

WHAT ARE THE STRATEGIES, IF ANY, THAT STATES ACROSS THE NATION EMPLOY WITH THEIR RESPECTIVE FAMILY COURTS TO WORK COLLABORATIVELY ON BEHALF OF CHILDREN IN CARE?

STATE SUMMARY: CALIFORNIA

State CFSR

The courts were actively engaged in working with the agency to plan and draft the PIP. They were represented by the Administrative Office of the Courts (AOC) through a working group, which met frequently. Some judicial officers commented that there was not enough direct judge involvement in either the CFSR planning or the PIP drafting. However 11 judicial officers participated in a telephone interview to prepare for the statewide self-assessment at the beginning of the CFSR process. In addition, two juvenile court judges participated in the PIP planning process.

During the on-site visit, the state Administrative Office of the Courts (AOC) put together a focus group of judicial officers. Federal representatives interviewed those judicial officers during the review.

The PIP addressed a number of court related issues, as set forth in Appendix A. In addition, California's Court Improvement Project (CIP) has a new strategic plan that sets forth a number of activities that involve, to some extent, the state child welfare agency, DSS.

Collaboration Following the Release of the PIP

When California's PIP was released last spring, the state's extreme budget pressures came to the forefront of issues the state faced, and therefore have preoccupied administrators of the state child welfare agency, DSS. It is very hard for DSS to plan for the future given the current political climate, and transition phase. Accordingly, since the PIP was released, court contact with agency personnel has been less intensive.

Ongoing Collaboration

Internal CFSR process. DSS and the courts have worked closely together on a number of important initiatives before and after the PIP. For example, as a result of legislation, a parallel statewide CFSR-like process for each county is set to begin formally by January 2004. An AOC representative was on the working group that developed this system. Each county must prepare a self-assessment with subsequent site visits, which will include peer review. As in the CFSR, the courts are among the processes to be reviewed and their involvement in all phases of the county level review is encouraged. There will also be county-level PIP and data analysis using the SACWIS data system (which has been fully implemented in California for several years now).

California's Judicial Council, which establishes court rules and handles the finances for the state's courts, gets regular input from DSS. Specifically, the Judicial Council has a Family and

Juvenile Law Advisory Committee, with a juvenile subcommittee. Among the 18 members of the juvenile subcommittee is a state DSS representative. This enables the judiciary to hear the perspective of DSS, when adopting rules and policies regarding dependency cases or delinquency issues involving children in foster care.

Training and Technical Assistance. By funding the AOC's Judicial Review and Technical Assistance Project (JRTA), the agency has made major contributions to the training of judges and other court personnel for a number of years. The PIP has called for continuation and expansion of these activities to include training on the Indian Child Welfare Act (ICWA). While DSS largely funds this work, court employed attorneys and others outside of DSS provide this training. AOC attorneys have the job of helping the state comply with Titles IV-B and IV-E and, thus, to help ensure that the state will pass the IV-E audit and do well with the CFSR. These court attorneys provide hands on, onsite training in all juvenile courts throughout the state, for judges and others.

The Educational Division of the Judicial Council also conducts training, which occurs at off-site judicial institutes. While this training is not funded by DSS, DSS sometimes contributes presenters.

Besides the training described above, JRTA provides technical assistance, including hands on help with court forms, court orders, and other needed advice. To prepare California for current and future federal reviews, JRTA provides help with data collection, training and educating the courts, social service departments, and probation departments (which handle delinquency cases) to ensure compliance with Title IV-E and IV-B.

In addition, the AOC puts on a large annual statewide conference entitled *Beyond the Bench*. Judges, attorneys, and representatives from county child welfare agencies attend these conferences. During these conferences, among other things, multidisciplinary county groups meet and work together on collaborative strategies. State DSS and county agencies pay for the participation of staff in this annual conference.

Conclusion

Overall, the courts and agency have a cooperative and cordial relationship on a statewide level.

