



Volume XI, Fall 2016

ON BALANCE: The Courts & Child Welfare

When addressing how best to improve outcomes for children, youth, and families involved in the child welfare system, it is essential to examine the role of the courts. Juvenile courts are responsible for ensuring that a child's rights to safety, permanency, and well-being are protected without unnecessarily infringing or diminishing the capacity of parents to care for their child. The courts must consider many factors when issuing orders, including the availability of suitable placements, state and federal mandates, policies, and laws, and the latest research, all with limited resources and limited time. This issue of *insights* examines the juvenile court's role in the child welfare system and provides recommendations on how to best meet the complex needs of children and families in child welfare.



California Child Welfare
Co-Investment Partnership

IN THIS ISSUE:

- A primer on the California courts and child welfare
- Data on dependency courts
- Court innovations & promising programs
- Moving forward

“The courts are often the unseen partners in child welfare. Every child and parent in the foster care system knows that the courts are where critical decisions are made, including such life-changing issues as where and with whom a child will live.”

California Blue Ribbon Commission on Children in Foster Care, May 2009, Final Report and Action Plan

“Judges play an essential role in what is probably one of the most intrusive acts of government: they must protect the civil rights of parents, make sure the child is safe, and work collaboratively with child welfare in what is a very complicated, often lengthy process—we can and should do better for the children.”

Greg Rose, Deputy Director, California Department of Social Services

California's Dependency Court System

“Approximately 80,000 children come through California's juvenile dependency system each year and it is vital that everyone in our court system—judges, attorneys, case workers, and line clerks—recognize and appreciate the important role we play in the lives of these children. After all, how we treat children coming through the justice system directly affects our future society. Our humanity demands that we do all we can for our court children.”

*Hon. Tani G. Cantil-Sakauye,
Chief Justice of California and
Chair of the Judicial Council*

California has a statewide system of county-level superior courts with jurisdiction over juvenile dependency proceedings. The proceedings in child welfare court look quite different from proceedings in criminal or other civil cases. The objective is not to determine guilt or innocence, or the extent of damages. There is no jury; the judge must decide whether the child has been abused, neglected, or abandoned. The objective is to ensure the safety and well-being of the child and to preserve the child's family ties whenever possible. Unless there are disputes about the events that led to the petition or the applicable law, the court conducts the proceedings in an informal atmosphere. The child welfare agency, the child, the parent, and all the attorneys are encouraged to cooperate in developing a plan to resolve the problems that brought the child and family to court. To promote this collaboration, the court retains authority to oversee the process and resolve disagreements.

The judge assigned to the case is responsible for many decisions, including whether removing a child from home is necessary to protect the child's welfare; whether the child may be safely reunified with a parent or, if that is not possible, adopted or placed in another permanent living arrangement; whether to limit parental education rights; whether to authorize prescription of psychotropic medication, and more. The court is often involved in the child's life for many years.

Social workers prepare a case or status review report for submission to the court. The report discusses events in the case and makes recommendations for next steps. It must include information sufficient to enable the court to determine what has happened and to decide how to proceed. The report typically contains:

- The child's living arrangements and legal relationships
- His or her medical, developmental, educational, and mental and emotional status
- An updated family assessment with details about the parents' progress in overcoming the problems that led the court to take jurisdiction
- A current case plan indicating what services are being provided to the child and family, and details on visitation.

Prior to the hearing, the caseworker shares the report with county counsel, attorneys for the child and the parent, and other authorized persons involved in the case.

The overall goal is to protect the child from risk of harm and, in that context, to return the child home or, if that's not possible, to place the child in another safe, stable, and loving permanent home. That noted, there are times where the process can be adversarial, particularly in more complex cases.

The Judicial Council: Establishing Statewide Policies and Priorities for the California Court System

Headed by the Chief Justice of California, the Judicial Council of California is the policymaking body of the California courts. Most council members are volunteers appointed by the Chief Justice or the State Bar Board of Trustees. Members include representatives of the Supreme Court, the Courts of Appeal, the Superior Courts, the Legislature, and the State Bar. The council is responsible for ensuring the consistent, independent, impartial, and accessible administration of justice.

There are several advisory bodies to the Council in the area of dependency. The Family and Juvenile Law Advisory Committee is charged with making recommendations to the Council for improving the administration of justice in all cases involving families or children. The Collaborative Justice Courts Advisory Committee identifies and evaluates collaborative justice courts, including dependency drug courts, youth courts, girls' courts, and other collaborative justice courts. The Tribal Court-State Court Forum makes recommendations in proceedings in which the authority to exercise jurisdiction by the state judicial branch overlaps with the tribal justice system. The Trial Court Budget Advisory Committee makes recommendations to the Judicial Council about funding decisions, including funding allocations to the Superior Courts.

