1	4,565	2
San Benito	70	0	26	0	44	0
San Bernardino	4,869	0	33	2	4,829	5
San Diego	5,102	0	159	1	4,942	0
San Francisco	2,434	0	67	28	2,338	1
San Joaquin	1,401	0	0	0	1,400	1
San Luis Obispo	423	0	2	0	421	0
San Mateo	482	0	6	0	476	0
Santa Barbara	318	0	1	2	314	1
Santa Clara	2,183	0	47	23	2,112	1
Santa Cruz	242	0	33	0	209	0
Shasta	552	0	0	0	552	0
Sierra	21	0	0	0	21	0
Siskiyou	172	0	0	0	172	0
Solano	558	0	4	1	552	1
Sonoma	451	0	4	0	447	0
Stanislaus	680	0	98	44	529	9
Sutter	206	0	0	0	206	0
Tehama	197	0	0	0	197	0
Trinity	53	0	0	0	53	0
Tulare	1,164	0	19	0	1,144	1
Tuolumne	130	0	0	0	130	0
Ventura	756	0	31	8	717	0
Yolo	446	0	2	1	443	0
Yuba	243	0	1	0	242	0

*California total and Los Angeles subtotal include 76 children with missing primary language.
Source: California Department of Social Services

Table B.8
Annual Recipients of Foster Care by County and Primary Asian/Pacific Islander Language Spoken
July 2003

	Total Asian/ Pacific Islander	Cam- bodian	Can- tonese	Hmong	Korean	Lao	Mandarin	Tagalog	Viet- namese	Other Asian/ Pacific Islander
California	740	93	268	13	31	31	27	54	193	30
Alameda	486	17	247	1	16	8	21	30	134	12
Alpine	0	0	0	0	0	0	0	0	0	0
Amador	0	0	0	0	0	0	0	0	0	0
Butte	0	0	0	0	0	0	0	0	0	0
Calaveras	0	0	0	0	0	0	0	0	0	0
Colusa	0	0	0	0	0	0	0	0	0	0
Contra Costa	2	0	0	0	0	0	0	2	0	0
Del Norte	0	0	0	0	0	0	0	0	0	0
El Dorado	0	0	0	0	0	0	0	0	0	0
Fresno	8	1	0	5	0	1	0	1	0	0
Glenn	0	0	0	0	0	0	0	0	0	0
Humboldt	9	0	0	0	0	9	0	0	0	0
Imperial	0	0	0	0	0	0	0	0	0	0
Inyo	0	0	0	0	0	0	0	0	0	0
Kern	0	0	0	0	0	0	0	0	0	0
Kings	0	0	0	0	0	0	0	0	0	0
Lake	0	0	0	0	0	0	0	0	0	0
Lassen	0	0	0	0	0	0	0	0	0	0
Los Angeles	108	33	6	1	14	2	6	12	29	5
Madera	0	0	0	0	0	0	0	0	0	0
Marin	0	0	0	0	0	0	0	0	0	0
Mariposa	0	0	0	0	0	0	0	0	0	0
Mendocino	0	0	0	0	0	0	0	0	0	0
Merced	8	0	0	0	0	1	0	0	0	7
Modoc	0	0	0	0	0	0	0	0	0	0
Mono	0	0	0	0	0	0	0	0	0	0
Monterey	0	0	0	0	0	0	0	0	0	0
Napa	0	0	0	0	0	0	0	0	0	0
Nevada	0	0	0	0	0	0	0	0	0	0
Orange	3	1	0	0	0	0	0	2	0	0
Placer	1	1	0	0	0	0	0	0	0	0
Plumas	0	0	0	0	0	0	0	0	0	0
Riverside	3	2	0	0	0	0	0	0	1	0
Sacramento	2	0	0	0	0	0	0	1	0	1
San Benito	0	0	0	0	0	0	0	0	0	0
San Bernardino	2	0	2	0	0	0	0	0	0	0
San Diego	1	0	0	0	0	0	0	1	0	0
San Francisco	28	13	7	0	0	0	0	3	3	2
San Joaquin	0	0	0	0	0	0	0	0	0	0
San Luis Obispo	0	0	0	0	0	0	0	0	0	0
San Mateo	0	0	0	0	0	0	0	0	0	0
Santa Barbara	2	0	0	0	0	0	0	1	1	0
Santa Clara	23	0	0	0	1	2	0	0	20	0
Santa Cruz	0	0	0	0	0	0	0	0	0	0
Shasta	0	0	0	0	0	0	0	0	0	0
Sierra	0	0	0	0	0	0	0	0	0	0
Siskiyou	0	0	0	0	0	0	0	0	0	0
Solano	1	0	0	0	0	0	0	1	0	0
Sonoma	0	0	0	0	0	0	0	0	0	0
Stanislaus	44	25	1	5	0	8	0	0	5	0
Sutter	0	0	0	0	0	0	0	0	0	0
Tehama	0	0	0	0	0	0	0	0	0	0
Trinity	0	0	0	0	0	0	0	0	0	0
Tulare	0	0	0	0	0	0	0	0	0	0
Tuolumne	0	0	0	0	0	0	0	0	0	0
Ventura	8	0	5	0	0	0	0	0	0	3
Yolo	1	0	0	1	0	0	0	0	0	0
Yuba	0	0	0	0	0	0	0	0	0	0

Source: California Department of Social Services

Table B.9
Juvenile Dependency Court Services by County
2003-2004

	Juvenile Dependency Mediation (JDM)	Court Appointed Special Advocate (CASA)
California	**23**	**42**
Alameda	X	X
Alpine		
Amador		X
Butte		X
Calveras	X	
Colusa		
Contra Costa	X	X
Del Norte	X	X
El Dorado	X	X
Fresno	X	X
Glenn	**	
Humboldt	X	X
Imperial		X
Inyo		
Kern	X	X
Kings		
Lake	**	
Lassen		X
Los Angeles	X	X
Madera		
Marin		X
Mariposa		X
Mendocino		X
Merced		X
Modoc	**	X
Mono		
Monterey	**	X
Napa	X	X
Nevada	X	X
Orange	X	X
Placer		X
Plumas		X
Riverside	X	X
Sacramento	X	X
San Benito		
San Bernardino	X	X
San Diego		X
San Francisco	X	X
San Joaquin		X
San Luis Obispo		X
San Mateo*	X	X
Santa Barbara		X
Santa Clara*	X	X
Santa Cruz	X	X
Shasta		
Sierra		
Siskiyou	X	X
Solano		X
Sonoma	X	X
Stanislaus		X
Sutter		
Tehama		
Trinity		
Tulare	X	X
Tuolumne	**	
Ventura		X
Yolo	X	X
Yuba		
Karuk Tribe of California		X

*One joint CASA program between Superior Courts of Santa Clara and San Mateo Count

**Court did not report.

Source: Dependency Court Administrator Survey and the California CASA Association.

Table B.10
Foster and Kinship Care Education Programs in Community Colleges by County
January 2003

	Programs*
California	67
Alameda	3
Alpine	0
Amador	1
Butte	1
Calveras	1
Colusa	1
Contra Costa	3
Del Norte	1
El Dorado	2
Fresno	1
Glenn	1
Humboldt	1
Imperial	1
Inyo	0
Kern	2
Kings	1
Lake	1
Lassen	1
Los Angeles	17
Madera	1
Marin	1
Mariposa	1
Mendocino	1
Merced	1
Modoc	0
Mono	0
Monterey	1
Napa	1
Nevada	1
Orange	2
Placer	1
Plumas	0
Riverside	2
Sacramento	1
San Benito	1
San Bernardino	3
San Diego	1
San Francisco	1
San Joaquin	1
San Luis Obispo	1
San Mateo	1
Santa Barbara	2
Santa Clara	2
Santa Cruz	1
Shasta	1
Sierra	0
Siskiyou	1
Solano	1
Sonoma	1
Stanislaus	1
Sutter	1
Tehama	1
Trinity	1
Tulare	1
Tuolumne	1
Ventura	3
Yolo	1
Yuba	1

Source: California Community Colleges' Chancellor's Office.
*52 counties are served by 67 programs

Table B.11
Foster Care Maltreatment Referrals, Substantiations, and Percent Substantiated by County*
2002-2003

	2002			2003		
	Referrals	Substantiations		Referrals	Substantiations	
	Total	Total	% of Referrals	Total	Total	% of Referrals
California	489,600	115,745	24	493,299	110,570	22
Alameda	13,535	2,174	16.1	13,766	2,048	14.9
Alpine	1	0	0.0	16	12	75.0
Amador	512	140	27.3	499	114	22.8
Butte	5,125	1,006	19.6	4,970	1,048	21.1
Calaveras	862	190	22.0	909	213	23.4
Colusa	325	71	21.8	348	76	21.8
Contra Costa	10,426	2,242	21.5	9,854	1,979	20.1
Del Norte	725	264	36.4	832	246	29.6
El Dorado	1,872	322	17.2	1,771	411	23.2
Fresno	16,468	3,419	20.8	20,469	3,718	18.2
Glenn	714	180	25.2	734	225	30.7
Humboldt	2,337	360	15.4	2,397	386	16.1
Imperial	2,846	743	26.1	2,408	595	24.7
Inyo	433	55	12.7	430	47	10.9
Kern	18,377	5,268	28.7	17,681	4,930	27.9
Kings	3,176	861	27.1	3,214	626	19.5
Lake	1,574	302	19.2	1,303	248	19.0
Lassen	562	193	34.3	645	136	21.1
Los Angeles	127,053	31,077	24.5	127,445	28,352	22.2
Madera	2,704	580	21.4	2,576	537	20.8
Marin	1,882	274	14.6	1,772	269	15.2
Mariposa	367	109	29.7	415	149	35.9
Mendocino	2,691	812	30.2	2,536	722	28.5
Merced	5,201	1,586	30.5	4,757	1,625	34.2
Modoc	132	51	38.6	197	30	15.2
Mono	136	32	23.5	110	24	21.8
Monterey	4,557	580	12.7	4,639	681	14.7
Napa	1,287	195	15.2	1,346	97	7.2
Nevada	1,189	132	11.1	1,191	139	11.7
Orange	19,496	9,735	49.9	22,093	9,715	44.0
Placer	4,714	1,410	29.9	4,375	994	22.7
Plumas	345	116	33.6	313	103	32.9
Riverside	36,889	7,862	21.3	34,480	7,171	20.8
Sacramento	27,206	6,798	25.0	28,512	6,564	23.0
San Benito	799	155	19.4	804	171	21.3
San Bernardino	36,468	5,930	16.3	37,801	6,066	16.0
San Diego	51,884	11,087	21.4	50,297	10,438	20.8
San Francisco	5,396	1,385	25.7	5,983	1,445	24.2
San Joaquin	10,183	2,559	25.1	10,543	2,575	24.4
San Luis Obispo	4,748	1,273	26.8	4,446	1,391	31.3
San Mateo	4,184	692	16.5	4,393	863	19.6
Santa Barbara	4,739	744	15.7	4,251	696	16.4
Santa Clara	14,748	2,839	19.3	14,263	2,678	18.8
Santa Cruz	2,995	816	27.2	3,028	792	26.2
Shasta	3,149	634	20.1	3,090	744	24.1
Sierra	14	11	78.6	8	3	37.5
Siskiyou	1,031	239	23.2	1,049	281	26.8
Solano	4,708	729	15.5	4,597	556	12.1
Sonoma	3,365	911	27.1	2,983	870	29.2
Stanislaus	11,091	2,279	20.5	10,885	2,410	22.1
Sutter	1,137	273	24.0	1,264	274	21.7
Tehama	2,148	293	13.6	2,007	286	14.3
Trinity	406	120	29.6	343	111	32.4
Tulare	8,785	1,861	21.2	9,084	1,689	18.6
Tuolumne	1,028	287	27.9	1,042	351	33.7
Ventura	9,006	1,274	14.1	10,155	1,300	12.8
Yolo	2,486	582	23.4	2,456	646	26.3
Yuba	1,694	339	20.0	1,638	360	22.0
Missing	15	0	0.0	25	2	8.0

*Because of missing age values, referral and substantiation subtotals will not sum to total.
Source: Center for Social Services Research. CWS/CMS 2004 Quarter 2 Extract.

Table B.12
Juvenile Dependency Filings, Dispositions, and Stage at Disposition by County Court
2003

	Filings			Dispositions			Stage of Case at Disposition	
	Total	Original	Subsequent	Total	Original	Subsequent	Before Hearing**	After Hearing**
California	38,069	32,775	5,294	36,539	33,423	3,116	8,385	28,129
Alameda	1,062	1,046	16	1,913	1,363	550	305	1,608
Alpine	0	0	0	0	0	0	0	0
Amador	31	29	2	0	0	0	0	0
Butte	462	412	50	390	347	43	10	380
Calaveras	90	82	8	198	188	10	0	198
Colusa	8	7	1	7	4	3	0	7
Contra Costa	1,266	1,059	207	458	455	3	3	455
Del Norte	92	82	10	44	41	3	3	41
El Dorado	81	76	5	336	325	11	8	328
Fresno	897	737	160	*	*	*	*	*
Glenn	81	76	5	89	77	12	6	83
Humboldt	*	*	*	*	*	*	*	*
Imperial	118	112	6	79	79	0	37	42
Inyo	9	9	0	21	19	2	2	19
Kern	1,294	1,244	50	2,643	2,587	56	854	1,789
Kings	164	164	0	113	113	0	12	101
Lake	88	86	2	53	52	1	9	44
Lassen	96	94	2	85	83	2	7	78
Los Angeles	10,461	7,501	2,960	8,452	7,195	1,257	5,725	2,727
Madera	162	157	5	143	135	8	20	123
Marin	74	74	0	35	34	1	34	1
Mariposa	100	67	33	33	27	6	0	33
Mendocino	230	224	6	211	209	2	155	56
Merced	300	296	4	280	223	57	56	224
Modoc	*	*	*	*	*	*	*	*
Mono	5	5	0	2	2	0	0	2
Monterey	200	200	0	103	103	0	11	92
Napa	102	45	57	61	43	18	13	48
Nevada	50	30	20	56	33	23	15	41
Orange	2,117	2,061	56	2,472	2,276	196	221	2,251
Placer	457	363	94	336	318	18	56	280
Plumas	54	54	0	33	33	0	9	24
Riverside	4,114	4,041	73	3,437	3,418	19	348	3,089
Sacramento	1,302	1,278	24	1,102	945	157	33	1,069
San Benito	81	73	8	55	52	3	3	52
San Bernardino	3,201	2,975	226	4,803	4,500	303	17	4,786
San Diego	2,179	2,168	11	2,465	2,459	6	107	2,358
San Francisco	995	691	304	1,169	1,148	21	107	1,062
San Joaquin	770	770	0	661	661	0	1	660
San Luis Obispo	265	245	20	251	225	26	9	242
San Mateo	853	319	534	287	241	46	30	257
Santa Barbara	153	148	5	94	94	0	0	94
Santa Clara	911	864	47	675	667	8	24***	650
Santa Cruz	201	160	41	180	180	0	14	166
Shasta	273	261	12	165	150	15	0	165
Sierra	2	2	0	4	4	0	0	4
Siskiyou	45	42	3	19	17	2	19	0
Solano	272	236	36	219	191	28	8	211
Sonoma	221	202	19	235	220	15	10	225
Stanislaus	301	301	0	253	253	0	14	239
Sutter	99	87	12	121	87	34	1	120
Tehama	126	122	4	110	108	2	15	95
Trinity	*	*	*	*	*	*	*	*
Tulare	555	513	42	528	477	51	69	459
Tuolumne	177	95	82	191	101	90	8	183
Ventura	398	393	5	399	394	5	1	398
Yolo	268	245	23	300	300	0	0	300
Yuba	156	152	4	170	167	3	0	170

*Court did not report for that year. **Jurisdictional hearing.
***One case was dismissed prior to the jurisdictional hearing in Santa Clara and was not counted in the total number of dispositions.
Source: Judicial Council of California

Table B.13
Original Dependency Filings by County
1994-2003

	1994	1995	1996	1997	1998	1999	2000	2001	2002	2003
California	37,387	35,124	37,641	39,150	35,492	33,670	31,481	33,108	33,168	32,775
Alameda	1,386	1,446	1,156	1,128	1,157	1,198	1,143	1,242	999	1,046
Alpine	12	13	18	4	1	6	2	0	0	0
Amador	47	30	18	26	17	29	17	23	18	29
Butte	449	498	504	560	445	347	331	401	384	412
Calaveras	34	53	37	50	55	61	57	84	72	82
Colusa	8	14	19	5	19	11	18	25	18	7
Contra Costa	836	801	734	896	1,019	1,032	1,013	1,145	1,019	1,059
Del Norte	76	65	48	43	35	76	54	69	58	82
El Dorado	119	127	125	167	113	82	19	47	33	76
Fresno	1,350	664	643	774	641	720	706	776	765	737
Glenn	44	77	46	84	48	48	19	44	19	76
Humboldt	133	83	61	70	59	75	66	64	25	*
Imperial	71	67	101	106	173	163	194	184	153	112
Inyo	14	12	16	20	23	10	36	34	40	9
Kern	649	626	728	1,298	1,100	1,021	1,160	1,224	1,401	1,244
Kings	76	94	48	101	83	104	195	230	306	164
Lake	107	61	51	49	59	97	79	117	62	86
Lassen	79	91	83	52	40	28	37	74	53	94
Los Angeles	12,992	13,123	14,824	13,465	9,807	8,918	8,015	8,285	8,803	7,501
Madera	382	198	386	341	411	462	228	139	122	157
Marin	92	79	84	90	99	69	70	66	42	74
Mariposa	21	44	24	10	30	22	25	30	30	67
Mendocino	95	150	84	171	291	92	61	196	200	224
Merced	186	231	122	169	142	187	236	303	267	296
Modoc	10	12	13	18	23	29	10	4	*	*
Mono	5	9	7	8	8	3	9	1	2	5
Monterey	122	128	142	209	168	139	150	151	165	200
Napa	80	80	73	41	52	38	40	68	76	45
Nevada	40	45	44	52	52	19	32	24	34	30
Orange	2,190	1,815	2,071	2,422	2,554	2,240	1,962	2,076	2,101	2,061
Placer	158	142	232	343	520	383	240	272	406	363
Plumas	27	28	15	16	21	33	34	41	63	54
Riverside	2,065	2,290	2,930	2,764	2,639	2,713	2,745	3,014	3,130	4,041
Sacramento	897	766	1,166	2,338	2,314	1,867	1,591	1,443	1,281	1,278
San Benito	20	22	22	20	7	12	8	34	43	73
San Bernardino	3,032	2,994	3,215	3,219	3,165	3,208	3,277	3,166	3,084	2,975
San Diego	2,678	2,101	2,404	2,246	2,549	2,710	2,433	2,472	2,210	2,168
San Francisco	1,020	993	661	570	560	583	499	680	704	691
San Joaquin	610	500	552	593	546	646	765	729	668	770
San Luis Obispo	233	186	158	151	203	183	157	198	281	245
San Mateo	254	265	254	287	228	220	191	200	225	319
Santa Barbara	181	160	123	178	178	187	158	131	188	148
Santa Clara	1,109	1,211	1,125	1,112	1,007	990	926	1,020	923	864
Santa Cruz	219	229	252	250	245	223	278	185	141	160
Shasta	261	228	125	254	193	247	209	202	204	261
Sierra	2	10	3	1	2	0	2	0	6	2
Siskiyou	63	70	48	46	17	13	43	55	34	42
Solano	174	168	160	138	137	118	204	230	171	236
Sonoma	156	138	134	162	174	191	246	235	269	202
Stanislaus	514	314	258	235	263	246	312	385	309	301
Sutter	102	76	50	69	104	141	166	139	113	87
Tehama	70	91	111	139	74	59	78	154	110	122
Trinity	15	19	3	0	0	*	0	*	*	*
Tulare	965	669	667	816	757	532	125	204	600	513
Tuolumne	22	27	26	35	43	56	66	83	105	95
Ventura	524	463	387	327	376	434	429	390	392	393
Yolo	155	163	146	261	250	178	184	176	110	245
Yuba	156	65	104	151	196	171	131	144	131	152

*Court did not report for that year.
Source: Judicial Council of California

Section 3: Court Facilities, Processes and Management

Table B.14
Resources Available in the Dependency Courthouse for Use by Social Workers and/or Attorneys by County
2005

County	Fax Machines	Telephones	Copiers	Private Meeting Rooms	Law Libraries	Word Processors	Internet	Mailboxes
Alameda	SW	SW	Both					SW
Alpine	**	**	**	**	**	**	**	**
Amador		Both	SW					Both
Butte				Both	Both			Both
Calaveras					Both			Both
Colusa		Both			ATTY			Both
Contra Costa	**	**	**	**	**	**	**	**
Del Norte		Both		Both	Both			Both
El Dorado	**	**	**	**	**	**	**	**
Fresno	ATTY	ATTY	ATTY	ATTY		ATTY	ATTY	ATTY
Glenn				Both				Both
Humboldt			Both	Both	Both	Both	Both	Both
Imperial	Both	Both	Both					
Inyo	Both	Both	Both	Both	Both			Both
Kern	SW	Both	Both	Both		SW	SW	Both
Kings	Both	Both	Both	Both	Both	Both	Both	Both
Lake	Both	Both	Both					ATTY
Lassen	Both	Both	Both					Both
Los Angeles	Both	Both	Both	Both		Both	Both	**
Madera								
Marin	Both	Both	Both	Both	Both			ATTY
Mariposa		Both		ATTY	Both			Both
Mendocino					Both			Both
Merced	**	**	**	**	**	**	**	**
Modoc				Both				Both
Mono		Both		Both	Both			
Monterey	Both	Both	Both					Both
Napa								
Nevada	Both	Both	Both	Both	Both	SW	SW	Both
Orange	Both	Both	Both	Both	Both	Both	Both	Both
Placer	Both	Both	Both					Both
Plumas	Both	Both	Both	Both	Both			Both
Riverside	Both		Both	Both				Both
Sacramento	Both	Both	Both	Both		SW		**
San Benito	**	**	**	**	**	**	**	**
San Bernardino	Both	Both	Both	Both				Both
San Diego	Both	Both	Both		Both			Both
San Francisco		Both		Both	ATTY			Both
San Joaquin	Both	Both	Both	Both	Both	ATTY		Both
San Luis Obispo	SW	SW	Both					Both
San Mateo	Both	Both	Both	Both		Both	Both	Both
Santa Barbara	**	**	**	**	**	**	**	**
Santa Clara				Both				Both
Santa Cruz					Both		Both	Both
Shasta		Both			Both			
Sierra	Both	Both	Both	Both	Both	Both	Both	Both
Siskiyou			ATTY		ATTY			ATTY
Solano	Both	Both	Both		Both			Both
Sonoma	Both	Both	Both		Both			Both
Stanislaus	SW	SW	SW					Both
Sutter		Both	Both	ATTY	Both			Both
Tehama	**	**	**	**	**	**	**	**
Trinity		Both	Both	ATTY	Both			Both
Tulare		Both						ATTY
Tuolumne	**	**	**	**	**	**	**	**
Ventura	ATTY	ATTY	ATTY	ATTY		ATTY	ATTY	Both
Yolo	Both	Both	Both	Both				Both
Yuba				Both				Both

Source: Dependency Court Administratrator Survey

**Court did not report.

Table B.15
Resources Available in the Dependency Courthouse by County
2005

County	Holding Cells	Parent/Child Visitation Facilities	Children's Waiting Rooms w/Staff	Children's Waiting Rooms w/o Staff	Video Conferencing	Public Break Rooms	Vending Machines	Cafeterias
Alameda	x			x				
Alpine	**	**	**	**	**	**	**	**
Amador						x	x	
Butte	x			x	x	x	x	
Calaveras								
Colusa							x	
Contra Costa	**	**	**	**	**	**	**	**
Del Norte				x				
El Dorado	**	**	**	**	**	**	**	**
Fresno	x		x				x	
Glenn			x				x	
Humboldt	x							x
Imperial	x						x	
Inyo							x	
Kern	x			x			x	
Kings	x						x	
Lake							x	
Lassen	x						x	
Los Angeles	x	x	x					
Madera	x							
Marin	x						x	x
Mariposa								
Mendocino			x				x	
Merced	**	**	**	**	**	**	**	**
Modoc	x	x						
Mono					x			
Monterey								
Napa	x						x	
Nevada	x	x			x		x	
Orange	x		x	x		x	x	x
Placer	x						x	
Plumas					x		x	
Riverside	x	x	x				x	
Sacramento	x		x		x			
San Benito	**	**	**	**	**	**	**	**
San Bernardino	x	x	x			x	x	
San Diego	x		x					x
San Francisco	x		x			x	x	x
San Joaquin	x		x			x	x	
San Luis Obispo								
San Mateo			x					
Santa Barbara	**	**	**	**	**	**	**	**
Santa Clara	x	x		x				
Santa Cruz				x		x	x	x
Shasta	x						x	x
Sierra	x	x	x	x	x		x	
Siskiyou							x	
Solano	x					x		x
Sonoma							x	x
Stanislaus	x						x	
Sutter								
Tehama	**	**	**	**	**	**	**	**
Trinity								
Tulare	x		x					
Tuolumne	**	**	**	**	**	**	**	**
Ventura	x		x		x		x	
Yolo	x							
Yuba	x			x	x		x	

Source: Dependency Court Administratrator Survey
**Court did not report.