APPENDIX A: CALIFORNIA'S PIP EXTRACT

Permanency Outcome 1 – Children have permanency and stability in their living situations.

Item 5 – Foster Care Re-entries

Statewide Data Indicator: Foster Care Reentries

Summary of Federal Concerns/Issues for Item

Item 5 was assigned an overall rating of Area Needing Improvement. The federal report stated, “despite the finding that no re-entries into foster care occurred in the cases reviewed, data from the State Data Profile indicate that California’s re-entry rate for fiscal year 2000 (10.7 percent) does not meet the national standard of 8.6 percent or less. It is necessary that the criteria and standards for both the case review and the statewide data measures be met for the item to receive an overall rating of Strength.”

Program Improvement Goal

The rate of children re-entering foster care will decrease from 10.7 percent in fiscal year 2000 to 9.4 percent June 30, 2005.

Sources of Problem

Lack of clear guidance regarding the use of trial home visits.

Action Steps:

4. The CDSS, with the Judicial Council, will propose legislation to include language on the use of trial home visits when pursuing reunification and expanded permanency options. This will reduce the inappropriate movement of children in and out of foster care. Additionally, we will ensure that counties and courts use trial home visits, TPR, and permanency options appropriately and consistently. (Cross-reference to Permanency Outcome 1, Item 8)

Permanency Outcome 1 – Children have permanency and stability in their living situations.

Item 7 – Permanency goal for children

Summary of Federal Concerns/Issues for Item

Item 7 was assigned an overall rating of Area Needing Improvement. The federal report stated, “Although this item was rated as a Strength in 76 percent of the applicable cases, in 24 percent of these cases, reviewers determined that the agency had not established an appropriate goal for the child in a timely manner.” As stated in the executive summary, “A key finding was that the goal of reunification was being maintained for long periods of time, even when there was a lack of evidence that reunification was likely to occur.” Further, the report stated, “According to the Statewide Assessment, all case plans for foster children who are being reunified must have a concurrent plan for permanency. However, there was little evidence of this in cases reviewed in Los Angeles County.”

Program Improvement Goal We will increase our rate of timely establishment of appropriate permanency goals from our baseline of 79.7 percent in calendar year 2002 by three percentage points by June 30, 2005.

Sources of Problem

- Permanency goals are not always reassessed after the initial permanency hearing.
- All counties have not implemented concurrent planning fully.

Action Steps:

Systemic Factor 2, Item 28

2. The CDSS, with the Judicial Council, will develop and implement an educational program through the CDSS' contract with JRTA to provide training to all judges on current law regarding Termination of Parental Rights (TPR) and concurrent planning. (Cross reference to Permanency Outcome 1, Item 9; Systemic Factor 2, Item 28) 35

3. The CDSS will develop a legislative proposal to strengthen requirements that counties reconsider permanency options at each permanency planning review hearing for children who must remain in care, so if circumstances have changed, the child can be re-engaged in reunification or adoption services. Legislation is needed because no court rules exist to require reassessment of permanency every six months. Upon enactment, the CDSS will implement statewide. (Cross-reference to Permanency Outcome 1, Item 10; Systemic Factor 2, Item 28)

Permanency Outcome 1 – Children have permanency and stability in their living situations.

Item 8 – Reunification, Guardianship or Permanent Placement with Relatives

Statewide Data Indicator: Length of time to achieve reunification

Summary of Federal Concerns/Issues for Item Item 8 was assigned an overall rating of Area Needing Improvement. The federal report stated that “Although 81 percent of the applicable cases were rated as a Strength for this item, in 19 percent of applicable cases, reviewers determined that the agency had not made diligent efforts to attain the goals of reunification, permanent placement with relative, or guardianship in a timely manner.” “In addition, data from the State Data Profile indicated that the percentage of reunifications occurring within 12 months of entry into foster care (53.2 percent) does not meet the national standard of 76.2 percent or more.”

