

11-14-1995

Juvenile Dependency

Assembly Committee on Judiciary

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Juvenile Dependency

Summary Report of the Hearing of November 14, 1995
State Capitol
Sacramento, California



Assembly Judiciary Committee California State Legislature

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California Legislature

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IRENE ISHIZAKA
Consultant
MILLIE ANDERSON
Committee Secretary

December 1995

This report -- *Juvenile Dependency* -- summarizes the testimony heard at the Assembly Judiciary Committee's information hearing of November 14, 1995, and includes additional reports, charts and documents submitted by witnesses and accumulated by staff.

Our hope was to provide factual material on the state of the juvenile dependency process in California, especially in light of pending legislation in the Assembly Judiciary Committee: AB 1353 (Knowles) and SB 86 (Haynes). Whether we succeeded or not remains to be seen.

For more information on this report, please feel free to contact consultant Debra P. Johnson at (916) 445-4560.

Sincerely,

Assemblyman Phil Isenberg
Chair

Assemblyman Bill Morrow
Vice-Chair

JUVENILE DEPENDENCY

Informational Hearing on Juvenile Dependency Assembly Committee on Judiciary

November 14, 1995

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INTRODUCTION

Four years ago, on November 5, 1991, the Assembly Judiciary Committee held an interim hearing on problems within the juvenile dependency system. The sentiment at that time was that there were serious flaws in the system with no obvious solutions. Little has changed. Children continue to be abused, parents continued to be accused, and critics complain that not enough, too much, or totally wrong responses to situations are wreaking havoc on the family unit.

The goal of this year's hearing was to determine what is currently happening in the juvenile dependency system. Prior to changing the system, factual material regarding that system must be understood. Even then, however, when change is made, controversy likely will continue as Californians grapple with this very difficult and often heart-rending subject.

Background

Americans have spent the last 110 years attempting to protect children from abuse and neglect, while at the same time, sensitively handling the child-victim and family. In pursuit of this goal, many laws have been enacted that are criticized as being either too far-reaching or totally failing. Enmeshed in this controversy is tension between those who believe children must be protected at all cost and those who believe that the sanctity of the family demands minimal government interference. Superimposed over this controversy is a drug epidemic that child welfare workers estimate is responsible for 70 percent to 90 percent of all abuse and neglect cases where a child is removed from the home.

Federal funding for protection of children began in 1961. Two years later, California ordered mandated reporting by physicians of suspected physical child abuse. Federal legislation in 1974 called for a system of mandated reporting. California responded, and continues to respond, by expanding the list of those required to report suspected child abuse or neglect: teachers, school administrators and other school personnel, child visitation monitors, health practitioners, employees of child protective agencies, firefighters, animal control officers, humane society officers, and workers in commercial photo development labs. Immunity from criminal *and* civil liability for required reporting is extended to all mandated reporters. Failure to make a required report is punishable as a misdemeanor by up to six months in jail and/or up to a \$1,000 fine. Civil penalties may also attach.

In addition to mandated reporters, any interested person can anonymously report suspected abuse or neglect. The combination of funding for foster care, increased community awareness and expanded mandated reporting laws has increased reports of abuse and neglect.

Dissatisfaction with the dependency system has resulted in extensive scrutiny of the entire process. Efforts in California to alter the system failed in 1988 (AB 3846, Frizzelle) and in 1991 (AB 1935, Frizzelle). Among other changes, both bills would have provided a parent with the ability to request a jury trial during juvenile dependency proceedings. AB 1353 (Knowles) is pending in the Assembly Judiciary Committee; as recently amended, it would allow for an advisory jury trial pilot project. Another bill pending in the Assembly Judiciary Committee, SB 86 (Haynes), would severely restrict the ability of the judge to hear or view hearsay evidence supplied by social workers at the jurisdictional hearing.

While much attention has been paid to the problems associated with the current system and numerous modifications have been made, dissatisfaction remains. As a result, the Legislature revisits these concerns yearly.

Testimony

Testimony was presented to the committee as follows:

Total *calls* to California child abuse hotlines during 1994 numbered **664,294**:

- 32.38 percent of these calls (215,117) were screened and determined to require no further action.
- 43.68 percent (290,146) were closed without action being taken after an in-person investigation by either law enforcement or a social worker.
- 14.4 percent (95,679) were closed after an in-person investigation and referral of the family to other services (e.g., AFDC, food closet).
- 5.54 percent (36,802) received services (e.g., family counseling, parenting classes) in order to maintain the child in the home with his or her family.
- 3.63 percent (24,117) removed children from the home and designed case plans to either reunite the family or seek permanent out-of-home care (e.g., adoption).

Of the 24,117 children (3.63 percent) *entering* the foster care system in 1994:

- 22.7 percent were under the age of one.
- 15.4 percent were between the ages of one and three.
- 18.4 percent were between the ages of three and six.
- 28.1 percent were between the ages of six and 13.

- 15.4 percent were between the ages of 13 and 18.

Of those children *entering foster care for the first time* in 1994, the reasons for removal were:

- Neglect: 71 percent;
- Physical abuse: 15.3 percent;
- Sexual abuse: 7.3 percent; and
- Other (including emotional abuse, exploitation and caretaker absence/incapacity): 6.4 percent.

Of those children *in the foster care system, entering during or before 1994*:

- 46.2 percent were placed in kinship (family-related) homes.
- 39.44 percent were African-American children, representing an incidence rate of approximately seven times that of other children.

Sections A through E of this report summarize the testimony of the witnesses and provide the reader with the graphics and data presented at the hearing.

Some questions still remaining include:

- Why are African-American children represented in the foster care system at a rate seven times that of other children?
- How many referral calls, how many removals from the home, and how many returns to the foster care system are specifically drug-related?
- What are the most common reasons children re-enter foster care?
- What is the percentage of referrals made by mandated reporters by category of specialty (e.g., physician, teacher, firefighter)?
- For those children entering foster care, who made the report resulting in that action (e.g., mandated reporter by category, voluntary reporter, or anonymous reporter)?
- How many anonymous reports are dispensed with at the initial contact phase versus both mandated reports and non-anonymous reports?

- How many cases are litigated each year that result in a child being returned to the home? Removed from the home?
- How many children are inappropriately placed in group homes rather in foster than in foster homes? What is the ethnic composition of children placed in group homes?

SECTION A

FRANK MECCA

Executive Director
County Welfare Directors Association of California

Frank J. Mecca, Executive Director, County Welfare Directors Association of California, reviewed the 1994 statistics compiled by the Department of Social Services regarding the number and disposition of telephone calls received at child abuse hotlines. Of the 664,294 calls, more than 76 percent of the cases were closed following either a simple telephone screening (32.38 percent) or an in-person interview (43.68 percent). Please refer to the attached chart for a visual depiction of this information.

Caseworkers closed 14.4 percent of cases after the family was referred to other services, such as AFDC, and 5.54 percent of cases were transferred to Family Maintenance, where services such as parenting classes, family counseling or substance abuse counseling were provided to maintain the child in his or her home with the family.

The remaining 3.63 percent of cases resulted in the child being removed from his or her home. Transfer to Family Reunification (which generally provides up to 12 months of reunification efforts) or to Permanency Planning (aimed at seeking a permanent solution for out-of-home placement, including adoption) would be ordered by the juvenile court judge. Mr. Mecca testified that of these cases, no numbers were available regarding temporary versus permanent removals, although his best estimate was that approximately 90 percent of cases go to reunification and, of these, about half of the children are placed with extended family members during the reunification process.

In 1994, referrals to hotlines by type occurred with the following frequency:

- Sexual abuse: 16.7 percent
- Physical abuse: 31.8 percent
- Severe negligence: 7.2 percent
- General negligence: 30.7 percent
- Emotional abuse: 4.1 percent
- Exploitation: 0.3 percent
- Caretaker absence or incapacity: 9.2 percent

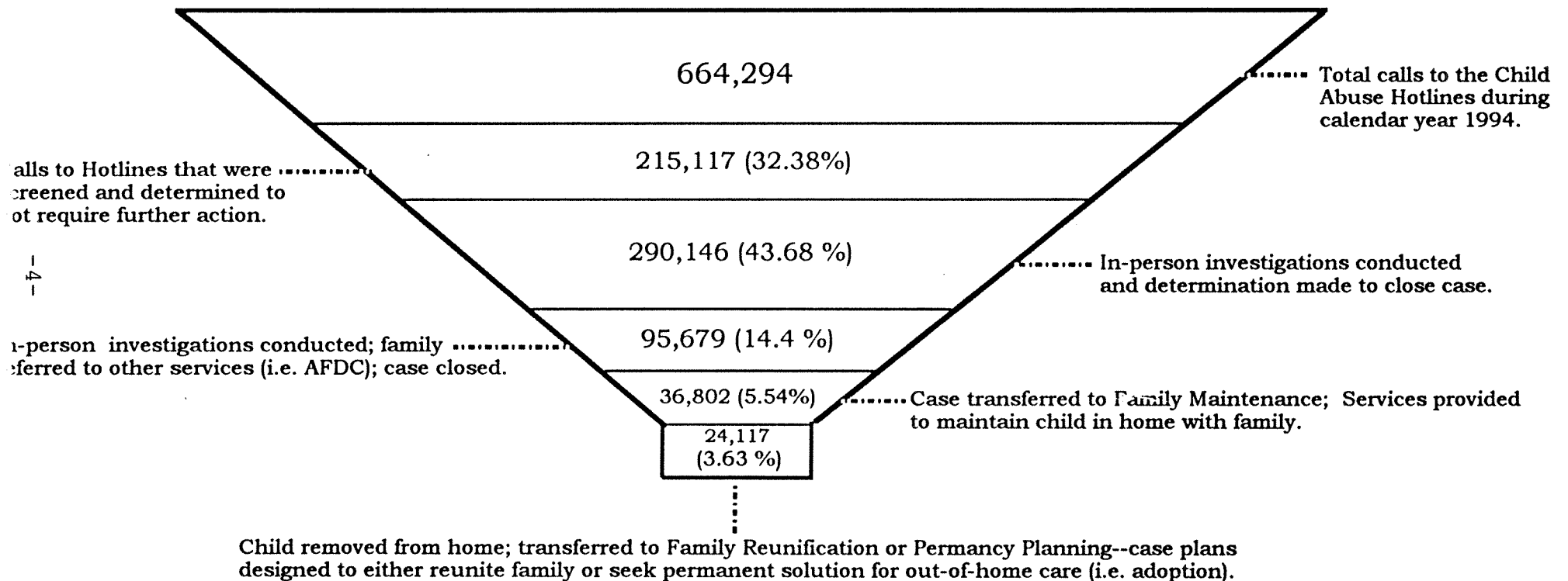
No statistics were available regarding length of stay in foster care as a function of removal or rate of return to foster care depending upon reason for removal.