The Judicial Council's staff implements council policy and serves the courts, justice partners, and the public. The Center for Families, Children & the Courts, provides programs and services in several core areas, including juvenile matters. Programs and services include multidisciplinary training for judicial officers, court staff, stakeholders, and system partners; administration of funding, training, and professional resources for court appointed dependency attorneys; funding for psychotropic medication consultants; support for Court Appointed Special Advocate (CASA) programs; education of dependency mediators; resources for parents, children, and caregivers; and consultation to courts on meeting requirements to maintain eligibility for federal Title IV-E foster care funding.

JUDGE

Juvenile dependency judges in each superior court are assigned by the presiding judge. The majority serve for at least three years, though many judges stay longer. Standard 5.40 of the California Standards of Judicial Administration encourages assignment of judges who have expressed an interest in juvenile law.



"I see the role of the juvenile courts as one of system oversight. We are charged with making certain that all of the parts are working well. For example, is the child welfare system delivering what they're supposed to deliver; are the attorneys doing what they're supposed to be doing? It is that which helps us make good decisions when issues are in dispute."

Hon. Jerilyn Borack, Judge, Sacramento Superior Court, and Co-chair, Family and Juvenile Law Advisory Committee



PARENTS

Each has a right to be present and a right to legal representation.

"Dependency court felt like it was strictly business. Once I moved into family drug court I got all of the support I needed, and that's how I got my son back."

Anthony, reunified parent

CHILD & COUNSEL

"Being in court made me feel anxious and frightened. Other people were determining my future, and they were talking about codes and programs that I didn't even understand. My CASA really helped, and at times it actually felt like the judge cared about me. I was lucky—I know so many who just got lost."

Shelly, formerly in foster care



"Youth in foster care have many rights but dependency court is complex and they can often get lost in the system. The child's attorney plays a critical role in empowering young people."

Hon. Roger Chan, Judge, San Francisco Superior Court, Former Executive Director East Bay Children's Law Offices



COUNTY SOCIAL WORKER

Assigned to the case (or a court officer).

"We are trying to improve how we come together as a team with parents and youth counsel, and our other partners, for example, probation, to get on the same page for what is best well before the court hearing."

Kim Pearson, Division Manager, Sacramento Child Protective Services



PARENT COUNSEL

The court appoints and pays for counsel for indigent parents. Parents are represented until termination of parental rights in all but the most rare circumstances.

"The parent's attorney's primary role is to listen to their clients, use the relationship to help the client understand the system, empower the client to act, and when necessary: effectively tell their client's story to help the clients achieve their goals."

David Meyers, Chief Operating Officer, Dependency Legal Services

"County counsel ensures that the law is followed both in court and also in advising the child welfare department. We provide ongoing training to the social workers and support and encouragement for their very demanding role."

Michelle Neumann-Ribner, Senior Deputy County Counsel, San Diego County



COUNTY COUNSEL

County counsel is mandated by statute (WIC 318.5) to represent the social worker in court when parents have legal representation. The representation begins before the case is brought to court through the end of the legal proceedings including appellate issues throughout the life of the case.

Others Who May Be Present



FOSTER PARENTS & CAREGIVERS

May attend any court hearing when granted standing to participate by the court, under rule 5.534(e).

"Our presence should not be perceived as a threat as we have a huge stake in the success of the child."

Beth Kuenstler, foster parent



TRIBAL REPRESENTATIVE

Has a right to be present if the child is an Indian child under the Indian Child Welfare Act (ICWA).

"It addresses past policies of assimilation, extermination, and a time when Natives did not have standing in a court of law. It protects a child's relationship to their tribe and ensures a sense of belonging during and after their experience in the child welfare system."

Tom Lidot, Program Manager, Tribal STAR



COURT APPOINTED SPECIAL ADVOCATE (CASA)

When a volunteer is available, the judge may appoint a CASA to the child(ren).

"CASA programs partner with the courts, providing trained volunteers who do whatever it takes to ensure that the judge has the best information possible, and that the child's voice is heard and needs are met."

Phil Ladew, Associate and Legal Director, California CASA Association



ANCILLARY SERVICES

May also be involved or represented, including dependency mediation service.

"Courts offering dependency mediation provide family members a confidential forum in which to have a voice in structuring a plan that supports the safety and wellbeing of their children, meets the needs of the family, and improves communication necessary to successfully avoid continuing supervision from the court."