Program Improvement Goal

California's goal will be to improve performance (the percent of children who were reunified in less than 12 months from the latest removal) from 53.2 percent in fiscal year 2000 to 57.2 percent by June 30, 2005, which is a four-percentage point improvement.

Sources of Problem

- Not all counties have implemented fully concurrent planning.
- Reunification services may not include trial home visits.

□ Discharge dates and reasons not always completed in CWS/CMS.

Action Steps:

2. The CDSS, with the Judicial Council, will propose legislation to include language on the use of trial home visits when pursuing reunification and expanded permanency options. This will reduce the inappropriate movement of children in and out of foster care. Additionally, we will ensure that counties and courts use trial home visits, TPR, and permanency options appropriately and consistently. (Cross-reference to Permanency Outcome 1, Item 5)

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Permanency Outcome 1 – Children have permanency and stability in their living situations

Item 9 - Adoption

Statewide Data Indicator: Length of time to achieve adoption

Summary of Federal Concerns/Issues for Item

Item 9 was assigned an overall rating of Area Needing Improvement. The federal report stated that “Although 60 percent of the applicable cases were rated as a Strength for this item, in 40 percent of the applicable cases, reviewers determined that CDSS had not made diligent efforts to achieve adoptions in a timely manner.” “In addition, data from the State Data Profile indicate that the percentage of finalized adoptions in FY 2000 that occurred within 24 months of the child’s removal from home (18 percent) does not meet the national standard of 32.0 percent or more.” In the two applicable cases in which this item was rated an Area Needing Improvement, reviewers determined that the agency had not actively pursued the goal of adoption and that the agency paperwork was not completed in a timely manner.

Program Improvement Goal

California’s goal will be to improve on the length of time to achieve adoption of children to 20.9 percent, which is an increase of 2.9 percentage points from the FFY 2000 benchmark.

Sources of Problem

- . Counties have not implemented concurrent planning fully.
- . Courts’ desire to have all the elements of a permanency plan in place before approving a petition to terminate parental rights.
- . Court’s unwillingness to approve a petition for terminating parental rights and child welfare agencies’ unwillingness to file for TPR if an adoptive home is not identified.
- . Delays in finalizing adoptions after TPR due primarily to delays in the home study process.
- . Belief among agency workers that services will cease when children are adopted, particularly independent living services.

Action Steps:

(Cross reference to Safety Outcome 1, Item 2b; Permanency Outcome 1, Item 6; Systemic Factor 2, Item 28, Systemic Factor 7, Item 44)

4. The CDSS, with the Judicial Council, will develop and implement an educational program through the CDSS’ contract with JRTA to provide training to all judges on current law regarding Termination of Parental Rights (TPR) and concurrent planning. (Cross-reference to

Permanency Outcome 1, Items 7; Systemic Factor 2, Item 28)

9. The CDSS will conduct focused training regarding Indian Child Welfare Act (ICWA) requirements and cultural considerations of Native American children for both county staff and tribal ICWA workers. The CDSS will measure ICWA compliance using the C-CFSR process. This training will include training for Indian tribes on their rights and responsibilities regarding intervention on Indian Child Welfare Act cases. **(Cross-reference to Permanency Outcome 1, Item 9; Permanency Outcome 2, Item 14; Systemic Factor 2, Item 28; Systemic Factor 2, Item 32)**

Permanency Outcome 1 – Children have permanency and stability in their living situations.

Item 10 – Permanency goal of other planned permanent living arrangement

Summary of Federal Concerns/Issues for Item

Item 10 was assigned an overall rating of Area Needing Improvement. The federal report stated that “Although 50 percent of the 4 applicable cases were rated as Strength for this item, in 50 percent of the cases, reviewers determined that the agency had not made concerted efforts to ensure permanency for children with regard to alternative living options.” “The key concern was that the goal of long-term foster care was established for children without adequate exploration of other possible goals, such as adoption or guardianship.”