According to Mr. Mecca, California reimburses family foster care providers who assume care of a previously AFDC-eligible child at the rate of \$500 per month, while family providers who assume care of a child not previously on welfare receive \$289 per month. Non-family, licensed providers receive \$500 per month regardless of the eligibility status of the child prior to removal.

A five-year comparison of emergency response and disposition of cases from 1990 to 1995 was reviewed, a copy of which is attached. Although the number of total dispositions has increased, the percentage of children removed has remained relatively constant. There has been, however, an increase in the percentage of cases closed after the initial screening. Fewer emergency services are being provided, and fewer cases are receiving family maintenance services, probably due to funding. According to Mr. Mecca, if counties had been able to maintain funding in the family maintenance programs, fewer cases would be in reunification.

Assemblyman Knowles expressed concern over the number of false complaints made, suggesting that additional training may be beneficial at the screening level. Mr. Mecca reported that hotline operators are offered standardized training on the protocol of handling calls, and additional training on interviewing could be done. Assemblyman Isenberg advised that mandated reporters must report "suspicions," and they face criminal penalties for failure to do so. He further indicated that a very delicate balancing act is involved -- protecting kids while eliminating false reports -- and there are no easy answers.

CHILD WELFARE SERVICES NUMBER OF EMERGENCY RESPONSE DISPOSITIONS CALENDAR YEAR 1994



Source: California Department of Social Services Pre-placement Preventive Services for Children in California - 1994

Emergency Response and the Disposition of Cases - 1990 to 1995

	1994		1993		1992		1991		1990	
Total dispositions	664,294		660,942		615,602		571,214		553,782	
Cases screened and closed	215,117	32.4%	205,416	31.1%	184,234	29.9%	154,457	27.0%	132,196	23.9%
In-person investigations cases closed	290,146	43.7%	293,914	44.5%	258,746	42.0%	238,917	41.8%	250,018	45.1%
ER services provided cases closed	95,679	14.4%	96,406	14.6%	111,949	18.2%	115,312	20.2%	104,403	18.9%
Transfer to FM (a)	36,802	5.5%	40,421	6.1%	37,393	6.1%	37,981	6.6%	43,770	7.9%
Transfer to FR/PP (b)	24,117	3.6%	22,448	3.4%	20,986	3.4%	22,035	3.9%	20,532	3.7%
Transfer to other jurisdictions (c)	2,443	0.4%	2,334	0.4%	2,294	0.4%	2,512	0.4%	2,863	0.5%

Source: California Department of Social Services, Preplacement Preventive Services for Children in California, Calendar Years 1990-1994.

a) Family Maintenance - Provides time limited protective services to prevent or remedy neglect, abuse, or exploitation, for the purposes of preventing separation of children from their families.

b) Family Reunification - Provides time-limited foster care services to prevent or remedy neglect, abuse, or exploitation when the child cannot safely remain at home, and needs temporary foster care, while services are provided to reunite the family.

Permanent Placement - Provides an alternative permanent family structure for children who because of abuse, neglect, or exploitation cannot safely remain at home and who are unlikely to ever return home.

c) Transfer to other jurisdictions includes cases where the child typically moves with the foster parent or guardian to another county or state.

SECTION B

BARBARA NEEDELL

Senior Research Analyst
Child Welfare Research Center
University of California, Berkeley
School of Social Welfare

Barbara Needell, MSW, Senior Research Analyst, Child Welfare Research Center at the University of California, Berkeley, School of Social Welfare, testified about the "Paths Through Foster Care." As a researcher, she compiles and analyzes data collected through the Foster Care System Information Database. Please refer to the attached charts and graphs contained in Ms. Needell's handout.

While the number of child abuse referrals in California numbered 664,294 in 1994 (an increase of 289,497 since 1988), some 28,024 children were removed from their homes and placed in foster care. Of these, 6,361 were under the age of one. According to Ms. Needell, infants are represented in foster care at three times the rate of any other age. Although there has been limited work done comparing states, the researchers at the University of Chicago reviewed the rates of foster care placement in California, Michigan, New York, Texas and Illinois. California was reported to be right in the middle on its rate of removal when compared with these other states having large urban centers.

The overall incident rates show that in California, 31 percent of foster care placements are for African-American children, and their prevalence for placement is seven times as high over all ages as for Caucasian children. Questioned by Assemblyman Isenberg as to the cause, Ms. Needell indicated that there is no statewide data base available regarding the answer to that question, agreeing that it is necessary to investigate this phenomenon.

The median length of stay in foster care for African-American children is twice as long in both family and non-family foster care than for Caucasian children, resulting in a median stay of 37 months (kin placement) and 24 months (non-kin placement), as compared to 18 months (kin placement) and 12 months (non-kin placement) for Caucasian children. During 1988-1990, approximately 55 percent of all children in foster care were reunified with their families at the four-year mark after exiting foster care. Although approximately 19 percent of children who have been in non-kin foster care re-enter the foster care system within three years, the rate for children coming from kin foster care is about 13.4 percent.

According to Ms. Needell, the expansion of the data base allows for significant study in this area. She further indicated that all counties recently have been provided with county-specific data relating to their foster care programs and the data is available through county welfare directors.



School of Social Welfare
University of California at Berkeley

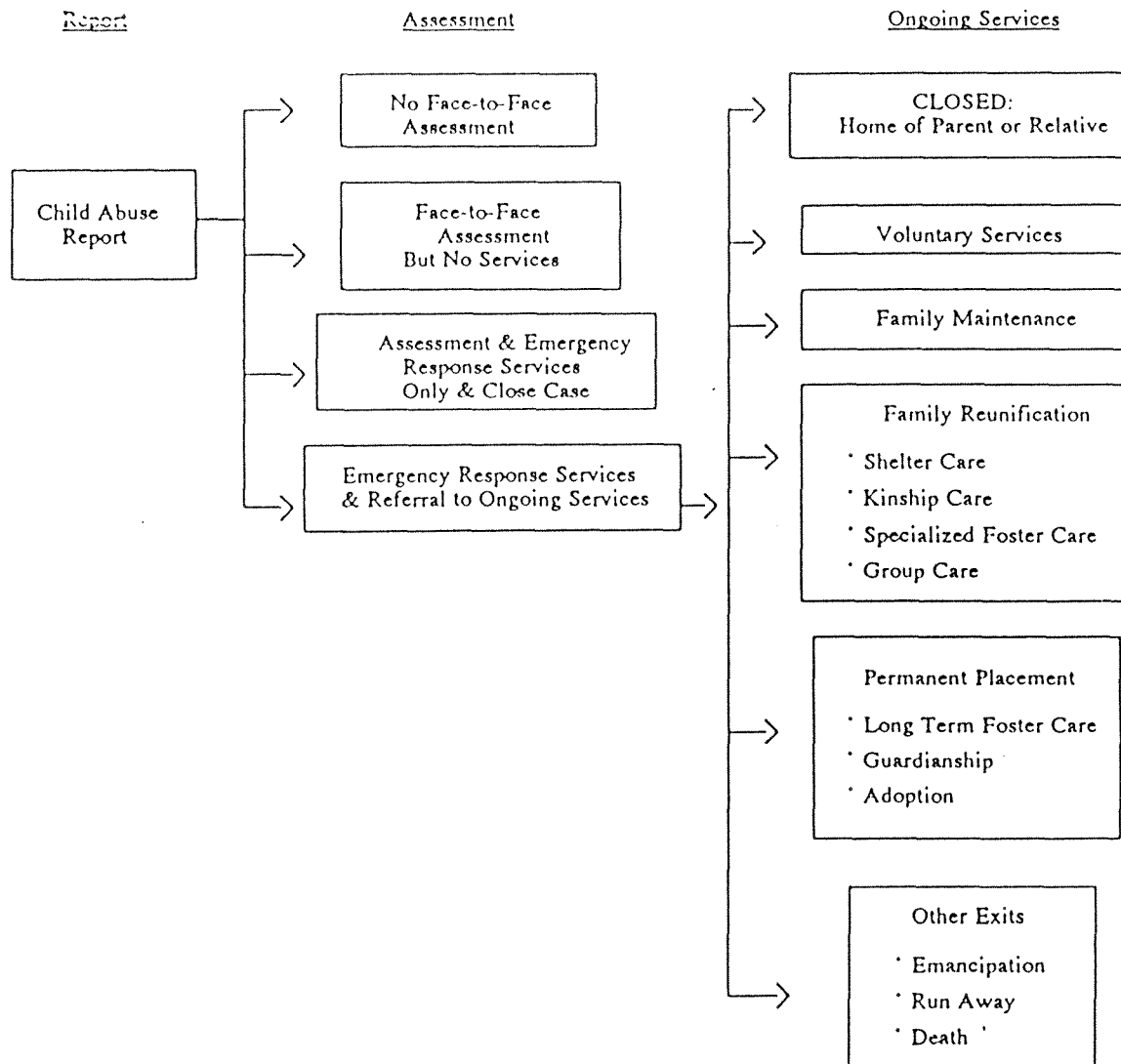
Family Welfare Research Group
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Berkeley, California 94704
Tel: 510-642-1899
Fax: 510-642-1895

Paths Through Foster Care

Barbara Needell, MSW

Presented to the:
Assembly Judiciary Committee
Sacramento, CA
November 14, 1995

Funding for Performance Indicators for Child Welfare Services in California: 1994
was provided by the the State of California Department of Social Services



Source: Barth, R.P., Courtney, M.E., Berrick, J.D., & Albert, V. (1994). From Child Abuse to Permanency Planning: Child Welfare Service, Pathways, and Placements. Hawthorne, N.Y. :Aldine

Figure 3.5 1988-1994 First Entries to Foster Care by Age in Years: Incidence per 1,000