David A. Cherniss, Senior Managing Attorney, San Mateo Superior Court

Dependency Court Data and Quality Measures

Summary Data on California Dependency Courts

County	Average Open Child Welfare Cases, 2014-15*	Dependency Judges, Referees, and Commissioners (FTE) +	Judge Caseloads (cases/judge), 2016~	Attorney Caseloads (cases/attorney), 2014-15^	Active California CASA Volunteers, 2015**
Alameda	1,839	4	460	156	238
Contra Costa	1,221	4	305	164	139
Fresno	2,114	3	705	187	132 (with Madera)
Kern	1,724	2	862	289	176
Los Angeles	30,704	27	1,137	328	474
Orange	2,933	4	733	173	738
Riverside	5,603	5	1,121	461	1,535 (with San Diego)
Sacramento	2,985	5	597	155	186
San Bernardino	5,364	4	1,341	418	145
San Diego	3,690	6	615	148	1,535 (with Riverside)
San Francisco	1,289	2	645	142	211
San Joaquin	1,635	2	818	155	62
Santa Clara	1,634	3	545	134	567
Tulare	1,189	1	1,189	456	145
Ventura	1,105	1	1,105	500	189

* Report to the Judicial Council, April 14-15, 2016.

+ The number of FTE judges provided by staff at each court via phone-calls conducted by i.e. communications on July 25, 2016.

~ Calculated by dividing the average number of open CW cases by the number for FTE judges.

^ Overview of the 2015-16 Budget Bill, Sec. 5, pg. 21.

** Numbers provided by the California CASA association.

The above is a summary table of available data on dependency courts; it includes the average number of open child welfare cases in the years 2014 and 2015,* the number of full time equivalent (FTE) judges,+ an estimate of the caseload per judge in each county,~ the child and parent attorney caseload,^ as well as the numbers of CASA volunteers,** for the largest California counties. This data helps us understand how children and families are being served by the courts.

Child Welfare Cases: There are two statewide data collection systems that report dependency case numbers: California Department of Social Services Child Welfare Services Case Management System (CWS/CMS) and the Judicial Branch Statistical Information System.

Judicial Caseloads: The Judicial Council published a comprehensive study of juvenile dependency judicial officer caseloads in a [report to the legislature](#) in 2011. The findings included:

- **Four percent of total court judicial officer time** was spent on juvenile dependency court.
- There were **81 full time equivalent judicial officers** in the state hearing juvenile dependency cases, although the actual number of judicial officers hearing dependency cases was higher because judges in some counties generally hear a range of case types.
- **150 full-time-equivalent judicial officers** were needed to **adequately** handle juvenile dependency cases. More information about these findings can be found in the [Special Assessment of the Need for New Judgeships in Family and Juvenile Law report](#).

Quality Measures: Beyond caseloads, there are other indicators that can help determine whether the judge is able to ensure a quality process and outcome from the hearings. According to the National Council of Juvenile and Family Court Judges (NCJFCJ), quality indicators that characterize best practice hearings include: 1) depth of discussion, 2) judicial inquiry, and 3) judicial engagement of parents.