Table B.16
Availability of Specialty or Collaborative Courts by County

County	Dependency Drug Court	Dependency Mental Health Court	Unified Family Court
Alameda			
Alpine	**	**	**
Amador			
Butte			x
Calaveras			
Colusa			
Contra Costa	**	**	**
Del Norte	x		
El Dorado	**	**	**
Fresno	x		
Glenn			x
Humboldt			
Imperial			
Inyo			
Kern			
Kings			
Lake			
Lassen			
Los Angeles			
Madera			
Marin			
Mariposa			
Mendocino			
Merced		x	
Modoc	x		
Mono			
Monterey			
Napa			
Nevada	x		
Orange	x		
Placer	x		x
Plumas	x		
Riverside	x		x
Sacramento	x		
San Benito	**	**	**
San Bernardino	x		
San Diego	x		
San Francisco			
San Joaquin	x	x	x
San Luis Obispo			
San Mateo			
Santa Barbara	**	**	**
Santa Clara	x		
Santa Cruz	x		
Shasta			
Sierra			
Siskiyou	x		
Solano	x		
Sonoma			
Stanislaus	x		
Sutter			
Tehama	**	**	**
Trinity			
Tulare		x	
Tuolumne	x		
Ventura	x		
Yolo			x
Yuba			

Source: Administrative Office of the Courts, Center for Families, Children & the Courts. 2005. Administrative Data.
**Court did not report.

Section 4:

References & Endnotes

Tables B.1
Population of California Residents by Percent within Age Group and County
Census 2000

U.S. Census Bureau; Census 2000, Summary File 1 and Summary File 3; generated by Michell Nuñez; using American FactFinder; <http://factfinder.census.gov>; (12 May 2005).

This table was created using the Demographic Profile Highlights. There are four tables in the Demographic Profile, labeled (DP-1 thru DP-4). For Census 2000 data, the DP-1 table is available as part of the Summary File 1, and the other three tables are available as part of the Summary File 3 data set. This information about Demographic Profiles is available through the census website (http://www.census.gov/census2000/states/ca.html).

Table B.2A & 2B
Race and Ethnicity of California Residents by Percent of Population and County
Census 2000

U.S. Census Bureau; Census 2000, Summary File 1 and Summary File 3; generated by Michell Nuñez; using American FactFinder; <http://factfinder.census.gov>; (12 May 2005).

This table was created using the Demographic Profile Highlights. There are four tables in the Demographic Profile, labeled (DP-1 thru DP-4). For Census 2000 data, the DP-1 table is available as part of the Summary File 1, and the other three tables are available as part of the Summary File 3 data set. This information about Demographic Profiles is available through the census website (http://www.census.gov/census2000/states/ca.html). Note: Ethnic and racial population data will not equal 100% because data is reported for individuals of one or more ethnicities and races.

Table B.3
Characteristics of California Residents by Population Size and County
Census 2000

U.S. Census Bureau; Census 2000, Summary File 1, Summary File 3, and Summary File 4; generated by Michell Nuñez; using American FactFinder; <http://factfinder.census.gov>; (12 May 2005).

This table was created using the Demographic Profile Highlights. There are four tables in the Demographic Profile, labeled (DP-1 thru DP-4). For Census 2000 data, the DP-1 table is available as part of the Summary File 1, and the other three tables are available as part of the

Summary File 3 data set. This information about Demographic Profiles is available through the census website (http://www.census.gov/census2000/states/ca.html).

In addition to information available through the Demographic Profiles, this table contains information on poverty status in 1999 by age which is available as part of Summary File 4. Summary File 4, like Summary File 3 presents information on the population and housing data collected on a sample basis from the Census 2000 long form questionnaire, as well as the topics from the short form 100-percent data (age, race, sex, Hispanic or Latino origin, tenure [whether a housing unit is owner- or renter-occupied], and vacancy status). Summary File 4 is repeated or iterated for the total population and 335 additional population groups: 132 race groups, 78 American Indian and Alaska Native tribe categories, 39 Hispanic or Latino groups, and 86 ancestry groups. Detailed information on all summary files is available through <http://factfinder.census.gov>.

Table B.4
Children in Child Welfare Supervised Foster Care by Supervising County and In-County Placement
January 1, 2001-2003

Needell, B., Webster, D., Cuccaro-Alamin, S., Armijo, M., Lee, S., Lery, B., Shaw, T., Dawson, W., Piccus, W., Magruder, J., & Kim, H. (2004). Child Welfare Services Reports for California. Retrieved February 14, 2005, from University of California at Berkeley Center for Social Services Research Web site. URL: http://cssr.berkeley.edu/CWSCMSreports/

These tables are based on data about children who were placed in Kinship, Foster, Foster Family Agencies (FFA's), or Group Homes on July 1 of, 2001, 2002, and 2003. Supervising County refers to the county responsible for the child's case. Placement County refers to the county where the placement facility is physically located.

Table B.5
Annual Recipients of Foster Care by County and Race/Ethnicity
July 2003

California Department of Social Services, Research and Development Division. *Annual Recipient Reports on CalWORKs, Foster Care (FC), Social Services, Nonassistance Food Stamps (NAFS), Welfare to Work (WTW), Refugee Cash Assistance (RCA), and the Cash Assistance Program for Immigrants (CAPI) Ethnic Origin and Primary Language.* Retrieved from the Department of Social Services Web site on January 7, 2005, from the July 2003 *ABCD 350-Annual Recipient Report*. URL: http://www.dss.cahwnet.gov/research/res/pdf/abcd350/2002/ABCD350Jul03.xls

Los Angeles County has 42 unspecified cases that were included in the total for that county and the overall total.

The Asian/Pacific Islander column includes those of Filipino, Chinese, Cambodian, Samoan, Asian Indian, Laotian, Vietnamese, Japanese, Korean, Hawaiian, Guamanian, and other Asian or Pacific Islander ethnic origins.

Totals computed by CFCC staff.

Table B.6
Annual Recipients of Foster Care by County and Asian/Pacific Islander Ethnicity
July 2003

California Department of Social Services, Research and Development Division. *Annual Recipient Reports on CalWORKs, Foster Care (FC), Social Services, Nonassistance Food Stamps (NAFS), Welfare to Work (WTW), Refugee Cash Assistance (RCA), and the Cash Assistance Program for Immigrants (CAPI) Ethnic Origin and Primary Language.* Retrieved from the Department of Social Services Web site on January 7, 2005, from the July 2003 *ABCD 350-Annual Recipient Report*. URL:
http://www.dss.cahwnet.gov/research/res/pdf/abcd350/2002/ABCD350Jul03.xls

The Other Asian or Pacific Islander column includes those of Japanese (37 recipients), Korean (75 recipients), Hawaiian (40 recipients), Guamanian (29 recipients), and the original Other Asian or Pacific Islander category supplied by the California Department of Social Services (352 recipients not delineated by ethnicity).

Totals computed by CFCC staff.

Table B.7
Annual Recipients of Foster Care by County and Primary Language Spoken
July 2003

California Department of Social Services, Research and Development Division. *Annual Recipient Reports on CalWORKs, Foster Care (FC), Social Services, Nonassistance Food Stamps (NAFS), Welfare to Work (WTW), Refugee Cash Assistance (RCA), and the Cash Assistance Program for Immigrants (CAPI) Ethnic Origin and Primary Language.* Retrieved from the Department of Social Services Web site on January 7, 2005, from the July 2003 *ABCD 350-Annual Recipient Report*. URL:
http://www.dss.cahwnet.gov/research/res/pdf/abcd350/2002/ABCD350Jul03.xls

According to the California Department of Social Services, the data in the Other Non-English Languages column varies by county, with many simply unknown. Languages listed and numbers are not delineated by type of social services recipient:

Alameda: Hindi, Punjabi, Amharic, Dinka, Somali, Tamil, Romanian, and Hawaiian.
Contra Costa: Hindi, Punjabi, Somali, and Amharic.
Fresno: Middle Eastern Indian.
Glenn, Sutter, and Yuba Counties: Punjabi.

Kern: Lyjarati and Hindu.
Kings: Punjabi and Afghan Persian (Dari).
Los Angeles: Amharic, Czech, Gujarati, Hindi, Hungarian, Indonesian, not specified, Punjabi, Rumanian, Serbian, Tigrinya, Yiddish, Yugoslavian, Dutch, German, Greek, Lingala, Lituanian, Malayo-Polynesian, Navajo, Romany (Gypsy), and Ukrainian. In Foster Care there are 76 "Other Not Specified."
Marin, Monterey, Sacramento, San Bernardino, San Diego, San Francisco, Sonoma, Tulare, and Yolo Counties: Unknown
Mendocino: Finnish and Hindu.
Merced: Hindi.
Napa: Hindi, Bengali, Punjabi, Urdu, and Hindu.
Orange: Romanian and Farsi.
Placer: Romanian.
Riverside: Bosnian, Croatian, Egyptian, German, Hawaiian, Hindi, Lebanese, Palaun, Pashto, Persian, Punjabi, Romanian, Tausog, Urdu, Visayan, Yugoslavian, and Unknown.
San Mateo: 5 Amharic, 3 Burmese, 1 Dinka, 54 Hindi, 36 Punjabi, 3 Sudanese, 2 Somali, and 3 Urdu.
Santa Barbara: Mixteco.
Santa Clara: Romanian and Hawaiian.
Stanislaus: 259 Assyrian, 8 Afghanistan, 8 Persian, 15 Hindi, 1 Romanian, 19 Punjabi, 2 Fiji, 1 Tonga, 2 Ukranian, and 1 Urdu.
Ventura: Albanian, Croation, Baao Filipino, Indonesian, 28 Not Identifiable, and Yugoslavian.

The Other Non-English Languages column also includes those of Armenian (13 recipients), Turkish (6 recipients), Hebrew (2 recipients), French (0 recipients), Polish (0 recipients), Russian (24 recipients), Portuguese (2 recipients), Italian (0 recipients), Arabic (7 recipients), Farsi (54 recipients), and the original Other Non-English Languages category supplied by the California Department of Social Services (62 recipients not delineated by language).

For those language categories that were known, the decision to subgroup the language categories provided by the California Department of Social Services was made by CFCC staff and is based on the categorization into Indo-European, Asian and Pacific Islander, and other language groups in the U.S. Census categories of languages, which can be found on the American FactFinder Web site, URL: http://factfinder.census.gov/servlet/QTTable?ds_name=D&geo_id=D&qr_name=DEC_2000_SF3_U_QTP16&_lang=en.

Totals computed by CFCC staff.

The Total Asian/Pacific Islander Languages column includes Cantonese, Korean, Tagalog, Mandarin, Cambodian, Hmong, Lao, Vietnamese, Japanese, Ilocana, Mein, other Chinese languages, Samoan, and Thai**.**

Table B.8
Annual Recipients of Foster Care by County and Primary Asian/Pacific Islander Language Spoken
July 2003

California Department of Social Services, Research and Development Division. *Annual Recipient Reports on CalWORKs, Foster Care (FC), Social Services, Nonassistance Food Stamps (NAFS), Welfare to Work (WTW), Refugee Cash Assistance (RCA), and the Cash Assistance Program for Immigrants (CAPI) Ethnic Origin and Primary Language.* Retrieved from the Department of Social Services Web site on January 7, 2005, from the July 2003 *ABCD 350-Annual Recipient Report*. URL: http://www.dss.cahwnet.gov/research/res/pdf/abcd350/2002/ABCD350Jul03.xls

For those language categories that were known, the decision to subgroup the language categories provided by the California Department of Social Services was made by CFCC staff and is based on the categorization into the Asian and Pacific Islander language group in the U.S. Census categories of languages, which can be found on the American FactFinder Web site, URL: http://factfinder.census.gov/servlet/QTTable?ds_name=D&geo_id=D&qr_name=DEC_2000_SF3_U_QTP16&_lang=en.

Other Asian Languages include Japanese (5 recipients), Ilocana (1 recipient), Mein (15 recipients), other Chinese languages (2 recipients), Samoan (6 recipients), and Thai (1 recipient).

Totals computed by CFCC staff.

Table B.9
Juvenile Dependency Court Services by County
2003-2004

The juvenile dependency mediation information for this table was collected through a survey sent to the dependency court administrator in each of California's 58 counties specifically for the CIP Reassessment and a spring 2005 inquiry to directors of family court services. Survey data was received from a total of 50 counties (for a detailed methodology see Appendix C). Information regarding Court Appointed Special Advocates (CASA) program was collected from the California CASA Association. Retrieved November 15, 2004, from California CASA Association Web site, URL: http://www.californiacasa.org/.

Karuk Tribe of California-Tribal Court CASA is located in Yreka, (Siskiyou County) and was added in 2004 to California's CASA programs.

Table B.10
Foster and Kinship Care Education Programs in Community Colleges by County
January 2003

California Community Colleges' Chancellor's Office (CCCCO). *Foster and Kinship Care Education Program, 2001-2002: Annual Report.* Retrieved July 25, 2003, from the CCCCO Web site, URL:
http://www.cccco.edu/divisions/ss/fostercare/attachments/annual_rpt11_14_01.doc

Table B.11
Foster Care Maltreatment Referrals, Substantiations, and Percent Substantiated by County
2001-2002

Needell, B., Webster, D., Cuccaro-Alamin, S., Armijo, M., Lee, S., Lery, B., Shaw, T., Dawson, W., Piccus, W., Magruder, J., & Kim, H. (2004). Child Welfare Services Reports for California. Retrieved January 14, 2005, from University of California at Berkeley Center for Social Services Research Web site. URL: http://cssr.berkeley.edu/CWSCMSreports/

Because of missing age values, referrals and substantiations subtotals will not sum to total.

Counts of children with one or more referrals by year: children with multiple referrals are characterized by the most severe referral, defined by outcome (outcomes in descending order of severity are substantiated, inconclusive, unfounded, and assessment only) and by abuse type (abuse types in descending order of severity are sexual abuse, physical abuse, severe neglect, general neglect, exploitation, emotional abuse, caretaker absence/incapacity, and at risk but not abused).

County-specific tables count each child once per year in that county, so that a child with referrals in more than one county will appear in the tables for each county where a referral took place. Therefore, the sum of the children in each county table will add up to more than the total in the statewide tables.

Percent of referrals substantiated was recalculated by CFCC staff.

Table B.12
Juvenile Dependency Filings, Dispositions, and Stage at Disposition by County Court
2003

Judicial Council of California, Administrative Office of the Courts, Judicial Branch Statistical Information System (JBSIS). Retrieved January 6, 2005, from the JBSIS Web site, URL: http://jbsis.courts.ca.gov/ (restricted access site).

Stage at disposition refers to the whether the petition is disposed before the start of a jurisdictional hearing in which first evidence is presented to the court for a determination of whether there is sufficient evidence to sustain the allegations in the petition. First evidence is when one or more parties or counsel appear and oral arguments, presentations relevant to the proceedings, witness testimony, and/or documents or tangible objects are submitted to the court.

Trinity, Humboldt, and Modoc Counties did not report for the year 2003. Humboldt County did not report dispositions.

Table B.13
Original Dependency Filings by County Court
1994-2003

Judicial Council of California, Administrative Office of the Courts, Judicial Branch Statistical Information System (JBSIS). Retrieved January 6, 2005, from the JBSIS Web site, URL: http://jbsis.courts.ca.gov/ (restricted access site).

Trinity County did not report for the years 1999 and 2001-2003. Modoc County did not report for the years 2002 and 2003. Humboldt County did not report for year 2003. Fresno County did not report dispositions for the years 2001-2003.

Table B.14
Resources Available in the Dependency Courthouse for Use by Social Workers and/or Attorneys by County

The information for this table was collected through a survey sent to the dependency court administrator in each of California's 58 counties specifically for the CIP Reassessment. Data was received from a total of 50 counties. For a detailed methodology see Appendix C.

Note: The set of questions supplying the data for this table was asked for each courthouse, but are reported on a county level in this table. For example, in counties with more than one courthouse, if the mentioned amenity is available at any one of the courthouses in the county it is listed as available for the county.

Table B.15
Resources Available in the Dependency Courthouse by County
2005

The information for this table was collected through a survey sent to the dependency court administrator in each of California's 58 counties specifically for the CIP Reassessment. Data was received from a total of 50 counties. For a detailed methodology see Appendix C.

Note: The set of questions supplying the data for this table was asked for each courthouse, but are reported on a county level in this table. For example, in counties with more than one courthouse, if the mentioned amenity is available at any one of the courthouses in the county it is listed as available for the county.

Table B.16
Availability of Specialty or Collaborative Courts by County
2005

The information for this table was collected through a survey sent to the dependency court administrator in each of California's 58 counties specifically for the CIP Reassessment and other administrative rosters (unpublished administrative data). Survey data was received from a total of 50 counties (for a detailed methodology see Appendix C) and the roster is current (5/20/05) for 53 counties.

Appendix C: Research Methodology

A. Development of Research Topics

The principal source of research topics for the Reassessment was Attachment E of the federal 2003 Court Improvement Program Instruction. The second source of research topics was the follow up of the findings and recommendations made in the 1997 Assessment. Additional input on research topics was solicited from a meeting of the Family and Juvenile Law Advisory Committee and subsequent telephone conference calls with the reassessment working group formed from the Committee; a focus group of judicial officers at the 2003 Beyond the Bench conference; and internal meetings at the AOC. Input on research methods was solicited from the American Bar Association Center on Children and the Law, and the ABA's publication Improving State Courts' Performance in Child Protection Cases: User's Manual for Conducting Your Court Reassessment[1] was also consulted.

Research topics were categorized as follows:

1. Evaluation of court system performance as it relates to management of hearings, including quantitative measures on timeliness of hearing, duration of hearing, notice, delays, and other issues about management and quality of hearings.
2. Information on court resources, including baseline information on judicial officers, attorneys, CASA volunteers, services (e.g. dependency mediation), computer systems, and agencies and services other than the court.
3. Evaluation of other court performance issues, including assessments of innovative court practices, juvenile judge workload, effectiveness of legal representation, procedural justice measures from parents and participants, and court and social services collaboration.

[1] *Improving State Courts' Performance in Child Protection Cases: User's Manual for Conducting Your Court Reassessment.* Hardin, M, Barbara Smith, Samia Dawud-Noursi. National Child Welfare Resource Center for Legal and Judicial Issues. American Bar Association Center on Children and the Law. 2004.

B. Development of Research Methods

The dependency system in California includes 58 local courts with varied resources and methods of tracking cases; over one hundred judicial officers; over one thousand attorneys; and over 100,000 children and parents involved in the system. In order to address the above research topics in a way that reflects the diversity of the dependency system in California, the reassessment uses the following types of data sources:

- Statewide surveys of professional participants in the system to address questions about experience, training, resources, effectiveness of participants and programs, and collaboration in the system;
- Focus groups of parents, children, caregivers, and volunteers to address their experience and perspective on the system;
- Interviews and focus groups of professional participants in the system to gain more detailed information on topics of interest;
- Case level data to address questions on hearing timeliness and other quantitative measures.