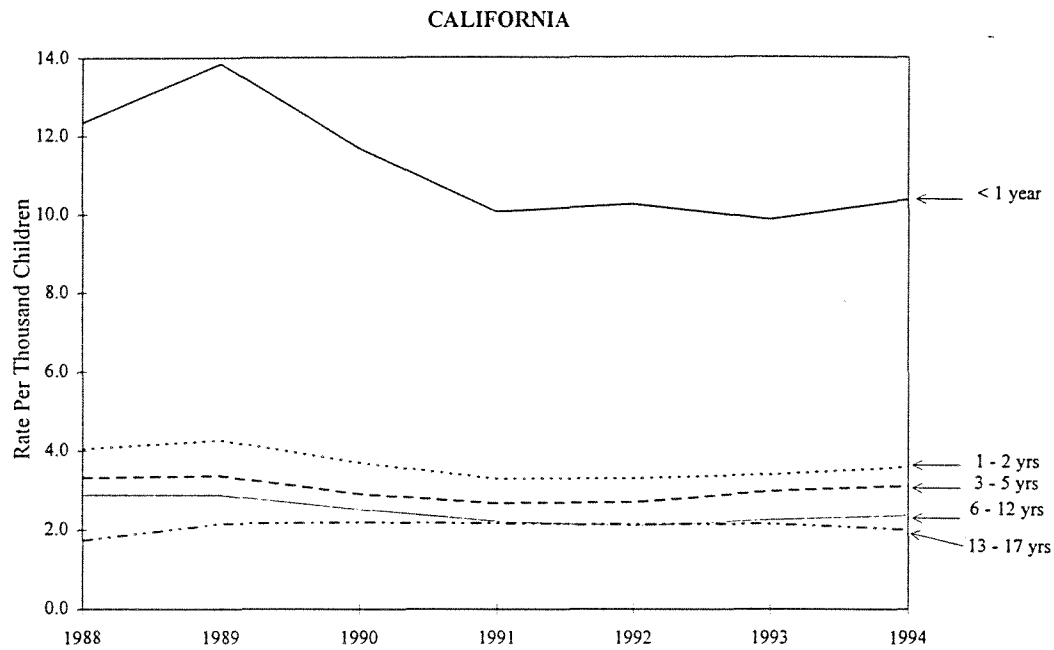


Table 3.3

1988-1994 First Entries to Foster Care by Age in Years

	1988	1989	1990	1991	1992	1993	1994
< 1	6,229	7,277	6,399	6,088	6,151	6,043	6,361
1-2	3,856	4,143	3,697	3,466	3,781	4,063	4,319
3-5	4,437	4,619	4,096	3,857	3,972	4,609	5,163
6-12	8,002	8,302	7,537	6,861	6,692	7,326	7,862
13-17	3,433	4,143	4,243	4,209	4,256	4,416	4,319
Total	25,957	28,484	25,972	24,481	24,852	26,457	28,024

Table 3.4

1988-1994 Percent First Entries to Foster Care by Age in Years

	1988	1989	1990	1991	1992	1993	1994
< 1	24.0	25.6	24.6	24.9	24.8	22.8	22.7
1-2	14.9	14.6	14.2	14.2	15.2	15.4	15.4
3-5	17.1	16.2	15.8	15.8	16.0	17.4	18.4
6-12	30.8	29.2	29.0	28.0	26.9	27.7	28.1
13-17	13.2	14.6	16.3	17.2	17.1	16.7	15.4
Total	100.0	100.0	100.0	100.0	100.0	100.0	100.0

Table 3.5

1988-1994 First Entries to Foster Care by Age in Years: Incidence per 1,000

	1988	1989	1990	1991	1992	1993	1994
< 1	12.3	13.9	11.7	10.1	10.3	9.9	10.4
1-2	4.0	4.3	3.7	3.3	3.3	3.4	3.6
3-5	3.3	3.4	2.9	2.7	2.7	3.0	3.1
6-12	2.9	2.9	2.5	2.2	2.1	2.3	2.4
13-17	1.7	2.2	2.2	2.2	2.1	2.1	2.0
Total	3.4	3.7	3.3	3.0	3.0	3.1	3.1

Figure 3.12 1994 First Entries to Foster Care by Age in Years and Ethnicity: Incidence per 1,000

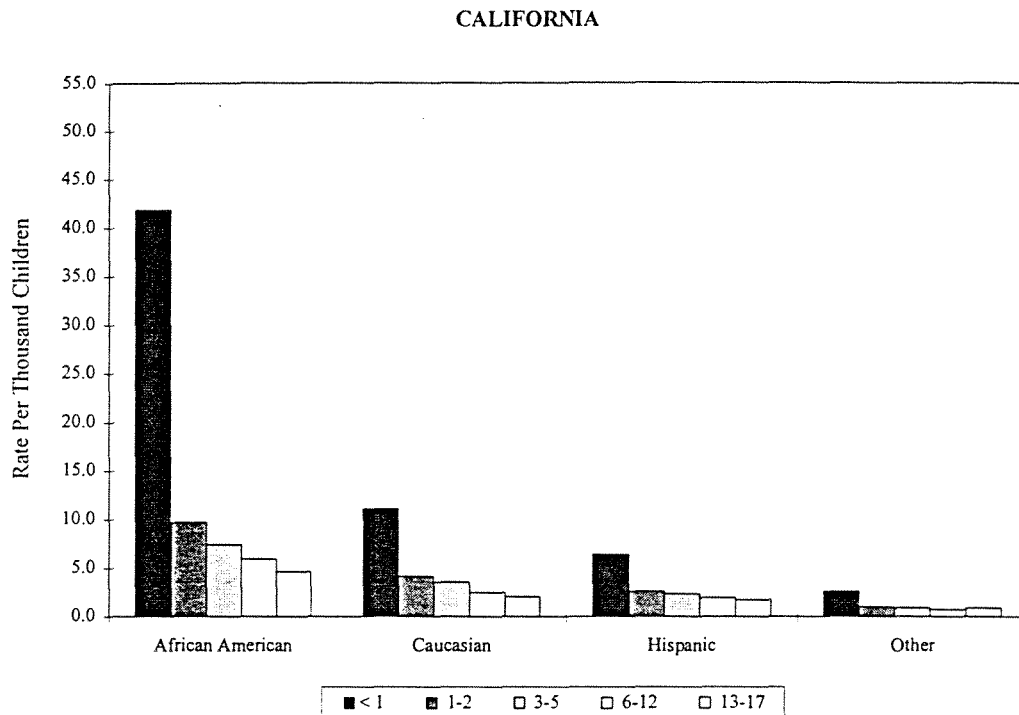


Table 3.10

1994 First Entries to Foster Care by Age in Years and Ethnicity

	African American	Caucasian	Hispanic	Other	Total
< 1	1,858	2,594	1,735	168	6,355
1-2	873	1,913	1,398	130	4,314
3-5	980	2,437	1,580	158	5,155
6-12	1,556	3,628	2,398	269	7,851
13-17	791	1,978	1,326	219	4,314
Total ¹	6,058	12,550	8,437	944	27,989

Table 3.11

1994 Percent First Entries to Foster Care by Age in Years and Ethnicity

	African American	Caucasian	Hispanic	Other	Total
< 1	30.7	20.7	20.6	17.8	22.7
1-2	14.4	15.2	16.6	13.8	15.4
3-5	16.2	19.4	18.7	16.7	18.4
6-12	25.7	28.9	28.4	28.5	28.1
13-17	13.1	15.7	15.7	23.2	15.4
Total	100.0	100.0	100.0	100.0	100.0

Table 3.12

1994 First Entries to Foster Care by Age in Years and Ethnicity: Incidence per 1,000

	African American	Caucasian	Hispanic	Other	Total
< 1	41.8	11.1	6.4	2.6	10.4
1-2	9.7	4.2	2.6	1.0	3.6
3-5	7.4	3.6	2.3	0.9	3.1
6-12	5.9	2.5	2.0	0.7	2.4
13-17	4.6	2.1	1.7	0.9	2.0
Total	8.7	3.3	2.4	1.0	3.1

¹ Excludes cases with missing ethnicity.

Figure 3.13

CALIFORNIA: 1994 Foster Care Incidence Rates

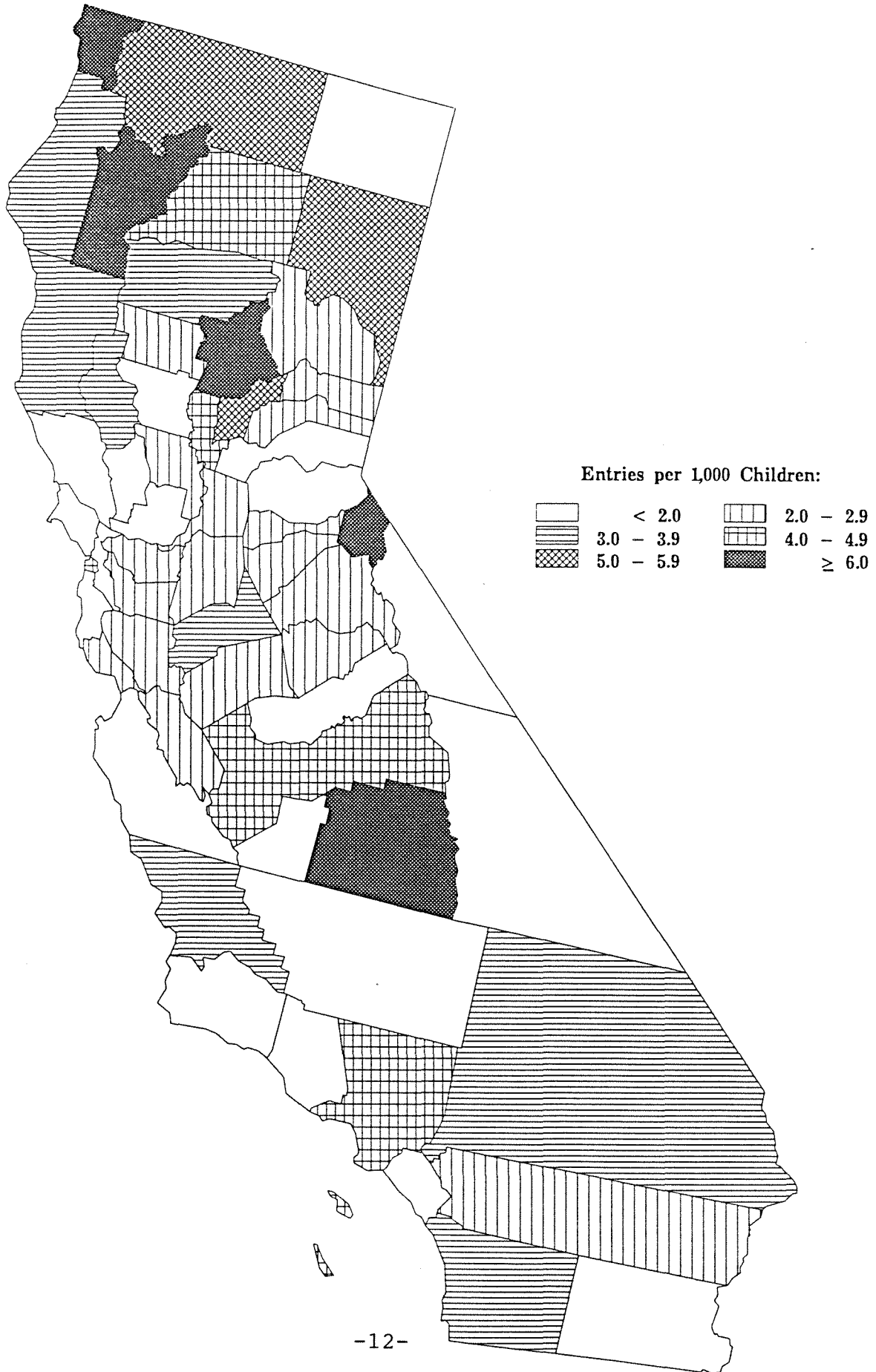


Figure 4.7 1994 Percent of Children < 18 in Foster Care by Placement Type and Age in Years