Program Improvement Goal

We will reduce the proportion of children with a goal of long-term foster care at two years after entry from our baseline of 39.9% in calendar year 2002 by three percentage points by June 30, 2005.

Sources of Problem

Permanency goals are not always reassessed after the 12-month permanency hearing.

Alternate permanency options are not sufficiently considered during permanency planning.

Action Steps:

2. The CDSS will develop a legislative proposal to strengthen requirements that counties reconsider permanency options at each permanency planning review hearing for children who must remain in care, so if circumstances have changed, the child can be re-engaged in reunification or adoption services. Legislation is needed because no court rules exist to require reassessment of permanency every six months. Upon enactment, the CDSS will implement statewide. **(Cross-reference to Permanency Outcome 1, Item 7; Systemic Factor 2, Item 28)**

Systemic Factor 2 – Case Review System

Item 28 – Provides a process for termination of parental rights proceedings in accordance with the provisions of the Adoption and Safe Families Act

Summary of Federal Concerns/Issues for Item

Item 28 was assigned an overall rating of Area Needing Improvement. The federal report stated that “Although the State has statutory and regulatory requirements for terminating parental rights (TPR) for children in foster care for 15 of the most recent 22 months, when TPR is not sought, the agency is not consistent in documenting reasons for not filing for TPR.” “In addition, often the agency will not seek TPR, and/or the court will not grant TPR, unless an adoptive home for the child has been identified and the pre-adoptive home demonstrates a readiness to adopt.” “These practices are not in accordance with the provisions of the Adoption and Safe Families Act (ASFA).”

Program Improvement Goal

We will decrease the proportion of children in care for 17 of the last 22 months without a TPR from our baseline of 31.4 percent in calendar year 2002 by three percentage points by June 30, 2005.

Source of Problem

- . “Compelling reason” for not filing TPR not documented in case file.
- . Permanency plans are not submitted timely to the courts
- . When the permanency plan is adoption, TPRs are not uniformly approved in a timely fashion
- . Courts’ desire to have all the elements of a permanency plan in place before approving a petition to terminate parental rights
- . Lack of monitoring whether the requirements for TPR are being followed.
- . The belief among agency workers that services will cease when children are adopted, particularly independent living services.
- . The belief among agency workers that older children are “unadoptable”.
- . The belief among agency workers that the adoption assistance program does not include the same services and/or sufficient financial assistance.
- . The need to strengthen the recruitment of adoptive families, especially for older youth and special needs children.

Action Steps:

1. The CDSS, with the Judicial Council, will develop and implement an educational program through the CDSS’ contract with JRTA to provide training to all judges on current law regarding TPR and concurrent planning. (Cross-reference to Permanency Outcome 1, Items 7 & 9)
2. The CDSS will identify high priority (see glossary) counties and provide technical assistance using promising practices from high performing (see glossary) counties, specifically, the technical assistance will include strategies to ensure that all counties implement concurrent planning including the full implementation for all cases in Los Angeles County; and document compelling reasons for not filing TPRs. (Cross-reference to Permanency Outcome 1, Items 7, 8, 9 & 10)
7. The CDSS will develop a legislative proposal to strengthen requirements that counties reconsider permanency options at each permanency planning review hearing for children who must remain in care, so if circumstances have changed, the child can be re-engaged in reunification or adoption services. Legislation is

needed because no court rules exist to require reassessment of permanency every six months. Upon enactment, the CDSS will implement statewide.