For the data collection that would take place in the courts and community, including interviews, focus groups, file review, and analysis of local court data, the reassessment chose six courts that are broadly representative of local dependency courts in California.

C. Overview of Data Sources

1. Statewide surveys of professional participants in the system

Surveys were conducted by mail or fillable forms of all judicial officers hearing cases in dependency (n=98; 81 percent of population responded); all court administrators (n=50; 86 percent of population responded); all child welfare agency directors (n=36; 62 percent of population responded); a representative sample of attorneys representing parents and/or children (n=185; 54 percent response); and a representative sample of attorneys representing the county child welfare agency (county counsel, n=141; 69 percent response). All survey instruments are to be found in Appendix E. Details on survey development, sampling, administration and response are found in table C.1 and described below.

2. Focus groups of parents, children, caregivers, and volunteers.

All focus groups were conducted in the six study courts. Three focus groups were conducted with parents of children in dependency, two with foster parents, and three with foster youth. Focus groups ranged in size from six to twelve participants and generally lasted two hours. Interviews were also conducted with children in one juvenile hall, and a focus group was held

with the staff of a Court Appointed Special Advocates program. Topic guides are found in tables C.2 and C.3.

3. Interviews and focus groups of professional participants in the dependency system.

Eight focus groups and over 30 interviews were conducted with judicial officers, court administrators, attorneys, social workers, tribal representatives, and others in the six study courts. In addition, one statewide focus group on the Indian Child Welfare Act was held by telephone. Interview and focus group topic guides are found in tables C.2 and C.3.

4. Case level data to address questions on hearing timeliness and other quantitative measures

Researchers explored several options for collecting case level data on dependency hearings. A file review was piloted in each of the six study courts, but issues of consistent interpretation of the data in the files and the length of time required to review a representative sample of case files made it impossible to pursue this method. Anonymous data was sought from the California Department of Social Services Child Welfare Services Case Management System, but the Department was ultimately unable to provide it. Case management system data was sought from all six of the local court study sites, three were able to provide data extracts for analysis in time for the production of this report. Two additional data sources from CFCC were used to provide some information on hearings: the JRTA database for information on judicial findings made at hearings, and the Caseload Study for Court Appointed Dependency Counsel database for information on hearing duration.

D. Selection of Local Study Courts

As in the CIP 1997 Assessment, the 2005 project team chose six focal sites to be studied in depth.[2] The sites were chosen to be as representative as possible of California's local dependency courts. Considerations included:

- Representation of geographic factors, including urban/rural, physical area, and population size.
- Representation of population diversity. Census data were examined to ensure the six counties where the courts were located would be representative of California's diverse population.
- Indian Child Welfare Act (ICWA). Counties with a large Native American population were specifically considered for inclusion so that issues involving the ICWA could be explored.

[2] No set of six sites can be said to be representative of California's 58 local courts. Each of the state's 58 local courts has considerable autonomy in how it manages its day-to-day operations. While this autonomy allows the courts to tailor services for their communities, an important consideration in a state with the demographic diversity and geographic size of California, it hinders attempts to conduct a statewide evaluation in a timely manner or to make any generalizations across counties.

- Burden placed on courts. Courts could be eliminated from consideration if it was felt they might be overburdened with the CIP Reassessment due to their involvement in other projects (such as Mentor Courts) or with other county-specific issues.
- Computerized case management system (CMS). Due to the lack of dependable hearing data available statewide, a census of computerized case management systems was conducted with courts meeting other criteria. This was done to establish the feasibility of including sites providing CMS data so that the required analysis of timeliness of court hearings would be based on quantitative data.

After all of these issues were considered, six courts were contacted to participate in the CIP Reassessment: Humboldt, Los Angeles, Sacramento, San Diego, Santa Clara, and Tulare (see Appendix B for California demographic and dependency data characteristics by county). The first contacts were made to the presiding judge of the juvenile court and the court executive officer. All six of the courts agreed to participate and were sent a description of the project and requirements for participation in writing.

E. Site Visits

The research plan required that each site be visited at least twice. The first visit consisted of interviews with the presiding judge of the juvenile court, the court executive officer or dependency court manager, and the information systems manager (or other relevant staff person); a case management system demonstration; a tour of the court and facilities; the initial file review; and brief meetings with other relevant staff or contacts to answer any questions about participating in a focus group. The second site visit was used primarily to conduct focus groups with staff and stakeholders and to clarify issues or answer related questions (see table C.4 for details on site visits).

F. Detailed Discussion of Data Sources

1. Judicial Officer Survey

This survey was piloted by nine judicial officers[3] who regularly hear dependency cases in California. The survey instrument can be found in Appendix E.

During the piloting phase and immediately prior to administering the surveys, project staff contacted all dependency courts in the fall of 2004 to update the directory of judicial officers hearing dependency cases. A sample was not drawn; the survey was sent to every judicial officer provisionally identified as hearing dependency cases in the state. A total of 145 judges, commissioners, and referees were sent the survey.

[3] "Judicial officer" refers to judges, commissioners and referees.

The survey was sent out in October 2004 by regular mail. All the surveys were sent to prospective respondents with a description of the project, instructions, and a letter requesting participation and explaining the importance of receiving a timely response as well as contact information for project staff should there be any additional questions. Several weeks later a reminder postcard was mailed to nonrespondents. In December, each nonrespondent was telephoned a minimum of three times if the caller did not reach the judicial officer or leave a message directly with the secretary or clerk. Judicial officers were dropped from the pool if they were discovered not to be currently hearing dependency cases and added if they were not on our original list but were identified by the court as hearing dependency cases. Eligible respondents were also limited to case carrying judicial officers with a regular appointment to a dependency court, as the analysts could then be assured that respondents were generalizing from their own observations of their courtroom. The population was thus refined to 121 judicial officers hearing juvenile dependency cases in California. In all, 98 surveys were received, 81 percent of eligible respondents.

Table C.5A shows that commissioners and referees were somewhat more likely to respond to the survey than were judges. Judicial officers from large courts were more likely to respond than those from small courts; however no group responded at a rate less than 70 percent of their population (table C.5B).

2. Court Administrator Survey

This survey was piloted by the six dependency court administrators participating in the CIP Reassessment.

The most appropriate respondent, from the project's perspective, was the individual responsible for the day-to-day management and policies of the dependency courtrooms. Therefore, the court executive officer for each court was sent an e-mail[4] with a description of the project and asked to provide the contact information for the individual best suited to receive the survey. If another name was provided, all subsequent correspondence, including the survey, was sent to that person. If no name was provided or the executive officer asked that the survey to be sent to him or her directly, all future correspondence was sent to the CEO.

The survey was sent out in January 2005 as a fillable form by electronic mail. All the surveys were sent to prospective respondents with a description of the project, instructions, and a letter requesting participation and explaining the importance of receiving a timely response as well as contact information for project staff should there be any additional questions. Two follow-up e-mails were sent to nonrespondents. After the deadline to return the surveys had passed, project staff telephoned the courts once to convert nonrespondents into respondents, and re-sent surveys

[4] Court executive officers and dependency court administrators were contacted almost exclusively by e-mail per the advice of the piloting counties' staff. In general, court managers felt this was the most convenient method. This method proved convenient for both parties and may have partly resulted in the high response rate.

where needed. Ultimately, 50 completed surveys were received, out of a total of 58 or, 86 percent of eligible respondents.

3. Child Welfare Administrator Survey

Two child welfare directors commented on the draft survey. A draft survey was also distributed to members of the Children's Committee of the County Welfare Directors' Association, and feedback was solicited from the more than 30 people who attended that committee meeting early in 2005.

The most appropriate respondent, from the project's perspective, was the individual responsible for the day-to-day management and policies of the child welfare caseload in each county. The position of that person differed among counties. Project staff sent the survey to the county welfare director and asked that the survey be forwarded to the most appropriate individual considering the survey content.

The survey was sent as a fillable form by electronic mail in April 2005 by the County Welfare Directors' Association. All of the surveys were sent to prospective respondents with a description of the project, instructions, and another email requesting participation and explaining the importance of receiving a timely response as well as contact information for project staff should there be any additional questions. A reminder e-mail and survey were sent out several weeks later. Approximately two weeks after the reminder e-mail, each of the nonresponding child welfare agencies was telephoned by a CIP staff member at least once to convert nonrespondents into respondents, and re-sent surveys where needed. Ultimately, 38 surveys were received out of a total of 58, with 36 surveys received in time for use in this report, a response of 62 percent of eligible respondents.

4. Court-Appointed Counsel Survey

Multiple versions of the survey were piloted by approximately 10 attorneys with experience representing parents and children in dependency.

The court-appointed counsel sample was drawn from the only available source: a mailing list generated at the AOC in the summer of 2002 and only partially updated since then. Specifically, staff keep contact information for all solo practitioners throughout the state and all court-appointed counsel in the 10 counties participating in the Dependency Representation: Administration, Funding, and Training (DRAFT) program; attorneys who became non-solo practitioners in the field of dependency between the summer of 2002 and February 2005, when this survey was fielded, are not well represented by these data. The sample drawn from this population is presumably biased against new entrants into the field, perhaps new entrants into the profession and, by extension, younger attorneys.

Using estimates of the attorneys' client mix and using the estimated response rate of 70 percent, a power analysis determined that a 30 percent sample of the database containing 1,138 entries, or a randomly selected sample of 344, was adequate for analysis.

Surveys were mailed in February 2005 by a local research firm contracted to assist with the administration of the survey. All of the surveys were sent to prospective respondents with a description of the project, instructions, and a letter requesting participation and explaining the importance of receiving a timely response as well as contact information for project staff should there be any additional questions. Each nonresponding attorney was sent a reminder postcard two weeks after the survey was sent; if their survey was still not received, a second reminder postcard was sent two weeks after the first. Nonresponding attorneys were then telephoned at least once in an attempt to convert nonrespondents into respondents. Through follow-up calls nonrespondents were placed in four distinct categories: disqualified, refused, message left, and contact made/promised to send survey. Disqualified attorneys were defined as (1) attorneys who had not practiced dependency in these months, (2) attorneys for which the address was incorrect or missing and could not be found through a yellow pages or internet search, or (3) attorneys who do not participate in court proceedings, such as supervisors. Disqualified attorneys were replaced by the attorney on the list with the next consecutive identification number. Identification numbers were randomly assigned to attorneys and were used as a means of guaranteeing anonymity of survey respondents.

Twenty-six percent of the original mailing to court-appointed counsel was to attorneys confirmed as no longer practicing in the field or for which the previous contact information was no longer valid; the sample was replenished by this number. Prior to completing the data collection phase for the attorney surveys, a total of 127 court-appointed counsel were identified as disqualified and a total of 103 additional surveys were sent to court-appointed counsel on the list using the random identification number (table C.6). The subsequent sample was telephoned at least once, but was not sent reminder postcards. A total of 185 surveys were received, 54 percent of the eligible sample.

5. County Counsel Survey

Multiple versions of the survey were piloted by three experienced county counsel.

The population was estimated using a directory of county counsel maintained by the California County Counsel Association. The directory information was supplemented with telephone calls to county counsel by AOC staff in order to create an accurate pool of county counsel with juvenile dependency caseloads. The sample size was based on a desired data set of about 200 and a goal of a 70 percent response rate. Thus, 70 percent of a database of 290 county counsel, or 204, was selected as the sample.

Surveys were mailed in February 2005 by a local research firm contracted to assist with the administration of the survey. All the surveys were sent to prospective respondents with a

description of the project, instructions, and a letter requesting participation and explaining the importance of receiving a timely response as well as contact information for project staff should there be any additional questions. Each nonresponding attorney was sent a reminder postcard two weeks after the survey was sent; if their survey was still not received, a second reminder postcard was sent two weeks after the first. Nonresponding attorneys were then telephoned at least once in an attempt to convert nonrespondents into respondents. Through follow-up calls nonrespondents were placed in four distinct categories: disqualified, refused, message left, and contact made/promised to send survey. Disqualified attorneys were defined as (1) attorneys who were not representing the county in dependency, (2) attorneys for which the address was incorrect or missing and could not be found through a yellow pages or internet search, or (3) attorneys who do not participate in court proceedings, such as supervisors. Disqualified attorneys were replaced by the attorney on the list with the next consecutive identification number. Identification numbers were randomly assigned to attorneys and were used as a means of guaranteeing anonymity of survey respondents.

Only about eight percent of the sample were not representing the county in dependency and were replaced by another attorney from the list. Prior to completing the data collection phase for the attorney surveys, a total of 23 county counsel were identified as disqualified and a total of 21 additional surveys were sent to county counsel on the list using the random identification number (table C.6). The subsequent sample was telephoned at least once, but was not sent reminder postcards. A total of 141 surveys were received, 69 percent of the eligible sample.

6. Interviews

The first round of site visits—during which the dependency court manager and the presiding judge were interviewed—was used primarily to gather information about the court and the dependency system in each county. Dependency court managers were considered “key informants” due to their knowledge of a variety of aspects of the day-to-day operations of the court. The key-informant interview was a fact-finding interview where as much time as possible was spent clarifying any questions from the court administrator survey as well as leading the Reassessment team to the next contacts to be recruited for an interview or a focus group. Additional relevant personnel (for example, information systems and technology staff) were interviewed during the first site visit whenever possible. Between three and five individuals were interviewed at each of the six sites during the initial site visit (table C.4).

The presiding judge of the juvenile court (and in most cases at least one other dependency judicial officer) was interviewed during the first site visit. In general, the information gathered in the first round of site visits served as a basis for refining future interview and focus group guidelines and for preparing logistics for the second round of site visits (table C.4).

7. Focus Groups

For the second site visits, the Reassessment team assembled focus groups by contacting court employees and individuals working with community-based organizations that could assist in recruiting court users, such as parents, tribal representatives, foster children, and foster parents as well as participants such as court-appointed counsel, county counsel, and CASA volunteers (table C.4).

Scripts and topic lists were developed for each focus group. The scripts included relevant information about the CIP Reassessment. Since names were not taken at any of the focus groups, a signed confidentiality form was not used, but participants were read a statement of confidentiality and were told how the information being gathered would be used. Additionally, the facilitator read aloud a statement to the foster youth groups explaining that participants did not have to answer any questions they felt uncomfortable with and could leave at any time; the youth were also informed that participation or nonparticipation in the group would not affect their cases. This statement was also provided in written form to each of the foster youth who participated in the focus groups. Time was given for participants to ask questions, and contact information was provided in the event any of the participants would have future questions.

When too few participants were available to conduct a focus group, interviews with individuals were substituted.

The AOC staffing for each focus group comprised of a minimum of one facilitator and one note taker. Focus groups lasted about two hours on average (see table C.4 for a detailed list of participants in each county). Refreshments and meals or snacks were provided for focus group participants depending on the length of the focus group and the time of day. Additional incentives, such as gift certificates for juice drinks, were provided for nonprofessional participants. See tables C.2 and C.3 for complete lists of topics discussed with participants.

G. Analysis of Local Court Databases

1. System Requirements

In selecting the six reassessment sites, the project team considered their CMS capabilities at length, primarily because of the need to analyze the courts' adherence to state and federal timeliness guidelines. Because the Administrative Office of the Courts has worked closely with many of the courts in implementing and developing case management systems, the AOC's internal Information Services Division was able to provide a list of courts with a CMS. Minimum requirements for CMS data to be included in the analysis were established, and each of the prospective courts was contacted and administered a short questionnaire over the phone regarding its CMS capabilities.

While most of the courts in California have a computerized case management system, the level of automation and sophistication varies significantly. In planning the CMS timeliness analysis, the Reassessment team developed a list of variables which were essential to the analysis. First and foremost, the courts had to have a computerized system in which their dependency court data from January 1, 2003, to December 31, 2004, had been entered and were available. This time frame allowed for analyses to be conducted on data for dependents with new petitions filed in 2003 for a period of at least 12 months in all cases, and up to 18 months or more in other cases. (Although one court had data available for all of 2003, a preliminary analysis conducted for the CIP Reassessment established that data prior to the court's conversion to a new system could not be analyzed due to importing errors from the previous system. Therefore analysis of this data includes only cases with a new petition filed between September and December 2003.) Each case management system also had to contain variables identifying each unique case, the date the petition was filed with the court, the different types of hearings, the date of each hearing, and the results of the hearing. In addition to system requirements, courts were also asked about resources regarding their information services and how difficult it would be to extract data from their system.

In addition to the variables that were essential to producing timeliness statistics, a list of variables that would have allowed analysis of other relevant topics was also provided to each of the courts. For example, courts were asked if they had a variable that indicated whether the child was ICWA eligible, dates the attorneys were assigned, who was present in court for each hearing, etc. In most cases, the information was not kept in the case management system and in some cases the variable existed within their system, but was not populated. Table C.7 shows the populated variables for the data received from the three courts included in the analyses.

Four courts were able to provide data extracts for the analysis, three of them in time for the data to be used in this report. Since so few courts were able to provide data, the decision was made to treat their data anonymously and not identify the courts.

2. Data Analysis and Cleaning

Due to the complexity of dependency law and guidelines that govern benchmarks for dependency cases, AOC research analysts and attorneys, together with personnel from the participant courts, collaborated to determine a procedure for the calculation of timeliness data. To produce the statistics used in the analysis, certain assumptions had to be made regarding the data. For example, court case management systems did not include a separate variable for the day the child entered foster care or a variable for the date the child was initially removed from the home.[5] Since these dates are the milestones on which the 12- and 18-month review hearing dates are based, the date the child was removed from the home was estimated to be two court days prior to the date the petition is filed (a reasonable estimation according to stakeholders), a variable that was provided by the courts.

[5] These dates are kept by the Department of Social Services.

Additionally, because federal timelines change depending on whether the child remains in the home or is placed out of the home, timelines could change from one hearing to the next depending on the results of each of the hearings. For example, if a detention hearing was held within a day of the child being removed from the home, but the hearing results indicated that the child was released at the detention hearing and there was no indication that the child was re-detained in between the detention and the jurisdiction hearing, the timeline for a family maintenance case (30 days from completed detention hearing to jurisdiction hearing vs. 15 days for detained children) would be calculated and that case would be included in the analysis for non-detained children. This process was adhered to for each of the hearings. Researchers recoded data from each court to correspond to one of the following benchmarks:

- Beginning of detention hearing
- Completion of detention hearing
- Beginning of jurisdiction hearing for detained children
- Completion of jurisdiction hearing for detained children
- Beginning of disposition hearing for detained children
- Completion of disposition hearing for detained children
- Beginning of 6-month review
- Completion of 6-month review
- Beginning of 12-month review
- Completion of 12-month review
- Beginning of 18-month review
- Completion of 18-month review
- Beginning of jurisdiction hearing for non-detained children
- Completion of jurisdiction hearing for non-detained children
- Beginning of disposition hearing for non-detained children
- Completion of disposition hearing for non-detained children

To determine the dates for the beginning hearing of a type and the completed hearing of a type, hearing results were coded to one of three categories: *continued*, *completed*, and *transferred*. For the analysis of timeliness data, any record with an outcome not falling into one of these categories was excluded. For example, records containing pretrial hearings where no findings were recorded or where relevant hearings were vacated were excluded from the analysis. Cases where the child was transferred into the county (under 2 percent overall) were also excluded from this analysis because milestone dates used for the calculations were often missing. In general, cases were excluded from the analysis if initial petition or hearing dates were missing or clearly out of a possible data range (because of a typographical or recording error) or if the case was too complex to be confidently interpreted into the schema used for timeliness analysis.[6] In

[6] In evaluating timeliness, CIP researchers had to give a chronological order to events. Instances where data was missing or hearings and events may have been mislabeled the cases were removed from the analysis. Often times hearing types were inferred by their chronology in the case, for example, if there was a hearing labeled "pretrial" hearing, where jurisdictional findings were made and then the jurisdictional hearing was vacated. The pretrial hearing date was considered to be the date of the jurisdictional hearing.

some instances where there was a question about the data, the court was called and cases were examined individually through the court computer or file review. Overall, less than 4 percent of cases were excluded from this analysis during the data-cleaning process.

SPSS version 11 for Windows was used to calculate the lapsed time from each hearing date to produce the following statistics:

- Number of court days from petition filed to first detention hearing
- Number of court days from completed detention hearing to the first jurisdiction hearing for detained children
- Number of court days from completed detention hearing to the completed jurisdiction hearing for detained children
- Number of court days from the completed jurisdiction hearing to the first disposition hearing for detained children
- Number of court days from the completed jurisdiction hearing to the completed disposition hearing for detained children
- Number of months from the completed disposition hearing to the first 6-month review hearing
- Number of months from the completed disposition hearing to the completed 6-month review hearing
- Number of months from the day the child entered foster care to the first 12-month review hearing
- Number of months from the day the child entered foster care to the completed 12-month review hearing
- Number of months from the day the child was detained to the first 18-month review hearing
- Number of months from the day the child was detained to the completed 18-month review hearing
- Number of court days from the petition filed date or detention hearing (if the child is released at the detention hearing) to the first jurisdiction hearing for non-detained children
- Number of court days from the petition filed date or detention hearing (if the child is released at the detention hearing) to the completed jurisdiction hearing for non-detained children
- Number of court days from the completed jurisdiction hearing to the first disposition hearing for non-detained children
- Number of court days from the completed jurisdiction hearing to the completed disposition hearing for non-detained children

In making the calculations above, months were defined as 30.34 days (365/12) and court days were calculated as weekdays, excluding court holidays.

3. Limitations

The most significant limitation of the data analysis was that it could not be conducted on a statewide basis. Project staff requested anonymous dependency data from the California Department of Social Services, as the CWS/CMS database specifications suggested that much of this information was available and an analysis of the data populating the court hearing fields could be used to conduct a statewide analysis of these issues, but they were unable to provide it. There were also limitations on the analysis that could be conducted on the three counties for which court data was available. For example, since there was no date variable for when the case changed from a family maintenance case to a detention case and vice versa, analysis of family maintenance reviews (review hearings where the child remains in the home) were not possible in time for this report.

Additionally, there were many topics aside from timeliness for which a statewide quantitative analysis would have been particularly interesting (e.g., the number of children that are ICWA eligible) but the information was not available through court databases. It is hopeful that the statewide juvenile court database (discussed in Chapter 4) currently under development will facilitate analysis of this kind in the future.