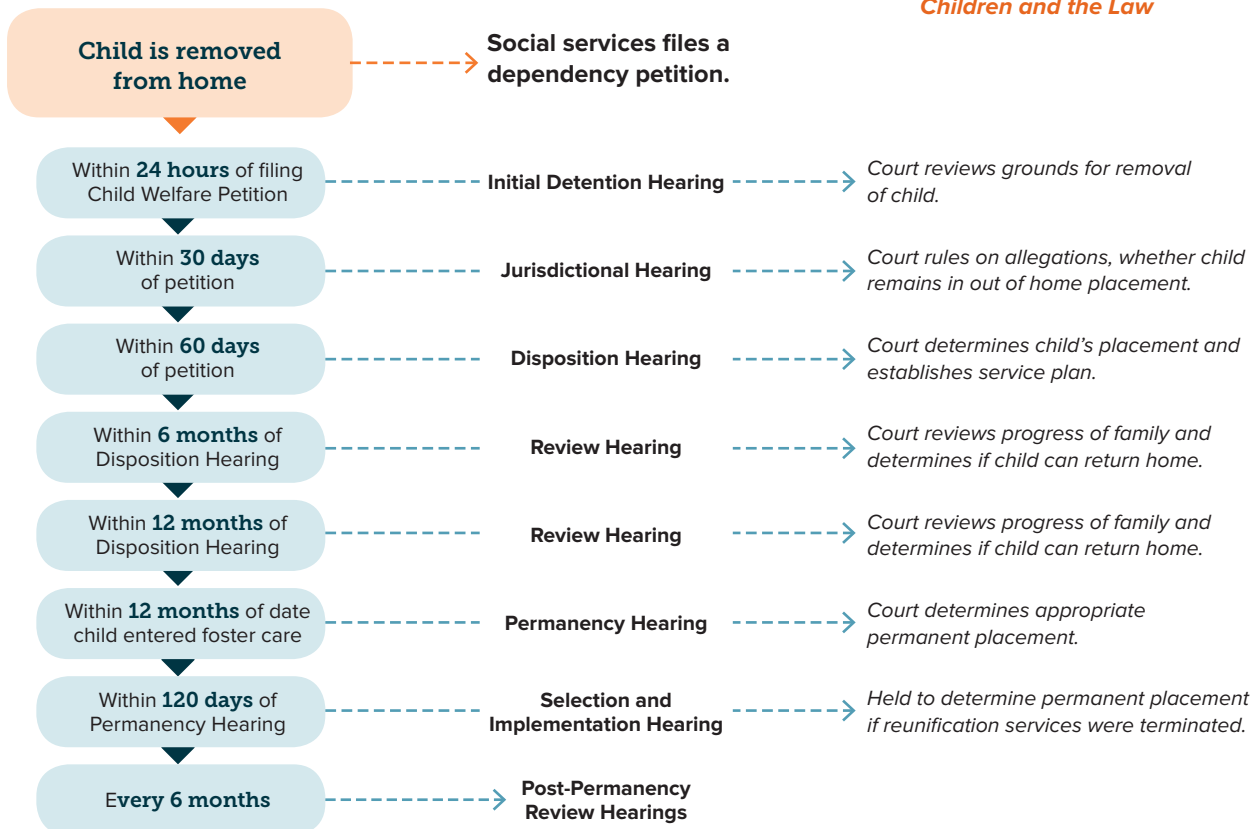
A [study conducted by NCJFCJ](#) examined the relationship between these indicators and the outcomes for maltreated children and youth at early case hearings. The major finding of the study was that judges who typically engage parents in the process are also more likely to place the children with a family member rather than in nonrelative foster care.

Timeliness is another aspect of the court hearing process which may have an effect on the quality of outcomes. For example, how long, on average, does it take to achieve permanency and what is the role of the courts in that timing? Are there jurisdictions where the bench takes longer to schedule or hold hearings that may lead to permanency? Are these delays due to judicial, attorney, or social worker/agency case or workload issues?

While juvenile courts can examine the effect of their timelines for hearings and reviews on outcome measures, the standards come from the federal [Adoption and Safe Families Act \(ASFA\)](#).

California Juvenile Dependency Court Process Timeline

Standards from the federal Adoption and Safe Families Act (ASFA)



“The timeline standard is established by federal law; data that is currently available or collected may not be able to answer whether there is an “ideal timeframe” to achieve permanency. Each case comprises many different factors, so an ideal timeframe may simply be the least amount of time it takes to achieve permanency given the circumstances of the case.”

Eva Klain, Director, Child and Adolescent Health, ABA Center on Children and the Law

Dependency Court Data and Quality Measures

“Attorneys don’t have any time to do anything but the minimum, instead of the maximum, and that’s not how any of us want to practice.”

Leslie Starr Heimov, Executive Director, Children’s Law Center of California

“Attorneys in California’s dependency system are trying to address complex legal proceedings with inadequate resources. Policymakers should be concerned about the due process implications of these high caseloads. And, private dollars alone cannot make up the gap.”