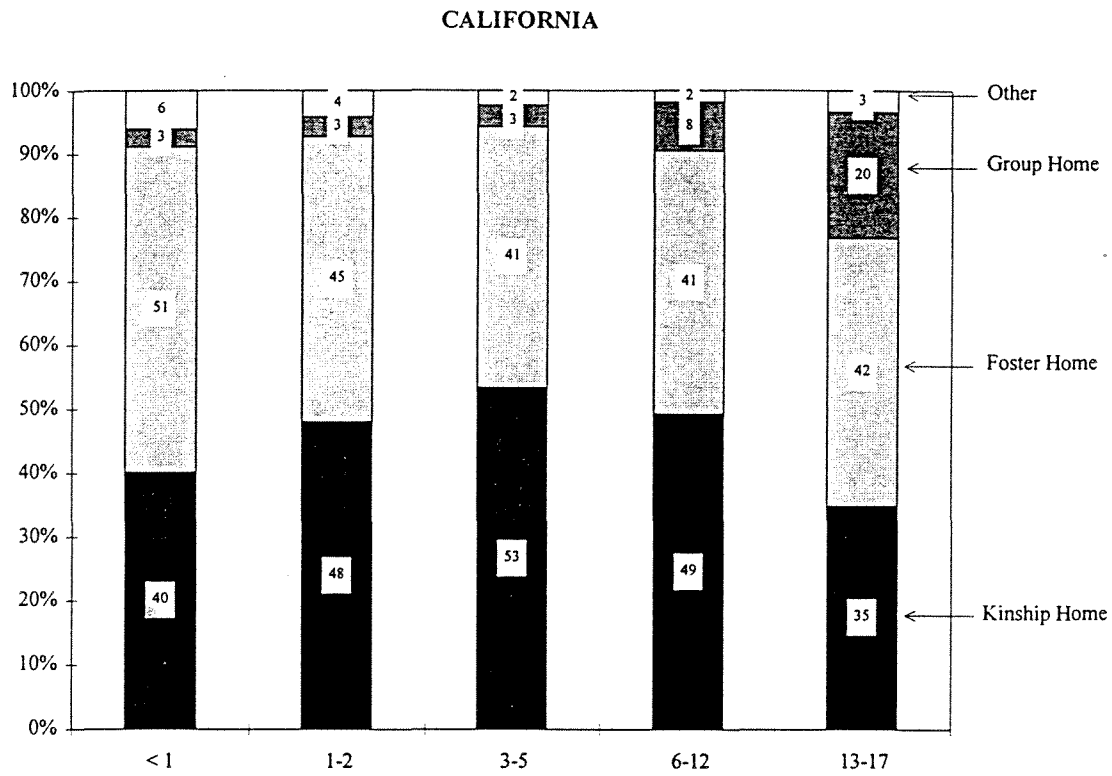


Table 4.6

1994 Children < 18 in Foster Care by Placement Type and Age in Years

	< 1	1 - 2	3 - 5	6 - 12	13 - 17	Total
Kinship Care	1,588	5,099	8,723	15,684	6,697	37,791
Foster Care	2,008	4,736	6,699	13,111	7,997	34,551
Group Care	112	335	549	2,455	3,804	7,255
Other	238	435	377	580	651	2,281
Total ¹	3,946	10,605	16,348	31,830	19,149	81,878

Table 4.7

1994 Percent of Children < 18 in Foster Care by Placement Type and Age in Years

	< 1	1 - 2	3 - 5	6 - 12	13 - 17	Total
Kinship Care	40.2	48.1	53.4	49.3	35.0	46.2
Foster Care	50.9	44.7	41.0	41.2	41.8	42.2
Group Care	2.8	3.2	3.4	7.7	19.9	8.9
Other	6.0	4.1	2.3	1.8	3.4	2.8
Total	100.0	100.0	100.0	100.0	100.0	100.0

¹ Excludes cases with missing placement type.

Figure 4.12 1994 Children < 18 in Foster Care by Age in Years and Ethnicity: Prevalence per 1,000

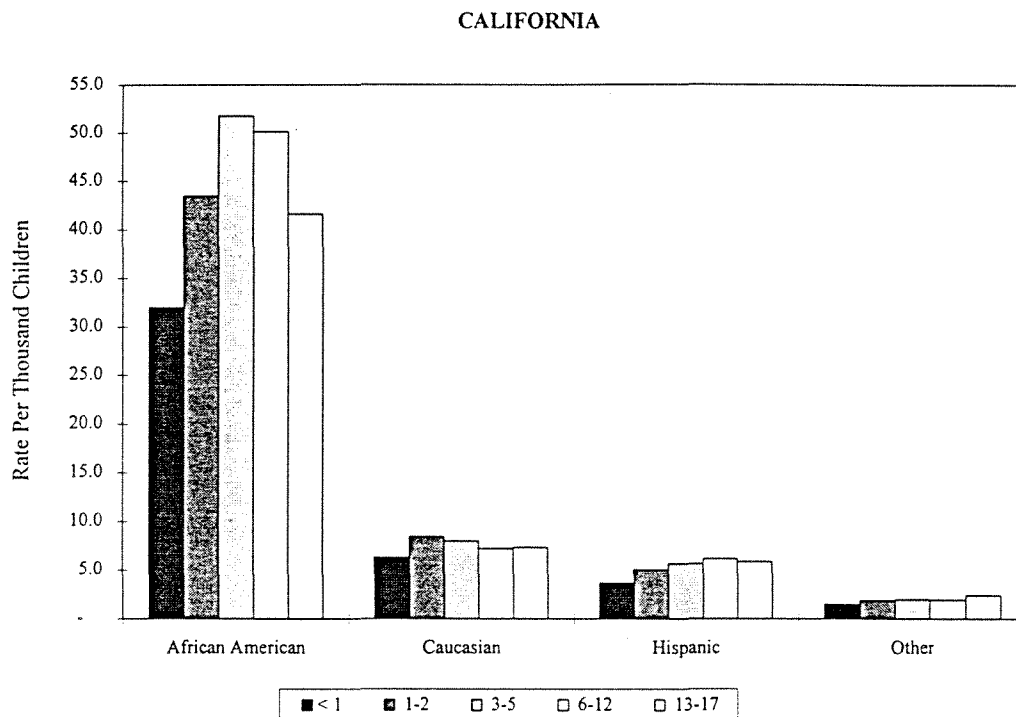


Table 4.10

1994 Children < 18 in Foster Care by Age in Years and Ethnicity

	African American	Caucasian	Hispanic	Other	Total
< 1	1,420	1,475	996	96	3,987
1-2	3,915	3,847	2,686	237	10,685
3-5	6,853	5,424	3,836	337	16,450
6-12	13,154	10,516	7,530	696	31,896
13-17	7,082	7,005	4,515	585	19,187
Total ¹	32,424	28,267	19,563	1,951	82,205

Table 4.11

1994 Percent of Children < 18 in Foster Care by Age in Years and Ethnicity

	African American	Caucasian	Hispanic	Other	Total
< 1	4.4	5.2	5.1	4.9	4.9
1-2	12.1	13.6	13.7	12.1	13.0
3-5	21.1	19.2	19.6	17.3	20.0
6-12	40.6	37.2	38.5	35.7	38.8
13-17	21.8	24.8	23.1	30.0	23.3
Total	100.0	100.0	100.0	100.0	100.0

Table 4.12

1994 Children < 18 in Foster Care by Age in Years and Ethnicity: Prevalence per 1,000

	African American	Caucasian	Hispanic	Other	Total
< 1	32.0	6.3	3.7	1.5	6.5
1-2	43.5	8.5	5.0	1.9	8.9
3-5	51.8	8.0	5.7	2.0	9.9
6-12	50.2	7.2	6.2	1.9	9.7
13-17	41.6	7.3	5.9	2.4	9.0
Total	46.4	7.5	5.6	2.0	9.2

¹ Excludes cases with missing ethnicity.