H. Other Secondary Data

1. Judicial Review and Technical Assistance Project

The Judicial Review and Technical Assistance (JRTA) project began in 1998 with funding from the California Department of Social Services. Its purpose is to determine a court's compliance with federal and state laws with regard to children in foster care, specifically title IV-E, in order to maintain funding. To assist courts in reaching compliance, JRTA attorneys review court files then make recommendations and offer technical assistance to individual courts, social service agencies, and probation departments.

JRTA attorneys review dependency files in all 58 counties in California within a two-year period, with 14 counties being reviewed on an annual basis and the remaining 44 (approximately 22 per year) on a biennial basis. JRTA sampling is not random. For dependency cases to be reviewed by JRTA, they must meet two criteria: the child must be placed out of the home, and the case must be open or only recently closed. Additionally, reviewed cases must include a variety of hearing types. Relatively new cases will have fewer hearings, but the detention hearings will be recent enough to be relevant. Older cases generally have recent permanency or postpermanency hearings which are reviewed, but the detention hearings, held more than a year or two before, are not reviewed.

Although JRTA attorneys review the entire case file for needed information, such as the date of a child's removal from the family, only the most recent hearing data are entered in the database

and analyzed. These data include information from selected hearings that have occurred in the previous 12 to 24 months (depending on whether the county is visited every year or every other year). Since the data are drawn from a sample period (and not throughout the life of the case), continuity of hearings (more permanency hearings than postpermanency hearings, for example) should not be expected.

Findings, orders, and timeliness data are entered into a Microsoft Access database maintained by the AOC's Information Systems Division. JRTA attorneys review a minimum of 10 dependency cases from each courthouse per visit. In counties that have more than one courthouse or have multiple departments in each courthouse, a minimum of 10 cases is reviewed at each department conducting dependency hearings. In addition to reviewing files, JRTA attorneys produce a detailed report of the findings immediately following every site visit and subsequently discuss the issues they have found in their review with the presiding judge.

2. Dependency Counsel Caseload Study and Service Delivery Model Analysis

The AOC's 2004 *Dependency Counsel Caseload Study and Service Delivery Model Analysis*[7] was designed to identify maximum per attorney caseloads for court-appointed dependency counsel based upon quantifiable standards of practice. The four primary components of this study were: (1) defining dependency counsel work, (2) conducting a workload study wherein participants coded all their work tasks over a two-week period, (3) holding "structured estimation" focus groups to determine the amount of time attorneys believe they should be spending on various case-related tasks, and (4) developing models to identify caseload standards based on structured estimation results. The second component, the workload study, provided the CIP Reassessment study with estimates of hearing durations.

Attorneys participating in the workload study filled out electronic or paper logs for 100 percent of their work time (comprising dependency casework, nondependency casework, and non-casework) over seven-day weeks during a two-week period in early 2003. For dependency casework, the study collected data on case characteristics, work activities (at different levels of aggregation), the stage of the case in which an activity occurred, and the duration, in minutes, of those activities. With a 56 percent response rate (591 attorneys responding), and a reported lack of selection bias, these workload data can be used to determine a number of things about dependency cases in California, including, for our purposes, (1) the frequency with which certain activities are carried out in a "hearing classification," or stage (the likelihood, for example, that an attorney will interview a child before a hearing); (2) the number of days it takes to complete a stage, provided that data points are available within the study period for more than one hearing classification; and (3) the duration, in minutes, of all tasks.

[7] *Dependency Counsel Caseload Study and Service Delivery Model Analysis* (June 2004). Prepared for the Administrative Office of the Courts by the American Humane Association and the Spangenberg Group.

I. Data Tables

The following section contains the tables referenced throughout Appendix C. Full copies of the surveys used in some of the data collection can be found in Appendix E.

Table C.1
Survey Statistics and Details by Respondent Type

	Judicial Officer	Dependency Court Administrator	Child Welfare Administrator	Court-Appointed Attorney	County Counsel
Surveys received	98	50	36	185	141
Refusals to participate	1	1	2	7	4
Surveys not received	23	8	22	159	63
Sample size	121	58	58	344	204
Final population estimate	121	58	58	1138	290
Response rate	81%	86%	62%	54%	69%
Final Sample	100%	100%	100%	30%	70%

Table C.2
Topics Discussed with Key Informants, Parents, and Foster Youth

Key Informant Interview Topics	Parent Focus Group Topics	Foster Children Focus Group Topics
Selection of dependency attorneys	Social worker contact	Experience entering the foster care system
Judicial officer rotation and schedule	Services	Relationships with social workers, attorneys, and CASA volunteers
Contracting of services for parents, children and special populations	Visitation	Experience in foster care
Interpreter services	Experience/treatment in the court	Experience in court
Types of information provided to dependency court users regarding court processes	Relationship with attorney	Services
Notice to court participants		Dates and counties
Quality control/self-assessments		
Training of court staff		
Dependency court case management system(s)		
Advice on contacting other stakeholders to be included in future focus groups or interviews		

Table C.3
Topics Discussed with Social Workers, Attorneys, and Judicial Officers

	Attorneys	CASA Volunteers	Judicial Officers	Social Worker
Attorney quality	X	X	X	
Case planning		X		X
Client representation	X		X	
Collaboration	X	X	X	X
Concurrent planning	X		X	X
Continuances	X	X	X	
Dependency court training	X		X	X
Hearings		X		X
ICWA	X	X	X	X
Information to the court				X
Judicial caseload			X	
Legislation and policy	X	X	X	X
Permanency outcomes, findings, and orders		X		X
Presenting evidence and making appeals	X			
Quality of information	X	X		
Quality of information to the court			X	
Reasonable services	X	X	X	X
Special populations (deaf, mentally ill, incarcerated)	X	X	X	X
Transfer cases	X	X	X	X
Treatment of families	X	X	X	X
Working with CASA volunteers and caretakers	X		X	X

Table C.4
Interviews and Focus Groups Conducted with Court Personnel, Stakeholders and Clients During Research for the Court Improvement Reassessment Plan between September 2004 and April 2005

	Participants	Humboldt	Los Angeles	Sacramento	San Diego	Santa Clara	Tulare
Interviews	Presiding judge of juvenile court	X	X	X	X	X	X
	Other judicial officers	X	X	X	X		X
	Dependency court administrators	X	X	X	X	X	X
	Information Systems staff	X		X	X	X	X
	CASA Directors		X		X		X
	Child Welfare Administrator	X				X	
	Dual status Youth						X
	Volunteer lawyers program (re: Special Immigration Juvenile Status)				X		
Focus Groups	CASA staff/advocates						X
	County Counsel					X	
	Parents in Dependency Drug Court			X	X		
	Foster Parents		X			X	
	Foster Youth				X		X
	Judicial Officers		X				
	Parent and Children's Attorneys	X					
	Children's Attorneys		X				
	Parents	X					
	Social Workers	X		X		X	
	ICWA stakeholders, including tribal representatives, county counsel, and attorneys from California Indian Legal Services	Phone Conference					
	Tribal roundtable including American Indian community stakeholders, county counsel, ICWA advocates, Department of Social Services, etc.			Statewide Phone Conference			

Table C.5A
Examination of Survey Selection Bias for Judicial Officers by Title

	Responding		Nonresponding		Total	
	Count	Percent	Count	Percent	Count	Percent
Judge	54	76.1	17	23.9	71	100.0
Commissioner	27	87.1	4	12.9	31	100.0
Referee	17	89.5	2	10.5	19	100.0
All judicial officers	98	81.0	23	19.0	121	100.0

Table C.5B
Examination of Survey Selection Bias for Judicial Officers by Size of County

	Responding		Nonresponding		Total	
	Count	Percent	Count	Percent	Count	Percent
Very Small	19	70.4	8	29.6	27	100.0
Small	15	78.9	4	21.1	19	100.0
Medium	17	70.8	7	29.2	24	100.0
Large	47	92.2	4	7.8	51	100.0
All counties	98	81.0	23	19.0	121	100.0

Table C.6
Attorney Survey Follow-up Details

	Court-Appointed Counsel		County Counsel	
	Count	Percent	Count	Percent
Disqualified, not replaced	24	7.0	2	1.0
Refused	7	2.0	4	2.0
Contact made, but not received	19	5.5	12	5.9
No contact made, left message(s)	109	31.7	45	22.1
Surveys received	185	53.8	141	69.1
Sample Size	344	100.0	204	100.0
Disqualified, replaced	103	--	21	--

Table C.7
Variables Provided to the AOC from Court Case Management Systems of Use in CIP Analysis

	Court A	Court B	Court C
Unique case identifier	X	X	X
Date petition filed in 2003	X	X	X
Date of original petition for child		X	
Type of hearing	X	X	X
Result of hearing	X	X	X
Schedule time of hearing	X		X
Date of hearing	X	X	X
Petition identifier	X		
Type of petition	X		
Motion/OCS detail			X
Department/judicial officer	X		X
Case status	X	X	X
Child's gender	X		
Child's date of birth	X	X	X

Appendix D: Dependency Drug Court Literature Review

A. Introduction and Background

Over the course of the last 20 years, the intersection of substance abuse and child maltreatment has received heightened attention. Various developments within child welfare agencies, family and juvenile courts, and state and federal legislation have contributed to an increased concern over, and investigation of, the relationship between parental substance abuse and child maltreatment. The number of children in America reported to be abused or neglected was slightly over 1 million in the early to mid-1980s, rising to nearly 3 million in the mid- to late 1990s.[1] In 2003, 906,000 children were found to be victims of abuse or neglect.[2] Although estimates range, most studies find that parental substance abuse is a factor for one-third to two-thirds of the children involved in the child welfare system.[3] Findings from a national survey of child welfare and family court professionals further supports the link between substance abuse and child maltreatment: 71.6 percent of the respondents cited substance abuse as one of the primary causes underlying the increase in child maltreatment since 1986.[4]

Although an estimated 8.3 million children in the United States live with at least one parent who has a substance abuse problem, only a small portion of that group comes to the attention of the child welfare system.[5] However, in 1999 the Department of Health and Human Services found that, "neglect is especially predominant in child maltreatment reports in which the parent has a substance abuse problem." Additionally, maltreated children of substance-abusing parents

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[1] Center on Addiction and Substance Abuse (CASA), *No Safe Haven: Children of Substance-Abusing Parents* (1999), p. 1; Child Welfare League of America (CWLA), *Alcohol, Other Drugs, & Child Welfare* (2001) p. 2.; U.S. General Accounting Office (GAO), *Agencies Face Challenges Securing Stable Homes for Children of Substance Abusers* (1998) p.4.

[2] National Clearinghouse on Child Abuse and Neglect Information, *Child Maltreatment 2003: Summary of Key Findings* (2005) p.1.

[3] Department of Health and Human Services (DHHS), *Blending Perspectives and Building Common Ground* (1999) p. 2; CASA, p. 2.

[4] CASA, p. 2.

[5] DHHS, p. 2.

involved in the child welfare system have been found likelier than other children to both enter into and stay longer in foster care.[6] Since cases of child maltreatment involving parental substance abuse are often complicated by other issues including unemployment, inadequate housing, mental illness, financial crisis, and domestic violence, additional delays and barriers to reunification often exist.[7]

Concerns that some children were languishing in foster care prompted the enactment of federal legislation that attempted to more quickly establish permanency and stability in the lives of foster children. "The Adoption and Safe Families Act (ASFA)," declared the Department of Health and Human Services, "recognizes the importance of time to children and establishes an expectation of urgency in decision making regarding their welfare."[8] Since the enactment of ASFA in 1997, child welfare agencies have had to face greater challenges in providing the mandated "reasonable efforts" to reunify families within a 6- or 12-month time frame. Young et al. note that the provision of "reasonable efforts" to substance-affected families includes the provision of substance-abuse treatment services.[9] Accessing such services is difficult in light of the gap that exists between the actual need for and the availability of such treatment. In its national survey of child welfare directors, the U.S. General Accounting Office found that of the 39 states that reported on the availability of substance-abuse treatment programs, 33 responded that not enough programs were available.[10] This is further supported by the findings of a national report issued in 1999, which stated only 5.8 percent and 26 percent of its respondents found there to be "no wait" for residential and outpatient treatment, respectively.[11] After-care services are also critically important and yet lacking in the recovery process.[12]

Although the gap in services has played a role in delaying permanency decisions for children, other barriers have also contributed. Among these is the incongruity of the various timelines that affect families, courts, and child welfare agencies. The shortened time frame to permanency set forth by ASFA directly conflicts with that of substance-abuse recovery, as ASFA demands timeliness and recovery requires patience. At odds with both of those "clocks" is that of child

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[6] CASA, p. 2.

[7] DHHS, p. 3; CASA, p. 3; Prevent Child Abuse America, *Current Trends in Child Abuse Prevention, Reporting, and Fatalities: The 1999 Fifty State Survey* (April 2001) p. 15.

[8] DHHS, p. 7.

[9] N. K. Young, M. Wong, T. Adkins, and S. Simpson, *Family Drug Treatment Courts: Process Documentation and Retrospective Outcome Evaluation* (Irvine,Children and Family Futures, 2003) p. 25.

[10] U.S. General Accounting Office (GAO), *Foster Care: States Focusing on Finding Permanent Homes for Children, but Long-Standing Barriers Remain* (2003) p. 21.

[11] CASA, p. 2.

[12] GAO, 1998, p. 21; Children's Defense Fund, *Executive Summary of Healing the Whole Family: A Look at Family Care Programs*;(1998) p. x.

development, which ticks away at a constant and rapid pace.[13] Other challenges have included the lack of cooperation between courts, child welfare agencies, and service providers; the difficulty of monitoring parent progress in treatment; and insufficient training of the professionals faced with making decisions regarding the safety and permanency of a child's living situation.[14]

B. Shifting Practice

The aforementioned developments served as an impetus for child welfare agencies and family courts to reexamine their practices and devise and implement strategies to deal with the challenges of parental substance abuse and child maltreatment. Changes made in Sacramento County's Department of Health and Human Services exemplify such an effort. The department's leadership developed an initiative which focused on creating change in child welfare and other systems through training and by making alcohol and other drug (AOD) assessment and intervention the responsibility of each social worker.[15] Initiatives undertaken by other agencies and courts also included

- Assembling a multidisciplinary team for joint case planning;[16]
- Pairing an AOD counselor and Child Welfare Services (CWS) worker;[17]
- Pairing a CWS worker and a person in recovery;[18]
- Outstationing an AOD counselor at a CWS office to provide technical assistance;[19] and
- Infusing parenting and child welfare concerns into substance-abuse prevention efforts.[20]

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[13] N. K. Young, S. Gardner, and K. Dennis, *Responding to Alcohol and Other Drug Problems in Child Welfare: Weaving Together Practice and Policy*, (Washington, D.C.: Child Welfare League of America, 1998), p. 20.

[14] GAO, 2003, p. 21.

[15] Young et al., 1998, p. 28.

[16] *Ibid.*

[17] *Ibid.*

[18] *Ibid.*

[19] *Ibid.*

[20] CWLA, p. 11.

These strategies highlight the agencies' recognition of the need to form new relationships and linkages across organizations.[21] Young et al. references the need for this shift in practice in their 2003 report by stating: "The increased challenge of equipping the substance-involved parent to re-assume responsibility for his/her child, within the very limited time period allotted by ASFA, [has] underscored the need for new partnerships and creative approaches to meet these families' needs."[22]

The family drug (or dependency) treatment court[23] also emerged as a strategy adopted by dependency courts to address the prevalence and role of substance abuse in their caseloads. Like the adult criminal drug court, the FDTC involves a collaborative effort that encompasses participation by the court, the child welfare agency, treatment providers, and legal counsel. By way of its collaborative design the model allows for greater communication and access to information, which are critical to ensuring timely decisions, coordination and provision of services, and ultimately the protection of maltreated children.[24]

The FDTC stems from the adult criminal drug court model, which developed in the late 1980s "in response to the deluge of drug cases and the cycle of criminal recidivism common among drug offenders."[25] Although courts differ slightly, most adult drug courts offer nonviolent offenders the possibility of having the charges against them dismissed in return for their completion of the drug court program. The program, which is overseen by a judge, provides substance abuse treatment and requires frequent testing. In 1997 the U.S. General Accounting Office reported the results of a survey it conducted of existing drug court programs. Its initial data showed that participants in 56 of 62 drug court programs surveyed had an average completion rate of 48 percent.[26] The retention rate for 131 of 134 programs surveyed yielded average retention rate of 71 percent.[27]

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[21] GAO, 1998, p. 35; Children's Defense Fund, p. xii.; CASA, p. 53; DHHS, p. 4; J. Semidei, L. F. Radel, C. Nolan, *Substance Abuse and Child Welfare: Clear Linkages and Promising Responses* (Washington, D.C.: U.S. Children's Bureau, 2001) p. 113; C. McAlpine, C. C. Marshall, N. H. Doran, *Combining Child Welfare and Substance Abuse Services: A Blended Model of Intervention* (Rockville, Md.: Addiction Services Coordination, Montgomery County Department of Health and Human Services, 2001) p. 147.

[22] Young et al., 2003, p. 25.

[23] "Family drug treatment court" (FDTC) is the term used within this document to denote a court that seeks to address the needs of substance-abusing parents who have been cited for child abuse or neglect by offering quicker access to treatment, coordination of services, and increased judicial oversight.

[24] Young et al., 2003, p. 26.

[25] U.S. General Accounting Office (GAO), *Drug Courts: Overview of Growth, Characteristics, and Results* (1997) p. 4.

[26] *Id.* at p. 11

[27] *Id.* at p. 11.

Although the adult drug court model provided a framework for the development of the FDTC, there were substantial differences between the two that did not allow for the adult drug court model to directly transfer to dependency court. Among the most important challenges to be addressed at the outset was establishing a common vision between three very different systems: child welfare, substance-abuse treatment providers, and the courts. Some of the key differences in perspective and approach included definitions of "the client," expected outcomes, and timelines.[28] The first FDTC was established in Reno, Nevada, in 1995.[29]

- Since the opening of the Reno FDTC 10 years ago, additional family drug treatment courts have been established across the country. Various models have emerged, but most FDTCs aim to leverage the expertise, resources, and energy of the courts, child welfare agencies, and substance-abuse treatment providers to improve outcomes for substance-affected families and children.[30] Toward that end, FDTCs generally strive to improve access to, retention of, and completion of substance-abuse treatment;
- Ensure safety and permanence for children; and
- Achieve a timely resolution of cases.[31]

The first dependency drug court in California was established in the late 1990s. California's Administrative Office of the Courts (AOC) estimates there are 20 dependency drug courts operating across the state.[32] The following provides a sample of the data available on three such courts: those in Sacramento, San Diego, and Santa Clara counties, which were three of the six counties selected as study sites for the Court Improvement Program Reassessment. In addition to serving as reassessment study sites, these three courts are also in the midst of evaluations that provide accessible, albeit initial, data. California counties were classified by the CIP staff, for the purposes of the reassessment, according to population size and number of dependency filings. The large size of these three counties, with populations between 1 million and 3 million, could limit the degree to which the findings can be generalized to counties of a different size.

C. A Closer Look at Three California Counties

1. Sacramento County

The Sacramento County dependency drug court opened in October 2001 and introduced a significantly different model of a family drug treatment court. This model entails the FDTC

[28] DHHS, p. 3.

[29] CASA, p. 64.

[30] Young et al., 2003, p. 26.

[31] *Ibid.*

[32] Newman, Tim, in e-mail message to AOC staff; May 6, 2005.

operating in parallel with the dependency case proceedings, which are conducted on a family court docket. Parents participating in the FDTC are offered court services before any violation of court orders regarding substance abuse.[33] A specialized court officer hears the compliance reviews and manages the recovery aspects of the case for the duration of the parent's participation in the FDTC.

Goals of the Sacramento FDTC include increasing the rate of successful family reunifications, increasing the rate of clients' compliance with alcohol and other drug (AOD) treatments, decreasing the average length of stay of children in out-of-home care; increasing the number of parents with AOD involvement who are screened, assessed, and placed in the most appropriate treatment modality as soon as possible, and increasing the collaboration between the court, child welfare agencies, and AOD-treatment agencies.

a. Sacramento evaluation. An evaluation of the court has been under way since January 2001. The latest data were compiled for the annual report released in January 2005 by Children and Family Futures. The study sample included four groups: (1) a comparison group (111 parents) of families who received standard child welfare services and alcohol and drug services prior to the implementation of the FDTC; (2) court-ordered Year One FDTC participants (324 parents) who entered the dependency system between October 1, 2001, and September 30, 2002; (3) court-ordered Year Two FDTC participants (249 parents) who entered the dependency system between October 1, 2002, and September 30, 2003; and (4) court-ordered Year Three FDTC participants (274 parents) who entered the dependency system between October 1, 2003, and September 30, 2004.

The sample groups can be characterized in the following ways: Approximately two-thirds of the participants are mothers averaging 32 years of age. Groups varied slightly in terms of ethnic makeup. Participants from Year One were more likely to be African American than Year Two or Three parents. Year Three parents were more likely to be Hispanic than Year One parents. Most parents were unemployed, nearly half had less than a high school education, and 59 percent were involved in the criminal justice system at the time of admission to treatment (that is, they were on parole, on probation, or incarcerated). Nearly 29 percent of the parents reported a disability (mental or physical), and over 28 percent reported chronic mental illness at admission to treatment. Additionally, Year Two and Year Three parents were less likely than the Year One parents to be pregnant at admission. Year Two parents were more likely to report being homeless at admission than the Year One or Year Three groups.

