

November 18, 2002

TO: The Little Hoover Commission

FROM: Michael Nash, Presiding Judge, Los Angeles Juvenile Court

SUBJECT: NOVEMBER 21, 2002 HEARING TESTIMONY

As the Commission is well aware, the child protective system in Los Angeles is the largest in the State, if not the Nation. Currently, we have twenty full time courts hearing dependency cases. There are approximately 32,000 children under our court's jurisdiction due to abuse or neglect. Approximately 30,000 of those children are in out of home care. Over half of those children are in relative care, which means there are close to 15,000 children living in foster homes or group homes.

While these numbers are high, five years ago there were over 51,000 children under our court's jurisdiction. During the last five years, our numbers have decreased for a variety of reasons. First, new petition filings have decreased 30-40%. The reasons are not clear. Some attribute it to the economy, others to demographics, others to better social work. I cannot point to any specific policy changes in this regard. Second, our adoption numbers have increased substantially. Prior to 1998, an average of 900-1000 adoptions from our system were done annually. Since 1998, when we implemented our Adoption Project with DCFS, the Alliance for Children's Rights, and Public Counsel Law Center, we have completed over 10,000 adoptions, more than double the amount for a comparable period of time prior to the beginning of the project. Finally, as a result of subsidized guardianship, we have been able to terminate jurisdiction on many more relative guardianship cases than before.

While we have moved in the right direction from the standpoint of the number of children in our system, we still have too many children in our system. Further, while some of our timeline statistics have improved, too many children are staying in the system too long.

The mission of our child protective system is to guarantee the safety of children; provide them with permanent homes, preferably with their own families, in a timely manner; and to insure their well being while they are in the system. On all accounts, we can do better.

Preliminarily, I must note that I have always believed that one of the biggest obstacles to the highest quality work in the child protective system is the number of cases. It is essential that social workers have manageable caseloads. Manageable caseloads for social workers along with other needed returns will help the juvenile court and those who work in the court to better serve the children and families coming into the court system.

On the issue of safety, our system needs a clearly defined risk assessment tool that can be utilized from a family's first contact with the system and throughout their involvement with the system. Structured Decision Making is such a tool. It is used in several counties and we do support its use in Los Angeles County. State support in integrating this tool into the system can help promote consistent decision-making and greater accountability in the process of determining risk to children.

On the issue of permanence, there are improvements necessary at varying points in the process. For example, although we have made great strides in adoption, the time from termination of parental rights to completion of an adoption is still way above the statewide average. The timeline can be improved by better concurrent planning, greater integration of the adoption division with regional social workers, and a more streamlined adoption process. Further, since so many of the children adopted from the foster care system have special needs, greater availability of post adoption services for adoptive families will help insure that new permanent families which we create will be able to maintain their health and stability. These are issues well worth exploring by the Little Hoover Commission.

The greatest source of permanence for children is with their own families. Statistics and experience show that our system is not as family-friendly as it could and should be. Too many children who could and should be in relative care are not. One of the best ways to foster a family-friendly system is to utilize family group decision-making or family conferences. This program is designed to bring families together to empower them to solve their own problems. To the extent that we use it in Los Angeles, it works well. However, it needs to be incorporated as an integral part of our process. To do this requires a funding system which has yet to be identified.

Family group decision-making clearly has the potential to help keep families out of our system and/or shorten their stay in the system. In the community at large, involvement with child protective services and/or the juvenile court is not viewed as being beneficial to families. Family group decision-making can help alter that perception.

With the combined use of a risk assessment tool, family group decision making and increased availability of child and family supportive services, like wrap-around services, we have the ability to begin to limit the number of cases coming into the court system. Specifically, the court system should be limited to serious cases and cases where the family has been offered or provided services outside the court system and these services or efforts have not alleviated the family's problems.

While we currently have about 32,000 children in our system, it should be half that number. Chicago reduced their number of children from over 50,000 to under 20,000 over a five to seven year period by re-evaluating how they assess risk and providing more services to people outside the court system. If Chicago can do it, Los Angeles certainly can and should. To the extent that we can reduce the number of cases in our court system, achieving permanence in a more timely manner should necessarily follow.

The third mission of our system is to provide for the well-being of the child while that child is in our system. This means that we should be treating each child's educational, emotional, health and mental health needs. There is much to be done in all of these areas. I will mention a few.

First, our law requires that every child must have an education and health passport which contains up-to-date information on their education and health status. Implementation of the passport system has been limited or non-existent. Consequently, on those occasions when children change placements, the lack of necessary information to caretakers is often insufficient to guarantee the best care of the child. Greater attention to either developing or utilizing technology already in existence is absolutely mandatory.

Second, to the extent that we must utilize group homes for foster children, the state and the county need to develop more effective oversight of group homes so that we can insure that they are providing a level of care commensurate with the funding they receive.

Third, Welfare and Institutions Code section 317(e) requires attorneys to report to the Juvenile Court other interests of children which may require the institution of other judicial or administrative proceedings. Further, the Court is then required to take appropriate action. We have identified many areas where this may apply. Children may be involved in or need involvement in education proceedings, civil proceedings such as tort actions, probate proceedings, immigration proceedings, regional center proceedings, and proceedings in other areas. The point here is that this is essentially an unfunded mandate. Who is to represent children in these proceedings? Where does the funding come from? To the extent that we meet any of these needs, it occurs generally on an ad hoc basis rather than in a systematic fashion. This is another area worth exploring by the Commission. Speaking for the Juvenile Court, we would welcome any suggestions or assistance.

Fourth, every child who enters our system needs to read at grade level, provided that they have the capability to read. Currently, too many children in our system do not read at grade level. The literacy level of every child of reading age needs to be assessed and specific services designed to focus on literacy must be provided to each child who reads below grade level. Our

courts should require this and monitor it at every stage of the proceedings. I believe this will pay great dividends beyond improved reading ability, particularly in increased self-esteem.

Presently, there are many programs designed to improve literacy along with, of course, the school system. However, there is a lack of coordination of the programs and despite the efforts of the school systems, too many children are still reading below grade level. Moreover, there is no effort to focus on all the children in our system.

There is much more to say when discussing our foster care system. Fortunately, the Little Hoover Commission is receiving input from a broad cross section of individuals affiliated with the system. I have had the opportunity to review much of the testimony submitted to the Commission and believe that there is little of significance that the Commission has not heard or will not hear. I have attempted to focus my testimony on what I consider to be a few essential areas of concern. Thank you for the opportunity to provide this input.