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ASSEMBLYMAN, SEVENTY-SEVENTH DISTRICT

Assembly Bill 859

Juveniles: Judicial Caseload

Background

When a foster child is decreed to be a ward of the court pursuant to Welfare & Institutions Code section 300, the state takes on the responsibility of literally, parenting and raising an abused or neglected child.¹

While foster parents and other placements provide daily care for these children, every major and irrevocable decision in the lives of foster children is made by a judge in a courtroom: whether the children will ever see their brothers or sisters again, whether they will be forced to ingest psychotropic medications, where they will live, with whom, and critical matters regarding their education.

For all practical purposes judges in the lives of these children act as their parents, on our behalf.

Burdened by vast caseloads dependency judges cannot be proportional to our entirely unique moral obligation and the child's unique vulnerability, do their jobs; cannot get to know the child, question the assessments and arguments and evidence of lawyers and social workers, and make routinely life-altering rulings as the judge's role as a parent .

The Judicial Council after careful study established caseload maximums exist for each counsel assigned to represent foster children and, because of that standard, advocates for additional funding were able to lobby for additional funding because they could highlight the difference between what was needed and what was appropriated.

In contrast, no such caseload maximum applying to each dependency judge individually has been identified. Nearly ten years ago the Judicial Council studied the workloads of dependency counsel,

¹ See *Troxel v. Granville* (200) 530 U.S. 57 for the proposition that the State has a long-recognized interest as *parens patriae*. See also, *In re Lucero L.*, (200) 22 Cal. 4th 1227, 1256 "a parent has important interests at stake, but so too does the child and the state as *parens patriae*." Concurring opinion

concluded that 36 more judges were required statewide², but has not translated that finding into a case load ceiling for each judge as it did with attorneys. For the Legislature to assess whether and to what extent judicial caseloads in foster care cases may be harming our most vulnerable children and may need to be addressed to their benefit, a caseload analysis and maximum for judges comparable to that done for counsel is essential.

Current Law

Section 317(c) of the Welfare & Institutions Code in part requires that the Judicial Council promulgate rules establishing caseload standards, training requirements, and guidelines for appointment of counsel for dependent children.

Government Code section 69614 provides, in part, requires the Judicial Council to adopt "uniform standards for factually determining additional judicial need in each county" pursuant to certain listed criteria.

This Bill

AB 859 will require the Judicial Council to study and identify appropriate caseload standards for judges who adjudicate juvenile dependency proceedings.

Sponsor

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² <https://www.courts.ca.gov/documents/jc-121211-item3.pdf>. From that study at p.3: "Case weights require periodic review because changes in the law, technology, and practice all affect the average amount of time required for case processing. Periodic review, and where necessary revision of case weights, ensures that the allocation formulas reported to the Legislature and the Governor reflect the current amount of time required to resolve cases."