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June 20, 2008

Ms. Camilla Kieliger
Judicial Council
455 Golden Gate Avenue
San Francisco, California 94102

Re: Item SPR 08-05 & SPR 08-41
Comment on Proposed California Rules of Court, rule 5.505 and
Implementation Guide to Juvenile Dependency Performance Measures

Dear Ms. Kieliger:

The Children's Advocacy Institute would like to start by thanking you for the opportunity to comment on Proposed Rule 5.505 and the accompanying Implementation Guide to Juvenile Dependency Performance Measures.

The Children's Advocacy Institute (CAI), located at the University Of San Diego School Of Law, seeks to improve the health, safety, and well-being of California's children. CAI advocates in the legislature to make the laws, in the courts to interpret laws, before administrative agencies to implement laws, and before the public to educate and build support for laws to improve the status of children statewide and nationwide. CAI educates policymakers about children's needs for economic security, adequate nutrition, health care, education, quality child care, and protection from abuse, neglect, and injury. CAI was also a co-sponsor of AB 2216 which requires the implementation of proposed Rule 5.505.

CAI is extremely pleased with Proposed Rule 5.505 and the accompanying Implementation Guide. We believe the concerns we addressed to this Council in our comments dated January 25, 2008 and February 7, 2008 have been effectively addressed in the newly released Proposed Rule. We also appreciate that Proposed Rule 5.505 is being released in conjunction with the Proposed Implementation Guide and that when a substantive change is made to the Implementation Guide, both the Rule and the Guide will be modified and circulated for comment. Thank you for your work in this regard.

Our reading of the new Proposed Rule and Implementation Guide, along with our own work since February of this year has brought another area to our attention which we believe should be addressed in the child and family well-being performance measures (subdivision (b)(5) of Proposed Rule 5.505). CAI believes it is critically important for the Administrative Office of the Courts to track data regarding those children who are involved in both dependency and delinquency courts. In greater detail below, we will address what data we have identified as needing attention.

Expansion of Performance Measure's Scope

The Judicial Council has requested public comment as to whether the measures should apply exclusively to children in child welfare-supervised foster care or be expanded to also include those children in probation-supervised foster care. CAI has been working with children who appear on San Diego's "dual jurisdiction" calendar. Through our work in this regard, we believe it is crucial that data be collected for probation-supervised children. In particular, we believe it is important that the court collect data regarding:

- (1) The percentage of children who are dependents of the court and for whom a delinquency petition is filed.
- (2) The percentage of children who are dependents of the court, for whom a delinquency petition is filed, and who remain detained pending a hearing pursuant to Welfare and Institutions Code § 241.1.
- (3) The percentage of children who are dependents of the court, for whom a delinquency petition is filed, and who remain dependents after a hearing pursuant to Welfare and Institutions Code § 241.1.
- (4) The percentage of children who are dependents of the court, for whom a delinquency petition is filed, and who become wards of the court after a hearing pursuant to Welfare and Institutions Code § 241.1.
- (5) The number of days, on average, a dependent child remains detained after the child is found to remain a dependent at a hearing pursuant to Welfare and Institutions Code § 241.1.
- (6) The number of days, on average, a dependent child remains detained for a specified offense in comparison to the number of days a non-dependent child remains detained for the same offense.

This list should not be considered exhaustive but merely act as a guide from which the Judicial Council can understand types of performance measures CAI believes are appropriate to capture the important data that helps quantify the well-being of dependent youth who find themselves involved with the delinquency court.

Court Procedures and Due Process Title

The Judicial Council further requested comment as to whether § (b)(2) currently titled "Court Procedures and Due Process" should instead be titled "Due Process". CAI believes the currently drafted title, "Court Procedures and Due Process" is appropriate to identify the added data that is being collected. CAI further believes it is appropriate to gather data not only on the specific due process categories but, also, on the implementation of each court's procedures.

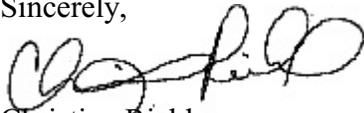
Child Permanency Measures

Finally, CAI would like to respond to the Judicial Council's request for comment as to whether permanency measures (b)(4)(H) and (I) should be included in this rule and at what time intervals they should be measured. CAI believes that a study of a child's permanency would be incomplete if we ignored the fact that children are often adopted from the foster care system only to find themselves returned to the system at a later date. As such, it is crucial that permanency measures

(b)(4)(H) and (I) remain included in this rule. CAI would, however, proposed an amendment to these measures to extend the time period over which return to the dependency system is measured. Specifically, we believe subdivision (b)(4)(H) should read “of children who were freed for adoption, the percentage for whom the adoption did not take place within 1, 2, 3 years, *or longer*, of termination of parental rights.” We believe subdivision (b)(4)(I) should read, “of children who were adopted, the percentage for whom the adoption failed within 1, 2, 5, 10 or 15 years of termination of parental rights.” By extending the time period over which return is measured, you are able to adequately account for those children who are adopted when they babies but are later thrown back to the system when they become “out of control” teenagers.

Thank you for the opportunity to respond and we hope that our comments will prove helpful in formulating an appropriate Rule of Court to implement AB 2216. Feel free to contact me if you have any questions or if you would like any further input regarding proposed Rule 5.505 and the accompanying Implementation Guide.

Sincerely,

A handwritten signature in black ink, appearing to read 'Christina Riehl', written in a cursive style.

Christina Riehl
Staff Attorney