Methamphetamine was reported as the primary drug of more than half of the participants. Year Three parents were more likely to report methamphetamine as the primary drug, whereas Year One parents were more likely to report alcohol as their primary drug problem. Parents in the

[33] Children and Family Futures. *Sacramento County Dependency Drug Court: Program Year One—12,18, and 24 Month Outcomes, Program Year Two—12 Month Outcomes, Program Year Three—Descriptive and Baseline Characteristics* (Irvine, CA. Children and Family Futures, January 2005) p. 3.

comparison group were more likely to report heroin as their primary drug problem than Year Three parents.

b. Program outcomes. Significantly more court-ordered parents—85 percent of Year One and Year Two FDTC parents and 88.5 percent of Year Three FDTC parents—entered drug treatment than comparison-group parents, of which 50.5 percent entered. Parents from the court-ordered FDTC groups also averaged more treatment admissions (Year One, 2.6; Year Two, 2.5; Year Three, 2.2) than the comparison group (1.3). Children of court-ordered Year One (33.3 percent) and Year Two (28.9 percent) participants were more likely to have reunified with a parent by 12 months than the comparison children (18.7 percent). At 18 and 24 months, more court-ordered Year One children (43 and 42.1 percent, respectively) than comparison group children (24.9 and 27.2 percent, respectively) had reunified.[34]

Reentry rates, the percentage of children who return to out-of-home care as a result of a new allegation filed after the closure of their previous dependency case, were low for all three groups measured.[35] None of the comparison group families that reunified were reentry cases, and only 2.1 percent of the Year One and 1.2 percent of the Year Two cohorts were cases of children that reentered out of home care. Of the children that returned to out of home care, almost all were returned to foster care because of parental substance abuse. The fact that relapse is not uncommon among substance abusers coupled with the availability and use of instant drug testing and intense court oversight, it is possible for information regarding parental substance abuse to be quickly relayed to social workers. The availability and flow of such information enables social workers to more immediately assess the safety of children in the home.

All five of the comparison children (representing four families) who reentered care moved on to adoption or guardianship. Of the 47 Year One children (representing 20 families) who reentered care, 42.6 percent were reunified with a parent and 44.7 percent moved on to adoption. The majority of the 25 Year Two children who reentered care were moved to adoption (64 percent), while about one-third (32 percent) were reunified with a parent, and only one child received continued family maintenance or family reunification services.

The increased rates of reunification and the shorter times spent in out-of-home care of court-ordered FDTC groups led to savings in foster care costs.

The annual report of the Sacramento County FDTC noted a continued need for increased services offered through the AOD treatment providers and by the county child welfare agency to meet the mental health needs of participating families. The further development of electronic information gathering and linkage was also highlighted in the recommendations.

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[34] Study is ongoing and therefore 18- and 24-month reunification results not yet available for Year-Two and Year-Three groups.

[35] Children and Family Futures, 2005, p. 26.

2. San Diego and Santa Clara Counties

The information regarding the San Diego and Santa Clara Counties' FDTCs was provided by Children and Family Futures,[36] which is conducting a federally sponsored five-year evaluation of five courts across the nation. The selection of study sites was based on criteria that included at least three years of operation, adequate identification of comparison cases, and access to outcome data. Two of the study sites, San Diego and Santa Clara Counties, underwent the first phase of the study, which looked at primary outcomes of the retrospective study. During this phase the researchers analyzed 50 cases from each site of families that entered family drug treatment court between January 1998 and the end of 2000 and, for comparison, 50 cases from each site of families that received standard services for parental substance abuse. Data from administrative records was obtained to determine the outcomes.

a. San Diego Dependency Court Recovery Project. According to N. K. Young and her colleagues, "the Dependency Court Recovery Project is a systemic reform of the dependency system in San Diego County."[37] In this "dual track" model, all parents with substance-abuse problems in the dependency system are provided with treatment and case management services. The FDTC, which operates on a separate court calendar and is overseen by a specialized judge, serves as the second track of the model. The FDTC is reserved for parents who are unsuccessful during their first 60 days of the Dependency Court Recovery Project. Parents who fail to comply with court orders may be ordered to participate in the more intensely monitored FDTC, or may opt to do so.

Among the special features of the San Diego program is the role of Substance Abuse Recovery Management System (SARMS). Case management, drug testing, and treatment monitoring are provided by SARMS to program participants. All parents who enter the San Diego County dependency system with a substance-abuse problem are referred to SARMS for evaluation. Dependency court judges monitor compliance with SARMS treatment through 30- and 60-day postdisposition review hearings.

The goals of the San Diego FDTC include achieving timely and appropriate permanent placement for every child entering county supervision, meeting statutory timelines for decision making in all dependency cases, and providing alcohol and drug treatment to parents in the dependency system who agree to cooperate with court-ordered treatment plans.

b. San Diego Evaluation. The evaluation included three groups: a comparison group and two treatment groups, one treatment group of parents who only participated in Substance Abuse Recovery Management System (SARMS) and the second which participated in SARMS plus the dependency drug treatment court. The comparison group comprised parents whose cases entered the dependency court system prior to the implementation of SARMS in 1998. Each of the three

[36] Young et al., 2003.

[37] *Ibid.*, p. 117.

groups had 50 parents. No significant differences were found between the groups for the items in which sufficient information was available for comparison group parents (parents' gender, age, ethnicity, and marital status). The groups were mostly mothers with an average age of 30. While approximately 20 to 30 percent of the samples were African Americans or Hispanics, Caucasians composed about one-third to one-half of the groups. Slightly more than half of the two treatment groups were single and never married. Approximately 20 percent of the treatment groups had not completed high school. Issues of mental health, learning and developmental disorders, medical disabilities, criminal history, and childhood victimization were also found to be factors contributing to the case. Income source was not available for comparison of groups. A statistical difference did exist with respect to the higher number of allegations of alcohol-related problems reported at intake of the treatment group participants than of the comparison group. This could have resulted from improvements made to identification and reporting systems.

There were significant differences between the groups with respect to the number of children per case, with an average of 1.6 children per SARMS parent, 2.3 children per FDTC parent, and 2.82 children per comparison group parent. Most children were living with their birth mothers at the time of intake, and most allegations cited a failure to protect or neglectful supervision. Although mothers in each of the groups became pregnant and had additional children after their cases had been selected for this evaluation, more babies born to comparison-group mothers (62 percent) tested positive at the toxicology screening than babies born to FDTC mothers (20 percent); all subsequent babies born in the SARMS group tested negative.

c. Program outcomes. In reviewing the findings of the retrospective study it is important to note that parents participating in an FDTC often represent the most severe cases of parental substance abuse traversing the dependency system. The groups entering substance-abuse treatment differed significantly: 80 percent of SARMS parents, 100 percent of FDTC parents, and 56 percent of comparison-group parents entered treatment during the first 18 months of the dependency case. Comparison-group parents took longer (232 days) to enter treatment than SARMS parents (73 days). FDTC parents stayed in treatment significantly longer (298 days) than the SARMS parents (190 days) and the comparison-group parents (169 days). Significantly more FDTC parents received outpatient and residential services, and participated in more treatment episodes[38], than either the SARMS or comparison-group parents. However, FDTC parents dropped out of treatment more often , at an average of (2.0) as compared to the SARMS (0.92) and comparison-group parents (0.70). Therefore, although FDTC parents tended to be involved in more treatment episodes, completion of treatment was still difficult to achieve.

Time spent by children in out-of-home care differed significantly between the groups. SARMS children averaged 411 days, FDTC children averaged 922 days, and comparison-group children averaged 1,371 days. While less than half of the FDTC children (38 percent) and comparison-group children (40 percent) reunified with one or both birth parents, more than half of the

[38] As defined in the evaluation, an episode was considered to be any substance abuse treatment admission. Young et al., 2003, p. 162.

SARMS children reunified (58 percent). More than half of the FDTC and comparison-group children and less than half of the SARMS children (39 percent) were court-ordered into a permanent plan other than reunification. Although there was insufficient information available to explain the differences, the retrospective study report does emphasize, "in reviewing the findings it is therefore important to note that parents participating in Dependency Drug Court are often among the most severe cases seen in the dependency system."[39] From this point it can be gathered that, the severity of cases could have been one factor related to the length of time children of these parents spent in out of home care.

The challenge undertaken in San Diego to, "conduct such a monumental system change,"[40] was overcome in large part because of the collaboration and cooperation that characterized the project. Involving key decision makers and stakeholders in the planning and implementation of the project was critical. The creation and continued convening of the Dependency Policy Group additionally aided in overcoming challenges that surfaced after the planning stages. Further strengthening the endeavor was the commitment of all stakeholders to working effectively together, "in the best interest of the child." The non-adversarial and collaborative culture which characterized the project from the outset continue to strengthen the dependency FDTC initiative.

d. Santa Clara County Dependency Drug Treatment Center. Instituted in 1998, this treatment center is an integrated FDTC that operates on a specialized calendar within the juvenile dependency court. The dependency case and parental drug court matters are heard in the same court before the same judge. If substance-abusing parents are willing to comply with the stringent treatment plans developed by the FDTC team, the court offers immediate assessment, immediate access to treatment, supportive services, and frequent reviews. The case is transferred by the child welfare agency to a specialized FDTC social worker, who then provides case management services. Collaborative efforts within the FDTC also include weekly multidisciplinary treatment and case-planning meetings and weekly FDTC precalendar meetings to review cases on that day's calendar.

Among the unique supports also available to participants in the FDTC are transitional housing and the "Mentor Moms" program, which allows women in recovery to serve as role models for current FDTC mothers. After-care services are also available to the FDTC participants.

The Santa Clara County Dependency Drug Treatment Center aims to protect children, to preserve families, and provide permanent homes for children in a timely manner. In an effort to ensure that families in recovery have access to the necessary resources, the FDTC works collaboratively with service providers, other courts, and the community.

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[39] Young et al., 2003, p. 154.

[40] Young et al., 2003, p. 176.

e. Santa Clara FDTC Evaluation. The study sample included two groups, a comparison group and a treatment group, each of which had 50 cases. The 50 treatment group cases were participants who entered the family drug treatment court between September 1999 – September 2000. The comparison group is an historical group matched on demographic variables that had the case characteristics to have been eligible for the family drug treatment court.

Both FDTC and comparison-group samples were predominantly Caucasian and Hispanic women in their late 20s with less than a high school education. Forty-eight percent of the FDTC group and 60 percent of the comparison group were single and never married. Three-quarters of both groups had evidence of income at the time of intake. Both groups experienced difficulty with housing, as almost 90 percent of families in the comparison-group, and 69 percent of FDTC families faced issues of inadequate housing.

The sample groups had an average of slightly less than two children per client, with significantly more children aged younger than five in the FDTC group than in the comparison group. Although not representing a significant difference, more children from the FDTC group were exposed to drugs prenatally than children from the comparison group. Nearly half of comparison-group children and one-third of the FDTC children were cited as having developmental, behavioral, or emotional problems. Although the majority of children were living with either their mother or both of their parents at the time of the referral, significantly more FDTC children were also in a living arrangement with an unrelated person. Significantly more FDTC children were referred for a parent's failure to protect or neglectful supervision than the comparison-group children.

f. Program outcomes. All the FDTC parents entered treatment within the first 18 months of the case, while 80 percent of comparison-group parents entered within the same amount of time. FDTC parents also entered treatment sooner than comparison-group parents: the average time to enter treatment was 1.9 months and 5.7 months, respectively. Once in treatment, parents of the FDTC stayed an average of 400 days while comparison-group parents averaged 228.3 days. Although FDTC parents participated in more treatment sessions of each available type, FDTC parents were as likely to complete treatment episodes as comparison-group parents. Upon case closure, housing continued to be a barrier for more comparison-group families than FDTC families.

Determining overall progress was difficult because information contained within the comparison-group case records was limited with regard to compliance. Five parents in the FDTC group and 13 parents in the comparison group were arrested after case inception. Both the FDTC (13 parents) and comparison group (21 parents) also had subsequent child abuse or neglect reports filed against their members. FDTC parents were significantly more likely to be in compliance with child visitations than parents from the comparison group at the jurisdiction, disposition, and 6-month review hearings. In terms of time spent in out-of-home care, the groups were similar: FDTC children spent 19 months in such care, and comparison-group children spent 18 months. FDTC children (46.4 percent) were more likely to be reunified with their parents than

comparison-group children (26.4 percent). The groups also differed on the percentage of children with a permanent plan other than reunification: 65 percent of comparison-group children were in such a plan, versus 46 percent of the FDTC children.

With regard to court services, outcomes included a substantial, although not statistical, difference for time to reunification, which averaged 337 days for FDTC children and 498 days for comparison-group children. The implementation of an alternative permanent plan took longer for children of FDTC parents, although the difference was not statistically significant. Case closure was reached in a significantly shorter time by the FDTC group (23 months) than by the comparison group (27 months). Although there were slightly more comparison-group parents than FDTC parents who had contested hearings and trials related to substance-abuse issues, the difference was not significant.

Recommendations put forth by the evaluation team included strengthening communication between and among the various members of the FDTC team in order to better serve families. The need for expanded services also surfaced as imperative to the success of families both during and after treatment. The need for more comprehensive and accessible data was noted as a critical element that produced a gap in information for this phase of the study.

D. Discussion and Conclusions

The programs from Sacramento, San Diego, and Santa Clara Counties aimed to accomplish similar outcomes, yet they pursued those goals using three different models of a FDTC. One of the greatest differences between the three models was San Diego's two tier system. Offering the first tier of drug treatment services to all substance affected families set San Diego's FDTC apart from the program in Santa Clara and Sacramento. Although the general number and type of services did not vary tremendously between the three, they differed most on services that could be considered helpful but not essential such as the provision of clothing and housing stipends and participant transportation.[41]

Some common themes did emerge, however. Collaboration was a key element in the implementation and operation of all three courts. Linkages and partnerships among agencies and key players enabled them to address some of the issues that have emerged as factors complicating child welfare cases in the past 20 years. Greater communication between courts, treatment providers, and child welfare workers enabled closer monitoring of the parents' progress and provided judges with more information to consider in their decision making. Parents' immediate access to substance-abuse treatment also addressed a major issue noted as a barrier to timely permanency decisions.

[41] "Dependency Drug Courts: Support Services", unpublished data compiled by Department of Drug and Alcohol Programs (ADP), a department of Health and Human Services Agency, September 2004

Although these courts were able to ameliorate some of the issues that had previously plagued them, concerns and areas for improvement still remained. An area emphasized in all three reports was the need for more complete and consistent information. Another was the continued need for improvements, both in number and scope, in services offered to substance-affected families.

Although the information presented in the studies provides some positive outcomes with respect to access to treatment and reunification rates, the findings are preliminary. Among the issues related to the implementation of FDTCs that continue to be debated are the benefits of coerced treatment, the application of limited resources to only a portion of the total caseload affected by substance abuse, and the replicability of these courts.[42] The information yielded by the national prospective study of which Santa Clara and San Diego are a part and the final data produced by the evaluation of Sacramento's FDTC will provide further insight that may be valuable in addressing some of the critical questions that remain.

[42] CASA, pp. 63–64.

PLACE ID LABEL HERE

COURT IMPROVEMENT PROJECT

2004 CFCC Survey of Judicial Officers - Juvenile Dependency

Qualifying Question: Do you currently hear juvenile dependency cases?

- ❑ **Yes**
- ❑ **No**

Attention:

If you answered 'no' to the question above, kindly fax this page only to the AOC at 415-865-7217. You do not need to complete this survey.

If there is a judicial officer in your court who is hearing dependency cases, but has not received a survey, please do not give him or her this survey (or a photocopy). Juvenile dependency judicial officers whom we have overlooked may be referred to Iona Mara-Drita at CFCC for a copy of this survey (415-865-7563). Thank you.

Background

1. Are you a:

   - ❑ Judge
   - ❑ Commissioner
   - ❑ Referee

2. Please indicate the county in which you serve.

   Note: If you serve in two or more, please enter the one you serve in most frequently first, followed by the one(s) you serve in next most frequently. Please consider only the first court when answering subsequent court-specific questions.

   _____ _____

   _____

   _____

3. How long have you been in your current juvenile dependency assignment?

   _____ Years _____ Months

4. What is the total amount of time you have heard dependency cases over the course of your career?

   _____ Years _____ Months

5. Is the amount of work time you spend on dependency matters stable or does it vary significantly?

   - ❑ Stable
   - ❑ Varies significantly

6. How much of your time do you spend on dependency matters, including hearings, settlement conferences, supervisory tasks, community outreach, and professional development? If the amount of time you spend varies significantly, please respond to this question based on your last month at work.

   - ❑ I have a full-time assignment to dependency court
   - ❑ More than ½ time, but less than full-time
   - ❑ About ½ time
   - ❑ More than ¼ time, but less than ½ time
   - ❑ About ¼ time
   - ❑ Less than ¼ time

7. Please describe your experience in juvenile proceedings prior to your appointment to the court. Check all that apply.

   - ❑ None
   - ❑ Child's attorney in dependency
   - ❑ Parent's attorney in dependency
   - ❑ County counsel or city attorney in dependency
   - ❑ Child's attorney in delinquency
   - ❑ Prosecutor in delinquency
   - ❑ Other, dependency. Specify _____
   - ❑ Other, delinquency. Specify _____
   - ❑ Other. Specify _____

8. In your court –

   - ❑ Each child has his or her own unique case number
   - ❑ Case numbers are assigned to mothers and shared by her children
   - ❑ Each family (mother, father, and their children) shares one case number
   - ❑ Other. Specify _____

9. About how many open dependency cases are currently assigned to you?

- ❑ 0-25
- ❑ 26-50
- ❑ 51-75
- ❑ 76-100
- ❑ 101-150
- ❑ 151-200
- ❑ 201-300
- ❑ 301-400
- ❑ 401-500
- ❑ 501-600
- ❑ 601-700
- ❑ 701-800
- ❑ Over 800
- ❑ Do not know
- ❑ Not applicable – I have no regular caseload

Hearing Information/Attendance/Notice

10. What is your court's usual case assignment procedure for dependency court?

- ❑ Cases are assigned to judicial officers for the duration of the case prior to detention hearing
- ❑ Cases are assigned to judicial officers for the duration of the case after the detention hearing is complete
- ❑ Cases are shared between two judicial officers
- ❑ Judicial officers specialize in different calendar types (e.g., trials)
- ❑ Do not know
- ❑ Other. Specify _____
- ❑ Not applicable

11. About how often do you schedule …

	Never or Rarely (0-5%)	Occasionally (6-35%)	Sometimes (36-65%)	Often (66-95%)	Nearly Always or Always (96-100%)	Don't know
Hearings on the same day for siblings under the court's jurisdiction?	❑	❑	❑	❑	❑	❑
Review hearings in between the six-month review hearing?	❑	❑	❑	❑	❑	❑

12. About what percentage of parents have unknown whereabouts for the duration of the case?

	% Mothers	❑ Don't know
	% Fathers	❑ Don't know
	% Presumed Fathers	❑ Don't know

13. Please estimate how often the following people appear in your dependency courtroom when legally noticed.

	Never or Rarely (0-5%)	Occasionally (6-35%)	Sometimes (36-65%)	Often (66-95%)	Nearly Always or Always (96-100%)	Don't know
Mother, where-abouts known	❑	❑	❑	❑	❑	❑
Biological father, whereabouts known	❑	❑	❑	❑	❑	❑
Presumed father, whereabouts known	❑	❑	❑	❑	❑	❑
Child 10 or older	❑	❑	❑	❑	❑	❑

14. Which of the following describes your usual practice concerning attendance of children ages 10 and over in the courtroom? Check all that apply.

- ❑ I strongly encourage attendance
- ❑ I give them the option of attending
- ❑ I do not encourage attendance
- ❑ Other. Specify _____

15. How are parents informed that they may be responsible for child support and legal representation costs arising out of their dependency case? Check all that apply.

- ❑ This information is printed on the petition that parents receive
- ❑ I inform them
- ❑ It is in our informational brochures/videos
- ❑ Local child welfare agency informs them
- ❑ They are not informed of these costs by the court
- ❑ Don't know
- ❑ Other. Specify _____

16. How often are children 10 and over personally sent notice of hearings?

- ❑ Never or rarely (0-5%)
- ❑ Occasionally (6-35%)
- ❑ Sometimes (36-65%)
- ❑ Often (66-95%)
- ❑ Nearly always or always (96-100%)
- ❑ Don't Know
- ❑ Not Applicable

17. Please estimate the timeliness of transportation from the following facilities provided that valid transportation orders are prepared and that parents have not waived their right to attend hearings:

	Often on Time	Often Late	Often Not Transported
State prisons	❑	❑	❑
Jails in your jurisdiction	❑	❑	❑
Jails in other jurisdictions	❑	❑	❑

18. Provided that valid transportation orders are prepared and that parents have not waived their right to attend hearings, who is responsible for transporting parents to court when they are incarcerated in a jurisdiction other than your own?

- ❑ Sheriff/local law enforcement in the county of the dependency case
- ❑ Sheriff/local law enforcement in the county of custody of the parent
- ❑ Intercounty cooperation (shared responsibility between law enforcement)

Scheduling/Continuances

19. Please indicate how the following hearings are usually scheduled in your court. Hearings can be scheduled to happen at a set time (time-certain scheduling) or groups of hearings can be scheduled to take place within blocks of time.

Type of hearing:	Full-day blocks	½ day blocks	Less than ½ day blocks	Time-certain scheduling	Don't know or varies too much to say
Detention	❑	❑	❑	❑	❑
Uncontested Jurisdiction	❑	❑	❑	❑	❑
Uncontested Disposition	❑	❑	❑	❑	❑
Uncontested 366.26	❑	❑	❑	❑	❑
All contested hearings	❑	❑	❑	❑	❑

20. Thinking about the last 30 days, how often did you have sufficient time to hear and complete all of the uncontested hearings on your calendar on the day that they are scheduled?

- ❑ Never or rarely (0-5%)
- ❑ Occasionally (6-35%)
- ❑ Sometimes (36-65%)
- ❑ Often (66-95%)
- ❑ Nearly always or always (96-100%)
- ❑ Don't Know
- ❑ Not Applicable

21. Can continuances be granted based on stipulation by the parties? Check all that apply.

- ❑ Yes, by court staff
- ❑ Yes, by me
- ❑ No

22. When contested hearings in your courtroom have to be started and then continued due to insufficient time for completion, when do they often (in at least 2 out of 3 times) resume?