Figure 4.13

CALIFORNIA: 1994 Foster Care Prevalence Rates

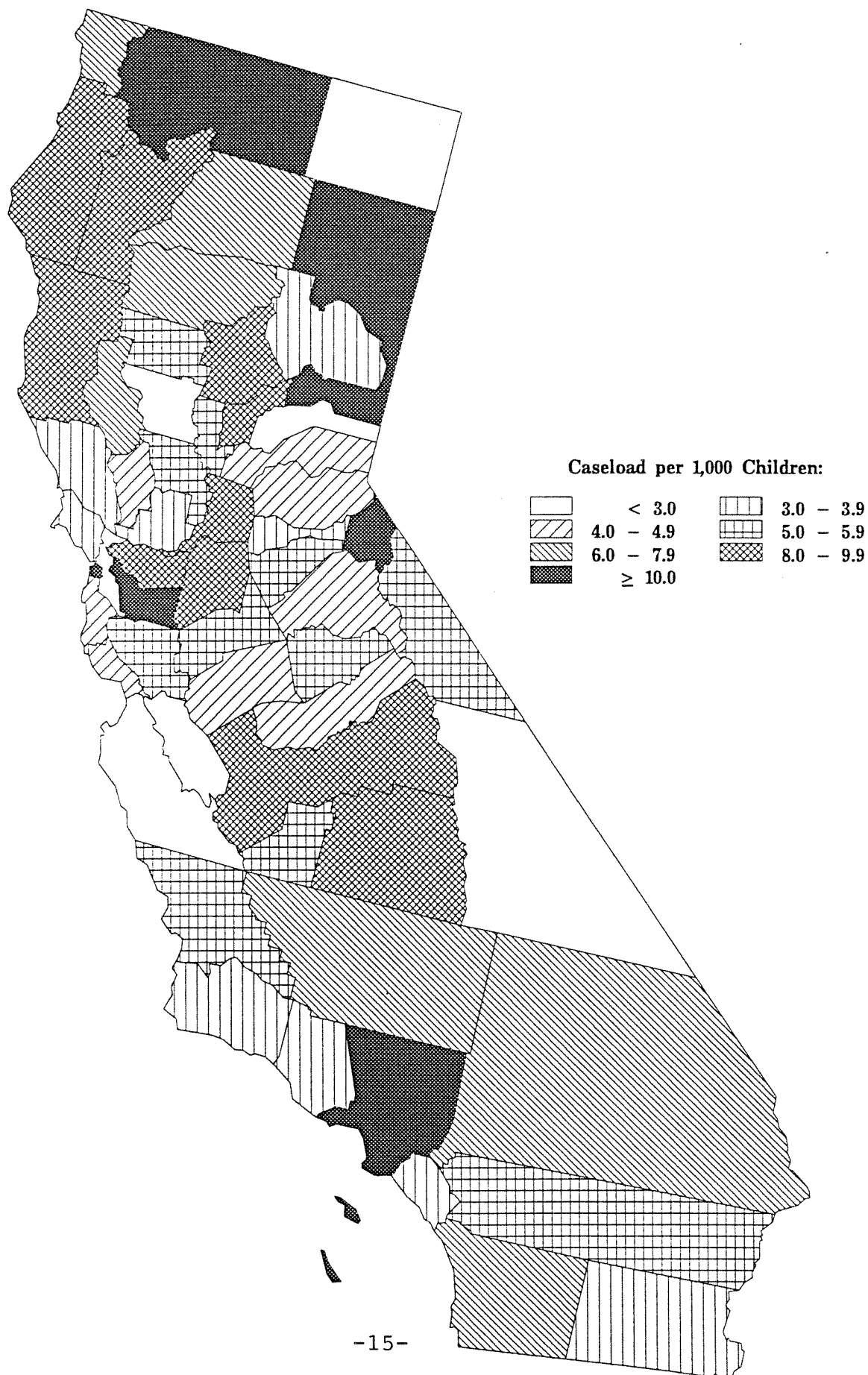


Figure 6.3 1988-1994 Entries: First Spell Median Length of Stay in Months by Age in Years at Entry

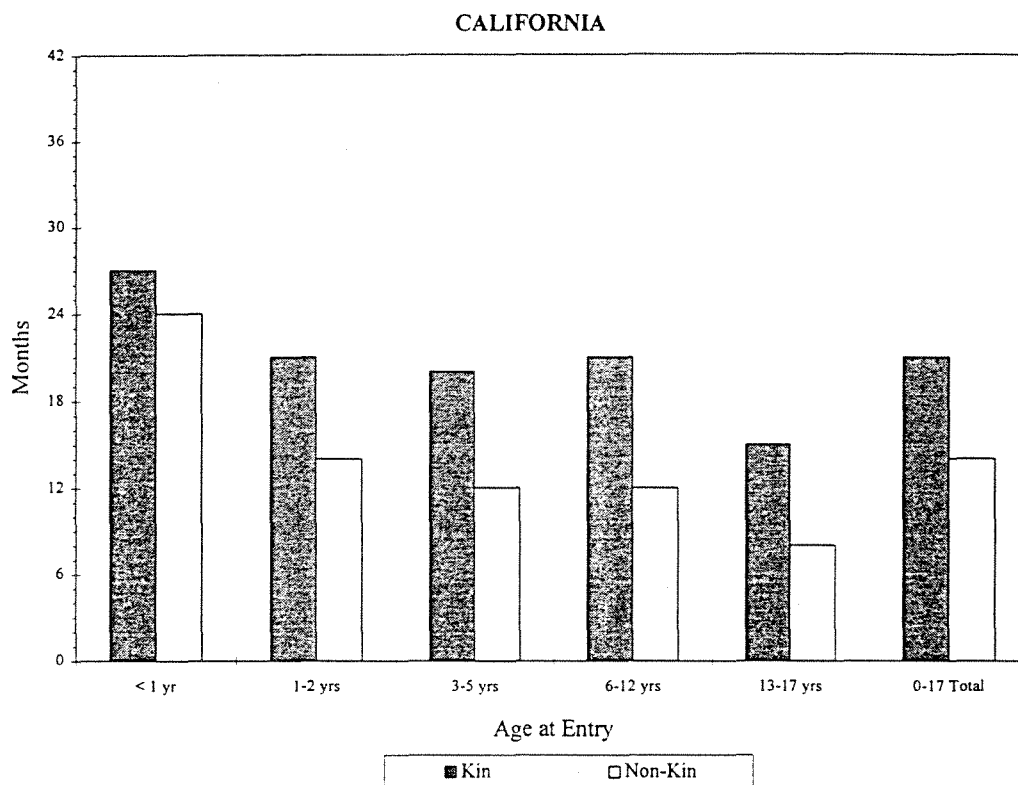


Table 6.3

1988-1994 Entries: First Spell Median Length of Stay (with 95% Confidence Interval) in Months by Age in Years at Entry

	< 1		1-2		3-5		6-12		13-17		0-17 Total	
	Med.	(95% CI)	Med.	(95% CI)	Med.	(95% CI)	Med.	(95% CI)	Med.	(95% CI)	Med.	(95% CI)
Kin	27	(26, 28)	21	(20, 22)	20	(20, 21)	21	(20, 21)	15	(15, 16)	21	(21, 22)
Non-Kin	24	(23, 24)	14	(13, 14)	12	(12, 13)	12	(12, 12)	8	(8, 9)	14	(13, 14)

Figure 9.1 1988-1990 Entries: Exits from First Spell at Four Years by Entry Year and Placement Type

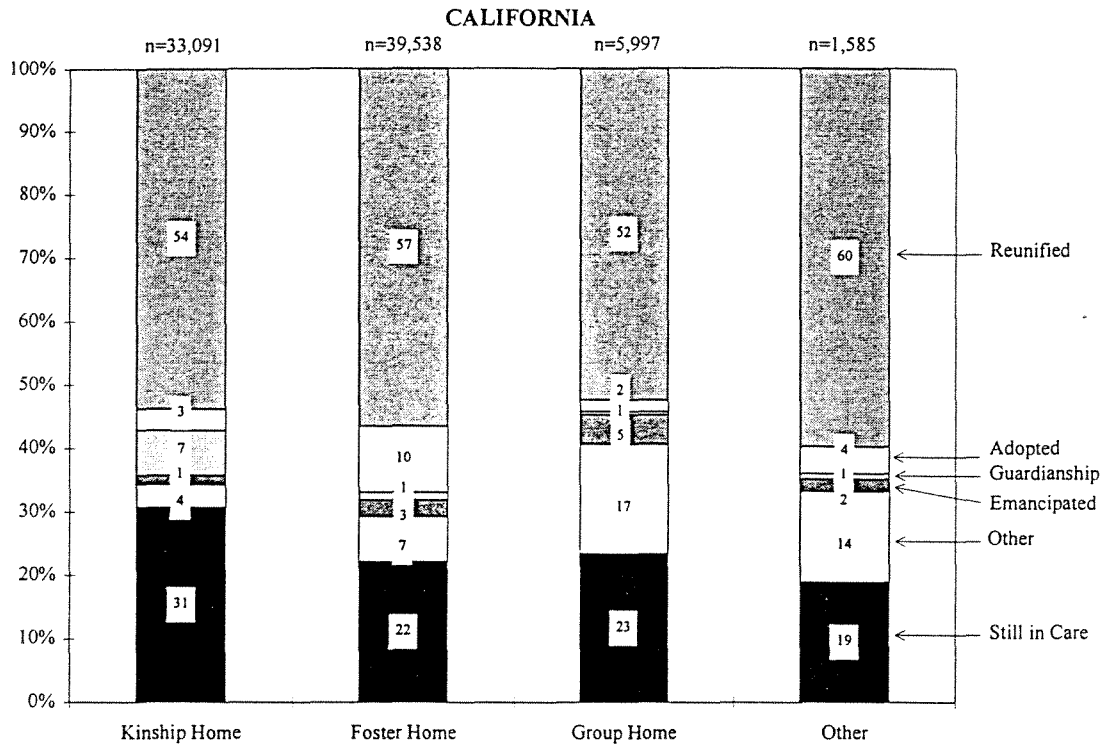


Table 9.1

1988-1990 Entries: Exits from First Spell at Four Years by Entry Year and Placement Type

Outcome	1988		1989		1990		1988-1990 Total	
	n	%	n	%	n	%	n	%
Kinship Home								
Reunified	5,056	50.5	6,628	54.9	6,141	55.8	17,825	53.9
Adopted	316	3.2	447	3.7	328	3.0	1,091	3.3
Guardianship	832	8.3	883	7.3	617	5.6	2,332	7.0
Emancipated	130	1.3	180	1.5	186	1.7	496	1.5
Other	342	3.4	423	3.5	410	3.7	1,175	3.6
Still in Care	3,336	33.3	3,510	29.1	3,326	30.2	10,172	30.7
Total	10,012	100	12,071	100	11,008	100	33,091	100
Foster Home								
Reunified	7,500	55.7	7,686	56.1	7,173	58.0	22,359	56.6
Adopted	1,323	9.8	1,466	10.7	1,304	10.6	4,093	10.4
Guardianship	175	1.3	170	1.2	132	1.1	477	1.2
Emancipated	278	2.1	366	2.7	406	3.3	1,050	2.7
Other	917	6.8	975	7.1	890	7.2	2,782	7.0
Still in Care	3,277	24.3	3,046	22.2	2,454	19.9	8,777	22.2
Total	13,470	100	13,709	100	12,359	100	39,538	100
Group Home								
Reunified	1,021	50.7	1,114	53.2	1,009	53.4	3,144	52.4
Adopted	27	1.3	40	1.9	41	2.2	108	1.8
Guardianship	14	0.7	10	0.5	4	0.2	28	0.5
Emancipated	83	4.1	86	4.1	112	5.9	281	4.7
Other	346	17.2	353	16.9	334	17.7	1,033	17.2
Still in Care	524	26.0	491	23.4	388	20.6	1,403	23.4
Total	2,015	100	2,094	100	1,888	100	5,997	100
Other								
Reunified	240	58.5	359	64.6	348	56.2	947	59.7
Adopted	12	2.9	13	2.3	42	6.8	67	4.2
Guardianship	1	0.2	4	0.7	8	1.3	13	0.8
Emancipated	7	1.7	9	1.6	16	2.6	32	2.0
Other	73	17.8	75	13.5	78	12.6	226	14.3
Still in Care	77	18.8	96	17.3	127	20.5	300	18.9
Total	410	100	556	100	619	100	1,585	100