Yali Lincroft, Program Officer, Walter S. Johnson Foundation

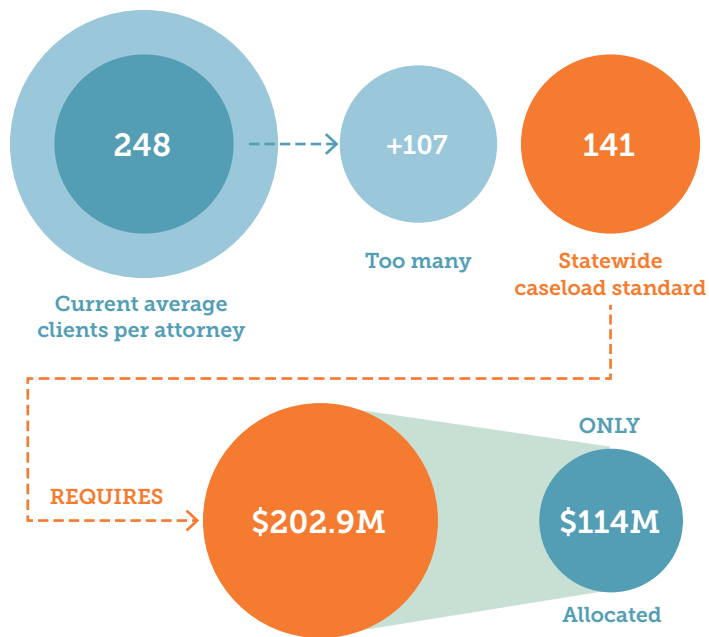
Dependency Counsel Caseloads

In 2015-2016 the Judicial Council undertook a comprehensive study of the funding need for dependency counsel, using a caseload-based funding model to achieve a competent standard of representation and equitable, workload-based funding in all trial courts. Employing this model, to achieve the Council’s statewide caseload standard of 141 clients per attorney requires \$202.9 million. The 2016-17 California Judicial Branch budget allocates \$114.7 million for the superior courts to compensate court-appointed dependency counsel, covering only 56 percent of needed funding.

Because of budget shortfalls the current caseload burden in child dependency court is 248 cases per attorney, 75 percent higher than the recommended statewide caseload.

Adequate funding for dependency counsel was a top priority in the chief justice’s “[3-Year Budget Blueprint](#)” in 2014, and has been a Judicial Branch budget priority through the budget change proposal process. The Council has taken measures to address the problem using existing resources including implementing a reallocation methodology that allocates all existing funding to courts based upon their caseload needs.

Caseloads and Funding for Dependency Counsel



CASA Volunteers

The California CASA Association works with 44 local CASA programs by providing resources to build their capacity. These local programs serve 50 counties with an estimated 8,000 volunteers advocating for approximately 11,000 children and youth. In many counties, there are notable gaps between the number of children and youth who might benefit from a CASA and available volunteers.

Collaboration Outside the Courtroom

For many years the California courts have recognized the unique nature of juvenile dependency and taken steps to ensure that courts engage in systemic collaboration with their justice partners to make the dependency process more accessible to families, caregivers, and volunteers. Standard 5.40 of the California Standards of Judicial Administration explicitly encourages juvenile court judges to provide active leadership within the community (5.40(e)(1)) and to 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 (5.40(e)(4)).

In order to facilitate collaboration among the system partners represented in the courtroom, many counties have regular meetings with child welfare leadership and judicial leadership where information can be shared regarding caseloads, workloads, policies, and general practices. Through regular meetings, the juvenile court and the child welfare agency can align their priorities to help the system better serve children and families.

In addition, some counties also hold larger meetings where representatives of all the justice partners and stakeholders in dependency court can share general information and discuss systemic improvements. For example, Sacramento County holds quarterly dependency committee meetings with participation from its judicial officers, court administration, county counsel, alcohol & drug services providers, leadership from the department of health and human services, behavioral health, parents and child attorney representatives, law enforcement, foster youth leadership, and CASA. Discussions include timely subjects such as psychotropic medication and how to implement Commercial Sexual Exploitation of Children (CSEC) protocols.

“The court plays a very important role in the child welfare system. In most civil cases, a court is asked to rule on things that have happened in the past. But in a child welfare case, the court must make decisions on an ongoing basis about what should happen to the family going forward. The impact of these decisions is quite far reaching; the court is essentially assuming the role of the child’s parent.”

Diane Nunn, Director, Judicial Council of California Center for Families, Children & the Courts

“A lot of states have used Court Improvement grant funds to build a very strong dependency bench. Trainings are robust - not just what to do, but what we know about dependency drug courts, what we know about child welfare best practices.”

Nora Sydow, Senior Court Management Consultant, National Center for State Courts

“A key question now is how to take family drug courts to scale by establishing more courts and increasing the number of families being served in existing court programs, or should the approach be to infuse dependency courts with these seven components of the family drug court model.”

Nancy Young, Director, Children and Family Futures

Court Improvement

The federal Children’s Bureau administers a Court Improvement grant program in which all 50 states participate. In California, the grant has supported multi-disciplinary education in dependency including the Beyond the Bench conference; the initial development of data exchange standards between the court and child welfare systems; the broad establishment of dependency drug courts; and technical assistance to build the state’s CASA program.