- ❑ Next working day
- ❑ In 2-5 working days
- ❑ In 1-2 weeks
- ❑ In 2 weeks or longer
- ❑ Varies too much to say

23. Check the three most common reasons for granting continuances in your dependency courtroom.

- ❑ Agreement by parties
- ❑ Attorney not available
- ❑ Social worker files report late
- ❑ Other reports or documents late
- ❑ Attorney or party file pleadings late
- ❑ Incarcerated parent not transported
- ❑ Not enough time to hear court case
- ❑ Interpreter not available
- ❑ Lack of/late notice
- ❑ Parent not available
- ❑ Stayed by appellate court
- ❑ Other. Specify _____

24. How often are the following hearings set for contest in your dependency courtroom?

	Never or Rarely (0-5%)	Occasionally (6-35%)	Sometimes (36-65%)	Often (66-95%)	Nearly Always or Always (96-100%)	Don't know	Not Applicable
Jurisdiction/ Disposition	❑	❑	❑	❑	❑	❑	❑
Reviews (ongoing reunification services recommended)	❑	❑	❑	❑	❑	❑	❑
Reviews (terminating services recommended)	❑	❑	❑	❑	❑	❑	❑
366.26	❑	❑	❑	❑	❑	❑	❑

25. Of the last ten cases set for contest in your courtroom, about how many of them resulted in actual contested hearings?

- ❑ Not applicable

0 1 2 3 4 5 6 7 8 9 10

Attorney Representation

26. Assuming they come to court, how often do you appoint an attorney for the following individuals?

	Never or Rarely (0-5%)	Occasionally (6-35%)	Sometimes (36-65%)	Often (66-95%)	Nearly Always or Always (96-100%)	Don't know
Mother	❑	❑	❑	❑	❑	❑
Alleged Father	❑	❑	❑	❑	❑	❑
Biological Father	❑	❑	❑	❑	❑	❑
Presumed Father	❑	❑	❑	❑	❑	❑
De facto parents	❑	❑	❑	❑	❑	❑
Legal Guardians	❑	❑	❑	❑	❑	❑
Foster Parents	❑	❑	❑	❑	❑	❑
Relative Caregivers	❑	❑	❑	❑	❑	❑

27. In what percentage of your cases do you appoint an attorney to represent a child?

[ ] %

28. When you do not assign an attorney to a child, what are some of your reasons? Check all that apply.

- ❑ Not applicable - I always appoint attorneys for children
- ❑ I appoint a CASA volunteer to serve as the child's GAL
- ❑ The child would not benefit
- ❑ Other. Specify _____

29. When you do appoint an attorney to the following parties, at what stage in the case do you often (at least 2 out of 3 times) make this appointment?

	At detention hearing	After detention hearing	Varies too much to say
Parents present in court	❑	❑	❑
Parents not present in court	❑	❑	❑
Children	❑	❑	❑

30. Thinking about all the attorneys who appear in your dependency courtroom (child's attorneys, parent's attorneys, and county counsel), how satisfied are you with attorney performance in the following areas?

	Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied	Don't know
Zealously advocating	❑	❑	❑	❑	❑	❑
Conferring with adult clients	❑	❑	❑	❑	❑	❑
Conferring with child clients	❑	❑	❑	❑	❑	❑
Visiting child clients	❑	❑	❑	❑	❑	❑
Appearing for scheduled hearings	❑	❑	❑	❑	❑	❑
Making sound legal arguments	❑	❑	❑	❑	❑	❑
Being knowledgeable about the facts of the case	❑	❑	❑	❑	❑	❑
Providing timely discovery	❑	❑	❑	❑	❑	❑
Being otherwise adequately prepared	❑	❑	❑	❑	❑	❑
Calling witnesses	❑	❑	❑	❑	❑	❑
Direct examination	❑	❑	❑	❑	❑	❑
Cross examination	❑	❑	❑	❑	❑	❑
Motion practices	❑	❑	❑	❑	❑	❑
Trial briefs	❑	❑	❑	❑	❑	❑
Other _____	❑	❑	❑	❑	❑	❑

31. Please rate your overall satisfaction with attorney performance at the following hearings.

	Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied	Don't know
Detention hearing	❑	❑	❑	❑	❑	❑
Jurisdiction/Disposition	❑	❑	❑	❑	❑	❑
Reviews (ongoing reunification services recommended)	❑	❑	❑	❑	❑	❑
Reviews (terminating services recommended)	❑	❑	❑	❑	❑	❑
366.26	❑	❑	❑	❑	❑	❑

32. Which of the following would you like to see attorneys use more often to improve their performance in contested hearings? Check all that apply.

- ❑ Direct examination
- ❑ Cross examination
- ❑ Knowledge of community resources
- ❑ Knowledge of the law
- ❑ Legal argument – oral
- ❑ Trial Briefs or other written arguments
- ❑ Testimony of parents
- ❑ Testimony of child
- ❑ Testimony of expert
- ❑ Testimony of social worker
- ❑ Testimony of other witnesses
- ❑ Reports by experts
- ❑ Other documentary evidence
- ❑ Physical evidence (e.g., photographs)
- ❑ Other _____

Social Worker Reports

33. How satisfied are you with the quality of the following kinds of information in the **petition or detention reports**?

Information about…	Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied	Don't know	Not Applicable
Circumstances surrounding child's removal	❑	❑	❑	❑	❑	❑	❑
Family's previous history with the agency	❑	❑	❑	❑	❑	❑	❑
Child's physical and emotional well-being	❑	❑	❑	❑	❑	❑	❑
Information on relatives	❑	❑	❑	❑	❑	❑	❑
Basis for risk assessment	❑	❑	❑	❑	❑	❑	❑
Information on shelter care alternatives	❑	❑	❑	❑	❑	❑	❑
Supporting physical evidence of circumstances leading to removal	❑	❑	❑	❑	❑	❑	❑
Indian status of the child	❑	❑	❑	❑	❑	❑	❑
Reasonable efforts to prevent removal	❑	❑	❑	❑	❑	❑	❑
Pre-placement preventive efforts	❑	❑	❑	❑	❑	❑	❑
Other _____	❑	❑	❑	❑	❑	❑	❑

34. How satisfied are you with the quality of the following kinds of information in social worker reports prepared for the **jurisdiction, disposition, and pre-permanency review hearings**?

Information about...	Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied	Don't know	Not Applicable
Allegations in the petition	❑	❑	❑	❑	❑	❑	❑
Child's mental and physical health	❑	❑	❑	❑	❑	❑	❑
Child's educational needs	❑	❑	❑	❑	❑	❑	❑
Child's contact with parents	❑	❑	❑	❑	❑	❑	❑
Child's contact with siblings	❑	❑	❑	❑	❑	❑	❑
Child's feelings about their placements	❑	❑	❑	❑	❑	❑	❑
Child's role in case plan	❑	❑	❑	❑	❑	❑	❑
Services to parents/guardians	❑	❑	❑	❑	❑	❑	❑
Services to children	❑	❑	❑	❑	❑	❑	❑
Parent's or guardian's role in case plan	❑	❑	❑	❑	❑	❑	❑
Appropriateness of child's placement	❑	❑	❑	❑	❑	❑	❑
Efforts to explore permanency options	❑	❑	❑	❑	❑	❑	❑
Family and non-related family members evaluated for placement	❑	❑	❑	❑	❑	❑	❑
Quality of independent living services	❑	❑	❑	❑	❑	❑	❑
Other _____	❑	❑	❑	❑	❑	❑	❑

35. How satisfied are you with the quality of the following kinds of information in social worker reports prepared for the **366.26 hearing and beyond**?

	Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied	Don't know
Child's input about their placements and permanency options	❑	❑	❑	❑	❑	❑
Appropriateness of child's placement	❑	❑	❑	❑	❑	❑
Efforts to finalize permanent plan	❑	❑	❑	❑	❑	❑
Family and non-related family members evaluated for placement	❑	❑	❑	❑	❑	❑
Efforts to find an adoptive home	❑	❑	❑	❑	❑	❑
Efforts to find people to accept guardianship	❑	❑	❑	❑	❑	❑
Other _____	❑	❑	❑	❑	❑	❑

36. Please rate your overall satisfaction with social worker reports prepared for the following hearings.

	Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied	Don't know
Detention hearing	❑	❑	❑	❑	❑	❑
Jurisdiction/Disposition	❑	❑	❑	❑	❑	❑
Reviews (ongoing reunification services recommended)	❑	❑	❑	❑	❑	❑
Reviews (terminating services recommended)	❑	❑	❑	❑	❑	❑
366.26	❑	❑	❑	❑	❑	❑
Hearings beyond 366.26	❑	❑	❑	❑	❑	❑

37. How often do you hold social workers accountable for failure to file a required report on time?

- ❑ Never or rarely (0-5%)
- ❑ Occasionally (6-35%)
- ❑ Sometimes (36-65%)
- ❑ Often (66-95%)
- ❑ Nearly always or always (96-100%)
- ❑ Not Applicable

38. Thinking about the last six months, what types of sanctions have you imposed for late reports? Check all that apply.

- ❑ Order the social worker to be personally present at a hearing
- ❑ Verbal admonishment
- ❑ Schedule frequent hearings until report is filed
- ❑ Monetary fine
- ❑ Other. Specify _____
- ❑ Not applicable

CASA Volunteers and Caregivers

39. About what percentage of children on your current caseload have a CASA volunteer?

[ ] % ❑ Don't know

40. In the last 10 hearings where there was a CASA volunteer assigned to the case, about how many times did the CASA volunteer submit a report?

- ❑ Not applicable

0 1 2 3 4 5 6 7 8 9 10

41. How useful did you find those written reports?

- ❑ Very useful
- ❑ Somewhat useful
- ❑ Not very useful
- ❑ Not useful at all
- ❑ Not applicable

42. In the last 10 hearings involving children with relative caregivers, about how many times did the caregiver submit written reports to the court (e.g., personal letter, the JV-290 *Caregiver Information* form)?

- ❑ Not applicable

0 1 2 3 4 5 6 7 8 9 10

43. How useful did you find those written reports?

- ❑ Very useful
- ❑ Somewhat useful
- ❑ Not very useful
- ❑ Not useful at all
- ❑ Not applicable

44. In the last 10 hearings with children with non-relative foster parents, about how many times did the foster parent submit written reports to the court (e.g., personal letter, the JV-290 *Caregiver Information* form)?

- ❑ Not applicable

0 1 2 3 4 5 6 7 8 9 10

45. How useful did you find those written reports?

- ❑ Very useful
- ❑ Somewhat useful
- ❑ Not very useful
- ❑ Not useful at all
- ❑ Not applicable

46. Thinking about the last 30 days, how often did caregivers (relative and non-relative) who were present at court hearings speak?

- ❑ Never or rarely (0-5%)
- ❑ Occasionally (6-35%)
- ❑ Sometimes (36-65%)
- ❑ Often (66-95%)
- ❑ Nearly always or always (96-100%)
- ❑ Don't Know
- ❑ Not Applicable

Services

47. Please rate your overall satisfaction with the quality of information provided to the court regarding the availability (including waiting lists) of reunification services.

- ❑ Very Satisfied
- ❑ Satisfied
- ❑ Neither satisfied nor dissatisfied
- ❑ Dissatisfied
- ❑ Very dissatisfied
- ❑ Don't Know

48. How often do you make a finding, pursuant to 361.5(b), not to offer services to a parent?

- ❑ Never or rarely (0-5%)
- ❑ Occasionally (6-35%)
- ❑ Sometimes (36-65%)
- ❑ Often (66-95%)
- ❑ Nearly always or always (96-100%)
- ❑ Don't Know
- ❑ Not Applicable

49. How often do attorneys ask that you make a finding of "no reasonable services/efforts?"

- ❑ Never or rarely (0-5%)
- ❑ Occasionally (6-35%)
- ❑ Sometimes (36-65%)
- ❑ Often (66-95%)
- ❑ Nearly always or always (96-100%)
- ❑ Don't Know
- ❑ Not Applicable

50. In the last 10 times that an attorney asked you to make a "no reasonable services/efforts finding" for how many did you do so?

- ❑ Not applicable

0 1 2 3 4 5 6 7 8 9 10

51. How often do you hold WIC 391 hearings for children who are aging out of foster care?

- ❑ Never or rarely (0-5%)
- ❑ Occasionally (6-35%)
- ❑ Sometimes (36-65%)
- ❑ Often (66-95%)
- ❑ Nearly always or always (96-100%)
- ❑ Don't Know
- ❑ Not Applicable

52. What, if any, are some of the ways in which courts should involve themselves with the augmentation or the improvement of services available to parties in dependency cases?

_____

_____

_____

_____

_____

Permanency

53. Which of the following often happens (in at least 2 out of 3 cases) when "planned permanent living arrangement" or "long term foster care" is ordered? Check all that apply.

- ❑ The social worker first demonstrates that all other permanency options have been explored and rejected
- ❑ When I enter this order, I also state a permanency goal for the child
- ❑ When I enter this order, I specify where the child will be placed
- ❑ Varies too much to say
- ❑ Other. Specify _____

54. Have you noticed any changes over the last three years in the permanent placements for children? For each phrase, check the most appropriate description. If you have been working in the dependency field as a judicial officer for less than three years, please check 'do not know'.

	More often	Less Often	About the same	Do not know
Children are going to specified placements	❑	❑	❑	❑
Children are going into guardianships	❑	❑	❑	❑
Children are being adopted	❑	❑	❑	❑
Children are returning home to their parents	❑	❑	❑	❑

Overall, time to permanency has -
❑ Increased
❑ Decreased
❑ Stayed about the same
❑ Do not know

55. What else has changed in recent years in the permanent placements for children?

_____

_____

_____

_____

_____

56. What do you believe the courts can do to improve permanency outcomes for children? (Improved outcomes include: increasing the number of children who have a permanency goal while in foster care, increasing the number of children who are returned home or for whom another permanent plan is in effect, decreasing the time it takes to achieve permanency)

_____

_____

_____

_____

Interpreter and Dispute Resolution Services

57. Considering the hearings in which you think there is a need for language interpreter services, how often does your court provide them?

- ❑ Never or rarely (0-5%)
- ❑ Occasionally (6-35%)
- ❑ Sometimes (36-65%)
- ❑ Often (66-95%)
- ❑ Nearly always or always (96-100%)
- ❑ Don't Know
- ❑ Not Applicable

58. Please list the top languages (up to three) for which people coming into your dependency courtroom need interpreters. For each language, how long does it take to find an interpreter when one is needed?

- ❑ Not applicable. We do not provide interpreter services

	Same Day	1-3 work days	4-5 work days	Over a week	Varies too much to say
_____	❑	❑	❑	❑	❑
_____	❑	❑	❑	❑	❑
_____	❑	❑	❑	❑	❑

Note – Interpreters are commonly needed for these languages in California: Arabic, Armenian, Cambodian, Cantonese, Farsi, Hindi, Hmong, Japanese, Laotian, Korean, Mandarin, Mien, Portuguese, Punjabi, Russian, Spanish, Tagalog, Vietnamese

59. If court interpreters are provided, what is their role? Check all that apply.

- ❑ Not applicable. We do not provide court interpreters
- ❑ Interpret on-the-record proceedings only
- ❑ Assist attorney with client communication (conversations and forms)
- ❑ Assist court staff (e.g., financial coordinator) with client communication

60. Are any of the following forms of alternative dispute resolution available in your court for resolving issues in juvenile dependency proceedings? Check all that apply.

- ❑ Judicially supervised settlement conferences
- ❑ Non-judicially supervised settlement conferences
- ❑ Court-based juvenile dependency mediation
- ❑ Non-court-based juvenile dependency mediation
- ❑ Family Group Conferencing
- ❑ Other. Specify _____

Indian Child Welfare Act

61. In your court, how often is a child identified on the petition as: a) possibly having Indian ancestry, or, b) being a member of a federally recognized tribe?

- ❑ Never or rarely (0-5%)
- ❑ Occasionally (6-35%)
- ❑ Sometimes (36-65%)
- ❑ Often (66-95%)
- ❑ Nearly always or always (96-100%)
- ❑ Don't Know
- ❑ Not Applicable

62. Of all the cases that you've presided over in the last year, in about what percentage has it been determined by the tribe that the child is a member of a tribe, or eligible for membership, and that the requirements of ICWA apply?

[ ] %

63. Please think about the ICWA cases in your caseload right now. Which of these groups often attend the hearings (that is, appear in at least 2 out of 3 hearings). Check all that apply.

- ❑ Tribal representatives
- ❑ Indian Social Services representatives
- ❑ Attorney for the tribe
- ❑ The child's Indian custodian
- ❑ Other. Specify _____

64. Please check the three most common ICWA-related problems in your court that arise when a determination is made that ICWA applies to a case?

- ❑ Notice to and replies from tribes and the Bureau of Indian Affairs cause delays
- ❑ Disputes about standards of proof at various stages of the proceedings
- ❑ Finding Indian expert witnesses for required testimony
- ❑ Disputes among parties about meeting "active efforts" requirement
- ❑ Finding resources associated with extended family members, the tribe, Indian social service agencies, or individual Indian caregivers
- ❑ Disputes about meeting placement preferences under ICWA
- ❑ Preferences under ICWA not followed for lack of available Indian placements
- ❑ Disputes about compliance lead to a large number of writs and appeals
- ❑ ICWA requirements make it difficult to make a permanent plan for children
- ❑ Other. Specify _____

Collaboration

65. Do juvenile court stakeholders (judicial officers, court staff, social workers, service providers, volunteers, and attorneys) regularly convene in interdisciplinary groups to discuss dependency policy matters? If so, about how often?

- ❑ No - there is no such organized group
- ❑ Yes - it meets at least once a month
- ❑ Yes - it meets at least once every two months
- ❑ Yes - it meets at least 4 times a year
- ❑ Yes - it meets fewer than 4 times a year
- ❑ Yes - I do not know how often it meets
- ❑ Do not know

66. The California Child and Family Services Review (C-CFSR, alternately called Child Welfare Services Outcomes and Accountability) mandated that each county conduct a **self-assessment**, due June 30, 2004. The self-assessment plan was written by a team of representatives of county departments, community agencies, and constituents, in consultation with other stakeholders. Did you participate in the C-CFSR self-assessment as either team member or consultant, and, if so, what kinds of things did you do? **Check all that apply.**

- ❑ No, I did not participate
- ❑ No, I was invited to join but declined
- ❑ No, but I know of another judicial officer who did
- ❑ No, but I know of court staff who did
- ❑ Yes, I was given regular updates
- ❑ Yes, I attended one or more presentations where audience feedback was solicited
- ❑ Yes, I was consulted with on specific matters
- ❑ Yes, I attended one or more meetings
- ❑ Yes, I regularly attended meetings
- ❑ Yes, I reviewed documents
- ❑ Yes, I wrote parts of the report
- ❑ Yes, other _____

67. The C-CFSR also mandated that each county conduct a **Self-Improvement Plan**, due September 30, 2004. The self-improvement plan was written by a team of representatives of county departments, community agencies, and constituents, in consultation with other stakeholders. Did you participate in this, and, if so, what kinds of things did you do? **Check all that apply.**

- ❑ No, I did not participate
- ❑ No, I was invited to join but declined
- ❑ No, but I know of another judicial officer who did
- ❑ No, but I know of court staff who did
- ❑ Yes, I was given regular updates
- ❑ Yes, I attended one or more presentations where audience feedback was solicited
- ❑ Yes, I was consulted with on specific matters
- ❑ Yes, I attended one or more meetings
- ❑ Yes, I regularly attended meetings
- ❑ Yes, I reviewed documents
- ❑ Yes, I wrote parts of the report
- ❑ Yes, other _____

68. Does your court plan to be involved in C-CFSR projects (such as the Peer Quality Case Review) on an on-going basis?

- ❑ Yes
- ❑ No
- ❑ Don't know

69. If you are personally involved in any collaborative efforts to improve the dependency system, please describe this.

_____

_____

_____

Training

70. Did you receive specialized training in dependency prior to beginning this assignment in dependency?

- ❑ Yes
- ❑ No
- ❑ Do not recall

71. In the last year, about how many hours of specialized training did you receive in dependency or related subjects (e.g., mental health, substance abuse)?

[ ] hours

72. Since your current assignment began, which of the following trainings have you attended? Check all that apply.

- ❑ Juvenile Law and Procedure Institute
- ❑ Beyond the Bench conference
- ❑ B. E. Witkin Judicial College
- ❑ CJER's Continuing Judicial Studies Program
- ❑ Trainings by CFCC's JRTA team (Judicial Review and Technical Assistance)
- ❑ On-line juvenile dependency course on Serranus
- ❑ AOC broadcasted trainings on juvenile law issues
- ❑ Other AOC training on juvenile law issues
- ❑ National Council of Family and Juvenile Courts Judges conference
- ❑ National Association of Counsel for Children conference
- ❑ Other juvenile training. Specify_____
- ❑ Do not know

73. Which written resources do you find most helpful in your work? Check all that apply.

- ❑ Rules of court
- ❑ Resource Guidelines: Improving Court Practice in Child Abuse and Neglect Cases, published by NCJFCJ
- ❑ Juvenile benchguides published by CJER
- ❑ Juvenile Court Administrative Deskbook, published by CFCC
- ❑ Charts and other materials related to Title IV-E, distributed by CFCC's JRTA team
- ❑ California Juvenile Courts Practice and Procedure, by Gary Seizer and Kurt Kumli
- ❑ ICWA benchguide, published by California Indian Legal Services
- ❑ Other juvenile law resources. Specify _____

74. Which, if any, are significant work-related barriers to your attending more trainings? Check all that apply

- ❑ I have no significant work-related barriers to attending trainings
- ❑ Few dependency trainings are available in my area
- ❑ Travel is difficult from my court's geographical location
- ❑ Court has trouble covering my time away
- ❑ Available trainings do not meet my needs
- ❑ Court budget constraints
- ❑ Other work-related reasons

Thank you for filling out the survey.

CFCC truly appreciates the time and effort that you have spent taking this survey. We will make the (aggregated) survey results available to you in the Court Improvement Project Reassessment Report (due June, 2005), in other Center publications, and in upcoming trainings.

Please return by October 29, 2004 to:

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COURT IMPROVEMENT PROJECT

2005 CFCC Survey of Court Administrators
- Juvenile Dependency

Who should complete this survey?

This survey collects data on a wide range of topics concerning the administration of a California dependency court, such as technology, hearings, and staffing. The survey should be filled out by the person who directly oversees the administration of the dependency court. This may be the Chief Executive Officer, a dependency administrator or manager, or the Clerk of the Court.

If you have any questions regarding this survey, please contact Michell Nuñez at CFCC (415-865-4220). Thank you.