Figure 9.3 1988-1990 Entries: Exits from First Spell at Four Years by Ethnicity

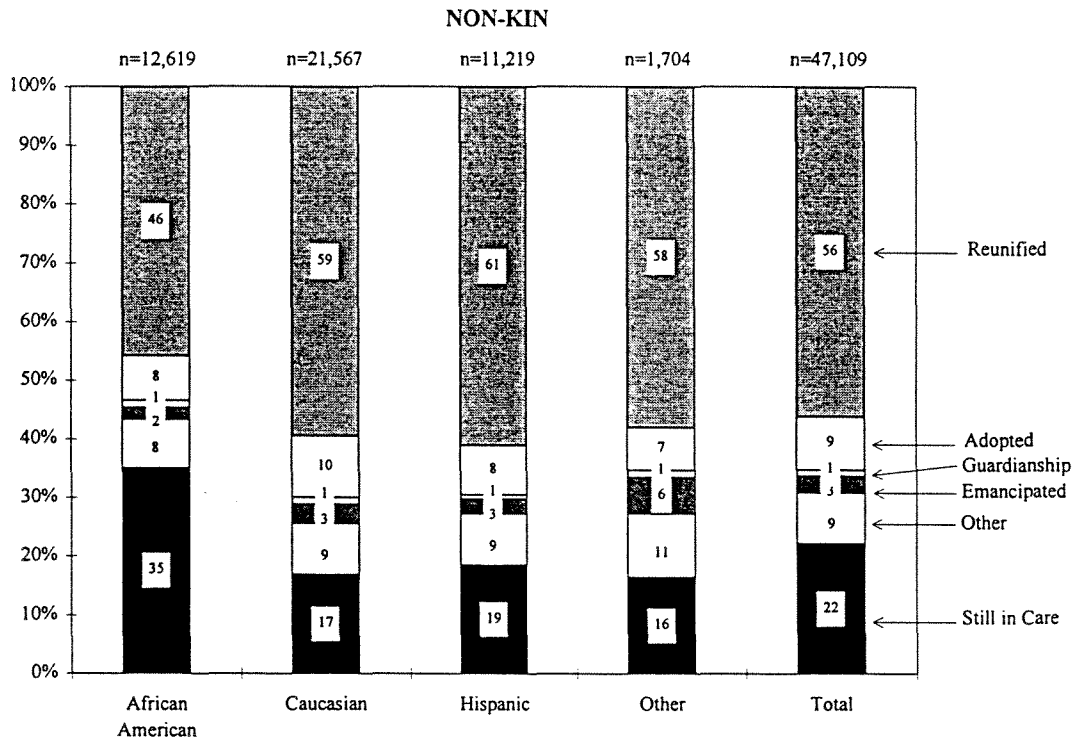
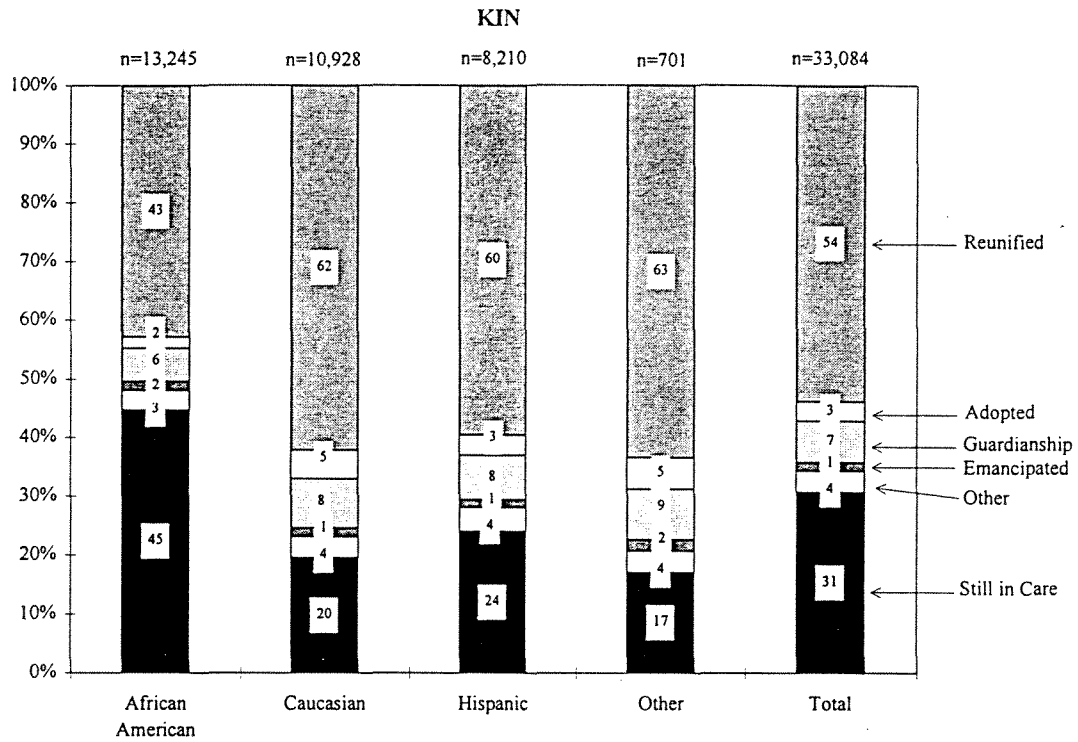


Figure 11.1 1988-1990 Entries: Exits to a Family (Reunified, Adopted, or Guardianship)
Without Re-entry at Four Years by Entry Year

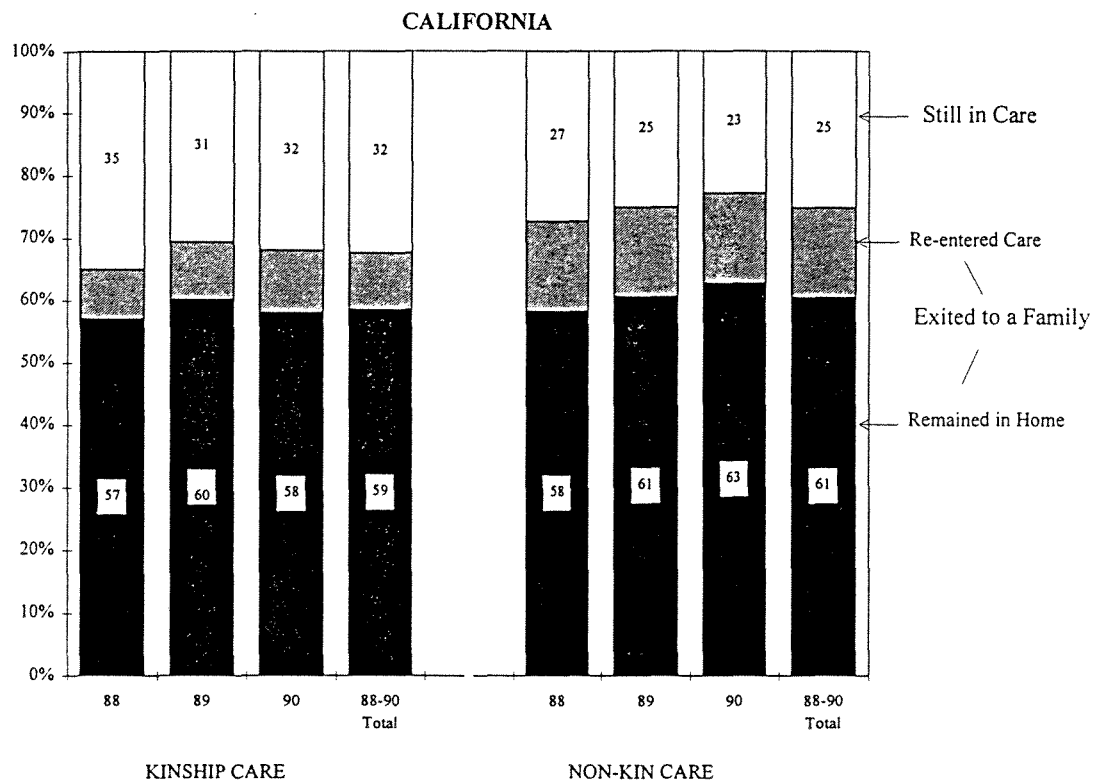


Table 11.1

1988-1990 Entries: Exits to a Family (Reunified, Adopted, or Guardianship) Without Re-entry at Four Years by Entry Year

	1988	1989	1990	1988 - 1990 Total
Kinship Care				
Still in care	3,336	3,510	3,326	10,172
Exited to a family	6,204	7,958	7,086	21,248
Re-entered care	760	1,050	1,038	2,848
Remained in a home	5,444	6,908	6,048	18,400
Percent re-entered ¹	12.3	13.2	14.6	13.4
Percent remaining in home ²	57.1	60.2	58.1	58.6
Non-Kin Care				
Still in care	3,878	3,633	2,969	10,480
Exited to a family	10,313	10,862	10,061	31,236
Re-entered care	2,046	2,071	1,879	5,996
Remained in a home	8,267	8,791	8,182	25,240
Percent re-entered	19.8	19.1	18.7	19.2
Percent remaining in home	58.3	60.6	62.8	60.5

¹ Percent re-entered = number who re-entered care / number who exited to a family.

² Percent remaining in home = number who remained in a home / (number exited to a family + number still in care).