Family Drug Courts

Recognizing that substance use disorders are a significant factor associated with neglect leading to children being placed in foster care, several counties in California and more than 300 jurisdictions across the country have developed Family Drug Courts (FDCs), a type of specialty court which was created 20 years ago to address the poor outcomes reported from traditional child welfare services for parents with substance use disorders. While difficult to document, by some estimates between 60% and 80% of substantiated child abuse and neglect cases involve parental alcohol or drug use as a factor in the case. According to recent studies, FDCs are more successful in achieving timely reunification of children with their parent and have re-occurrence of maltreatment and return to out of home care rates 30% to 40% less than traditional dependency courts. Several studies have documented seven common components that contribute to a FDC’s success rate including a system of early identification of the parents’ need for substance use disorder treatment, timely access to assessment and treatment, recovery support services to ensure treatment participation, relationship-based parenting and children’s interventions, a system of incentives and responses to compliance with treatment, increased judicial or administrative oversight, and a collaborative approach across service systems and the court.

Non-minor Dependent Courts

With the passage of extended foster care (AB12), there are now more non-minor dependents (NMD) in care. As of January 2016, there were 7,622 18-21 year old NMDs in California. Responding to this trend, some jurisdictions have created courts focused exclusively on non-minor dependents.

In Los Angeles, Judge Margaret Henry recently opened a NMD court dedicated exclusively to the needs of 18 to 21 year old foster youth. The court brings together community partners working to improve access to resources and supports as these youth transition to adulthood.

In Santa Clara County, Judge Shawna Schwarz has been working with older youth in the foster care system since 2009, when she oversaw “teen court.” She is now overseeing the Non-Minor Dependent court, where youth aging out of foster care have the opportunity to talk about their lives and struggles as they are facing newfound independence.

Parent Support Programs

Recognizing the challenges experienced by families faced with the possibility of being separated from their children, many counties in California and other states have created support programs with different models.

The Parent Partners program in Contra Costa County, which works through the Child Abuse Prevention Council, pairs parents navigating the child welfare system for the first time with other parents that have gone through similar experiences. In Santa Clara County, the Dependency Advocacy Center employs attorneys, in-house social workers, and mentor parents to serve its clients in a more comprehensive way. As employees of a law office, the mentor parents are able to communicate confidentially with DAC clients. DAC's Mentor Parents are valued community thought partners and frequently bring the parents' perspective into critical planning discussions that impact the larger dependency court system.

Outside of California, Washington State's Parents for Parents is a peer mentor program operated through the Children's Home Society. By enabling parents to support other parents, the program ensures that families have concrete supports like receiving education about the dependency court process and strengths based interventions. The program was shown to increase compliance in the court ordered case plan, visitation and attendance at court hearings. Although not statistically significant, findings also suggested increased reunification rates and lower rates of termination of parental rights. The program was just recognized as a promising practice by the Evidence-based Practice Institute of the University of Washington and has been institutionalized into state law through SB 5486. It is currently implemented in 10 counties with the goal to expand statewide by 2021.

In Detroit, the Center for Family Advocacy is using legal and social work advocacy in an innovative approach to provide legal resources to families at risk of becoming involved in the system or whose involvement in the system would require legal services that are often cost-prohibitive for low income families. For example, CFA can help victims of domestic violence obtain a protection order and even a divorce, which in turn results in a parent being able to ensure the safety of his or her children. Outstanding traffic warrants may create a threat of jail time for a child's caregiver or may be a barrier to finalizing an adoption, so CFA would provide legal resources to prevent incarceration and open a path towards reunification or permanency. Since 2009, CFA has prevented 134 children from entering care, and expedited permanency for 237 children.

“ Having a mentor parent during my case showed me everything I could achieve and that the possibilities were endless. And, now, with being clean, I have achieved so much. When I mentor other parents, I don't need to use tricks to engage with them – I use the truth of my experience.”

Mario, DAC Mentor Parent and former dependency court client

“ The child welfare system is so vast, Parents for Parents is another way we can ensure that families have everything they need to thrive.”

Alise Hegle, Children's Home Society of Washington

Key Milestones

The following are key milestones in the role of the courts in child welfare, nationally as well as specific to California, as background for current reforms and proposals moving forward on page 13.

“Specialty courts can be an effective tool in focusing attention, treatments, and resources where they are most needed by families involved in the dependency system. We have an important opportunity to apply the lessons learned from these programs to benefit all children and families served in California juvenile courts.”

*Frank Mecca, Executive Director,
County Welfare Directors Association*

National Pew Commission on children in foster care

(2003 and 2004): National non-partisan body of experts that focused on two aspects of the foster care system: federal financing and the role of the courts. Recommendations included that leaders in the judicial system increase oversight of dependency cases, and form commissions.