Staffing & Training

1. What is your position in the court?

   ☐ Chief Executive Officer
   ☐ Clerk of the Court
   ☐ Court Administrator/Manager
   ☐ Other. Specify _____

2. What is the total number of people and the total number of full-time equivalent positions assigned to the following (Note: If you have two staff members that work at 75% time each, that would equal "1.5" FTE.):

Dependency Only	Number of people	Number of FTE's (Approx)
Judges hearing dependency cases in your juvenile court		
Commissioners or referees hearing dependency cases in your juvenile court		
Support staff, including clerks, administration assistants, research attorneys, etc.		
Management (please include yourself)		
Other. Specify		

3. Is there a rotation system for judicial officers who handle dependency cases?

	Yes, they must rotate	Yes, they can choose to rotate	No, they do not rotate
Judges	☐	☐	☐
Commissioners	☐	☐	☐
Referees	☐	☐	☐

4. What is your court's usual case assignment procedure for dependency court? Check all that apply.

☐ Cases are assigned to judicial officers for the duration of the case prior to or at the time of the detention hearing
☐ Cases are assigned to judicial officers for the duration of the case after the detention hearing is complete
☐ Judicial officers specialize in different calendar types (e.g., trials)
☐ 2 or more judicial officers share their caseload
☐ Other. Specify _____
☐ Do not know

5. Does your local court provide or contract to secure any dependency trainings, beyond on-the-job training or new employee orientation, to the following staff members? Check all that apply.

	Yes	No	Don't Know
Judicial officers	☐	☐	☐
Attorneys	☐	☐	☐
Social workers	☐	☐	☐
Courtroom clerks	☐	☐	☐
Clerk's office clerks	☐	☐	☐
Other court staff	☐	☐	☐

Facilities

6. How many courthouses in your county have courtrooms that hold juvenile dependency hearings? _____

7. Please list the names of these courthouses next to the numbers below. For subsequent questions, you can refer to that number:

   a. Courthouse 1: _____
   b. Courthouse 2: _____
   c. Courthouse 3: _____

8. Enter the number of courtrooms or departments in each of your courthouses that are used for dependency cases:

   a. Courthouse 1: _____
   b. Courthouse 2: _____
   c. Courthouse 3: _____

9. Indicate which of the following are available in each courthouse (regardless of who provides/pays for it) for attorneys or social workers:

	Courthouse 1		Courthouse 2		Courthouse 3	
	Atty	SW	Atty	SW	Atty	SW
Fax machines	☐	☐	☐	☐	☐	☐
Telephones	☐	☐	☐	☐	☐	☐
Copiers	☐	☐	☐	☐	☐	☐
Private meeting rooms	☐	☐	☐	☐	☐	☐
Law library	☐	☐	☐	☐	☐	☐
Word processors	☐	☐	☐	☐	☐	☐
Internet	☐	☐	☐	☐	☐	☐
Pick-up spot/mailbox	☐	☐	☐	☐	☐	☐
None of the above	☐	☐	☐	☐	☐	☐

10. Indicate which of the following are available in the courthouse for dependency:

	Courthouse 1	Courthouse 2	Courthouse 3
Holding cells	☐	☐	☐
Parent-child visitation facilities	☐	☐	☐
Children's waiting rooms (with staff to supervise children)	☐	☐	☐
Children's waiting rooms (without staff)	☐	☐	☐
Video conferencing	☐	☐	☐
Public break room	☐	☐	☐
Vending machines	☐	☐	☐
Cafeteria	☐	☐	☐
None of the above	☐	☐	☐

Scheduling Hearings

11. Please indicate how hearings are usually scheduled in your court and how that varies by type of hearing. Hearings can be scheduled to happen at a set time (time-certain scheduling) or groups of hearings can be scheduled to take place within blocks of time:

Please note: **Full-day blocks** indicates that hearings are heard all day, but no time is given for specific hearings or hearing types. For example, everyone is asked to appear in court at 8am and then cases are heard on the bases of some criteria, such as first come first served. **Half-day blocks** are similar, but individuals are scheduled for either morning or afternoon sessions (approx 3.5 or 4 hours), perhaps depending on hearing type or whether it is contested. **Less than ½ day blocks** would be a 10am to noon or 1pm to 3pm session, for example. **Time-certain scheduling** indicates that only one hearing is set at a given time in a given department.

Type of hearing:	Full-day blocks	½ day blocks	Less than ½ day blocks	Time-certain scheduling	Varies too much to say
Detention	☐	☐	☐	☐	☐
Uncontested Jurisdiction	☐	☐	☐	☐	☐
Uncontested Disposition	☐	☐	☐	☐	☐
Uncontested Review	☐	☐	☐	☐	☐
Uncontested 366.26	☐	☐	☐	☐	☐
All contested hearings	☐	☐	☐	☐	☐

Computerized Case Management System

12. What is the name of your juvenile dependency case management system?

☐ ACS ☐ HTE/Jalan ☐ ISD ☐ Sustain
☐ Other. Specify _____
☐ Our system is not computerized (**Please skip to Question 17**)

13. Which of the following court operations tasks are performed or can be performed using your dependency case management system? Check all that apply.

Tasks performed by CMS	**Our system is capable of performing this task**	**We regularly use the system to perform this function**
Assigning cases to judicial officers	☐	☐
Scheduling hearings	☐	☐
Flagging delays between hearings times for individual cases	☐	☐
Producing completed minute orders	☐	☐
Producing blank minute orders to be filled-in by hand	☐	☐
Producing completed restraining orders	☐	☐
Producing case/daily calendars	☐	☐
Assessing completeness of required findings and orders for individual cases	☐	☐
Tracking physical location of hard copy files	☐	☐
Tracking attorney appointments to avoid scheduling conflicts	☐	☐
Checking in public when they arrive for hearings	☐	☐
Other. Specify	☐	☐
Other. Specify	☐	☐

14. Which of the following court management statistics are generated or can be generated using your dependency case management system? Check all that apply.

Statistics about:	**Our system is capable of generating these statistics**	**We regularly use the system to generate these statistics**
Judicial caseload	☐	☐
Judicial findings and orders	☐	☐
Timeliness of hearings	☐	☐
Reasons for continuances	☐	☐
Attorney caseload	☐	☐
Placement, such as number of children in long-term foster care, number of children adopted, etc.	☐	☐
Other. Specify	☐	☐
Other. Specify	☐	☐

15. Are you currently updating, or considering updating, your case management system? Please choose the answer that best describes your current situation.

☐ We have no immediate plans for updating our system
☐ We are discussing a redesign
☐ We are in the process of upgrading parts of the system
☐ We are in the process of upgrading or changing the entire system
☐ Our system is continually updated
☐ Other. Specify _____

16. When was your case management system last updated? If the system has never been updated, please indicate when it was installed.

Date of last update or installation _____
☐ Do not know

17. Do judicial officers or their clerks have access to any of the following systems? Check all that apply.

☐ Child Welfare Services/Case Management System (CWS/CMS – California Department of Social Services System)
☐ Family court case management system
☐ Delinquency court case management system
☐ Probate court case management system
☐ Criminal court case management system
☐ Local Child Welfare Agency System
☐ Local Probation Department system
☐ Child Support system (state or local)
☐ Sheriff or other local law enforcement
☐ CLETS restraining order system
☐ Other. Specify _____

Court Procedures

18. How are the following local procedural documents available to the public? Check all that apply.

	Website	In print at the courthouse	Not available
Local rules	☐	☐	☐
Local forms	☐	☐	☐
Standing orders	☐	☐	☐
Other. Specify	☐	☐	☐
Other. Specify	☐	☐	☐

19. Are parents informed (beyond the information that is printed on the petition) that they may be responsible for child support and legal representation costs arising out of their dependency case? Check all that apply.

☐ The judge informs them
☐ It is in our informational brochures/videos
☐ Local Child Welfare Agency informs them
☐ They are not informed of these costs by the court
☐ Other. Specify _____
☐ Don't know

20. Who is responsible for sending notice to parties for the following dependency hearings? Check all that apply.

	Detention	Juris	Dispo	Review	366.26	Notices to siblings	Other
Court	☐	☐	☐	☐	☐	☐	☐
Local Child Welfare Agency	☐	☐	☐	☐	☐	☐	☐
County counsel	☐	☐	☐	☐	☐	☐	☐
Other. Specify	☐	☐	☐	☐	☐	☐	☐

21. What is the procedure for distributing dependency minute orders to the following parties when they are not specifically requested?

	Attorneys	Social Workers	CASA volunteers	Parents
Distributed at the end of each hearing to	☐	☐	☐	☐
Sent by mail to	☐	☐	☐	☐
Available for pick-up or placed in pick up box after hearing for	☐	☐	☐	☐
By request only from	☐	☐	☐	☐
Other. Specify	☐	☐	☐	☐

22. What types of orders are available to parties before they exit the court? Check all that apply.

☐ None
☐ Minute orders
☐ Temporary custody orders
☐ Restraining or stay away orders
☐ Letters of guardianship
☐ 366.26 orders
☐ Other. Specify _____

23. How does your court work towards improving customer service for parties involved in the dependency process and members of the public? Check all that apply.

☐ The courthouse has a suggestion box and the court routinely reads submitted suggestions
☐ We periodically survey the public on their perceptions
☐ We hold public hearings where the public may discuss their concerns
☐ We have a formal grievance procedure that the court user can access
☐ We train our court employees on respectfully working with the public
☐ We train our judicial officers on respectfully working with the public
☐ Performance reviews of relevant court staff include the question of customer service
☐ Other. Specify _____

24. Do petitions filed in your court list all related dependency case files for: Check all that apply.

☐ Siblings (same mom and dad)
☐ Half-siblings (same mom/different dad)
☐ Half-siblings (same dad/different mom)
☐ Mother
☐ Father(s)

25. When a case is transferred into your county, about how much time does it most often (at least two out of three times) take between the transfer-out hearing in the other county and the transfer-in hearing in your county?

_____Weeks ☐ Varies too much to say

26. How satisfied are you with the application of protocol(s) for transferring dependency cases between counties?

☐ Not Applicable – we have no protocol
☐ It Depends on the County
☐ Very Satisfied
☐ Satisfied
☐ Neither Satisfied nor Dissatisfied
☐ Dissatisfied
☐ Very Dissatisfied
☐ Don't know

27. Which of the following are appointed to represent parents and children in your court? Check all that apply.

	Children	Parents	Don't Know
Public defender's office	☐	☐	☐
Alternative public defender	☐	☐	☐
District Attorney's Office	☐	☐	☐
Non-profit agency under contract with court	☐	☐	☐
Other individual or group under contract with court or state	☐	☐	☐
Attorneys from a list maintained by the court	☐	☐	☐
Attorneys from a list maintained by the county Bar Association	☐	☐	☐
Other. Specify	☐	☐	☐

28. Are there training or experience requirements for attorneys representing children or parents before they may be appointed to represent parents or children in your court? Check all that apply.

	Children	Parents
No	☐	☐
Yes, requirements are in our local rules	☐	☐
Yes, requirements are elsewhere	☐	☐
Don't know	☐	☐

Services

29. How often are the following forms of alternative dispute resolution used in your court for resolving issues in juvenile dependency proceedings?

	Not available	Never or Rarely (0-5%)	Occasionally (6-35%)	Sometimes (36-65%)	Often (66-95%)	Nearly Always or Always (96-100%)	Don't know
Dependency mediation	☐	☐	☐	☐	☐	☐	☐
Judicially supervised settlement conferences	☐	☐	☐	☐	☐	☐	☐
Non-judicially supervised settlement conferences	☐	☐	☐	☐	☐	☐	☐
Family Group Conferencing	☐	☐	☐	☐	☐	☐	☐
Other. Specify	☐	☐	☐	☐	☐	☐	☐

30. Which of the following specialty or collaborative courts are available to dependency clients? Check all that apply.

☐ Dependency Drug Court
☐ Dependency Mental Health Court
☐ Other. Specify _____
☐ Other. Specify _____
☐ None

31. How often does lack of interpreter services delay court proceedings in your court?

For these languages...	Never or Rarely (0-5%)	Occasionally (6-35%)	Sometimes (36-65%)	Often (66-95%)	Nearly Always or Always (96-100%)	Don't know
Spanish	☐	☐	☐	☐	☐	☐
Other languages	☐	☐	☐	☐	☐	☐

32. Do you use Language Line or other phone interpreter services?

☐ Yes ☐ No ☐ Don't know

33. Does the court provide the following informational materials or orientation for parents in dependency cases?

	Yes	No	Don't Know
Judicial Council forms/brochures	☐	☐	☐
Local brochures	☐	☐	☐
Videos	☐	☐	☐
Other. Specify	☐	☐	☐

34. Does the court have any agreements or collaborative efforts in place with Indian tribes?

☐ Yes. Please describe

☐ No

☐ Don't know

Comments & Recommendations

35. Considering the topics covered in this survey—staff, facilities, calendaring, case management system, and court procedures—what have been some positive changes in recent years and how have they affected the court?

36. What are some of the issues or changes you would like to see in these areas?

Thank you for filling out the survey.

CFCC truly appreciates the time and effort that you have spent taking this survey. We will make the (aggregated) survey results available to you in the Court Improvement Project Reassessment Report (due June, 2005), in other Center publications, and in upcoming trainings.

Please return by February 8, 2005 to:

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COURT IMPROVEMENT PROJECT

2005 CFCC Survey of Child Welfare Administrators

Background

1. What is your role in your county's child welfare agency or division?

   - ☐ County welfare director
   - ☐ Child welfare services director, assistant director, or deputy director
   - ☐ Child welfare program manager
   - ☐ Lead supervisor of child welfare
   - ☐ Other. Specify

2. How long (in years) have you been in your current position?

3. Which county do you work for?

4. How many full-time equivalent positions are assigned to the following roles in child welfare in your agency?

   - Case-carrying workers
   - Court officers
   - Analysts
   - Case assistants or aides
   - Supervisors
   - Managers
   - Support staff
   - Other. Specify

Court

5. In addition to hearings where they are ordered to come to court, which, if any, of the following hearings do case-carrying workers routinely attend? Please check all that apply.

   - ☐ None, unless specifically ordered
   - ☐ Do not know
   - ☐ Detention, uncontested
   - ☐ Detention, contested
   - ☐ Jurisdiction, uncontested
   - ☐ Jurisdiction, contested
   - ☐ Disposition, uncontested
   - ☐ Disposition, contested
   - ☐ Reviews, ongoing services recommended
   - ☐ Reviews, terminating services recommended
   - ☐ 366.26, uncontested
   - ☐ 366.26, contested

6. What are the most common reasons for judges granting continuances in the dependency courtrooms in your county? Please check up to 3.

- ☐ Agreement by parties
- ☐ Attorney not available
- ☐ Social worker files report late
- ☐ Other reports or documents late
- ☐ Attorney or party file pleadings late
- ☐ Incarcerated parent not transported
- ☐ Not enough time to hear court case
- ☐ Interpreter not available
- ☐ Lack of/late notice
- ☐ Parent not available
- ☐ Stayed by appellate court
- ☐ Other. Specify

7. Now we're going to ask you about some of the challenges that your workers and court officers may face when working in the courts. Please let us know, in your view, how often do agency staff experience the following as challenges:

	Never or Rarely (0-5%)	Occasionally (6-35%)	Sometimes (36-65%)	Often (66-95%)	Nearly Always or Always (96-100%)	Don't know
Adversarial manner of interactions	☐	☐	☐	☐	☐	☐
Long waits for court hearing	☐	☐	☐	☐	☐	☐
Hearing continuances	☐	☐	☐	☐	☐	☐
Meeting court report deadlines	☐	☐	☐	☐	☐	☐
Court officers not having access to case details to answer questions	☐	☐	☐	☐	☐	☐
Professional boundaries are not maintained by all parties	☐	☐	☐	☐	☐	☐
Social worker's position not well-represented by county counsel	☐	☐	☐	☐	☐	☐
Work conflicts making court appearances difficult	☐	☐	☐	☐	☐	☐
Worker blamed for what is out of his or her control	☐	☐	☐	☐	☐	☐
Other. _____	☐	☐	☐	☐	☐	☐

8. What changes have your agency and court made to address these challenges?

9. What additional changes would you like to see made?

Case Planning

10. Which of the following practices does your agency engage in to implement concurrent planning? Please check all that apply.

- ☐ None
- ☐ Early assessment to make recommendations on family's suitability for reunification
- ☐ Early consideration of all permanency options
- ☐ Social worker asks family if they are interested in relinquishing child for adoption
- ☐ Same worker responsible for family reunification and permanency planning
- ☐ Family reunification and adoption workers function as a team
- ☐ Family reunification and adoption workers communicate but do not work as a team
- ☐ Recruitment of concurrent or fost-adopt homes
- ☐ Training and policy development
- ☐ Value clarification for staff or community
- ☐ Other. Specify

11. What are some of the ways your agency involves parents and older children in the case planning process? Please check all that apply.

- ☐ Parent's signature on case plan must be requested
- ☐ Child's signature must be requested
- ☐ Workers must review case plan with parents after it is written
- ☐ Workers must review case plan with children after it is written
- ☐ Workers create case plan with parent
- ☐ Workers create case plan with child
- ☐ Our agency supports involving parents and children in the development of their case plans but we do not specifically direct social worker activity in this area
- ☐ Other. Specify

12. If your workers do involve children in case planning, about what age do they begin involving them?

☐ Years of age

☐ Don't know

Services

13. How satisfied are you with the quality of the following services available to child clients in your county?

	Not available	Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied	Don't know
Services to meet educational needs	☐	☐	☐	☐	☐	☐	☐
Group homes for youth with special needs	☐	☐	☐	☐	☐	☐	☐
Psychological evaluation	☐	☐	☐	☐	☐	☐	☐
Individual counseling	☐	☐	☐	☐	☐	☐	☐
Psychiatric hospitals	☐	☐	☐	☐	☐	☐	☐
Other mental health services	☐	☐	☐	☐	☐	☐	☐
Physical health care	☐	☐	☐	☐	☐	☐	☐
Wraparound services	☐	☐	☐	☐	☐	☐	☐
Services to assist foster youth in establishing adult connections	☐	☐	☐	☐	☐	☐	☐
ILP programs	☐	☐	☐	☐	☐	☐	☐
Housing for youth aging out of care	☐	☐	☐	☐	☐	☐	☐
Other services for youth aging out of care	☐	☐	☐	☐	☐	☐	☐
Drug testing	☐	☐	☐	☐	☐	☐	☐
Drug treatment	☐	☐	☐	☐	☐	☐	☐
Other. Specify	☐	☐	☐	☐	☐	☐	☐

14. How satisfied are you with the quality of the following services available to adult clients and families in your county?

	Not Available	Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied	Don't know
Supervised visitation	☐	☐	☐	☐	☐	☐	☐
Family counseling	☐	☐	☐	☐	☐	☐	☐
Individual counseling	☐	☐	☐	☐	☐	☐	☐
Psychological evaluation	☐	☐	☐	☐	☐	☐	☐
Drug testing	☐	☐	☐	☐	☐	☐	☐
Out-patient drug treatment	☐	☐	☐	☐	☐	☐	☐
In-patient drug treatment	☐	☐	☐	☐	☐	☐	☐
Parenting classes	☐	☐	☐	☐	☐	☐	☐
Other. Specify	☐	☐	☐	☐	☐	☐	☐

Collaboration

15. In which of the following ways have your agency and the courts collaborated in the past 3 years? If you have not been in a position within the agency for long enough to know this answer, please check 'do not know'. Please check all that apply.

- ☐ Grant writing
- ☐ Expanding services available in the community
- ☐ Participating in policy-making interdisciplinary groups
- ☐ Regular meeting between court and agency
- ☐ Co-creating protocols
- ☐ Co-sponsoring trainings and other events
- ☐ Our agency trains court personnel
- ☐ Court staff train our agency staff
- ☐ Other. Specify
- ☐ Do not know

16. In your opinion, what would make collaborative efforts with the courts more effective?

Training

17. Does your staff receive formal training in any of the following areas? If so, what groups provide the training? Please check all that apply.

	No, not formally trained in this area	Yes, by county counsel	Yes, by the courts	Yes, by our agency	Yes, by other group
Dependency law updates	☐	☐	☐	☐	☐
Practice and procedure guidance (interpreting regulations and court decisions)	☐	☐	☐	☐	☐
How to write a petition	☐	☐	☐	☐	☐
How to write recommended findings and orders	☐	☐	☐	☐	☐
How to write other legal documents	☐	☐	☐	☐	☐
How to testify	☐	☐	☐	☐	☐
The courtroom environment	☐	☐	☐	☐	☐
Other. Specify	☐	☐	☐	☐	☐

18. Does the agency provide formal training (using outside trainers or agency staff)? If so, which groups does your agency train? Please check all that apply. If the courts help sponsor or create the trainings, please indicate that in the right column.

	To whom agency provides training:				Co-sponsorship
	No, we do not train in this area	Yes, county counsel	Yes, the courts	Yes, other groups	Yes, jointly with the court
Attachment, loss, or grief	☐	☐	☐	☐	☐
Child abuse & neglect	☐	☐	☐	☐	☐
Child development	☐	☐	☐	☐	☐
Communication with clients	☐	☐	☐	☐	☐
Community resources	☐	☐	☐	☐	☐
Cultural competency	☐	☐	☐	☐	☐
Domestic violence	☐	☐	☐	☐	☐
DSS procedure	☐	☐	☐	☐	☐
Education issues	☐	☐	☐	☐	☐
Mental health issues	☐	☐	☐	☐	☐
Placements	☐	☐	☐	☐	☐
Risk Assessment	☐	☐	☐	☐	☐
Sex abuse	☐	☐	☐	☐	☐
Substance Abuse	☐	☐	☐	☐	☐
Structured Decision Making	☐	☐	☐	☐	☐
Other	☐	☐	☐	☐	☐

Thank you for filling out the survey.

CFCC truly appreciates the time and effort that you have spent taking this survey. We will make the survey results available to you in the Court Improvement Project Reassessment Report (available July 2005), in other Center publications, and in trainings.

Please return by April 20, 2005:

Danielle Tate
Administrative Coordinator
danielle.tate@jud.ca.gov
415-865-7677

Please call with any questions:

Iona Mara-Drita
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415-865-7563
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FAX: 415-865-7217

COURT IMPROVEMENT PROJECT

2005 CFCC Survey of Parent's & Children's Juvenile Dependency Attorneys

What is your role in juvenile dependency cases? Check all that apply.

