



We've Come a Long Way Baby.

I started my legal career as a public defender in 1969. In those days most of the juvenile court cases were 602's (delinquency). The next most popular were the 601's (beyond control and truancy), while the rarest were 600's (now called 300's), dependency cases. They comprised less than 3 percent of the juvenile court's workload.

Now here we are in the 21st Century and our juvenile court dockets are overwhelmed with dependency cases. They are not as numerous as 602's, yet they take more judicial time than delinquency cases. And as of 1977 and the passage of AB 3121, 601's have virtually disappeared.

What happened? The short answer is that the federal government got involved in the dependency process. By passage of the Adoption Assistance and Child Welfare Act of 1980 as well as several subsequent federal laws, state courts are required to take a much more active part in dependency cases. Not only are there far more hearings in each proceeding, but the court must also carefully monitor the actions of the Children's Services agency.

Juvenile dependency has become the most complex and important calendar in the court system. Juvenile courts are overseeing the system that detects, protects, and finds permanent homes for the communities' most vulnerable children. The court must ensure that the goals of child safety, timely permanency, and well-being are achieved. California's juvenile courts, moreover, are responsible for the provision of counsel to the children and indigent parents whose cases appear in court.

These enormous responsibilities were assigned to our juvenile courts without any additional judicial resources - no new judicial positions, no new courtrooms, no additional administrative staff.

It should come as no surprise that with the growth of these cases, the juvenile dependency court quickly became the least popular assignment on the Superior Court. For one thing, few judges had any experience in dependency law. Most judges found the dependency court depressing. The work involves one sad, tragic story after another. The emotions are high as are the stakes - parents can lose their parental rights in this court. In no other court is a judge more likely to be reversed on appeal. As a result for years many Superior Courts assigned subordinate judicial officers (SJO's) to hear the dependency calendar. And where there were no SJO's the court would assign judges to dependency court on a rotation basis with each judge serving for only 6 months or a year.

But times have changed. California's courts and the Administrative Office of the Courts have taken on their responsibility head on. With the passage of Standard of Judicial Administration 5.40 (formally SJA 24), judges were instructed to

serve at least 3 years in the juvenile court. Around the state, local superior courts have devoted more and more judicial resources to the dependency docket. Then in 2006 Chief Justice Ronald M. George appointed court leaders and juvenile court experts from around the state to a Blue Ribbon Commission on Foster Care charging them with developing realistic goals for the improvement of the dependency process.

The Blue Ribbon Commission returned with its report in August of this year, and the Judicial Council unanimously approved its recommendations, sending it back to the Commission to work on implementation. Central to those recommendations is increasing the judicial and attorney resources for California's juvenile dependency dockets. The Commission acknowledged that many of California's dependency courts simply have too many cases per judicial officer and too many cases per attorney in order to give each child and family the time needed in order for the court to have meaningful hearings. Additionally the Blue Ribbon Commission recommended the following best practices as important to reaching the goals of safety, timely permanency, fairness, and child well-being:

1. Establishment and/or expansion of local CASA programs.
2. Institution of dependency mediation programs in each Superior Court.
3. Establishment of dependency (family) drug treatment courts in each Superior Court.
4. Ensuring that more children have an opportunity to appear and be heard in court.
5. Judges to take the lead in convening the community around the issues facing children in foster care.
6. Collaboration with partner agencies to ensure that parents and children are well-served.

Numerous other recommendations are contained in the Blue Ribbon Commission Report which can be found at <http://www.courtinfo.ca.gov/jc/tflists/bluerib.ht>.

Moreover, the attitude of judges on the bench has changed. In my travels to the California courts I have found more and more judicial officers asking to be assigned to juvenile dependency court. Some have said that they want to "stay here as long as the PJ will let me. This is important work and I love it."

The Judicial Branch is taking its responsibilities in the juvenile dependency court very seriously. Best practices have been implemented in many courts throughout the state, and more and more courts are turning their attention to establishing an adequately resourced juvenile dependency docket. Now with implementation of the Blue Ribbon Commission recommendations California's courts will be moving to a heightened role as overseer of the child protection process in the state. Indeed, we have come a long, long way, baby.