California Blue Ribbon Commission on children in foster care (BRC):

Following the Pew Commission report, the BRC was established by California Supreme Court Chief Justice Ronald M. George in 2006. The BRC was charged with providing recommendations to the Judicial Council of California on the ways in which the courts and child welfare partners could improve safety, permanency, well-being, and fairness outcomes for children and families in the state.

California Child Welfare Council (CWC):

Established by legislation in 2006, the CWC serves as an advisory body responsible for improving the collaboration and processes of the multiple agencies and the courts that serve children in the child welfare system. The CWC is co-chaired by the Secretary of the California Health and Human Services Agency and the designee of the Chief Justice of the California Supreme Court. Membership comprises representatives of the courts, state departments, county departments, nonprofit service providers, advocates, parents, and former foster youth.

Keeping Kids in School and out of court (KKIS):

KKIS is an initiative created by Chief Justice Cantil-Sakauye in 2012 based on recommendations made by the BRC. A primary goal of the KKIS is to advocate for creating alternatives for young people who are at risk of entering the juvenile justice system.

Dependency Representation Administration, Funding, and Training (DRAFT):

The DRAFT program was piloted in 2005 and expanded to 20 volunteer courts in 2008 to address critical trial court needs with respect to attorney quality, availability, and cost through the establishment of partnerships between participating courts and the Judicial Council. DRAFT saves money for the courts and supports improved quality of representation through education and practice resources.

Futures Commission: The Futures Commission was established by Chief Justice Cantil-Sakauye in July 2014. Its main purpose is to study the legal and structural challenges to efficiency and effectiveness and access to justice in California’s trial courts. The Futures Commission has a Family/Juvenile Courts working group.

Revisit recommendations from Blue Ribbon Commission:

The Blue Ribbon Commission made several important recommendations, still salient today, that were deferred due to funding cuts during the 2008 recession. Recommendations were made across four areas: (1) reasonable efforts to prevent removal and achieve permanency; (2) court reform, including caseload reductions, training, and resources; (3) collaboration with child welfare partners on information exchange and compliance with the Indian Child Welfare Act; (4) increased funding and resources.

Recognize the challenges judges face: The judge must keep current with new legislation, policies, practices, as well as research in child welfare. Moving forward it's important to ensure that there is continuing education and training of judges and their staff, and provide additional support to allow judges to fulfill their special responsibilities to families and the community.

Provide better and more consistent data in order to improve quality and flow of data and information to courts, and allowing for information sharing between courts that may be involved with the same families. Towards this end, the California Department of Social Services and Office of Systems Integration are currently working to coordinate with the local juvenile dependency court judges and their chief technology officers, the county counsel, the Judicial Council, County Welfare Directors Association (CWDA), and the County Child Welfare agencies to facilitate interaction with new court case management systems.

Support research to better understand quality measures

for dependency court and institute systems to more consistently access that information to guide policy and practice. Towards this end, Walter S. Johnson Foundation has recently provided a grant to the American Bar Association to assess the impact of funding reallocations on the quality of legal representation of children and parents in California dependency courts. The study will collect data from professionals (judicial staff; children's, parents', agency attorneys, and budget administrators) and case files on the quality of legal representation before and after funding reallocation. Some of variables and indicators of quality representation that will be collected include the length of time from start of case to permanency and whether that was influenced by whether the attorney was, for example, available or prepared, due to caseload issues.

Develop new protocols between dependency and delinquency judges that address needs and sharing of information for young people moving between child welfare and juvenile justice systems.

Engage the community to support children in foster care as foster parents, adoptive parents, advocates, and as CASA volunteers.

“ Juvenile dependency court is a difficult assignment and requires a specific type of constitution. The judge must establish rapport and relationships, and manage the emotional toll that dependency cases can have, and understand that the assignment entails committing to see families through the system.”

*Hon. Shawna Schwarz, Judge,
Santa Clara County*

“ The court needs to make the best decisions for children, but our system of sharing information has big gaps, including access to the education, health, and mental health information that is key to informed decision making.”

*Don Will, Principal Manager, Juvenile
Dependency and Delinquency, Judicial
Council of California Center for Families,
Children & the Courts*

In California, more than 50,000 children who enter care do not benefit from the consistent help and company of a CASA volunteer.

Native American children in California make up 0.4% of the total child population, but they represent 0.8% of the children in foster care.