SECTION C

SGT. LENA MADDUX

Child Abuse Bureau Supervisor
Sacramento County Sheriff's Department

Sgt. Lena Maddux, Child Abuse Bureau Supervisor, the Sacramento County Sheriff's Department, gave a local perspective about law enforcement's response to calls of abuse and neglect. Children are removed, according to Sgt. Maddux, under four circumstances:

- When a reasonable suspicion exists that harm has been or will be perpetrated upon the child;
- When there is a child homicide or death;
- When there is an allegation of sexual abuse if the suspect remains in the home or if the child comes in regular contact with the suspect; or
- When there is an allegation of physical abuse and there is an observable injury, or when the child shows fear of the offending parent or abuser.

Sacramento County received 7,391 cases in 1994 of which 6,164 came from mandated reporters. The remaining 1,227 resulted from law enforcement officers in the field. Of these, 716 were assigned for investigation, comprised primarily of child molest cases. Sgt. Maddux reported that at least half of the cases were a result of children reporting the abuse to another party. Neglect allegations generally are made by someone outside of the home.

SECTION D

PATRICK ASHBY

Bureau Chief
Department of Social Services

Patrick Ashby, Bureau Chief, Department of Social Services (DSS), testified about the role of the department in the juvenile dependency arena. According to Mr. Ashby, DSS provides funding oversight, including federal and state General Fund monies for IV-E and IV-D funding, which involve the care and maintenance of children.

In addition, DSS promulgates rules and regulations that keep California in line with federal guidelines, providing a policy manual that includes a compilation of all rules and regulations from California, other states and the federal government. Community care licensing (including foster care and group care homes) is regulated, and rates are set by the department.

Finally, DSS provides training for current social workers as well as for foster parents, coordinating with all higher education institutions the standards of education for future social workers. Data also are collected through the Foster Care Information System, the study of which assists the department in determining policy.

Handouts provided to committee members by DSS included the Annual Statistical Report for Calendar Year 1994, "Preplacement Preventive Services for Children in California," which summarized emergency response and family maintenance services; "The California Child Abuse & Neglect Reporting Law, Issues and Answers for Health Practitioners"; and "Child Abuse Prevention Handbook." Each of these publications is available through DSS.

SECTION E

KATHLEEN HOWARD

Legislative Advocate
Judicial Council of California

Kathleen Howard, Legislative Advocate, Judicial Council of California testified about an 18-month study that Judicial Council has begun that will assess court practices and procedures relating to children in California's child welfare and juvenile justice system. According to Ms. Howard, the study will focus on abused and neglected children who are placed out of home and make recommendations for improvement.

Assemblyman Isenberg questioned whether the study would reveal why a disproportionate number of African-American children are placed in foster care and, if not, made the request that information on that issue be collected. Ms. Howard agreed to respond through a letter regarding Judicial Council's intentions.

Two handouts were provided: one describing the project and the other requesting proposals. Each handout is attached.

JUDICIAL COUNCIL JUVENILE COURT IMPROVEMENT PROJECT

The Judicial Council has received funding from the United States Department of Health and Human Services, Administration on Children, Youth and Families, to undertake a statewide assessment of court practices and procedures relating to children and youth in California's child welfare and juvenile justice system. The study will focus on abused and neglected children placed out of home, and to make recommendations for improvement.

Included in the assessment will be a review of laws, procedures, and practices applicable to:

- (1) the quality and adequacy of the information available to courts in child welfare cases, including agency reports, expert testimony, and basic information about the child and family;
- (2) the effectiveness of California courts in carrying out related responsibilities under federal legislation, such as the Indian Child Welfare Act, and the Child Abuse Prevention and Treatment Act;
- (3) the effectiveness, timeliness, and quality of proceedings which determine whether to remove children from their parents or caretakers;
- (4) judicial decisions concerning the placement of a child, including determinations whether reasonable efforts have been made to keep a child at home;
- (5) the adequacy and availability of counsel for parties in juvenile dependency proceedings;
- (6) the criteria or standards for assuming court jurisdiction over children;
- (7) the extent to which court caseload size and resource limitations affect judicial performance;
- (8) the quality of treatment of all participants in the system (children, parents, foster parents, social workers, etc.);
- (9) termination of parental rights and guardianship proceedings;

- (10) finalization of an adoption or other permanent placement; and,
- (11) the effectiveness and timelines of appellate proceedings which review dependency and termination of parental rights proceedings.

There will be some assessment of the courts in all 58 counties in California. Data will be collected on a statewide basis through the use of written questionnaires and surveys, telephone and in-person interviews, site visits, and court observations. In addition to the statistical data collection and reporting, regional public hearings, focus group and roundtable discussions have will be conducted.¹

During the assessment process, a plan for improvement will be developed. The plan will include procedures for monitoring implementation and evaluation of improvement efforts.

¹ Public hearings were held in six locations in California. Separate facilitated focus-group discussions with participants in the juvenile process, including representatives from Indian tribes in California, Court-Appointed Special Advocate (CASA) volunteers, social workers, and courtroom clerks, are in progress. The purpose of both the public hearings and the focus-group discussions is to (1) insure broad-based participation in the assessment process; (2) identify areas in need of improvement and focus on positive solutions; and (3) identify specific areas that are working well at the state or local level and share that information statewide. Roundtable discussions with Judicial Council members, key legislators and staff, appellate and trial judges and administrators, and juvenile subcommittee members are also planned to focus on policy and procedural issues.

Project Summary

The Judicial Council, under the State Court Improvement Program, has received federal funding from the United States Department of Health and Human Services, Administration on Children, Youth and Families (ACYF), to:

- undertake a statewide assessment of court practices and procedures relating to children and youth in California's child welfare and juvenile justice system with a special focus on abused and neglected children placed out of home, and
- make recommendations for improvement.

Included in the assessment will be a review of laws, procedures, and practices applicable to:

- the quality and adequacy of the information available to courts in child welfare cases, including agency reports, expert testimony, and basic information about the child and family
- the effectiveness, timeliness, and quality of proceedings that determine whether to remove children from their parents or caretakers
- the adequacy and availability of counsel for parties in juvenile dependency proceedings
- the extent to which court caseload size and resource limitations affect judicial performance
- termination of parental rights and guardianship proceedings; finalization of an adoption or other permanent placement
- the effectiveness of California courts in carrying out related responsibilities under federal legislation, such as the Indian Child Welfare Act and the Child Abuse Prevention and Treatment Act
- judicial decisions concerning the placement of a child, including determinations whether reasonable efforts have been made to keep children at home
- the criteria or standards for assuming court jurisdiction over children
- the quality of treatment of all participants in the system (children, parents, foster parents, social workers, etc.)
- the effectiveness and timeliness of appellate proceedings that review dependency and termination of parental rights proceedings

The project is organized and conducted under the auspices of the Judicial Council Family and Juvenile Law Standing Advisory Committee. The committee will report its findings and make recommendations for improvement to the Judicial Council.

Included in the assessment process will be statewide and county surveys, focus group discussions, and public hearings. During the assessment process, a plan for improvement will be developed. The plan will include procedures for monitoring implementation and evaluation of improvement efforts. If funding is available, the council will administer a grant program to implement state and local improvement efforts.

For additional information, fax or e-mail request to:
Diane Nunn, Staff Counsel, Council and Legal Services
(415) 396-9358 (CALNET 8-531-9358)
Diane_Nunn@ocjud.state.ca.us

Juvenile Law Subcommittee

HON. LEONARD EDWARDS
Subcommittee Chair
Judge of the Superior Court
Santa Clara County

MR. RICHARD BELARDE
Social Services Director
Modoc County Department of Social
Services

HON. PATRICIA BRESEE
Superior Court Commissioner
San Mateo County

MS. RITA CREGG
Director
Child Advocates Office

MS. GLORIA GEBBIE
Attorney
Howard, Friedman & Gebbie

MR. DENNIS HANDIS
Chief Probation Officer
Santa Clara County Probation
Department

MR. MITCHEL HARRIS
Deputy District Attorney
Los Angeles County

HON. ALICE A. LYTLE
Judge of the Sacramento Municipal
Court District
Sacramento County Juvenile Court

MS. JEANNE MILLSAPS
Court Administrator
San Joaquin County Superior Court

HON. MICHAEL NASH
Judge of the Superior Court
Los Angeles County Children's Court

MS. MARY J. RISLING
Attorney
Eureka

HON. ARNOLD ROSENFELD
Judge of the Superior Court
Sonoma County

MR. JOSEPH L. SPAETH
Public Defender
San Rafael

MS. SUSAN STROM
Chief Deputy Counsel
San Diego County Counsel's Office

HON. WILMONT SWEENEY
Judge of the Superior Court
Alameda County

MR. CHRISTOPHER N. WU
Executive Director
Legal Services for Children

MS. DIANE NUNN
Staff Coordinator
Administrative Office of the Courts

MS. SUSIE VIRAY
Administrative Assistant
Administrative Office of the Courts



Judicial Council of California

Administrative Office of the Courts

303 Second Street, South Tower • San Francisco, California 94107 • Phone 415/396-9100 FAX 415/396-9358

TO: POTENTIAL BIDDERS

FROM: Administrative Office of the Courts
Diane Nunn, Attorney

DATE: October 13, 1995

RE: REQUEST FOR PROPOSALS: **Consultant**
Judicial Council Juvenile Court Improvement Project

You are invited to review and respond to the attached Request for Proposals:
Judicial Council Juvenile Court Improvement Project (RFP 95-10-13).

Proposal Due Date: Proposals must be received by 5 p.m. on November 20, 1995, at:

**Judicial Council of California
Administrative Office of the Courts
303 Second Street, South Tower
San Francisco, California 94107
ATTN: Diane Nunn, Project Manager**

Commencement of Performance: Performance will begin as soon as the contract is signed and approved by the Judicial Council. Contract development and approval may take as long as six to eight weeks.

For further information regarding the RFP, please contact Diane Nunn at (415) 396-9142 or Susie Viray (415) 396-9345.