(Cross-reference to Permanency Outcome 1, Items 7 & 10)

9. The CDSS will work with counties, the California Social Work Education Center (CalSWEC) and the Regional Training Academies to develop requirements and competencies for child welfare workers and supervisors with the goal of strengthening case practice. The CDSS will ensure that the contracts with the regional training academies include provisions requiring the academies to develop common core curricula to ensure training in comprehensive family needs assessments, including assessing educational and mental health needs of all children both in-home and out-of-home, and that training is consistent statewide (Permanency Outcome 1, Item 9; Systemic Factor 4, Items 32 and 33)

11. The CDSS will conduct focused training regarding Indian Child Welfare Act (ICWA) requirements and cultural considerations of Native American children for both county staff and tribal ICWA workers. The CDSS will measure ICWA compliance using the C-CFSR process. This training will include training for Indian tribes on their rights and responsibilities regarding intervention on Indian Child Welfare Act cases. (Cross-reference to Permanency Outcome 1, Item 9; Permanency Outcome 2, Item 14; Systemic Factor 2, Item 28; Systemic Factor 2, Item 32)

Systemic Factor # 4: Staff/Provider Training

Item 32 – The State is operating a staff development and training program that supports the goals and objectives in the CFSP, addresses services provided under titles IV-B and IV-E, and provides initial training for all staff who deliver these services.

Summary of Federal Concerns/Issues for Item

Item 32 was rated as an area needing improvement. The federal report stated that “Although the State makes available an array of training opportunities and some counties have implemented formal new-worker training, there is no statewide requirement for initial training for all staff that supports the goals and objectives of the Child and Family Services Plan.” “Stakeholders commenting on this topic expressed concern about the lack of uniform statewide requirements for staff training or staff development.” Because training is a county-specific activity, stakeholders felt there is considerable variation across the State. Another concern expressed was that “because of high caseloads, case managers and supervisors do not have the opportunity to mentor new staff and provide sufficient hands-on training.” The report noted that in some counties there is a lack of necessary training for probation staff regarding specific child welfare requirements. Stakeholders in one county reported that cross-training activities with probation, law enforcement, mental health, public health and court personnel were extremely helpful and conducive to strengthening partnerships. “Stakeholders in the two other counties reported that there is no cross training between CWS and probation, and suggested that this would be useful for both agencies.”

Program Improvement Goal:

We will develop a common core curriculum for all new child welfare workers and supervisors that is delivered by all training entities statewide.

Source of Problem

- . Current training system does not track and assess new staff training.
- . Currently the CDSS does not have mandatory uniform statewide minimum core curriculum for initial training.
- . Because of their high caseloads, case managers and supervisors do not have the opportunity to mentor new staff and provide sufficient hands-on training.
- . Lack of necessary training of probation staff regarding Division 31 regulations.

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Action Steps:

1. The CDSS will use the C-CFSR county self-assessment and System Improvement Planning processes to determine how initial and on-going training is provided in the counties. (Cross-reference to Systemic Factor 4, Item 33)
2. The CDSS will work with counties, the California Social Work Education Center (CalSWEC) and the Regional Training Academies (RTAs) to develop requirements and competencies for child welfare workers and supervisors with the goal of strengthening case practice. The CDSS will ensure that the contracts with the regional training academies include provisions requiring the academies to develop common core curricula to ensure training in comprehensive family needs assessments, including assessing educational and mental health needs of all children both in-home and out-of-home, and that training is consistent statewide. (Cross-reference to Permanency Outcome 1, Item 9; Systemic Factor 2, Item 28)
5. The CDSS will work with the Resource Center for Family Focused Practice to ensure that relevant probation officers receive priority training on child welfare requirements including concurrent planning, and visitation requirements and the TPR process.
6. The CDSS will conduct focused training regarding Indian Child Welfare Act (ICWA) requirements and cultural considerations of Native American children for both county staff and tribal ICWA workers. The CDSS will measure ICWA compliance using the C-CFSR process. This training will include training for Indian tribes on their rights and responsibilities regarding intervention on Indian Child Welfare Act cases. (Cross-reference to Permanency Outcome 1, Item 9; Permanency Outcome 2, Item 14; Systemic Factor 2, Item 28; Systemic Factor 2, Item 32)