Court Appointed Special Advocate Association (CASA)

CASA programs were first implemented in 1977 in the state of Washington. In the following year, the first CASA program in California began providing services to children. CASA volunteers make a deep commitment to a youth in foster care: they dedicate their time, energy, and resources to building close, consistent relationships to ensure the child's rights are protected and their voices heard. California CASA receives \$2.2 million in funding from the state judicial branch budget, but through grants, fundraising and donations, it leverages this funding across its network up to 15 times. In 2015, the network provided nearly \$17 million worth of volunteer hours. Although the need for CASA volunteers varies by county and each court determines which children would benefit most from a CASA, sometimes prioritizing children of a certain age or with certain needs, the fact is that more than 50,000 children who enter care do not benefit from the consistent help and company of a caring adult. For more information on how to become a CASA volunteer, please visit the California CASA volunteer page.

Indian Child Welfare Act (ICWA)

ICWA was passed in 1978 to correct and reverse the historically high rate of removal and placement of Indian (Native American) children in non-Indian homes causing these children to lose their connection to their tribes and families. ICWA created a pathway for children to be placed with families of the same tribal backgrounds.

Native American children are overrepresented in the foster care system. In California, Native American children make up 0.4% of the total child population, but they represent 0.8% of the children in foster care. An analysis of data between 2012 and 2014 reveals that an average of 8.5 Native American children entered care per 1,000 children in the state. This was the highest rate of entry per ethnic group in California except for African American children. California has historically had the highest rate of Indian Child Welfare Act (ICWA) appeals than any other state. Today, California has enhanced the commitment to ICWA compliance by being the only state to require new-hire social workers to receive a full day of ICWA classroom training starting January 2017. Courts are also aware of the need for ICWA training, thereby impacting ICWA-related appeals and reducing court costs.

Immigration Status

California has more recent immigrants than any other state. According to census data, one in four foreign-born persons in the U.S. resides in California. It is estimated that as many as 5,100 children across the nation are currently living in foster care due to the detainment or deportation of their parents.

Undocumented status presents unique challenges to achieving reunification or permanency for children involved in the child welfare system. Despite the precarious situation these families may find themselves in, immigrant children and families have access to various resources and are protected by laws that may facilitate reunification and permanency.

One form of immigration relief available to undocumented children in the dependency system is Special Immigrant Juvenile (SIJ) status. A child or youth under the age of 21 who is a dependent of a state juvenile court, unable to reunify with one or both parents due to abuse, neglect, or abandonment, and whose best interest would not be served by being returned to his or her country of origin may apply for classification as an SIJ. An approved SIJ application entitles the youth to relief from deportation proceedings and the opportunity to apply for lawful permanent resident status in the U.S.

Resources

[American Bar Association \(ABA\) - Center on Children and the Law](#)

[California Blue Ribbon Commission on Foster Care](#)

[California CASA Association](#)

[California Child Welfare Indicators Project](#)

[Judicial Council of California Center for Families, Children & the Courts](#)

[National Center for State Courts \(NCSC\) - Dependency Court Guide](#)

[National Council of Juvenile and Family Court Judges](#)

Nationally, as many as 51,000 children are currently living in foster care due to the detainment or deportation of their parents.



California Child Welfare Co-Investment Partnership

The California Child Welfare Co-Investment Partnership is a collaboration of private and public organizations working to improve outcomes in the child welfare system. The Partnership comprises five philanthropic organizations (Casey Family Programs, Conrad N. Hilton Foundation, Stuart Foundation, Walter S. Johnson Foundation, and Zellerbach Family Foundation) and the California Department of Social Services, the Judicial Council of California's Center for Families, Children & the Courts, and County Welfare Directors Association. *insights* is an ongoing publication of the Partnership that examines the links between data, policy, and outcomes for our state's most vulnerable children and families. Download previous editions of *insights* and find out more about the Partnership at co-invest.org.

For this issue of insights, in addition to those quoted, we would like to thank the following individuals for sharing data and their perspectives:

Hon. Abby Abinante, Yurok Tribe; Jorge Cabrera, Casey Family Programs; Hon. Carolyn Caietti, San Diego County; Cristina Cooper, ABA Center on Children and the Law; Charlene Depner, Judicial Council of California Center for Families, Children & the Courts; Audrey Fancy and Corby Sturges, Judicial Council of California Center for Families, Children & the Courts; Melissa Gueller, NCJFCJ; Margaret Hunt, Casey Family Programs; Martha Matthews, Public Counsel; Scott Trowbridge, ABA Center on Children and the Law; Shannon Urbon, Detroit Center for Family Advocacy; Daniel Webster, California Child Welfare Indicators Project; Julia Wilson, One Justice