- ❑ Attorney representing parents in the trial courts
- ❑ Attorney representing children in the trial courts
- ❑ Attorney for legal guardians, grandparents or de facto parents in the trial courts
- ❑ Attorney working on juvenile appeals
- ❑ Supervising or managing attorney
- ❑ Other

Attention:

If you did not check any of the first **three** boxes, you do not need to fill out the rest of this survey. Instead, kindly fax this page only to 415-239-4511. If you have any questions, please call Michell Nuñez at CFCC (415-865-4220). Thank you.

Background

1. What type of organization do you work for?

- ❑ Solo practice
- ❑ Public Defender's Office
- ❑ Alternative Public Defender's Office
- ❑ District Attorney's Office
- ❑ Non-profit agency
- ❑ For-profit firm
- ❑ Other. Specify _____

2. Please describe your employment status.

- ❑ Employee
- ❑ Contractor
- ❑ Subcontractor
- ❑ Solo practitioner
- ❑ Other. Specify _____

3. What is the relationship between you or your organization, and the court?

- ❑ Contract or MOU with local court or with state
- ❑ Panel/list maintained by court
- ❑ Panel/list maintained by the Bar
- ❑ No contract; government relationship
- ❑ Don't know

4. In which county is your primary juvenile dependency caseload? Note: If you work in two or more counties, enter the one you work in most frequently and only refer to clients and cases in that county when filling out the remainder of the survey.

_____

5. What is the total amount of time you have worked as a dependency attorney?

[ ] Years, [ ] Months

6. How much of your time do you spend on dependency matters, including trial court casework, supervisory tasks, community outreach, appeals, and professional development?

- ❑ I work in juvenile dependency full time
- ❑ More than ½ time, but less than full-time
- ❑ About ½ time
- ❑ More than ¼ time, but less than ½ time
- ❑ About ¼ time
- ❑ Less than ¼ time
- ❑ Varies too much to say

7. About how many dependency **cases** are in your caseload? About how many **clients** do you represent in those cases?

[ ] Cases [ ] Clients

❑ Don't know ❑ Don't know

Placement and Permanency

8. In your opinion, how often are the following statements true regarding permanency planning and implementation in your cases?

	Never or Rarely (0-5%)	Occasionally (6-35%)	Sometimes (36-65%)	Often (66-95%)	Nearly Always or Always (96-100%)	Don't know
Social workers consider all permanent plans for each child	❑	❑	❑	❑	❑	❑
The court considers all permanent plans that are presented to it	❑	❑	❑	❑	❑	❑
The court inquires about anything those plans may lack	❑	❑	❑	❑	❑	❑
The court selects a plan of long-term foster care/planned permanent living without conducting a 366.26 hearing first	❑	❑	❑	❑	❑	❑
When necessary, timely subsequent 366.26 hearings are held	❑	❑	❑	❑	❑	❑

9. When there are significant delays in the adoption of a permanent plan in your cases, what are the most likely reasons for these delays? Please check up to 2.

   - ❑ Notice problems with the 366.26 hearing
   - ❑ Adoption assessments or other reports not ready
   - ❑ Attorneys not prepared
   - ❑ Prospective adoptive families cannot be found
   - ❑ Potential legal guardians not available
   - ❑ Too rare to say
   - ❑ Other. Specify _____

10. In your cases, when the court-ordered permanent plan is adoption or guardianship, how often is the following true?

	Never or Rarely (0-5%)	Occasionally (6-35%)	Sometimes (36-65%)	Often (66-95%)	Nearly Always or Always (96-100%)	Don't know
Adoption is selected as a permanent plan before potential adoptive families have been found	❑	❑	❑	❑	❑	❑
Adoptions are finalized in a timely fashion	❑	❑	❑	❑	❑	❑
Guardianships are established in a timely fashion	❑	❑	❑	❑	❑	❑

11. When children in your cases are in long-term foster care/planned permanent living arrangements, how often do the following make it more difficult to find adoptive families or legal guardians for them?

	Never or Rarely (0-5%)	Occasionally (6-35%)	Sometimes (36-65%)	Often (66-95%)	Nearly Always or Always (96-100%)	Don't know
Child's older age	❑	❑	❑	❑	❑	❑
Child's mental, behavioral, or physical difficulties, or special educational needs	❑	❑	❑	❑	❑	❑
Other permanent plans aren't considered once a child is in long-term foster care	❑	❑	❑	❑	❑	❑
There is a general shortage of prospective adoptive families in our area	❑	❑	❑	❑	❑	❑

12. When your cases involve siblings, how often is the following true?

	Never or Rarely (0-5%)	Occasionally (6-35%)	Sometimes (36-65%)	Often (66-95%)	Nearly Always or Always (96-100%)	Don't know
Siblings are placed together	❑	❑	❑	❑	❑	❑
Siblings are placed apart only after placement together has been explored and rejected	❑	❑	❑	❑	❑	❑
Sufficient visitation takes place among siblings not placed together	❑	❑	❑	❑	❑	❑
Sufficient visitation takes place when one or more siblings is in a guardianship or has been adopted	❑	❑	❑	❑	❑	❑

Services and Case Planning

13. In your cases, when children are in placement, how satisfied are you with the following?

	Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied	Don't know	Not Applicable
Frequency of social worker visits with children	❑	❑	❑	❑	❑	❑	❑
Frequency of social worker visits with parents	❑	❑	❑	❑	❑	❑	❑
CASA advocacy	❑	❑	❑	❑	❑	❑	❑
Frequency of child and parent visitation	❑	❑	❑	❑	❑	❑	❑
Child's placement in the least restrictive setting	❑	❑	❑	❑	❑	❑	❑
Reunification services provided to parents or guardians	❑	❑	❑	❑	❑	❑	❑
Reunification services provided to children	❑	❑	❑	❑	❑	❑	❑
Evaluation of relatives and non-related extended family members for placement	❑	❑	❑	❑	❑	❑	❑
The quality of the independent living services available to youth	❑	❑	❑	❑	❑	❑	❑
The quality of other services available to youth preparing to emancipate	❑	❑	❑	❑	❑	❑	❑
The assistance available to youth to maintain relationships with adults who are important to them	❑	❑	❑	❑	❑	❑	❑

14. When families in your cases are offered reunification services, how often are those services extended to the 18-month point?

❑	❑	❑	❑	❑	❑
Never or Rarely (0-5%)	Occasionally (6-35%)	Sometimes (36-65%)	Often (66-95%)	Nearly Always or Always (96-100%)	Don't know

15. Which of the following are often reasons for extending reunification services to the 18 month point in your cases – that is, in at least 2 out of the 3 times when this occurs? Check all that apply.

- ❑ Delays in parents accessing required services
- ❑ Delays in children accessing needed services
- ❑ Parents need more time to benefit from services
- ❑ Our court routinely extends services to 18 months
- ❑ None, our court rarely or never extends reunification services to 18 months
- ❑ Varies too much to say
- ❑ Other. Specify _____

16. How satisfied are you with the following regarding case plans in your cases?

	Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied	Don't know	Not Applicable
Child's participation in developing the case plan	❑	❑	❑	❑	❑	❑	❑
Parent's or guardian's participation in developing the case plan	❑	❑	❑	❑	❑	❑	❑
Extent to which case plans are tailored to address the specific needs of the family	❑	❑	❑	❑	❑	❑	❑
Extent to which case plans provide sufficient detail about the required services so that clients understand the court's expectations	❑	❑	❑	❑	❑	❑	❑

Training

17. Did you receive specialized training in juvenile dependency prior to working in the field? Check all that apply.

- ❑ No
- ❑ Do not recall
- ❑ Yes, through coursework in law school
- ❑ Yes, through clinical work in law school
- ❑ Yes, through conferences, workshops or trainings
- ❑ Yes, through formal work-related training
- ❑ Yes, through on-the-job training
- ❑ Other. Specify _____

18. In the last year, about how many hours of specialized training did you receive in dependency or related subjects (e.g., mental health, substance abuse)?

[ ] Hours ❑ Do not recall

19. Which, if any, are significant work-related barriers to your attending training? Check all that apply.

- ❑ I have no significant work-related barriers to attending trainings
- ❑ Few dependency trainings are available in my area
- ❑ Travel is difficult from my geographical location
- ❑ I am not financially compensated for my time to attend trainings
- ❑ Available trainings do not meet my needs
- ❑ Budget constraints at my workplace
- ❑ Other work-related reasons

Instructions: Please answer the following 3 questions if you currently represent children. Please refer only to your child clients and their dependency cases for these questions.

20. At what stage in the case are you most likely (at least 2 out of 3 times) to be appointed to represent your child clients?

    - ❑ At detention hearing
    - ❑ After detention hearing
    - ❑ Varies too much to say

21. For the past 3 months, which of the following best describe the circumstances under which you yourself met with your child clients face-to-face? Check all that apply.

    - ❑ I met with every or nearly every client who had a scheduled hearing
    - ❑ I met with every or nearly every client who came to the courthouse
    - ❑ I met with every or nearly every client when the need arose
    - ❑ Other. Specify _____

22. What are the most common barriers to services for your child clients? Please check up to 3.

    - ❑ Waiting lists
    - ❑ Lack of needed services
    - ❑ Quality
    - ❑ Location/transportation
    - ❑ Hours of operation
    - ❑ Language
    - ❑ Social worker not proactive
    - ❑ Caregiver not supportive
    - ❑ Other. Specify _____

Instructions: Please answer the following 5 questions if you currently represent parents. Please refer only to your parent clients and their dependency cases for these questions.

23. When are you most often (at least 2 out of 3 times) appointed to represent parents?

	At detention hearing	After detention hearing	Varies too much to say
When parents are in court	❑	❑	❑
When parents are not present in court	❑	❑	❑

24. What are the most common reasons for your parent clients not appearing in court? Please check up to 3.

    - ❑ Excessive waiting time for hearings
    - ❑ Multiple continuances
    - ❑ Transportation difficulties
    - ❑ Improper notice
    - ❑ Parent's incarceration
    - ❑ Other difficulties for parents or families (e.g., work conflict, personal turmoil, etc.)
    - ❑ Parent's preference
    - ❑ Other. Specify _____

25. What are the most common barriers to services for parents? Please check up to 3.

- ❑ Waiting lists
- ❑ Cost
- ❑ Lack of needed services
- ❑ Quality
- ❑ Location/transportation
- ❑ Hours of operation
- ❑ Language
- ❑ Volume of court ordered treatment is burdensome
- ❑ Conflicting court orders with other cases
- ❑ Other. Specify _____

Instructions: Please answer the next 2 questions. They are not part of the Court Improvement Project Reassessment study. They will be used to assist AOC's Unified Courts for Families Program.

26. Right now, in about what percentage of your cases do your clients have another open court case?

[%] child clients have other cases

- ❑ Don't know
- ❑ Not Applicable

[%] Parent clients have other cases

- ❑ Don't know
- ❑ Not applicable

27. What are the most common case types represented by cases? Please check up to 3.

- ❑ Do not know
- ❑ Other dependency
- ❑ Delinquency
- ❑ Paternity
- ❑ Probate guardianship
- ❑ Domestic violence (in any court)
- ❑ Family law (not domestic violence)
- ❑ Adult criminal (not domestic violence)
- ❑ Other. Specify _____

Instructions: Please answer these final 4 questions. They are not part of the Court Improvement Project Reassessment study. They will be used to assist AOC's Dependency Representation Administration Funding and Training (DRAFT) pilot program.

28. Please indicate the areas in which more training would be useful to you in your dependency practice. Check all that apply.

- ❑ None
- ❑ Child abuse & neglect
- ❑ Child development
- ❑ Communication with clients
- ❑ Community resources
- ❑ Conflicts & ethics
- ❑ Cultural competency
- ❑ Dependency law
- ❑ Domestic violence
- ❑ DSS procedures
- ❑ Education issues
- ❑ Special education advocacy
- ❑ ICWA
- ❑ Immigration
- ❑ Mental health Issues
- ❑ Multiple courts cross over issues
- ❑ Placements
- ❑ Sex abuse issues
- ❑ Substance abuse issues
- ❑ Trial practice
- ❑ Other _____

29. Are parents' and children's attorneys in your court generally able to fulfill local dependency training requirements with trainings that take place within your county or nearby?

- ❑ Yes
- ❑ No
- ❑ Do not know

30. Please tell us the following about your legal malpractice insurance:

Amount of coverage	Deductible	Premium	This premium amount is paid:
$ _____ ❑ Do not know	$ _____ ❑ Do not know	$ _____ ❑ Do not know	❑ Annually ❑ Semi-annually ❑ Quarterly ❑ Monthly ❑ Other. _____

31. Would you be interested in group legal malpractice insurance, covering only court-appointed dependency work, if it were available statewide and it cost less than what you now pay?

- ❑ Yes
- ❑ No
- ❑ Maybe
- ❑ Do not know

Thank you for filling out the survey.

CFCC truly appreciates the time and effort that you have spent taking this survey. We will make the (aggregated) survey results available to you in the Court Improvement Project Reassessment Report (due June, 2005), in other Center publications, and in upcoming trainings.

Please return by February 23, 2005 to:

AOC Court Improvement Project Reassessment
c/o Davis Y. Ja & Associates
362 Victoria Street
San Francisco, CA 94132
Telephone: 415-585-2773
Fax: 415-239-4511

COURT IMPROVEMENT PROJECT

2005 CFCC Survey of County Counsel - Juvenile Dependency

Qualifying Question: Are you an attorney currently representing the county in juvenile dependency cases in the trial courts?

- ❑ Yes
- ❑ No

Attention:

If you answered 'no' to this question, you do not need to fill out the rest of this survey. Instead, kindly fax this page only to 415-239-4511. If you have any questions, please call Michell Nuñez at CFCC (415-865-4220). Thank you.

Background

1. In which county is your primary juvenile dependency caseload? Note: If you work in two or more counties, enter the one you work in most frequently and only refer to cases in that county when filling out the remainder of the survey.

   _____

2. What is the total amount of time you have worked as a dependency attorney?

   [ ] Years, [ ] Months

3. How much of your time do you spend on dependency matters, including trial court casework, supervisory tasks, community outreach, appeals, and professional development?

   - ❑ I work in juvenile dependency full time
   - ❑ More than ½ time, but less than full-time
   - ❑ About ½ time
   - ❑ More than ¼ time, but less than ½ time
   - ❑ About ¼ time
   - ❑ Less than ¼ time
   - ❑ Varies too much to say

4. About how many dependency cases are in your caseload? About how many children are represented by those cases?

[ ] Cases [ ] Children

❑ Don't know ❑ Don't know

Placement and Permanency

5. In your opinion, how often are the following statements true regarding permanency planning and implementation in your cases?

	Never or Rarely (0-5%)	Occasionally (6-35%)	Sometimes (36-65%)	Often (66-95%)	Nearly Always or Always (96-100%)	Don't know
Social workers consider all permanent plans for each child	❑	❑	❑	❑	❑	❑
The court considers all permanent plans that are presented to it	❑	❑	❑	❑	❑	❑
The court inquires about anything those plans may lack	❑	❑	❑	❑	❑	❑
The court selects a plan of long-term foster care/planned permanent living without conducting a 366.26 hearing first	❑	❑	❑	❑	❑	❑
When necessary, timely subsequent 366.26 hearings are held	❑	❑	❑	❑	❑	❑

6. When there are significant delays in the adoption of a permanent plan in your cases, what are the most likely reasons for these delays? Please check up to 2.

❑ Notice problems with the 366.26 hearing
❑ Adoption assessments or other reports not ready
❑ Attorneys not prepared
❑ Prospective adoptive families cannot be found
❑ Potential legal guardians not available
❑ Too rare to say
❑ Other. Specify _____

7. In your cases, when the court-ordered permanent plan is adoption or guardianship, how often is the following true?

	Never or Rarely (0-5%)	Occasionally (6-35%)	Sometimes (36-65%)	Often (66-95%)	Nearly Always or Always (96-100%)	Don't know
Adoption is selected as a permanent plan before potential adoptive families have been found	❑	❑	❑	❑	❑	❑
Adoptions are finalized in a timely fashion	❑	❑	❑	❑	❑	❑
Guardianships are established in a timely fashion	❑	❑	❑	❑	❑	❑

8. When children in your cases are in long-term foster care/planned permanent living arrangements, how often do the following make it more difficult to find adoptive families or legal guardians for them?

	Never or Rarely (0-5%)	Occasionally (6-35%)	Sometimes (36-65%)	Often (66-95%)	Nearly Always or Always (96-100%)	Don't know
Child's older age	❑	❑	❑	❑	❑	❑
Child's mental, behavioral, or physical difficulties, or special education needs	❑	❑	❑	❑	❑	❑
Other permanent plans aren't considered once a child is in long-term foster care	❑	❑	❑	❑	❑	❑
There is a general shortage of prospective adoptive families in our area	❑	❑	❑	❑	❑	❑

9. When your cases involve siblings, how often is the following true?

	Never or Rarely (0-5%)	Occasionally (6-35%)	Sometimes (36-65%)	Often (66-95%)	Nearly Always or Always (96-100%)	Don't know
Siblings are placed together	❑	❑	❑	❑	❑	❑
Siblings are placed apart only after placement together has been explored and rejected	❑	❑	❑	❑	❑	❑
Sufficient visitation takes place among siblings not placed together	❑	❑	❑	❑	❑	❑
Sufficient visitation takes place when one or more siblings is in a guardianship or has been adopted	❑	❑	❑	❑	❑	❑

Services and Case Planning

10. In your cases, when children are in placement, how satisfied are you with the following?

	Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied	Don't know	Not Applicable
Frequency of social worker visits with children	❑	❑	❑	❑	❑	❑	❑
Frequency of social worker visits with parents	❑	❑	❑	❑	❑	❑	❑
CASA advocacy	❑	❑	❑	❑	❑	❑	❑
Frequency of child and parent visitation	❑	❑	❑	❑	❑	❑	❑
Child's placement in the least restrictive setting	❑	❑	❑	❑	❑	❑	❑
Reunification services provided to parents or guardians	❑	❑	❑	❑	❑	❑	❑
Reunification services provided to children	❑	❑	❑	❑	❑	❑	❑
Evaluation of relatives and non-related extended family members for placement	❑	❑	❑	❑	❑	❑	❑
The quality of the independent living services available to youth	❑	❑	❑	❑	❑	❑	❑
The quality of other services available to youth preparing to emancipate	❑	❑	❑	❑	❑	❑	❑
The assistance available to youth to maintain relationships with adults who are important to them	❑	❑	❑	❑	❑	❑	❑

11. When families in your cases are offered reunification services, how often are those services extended to the 18-month point?

❑	❑	❑	❑	❑	❑
Never or Rarely (0-5%)	Occasionally (6-35%)	Sometimes (36-65%)	Often (66-95%)	Nearly Always or Always (96-100%)	Don't know

12. Which of the following are often reasons for extending reunification services to the 18 month point in your cases – that is, in at least 2 out of the 3 times when this occurs? Check all that apply.

- ❑ Delays in parents accessing required services
- ❑ Delays in children accessing needed services
- ❑ Parents need more time to benefit from services
- ❑ Our court routinely extends services to 18 months
- ❑ None, our court rarely or never extends reunification services to 18 months
- ❑ Varies too much to say
- ❑ Other. Specify _____

13. How satisfied are you with the following regarding case plans in you cases?

	Very Satisfied	Satisfied	Neither Satisfied nor Dissatisfied	Dissatisfied	Very Dissatisfied	Don't know	Not Applicable
Child's participation in developing the case plan	❑	❑	❑	❑	❑	❑	❑
Parent's or guardian's participation in developing the case plan	❑	❑	❑	❑	❑	❑	❑
Extent to which case plans are tailored to address the specific needs of the family	❑	❑	❑	❑	❑	❑	❑
Extent to which case plans provide sufficient detail about the required services so that clients understand the court's expectations	❑	❑	❑	❑	❑	❑	❑

Training

14. Did you receive specialized training in juvenile dependency prior to working in the field? Check all that apply.

- ❑ No
- ❑ Do not recall
- ❑ Yes, through coursework in law school
- ❑ Yes, through clinical work in law school
- ❑ Yes, through conferences, workshops or trainings
- ❑ Yes, through formal work-related training
- ❑ Yes, through on-the-job training
- ❑ Other. Specify _____

15. In the last year, about how many hours of specialized training did you receive in dependency or related subjects (e.g., mental health, substance abuse)?

[ ] Hours ❑ Do not recall

16. Which, if any, are significant work-related barriers to your attending training? Check all that apply.

- ❑ I have no significant work-related barriers to attending trainings
- ❑ Few dependency trainings are available in my area
- ❑ Travel is difficult from my geographical location
- ❑ I am not financially compensated for my time to attend trainings
- ❑ Available trainings do not meet my needs
- ❑ Budget constraints at my workplace
- ❑ Other work-related reasons

17. Please indicate the areas in which more training would be useful to you in your practice. Check all that apply

- ❑ None
- ❑ Child abuse & neglect
- ❑ Child development
- ❑ Communication with clients
- ❑ Community resources
- ❑ Conflicts & ethics
- ❑ Cultural competency
- ❑ Dependency law
- ❑ Domestic violence
- ❑ DSS procedures
- ❑ Education issues
- ❑ Special education advocacy
- ❑ ICWA
- ❑ Immigration
- ❑ Mental health Issues
- ❑ Multiple courts cross over issues
- ❑ Placements
- ❑ Sex abuse issues
- ❑ Substance abuse issues
- ❑ Trial practice
- ❑ Other _____

18. Does your county counsel's office provide training to social workers and CASA volunteers on any of the following topics? Check all that apply.

	Social Workers	CASA Volunteers
Basic dependency law	❑	❑
Update of federal and state law	❑	❑
Update of case law	❑	❑
Preparing legal documents	❑	❑
Testifying in court	❑	❑
No, we don't train this group	❑	❑
Other. _____	❑	❑

Thank you for filling out the survey.

CFCC truly appreciates the time and effort that you have spent taking this survey. We will make the (aggregated) survey results available to you in the Court Improvement Project Reassessment Report (due June, 2005), in other Center publications, and in upcoming trainings.

Please return by February 23, 2005 to:

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