DN:smv
Attachments

REQUEST FOR PROPOSALS

Consultant

**JUDICIAL COUNCIL
JUVENILE COURT IMPROVEMENT PROJECT**

RFP 95-10-13
JUDICIAL COUNCIL OF CALIFORNIA
ADMINISTRATIVE OFFICE OF THE COURTS

1.0 GENERAL INFORMATION

1.1 Background

The Judicial Council, chaired by the Chief Justice, is the chief policymaking agency of the California judicial system. The Constitution directs the council to improve the administration of justice by surveying judicial business, recommending improvements to the courts, and making recommendations annually to the Governor and the Legislature. The council also must adopt rules for court administration, practice, and procedure, not inconsistent with statute, and perform other functions prescribed by law. The Administrative Office of the Courts is the staff agency for the council and assists both the council and its Chair in performing their duties.

Statistics on all cases filed or heard in California courts are compiled from reports that the courts file regularly with the Judicial Council. The council is responsible for the compilation, reporting, and analysis of data collected by state courts. The courts are required to report to the Administrative Office of the Courts information concerning filings, dispositions, trials, length of time to dispositions, and other workload data. The compilation of data is designed to meet the council's constitutional duty to survey judicial business. Currently, the council collects data on the number of juvenile dependency and delinquency filings and dispositions. The council does not presently collect data on the number of adoption filings, termination of parental rights proceedings or guardianships.

1.2 Project Objectives

The Judicial Council has received funding the United States Department of Health and Human Services, Administration on Children, Youth and Families, to undertake a statewide assessment of court practices and procedures relating to children and youth in California's child welfare and juvenile justice system with a special focus on abused and neglected children placed out of home, and to make recommendations for improvement.

Included in the assessment will be a review of laws, procedures, and practices applicable to (1) the quality and adequacy of the information available to courts in child welfare cases, including agency reports, expert testimony, and basic information about the child and family; (2) the effectiveness of California courts in carrying out related responsibilities under federal legislation, such as the Indian Child Welfare Act, and the Child Abuse Prevention and Treatment Act; (3) the effectiveness, timeliness, and quality of proceedings which determine whether to remove children from their parents or caretakers; (4) judicial decisions concerning

the placement of a child, including determinations whether reasonable efforts have been made to keep a child at home; (5) the adequacy and availability of counsel for parties in juvenile dependency proceedings; (6) the criteria or standards for assuming court jurisdiction over children; (7) the extent to which court caseload size and resource limitations affect judicial performance; (8) the quality of treatment of all participants in the system (children, parents, foster parents, social workers, etc.); (9) termination of parental rights and guardianship proceedings; (10) finalization of an adoption or other permanent placement; and, (11) the effectiveness and timelines of appellate proceedings which review dependency and termination of parental rights proceedings.

There will be some assessment of the courts in all 58 counties in California. Data will be collected on a statewide basis through the use of written questionnaires and surveys, telephone and in-person interviews, site visits, and court observations. In addition to the statistical data collection and reporting, regional public hearings, focus group and roundtable discussions have will be conducted.¹

During the assessment process, a plan for improvement will be developed. The plan will include procedures for monitoring implementation and evaluation of improvement efforts.

1.3 Project Organization

The project is organized and conducted by the Judicial Council Family and Juvenile Law Standing Advisory Committee. The committee members represent a broad range of interests and expertise in the fields of child welfare and juvenile justice. The members of the committee, each of whom have valuable expertise to share, comprise a comprehensive cross-section of judges, commissioners, court personnel, private and public attorneys, county welfare director, chief probation officer, CASA director, mediator, and children's advocate. This committee will ultimately approve of any work products of the court improvement project and set overall policy for the assessment.

¹ Public hearings were held in six locations in California. Separate facilitated focus-group discussions with participants in the juvenile process, including representatives from Indian tribes in California, Court-Appointed Special Advocate (CASA) volunteers, social workers, and courtroom clerks, are in progress. The purpose of both the public hearings and the focus-group discussions is to (1) insure broad-based participation in the assessment process; (2) identify areas in need of improvement and focus on positive solutions; and (3) identify specific areas that are working well at the state or local level and share that information statewide. Roundtable discussions with Judicial Council members, key legislators and staff, appellate and trial judges and administrators, and juvenile subcommittee members are also planned to focus on policy and procedural issues.

The Project Manager will monitor the ongoing progress of the project. The selected consultant will be required to submit to the Project Manager regularly scheduled written reports of activities and tasks accomplished.

2.0 Purpose of this RFP

The Judicial Council seeks the services of a consultant with expertise in standardized research methods and familiarity with juvenile court and child welfare systems in California, to conduct the statewide data collection and analysis.

In addition to the analysis of the data collected by the consultant, the consultant will be required to analyze the data already collected by the Advisory Committee and the Project Manager, including the public hearing transcripts, focus group and roundtable discussion notes, and related information currently being collected through other committee projects.

The consultant will also assist the Advisory Committee and Project Manager in the development of the data collection tools and in preparation of a final project report.

3.0 Proposed Consultant Services

3.1. The consultant services are expected to be performed by the consultant between January 1, 1996, and September 30, 1996.

3.2. The consultant will be asked to:

3.2.1. Provide a detailed research plan describing data collection, analysis, and reporting procedures.

3.2.2. Develop survey instruments to be used in written statewide questionnaires, telephone and in-person interviews, site visits, and court observations.

3.2.3. Using standard data collection and sampling techniques during the assessment, collect data concerning children and youth in California's child welfare and juvenile justice system from all 58 counties as specified below:

3.2.3.a. Case Management from Referral to Termination of Dependency. Data will be collected on the number of calls reporting abuse or neglect, the percentages of those calls resulting in the filing of petitions, and the figures as to the judicial outcomes of each of those petitions. Numbers and percentages of detentions, sustained petitions, children removed, children returned during the course of the dependency, and permanent plans will be gathered, as well as statistics

on emancipation, dismissals of petitions, subsequent and supplemental petitions and terminations of dependency. Demographic information on the children and families must also be obtained.

3.2.3.b. Court Proceedings. Data collected will include reviews of assignments of judicial officers, judicial time devoted to preparation and in court proceedings, court staffing and training of judicial officers and staff. Attorney selection, caseload, and level and extent of representation of parties will be analyzed, as well as the availability and utilization of volunteers and lay advocates, such as Court Appointed Special Advocates (CASA).

3.2.3.c. Targeted Counties.² Data from those counties identified for more detailed analysis will provide specific numbers on case management, including in addition to the information sought statewide, numbers and extent of continuances, and adherence to statutes and rules regarding timelines, notices, etc. Attention will be devoted to issues such as education, counseling and treatment, emancipation, and permanency planning, including follow-up information on dismissed cases and permanent plans of adoption, guardianship and long term foster care.

3.2.4. Analyze data collected, the public hearing transcripts, focus group and roundtable discussion notes, and related information currently being collected through other committee projects.

3.2.5. Meet and work with the Advisory Committee and Project Manager to review the development of the research design, data collection instruments, data collection, and draft reports.

3.2.6. All proposed research plans and survey instruments must be approved by the Advisory Committee and Project Manager prior to implementation.

3.2.7. Provide Advisory Committee and Project Manager an initial draft report by June 1, 1996, and a final draft report by August 1, 1996.

4.0 Specifics of Response

4.1 Bidder Information

4.1.1. Name, address, telephone number(s), and social security number or tax identification number.

² The following counties have been selected for a more detailed assessment: Alpine, Butte, Fresno, Humboldt, Los Angeles, Orange, Sacramento, San Bernardino, San Diego, San Francisco, San Mateo, Santa Barbara, Shasta, Sonoma, Tulare, and Ventura.

4.1.2. Provide five copies of the proposal signed by an authorized representative of the company, including name, title, address, and telephone number of a person who is the responder's representative.

4.1.3. Provide resumes describing the background and experience of key staff, as well as each individual's ability and experience in conducting the proposed evaluation activities.

4.1.4. Describe key staff's knowledge of juvenile dependency proceedings child welfare practices in California.

4.1.5. List names, addresses, and telephone numbers of clients for whom the consultant has conducted assessments or surveys.

4.1.6. Describe experience in the development of survey instruments, the conducting of surveys and participation in other activities related to examination of the California or other juvenile court system.

4.2. Research Method

4.2.1. Describe proposed research/analysis program design utilizing the basic format outlined in this RFP; include specific information as to the questions to be asked and types of demographic, process and outcome data to be collected in order to address the project objectives.

4.2.2. Describe data collection instruments that would be developed.

4.2.3. Describe the methodology you would use to collect and analyze the data.

4.2.4. Include specific information as to sample selection, research design and data analytic plans.

4.2.5. Describe how you will supervise the collection of data.

4.2.6. Describe how you will obtain Advisory Committee and Project Manager review and approval of all research design elements developed for the project data collection.

4.2.7. Describe how you will work with the Advisory Committee and Project Manager and local courts to ensure that data is gathered in accurate and uniform manner.

4.2.8. Describe how you will protect the confidentiality of all children and juvenile cases used in the project.

5.0 Cost Proposal

Submit a detailed line item budget showing total cost of the services. Fully explain and justify all budget line items in a narrative entitled "Budget Justification." Indicate any services that bidder can provide at below or reduced cost (i.e., through utilization of student interns) in order to maximize the value of the awarded contract.

The total cost for consultant services will not exceed \$150,000 inclusive of personnel, materials, computer support, travel, lodging, per diem and overhead rates. The method of payment to the contractor will be by cost reimbursement.

6.0 Rights

The State reserves the right to reject any and all proposals, as well as the right to conduct or not conduct a similar proposal in the future. This request for proposal is in no way an agreement, obligation, or contract and in no way is the State responsible for the cost of preparation. The consultant selected will be required to sign a completed State of California Standard Agreement Form. Special terms and conditions, as appropriate, will be included in the agreement.

7.0 M/W/DVBE Participation Goals

State law requires that State contracts have participation goals of 15 percent for minority business enterprises (MBE), 5 percent for women business enterprises (WBE), and 3 percent for disabled veteran business enterprises (DVE). The proposal should include M/W/DVBE subcontractors and should endeavor to fulfill the participation goals when proposing resources to fulfill the requirements of this request for proposal. The responder must complete that attached M/W/DVBE participation requirements.

8.0 Project Management

The Project Director will be:

Diane Nunn
Council and Legal Unit
Administrative Office of the Courts
303 2nd Street, South Tower
San Francisco, CA 94107
(415) 396-9142

9.0 Evaluation of Proposal

The proposal shall be evaluated by the AOC using the following criteria:

- A. Quality of work plan submitted
- B. Experience on similar assignments
- C. Credentials of staff to be assigned to the project
- D. Ability to meet timing requirements to complete the project
- E. Reasonableness of cost projections