



**JUDICIAL COUNCIL
OF CALIFORNIA**

455 Golden Gate Avenue
San Francisco, CA
94102-3688
Tel. 415-865-4200
Fax 415-865-4205
www.courts.ca.gov

FACT SHEET

July 2024

Judicial Resources and Technical Assistance (JRTA) Project

The Judicial Resources and Technical Assistance (JRTA) project assists juvenile court judges and court professionals with the many legal issues that arise in juvenile dependency and juvenile justice cases statewide. JRTA attorneys conduct file reviews, observe court, and provide technical assistance upon request to help ensure title IV-E findings and orders are made as appropriate. The Project's objective is to help ensure that California can produce successful outcomes at triennial title IV-E federal reviews and identify systemic factors that could impact the federal Child and Family Services Review (CFSR). The JRTA Project is funded by the California Department of Social Services.

Background

When the state intervenes to protect a child from abuse or neglect, it steps into the role of parent. The court, in its unique oversight role, makes decisions that change the lives of children and their families forever. Federal and state laws governing the court's decisions are aimed at ensuring that children are safely maintained at home whenever possible and appropriate; giving children legally permanent and stable living situations; preserving their family relationships and connections; enhancing each family's capacity to provide for their children's needs; and ensuring that children receive all appropriate services.

Title IV-E of the federal Social Security Act. (42 U.S.C. § 670 et. seq.) provides funding for foster care, including foster care maintenance and administrative costs; adoption, including adoption assistance payments and administrative costs; independent living programs; and education and training vouchers.

In 1994, the U.S. Department of Health and Human Services' Office of the Inspector General established foster care eligibility reviews in accordance with 45 C.F.R § 1356.71, to monitor child and family services programs' compliance with title IV-E. At the initial eligibility audit of foster care in California, federal auditors determined that 39 percent of the cases reviewed were not eligible for title IV-E funding, and

California's programs consequently faced a potential loss of \$51.7 million. As a result, the Judicial Council and California Department of Social Services (CDSS) created the JRTA project. The JRTA project, including all trainings and travel to court locations, is funded through a grant from CDSS.

Further, in 1997, Congress passed the Adoption and Safe Families Act (ASFA) to improve the safety of children, promote adoption and other permanent homes for children who need them, and support families. The federal government created the Child and Family Services Review (CFSR) in response to the ASFA. In 2000, the Children's Bureau published a final rule in the Federal Register to establish a process for monitoring state child welfare programs. Under the rule, states are assessed through the CFSR for substantial conformity with federal requirements for child welfare services.

The goal is to help states improve seven systemic child welfare service outcomes in three main areas: Safety, Permanency, and Family and Child Well-Being. If a state does not pass the CFSR, it enters a Program Improvement Plan (PIP) with the federal government to show improvement of outcomes over time. If a state does not meet its PIP goals, financial penalties are assessed against the state.

In June 2003, California first passed the title IV-E foster-care eligibility review. The audit report cited the work of the JRTA project as a strength contributing to the state's compliance. With the continued contributions of the JRTA project, California passed the 2006, 2009, 2012, 2015 and 2018 title IV-E foster-care eligibility reviews. In both 2012 and 2018, there were no judicial determination errors. The courts' diligence in complying with federal guidelines coupled with the JRTA project's ongoing courtesy reviews of the local juvenile court systems and legal assistance, have continued to be important factors in these successful outcomes. The next federal title IV-E audit in California will be in the year 2025.

In federal fiscal year 2020, the state of California, county child welfare agencies, and county probation departments received over \$2.2 billion in federal foster care maintenance and approximately \$800 million in federal foster care administrative dollars. To receive these funds, child welfare agencies and probation departments must comply with the title IV-E legal requirements and our state's laws and policies that implement title IV-E programs.

In 2019, title IV-E funding regulations were expanded to allow costs associated with court appointed dependency counsel to be deemed as reimbursable activities. These federal reimbursements supplement ongoing state funding allocated to court

appointed dependency counsel. The objective of this reimbursement program is to assist dependency practitioners statewide to improve the quality of legal services provided to children and their families in the dependency system.

Beginning in 2023, the JRTA program was expanded to include engagement in the CFSSR to meet the federal government's requirement of more engagement by courts and attorneys to identifying the systemic factors leading to current child welfare outcomes and to create a process to improve these outcomes.

Legal and Court Systems

Judicial officers, court staff, attorneys, and agency staff are provided assistance to meet the legal requirements of title IV-E, ASFA, and to increase the likelihood of success at future federal reviews.

- **On-site Assistance**

In consultation with the court, JRTA attorneys visit the court sites on a rotating basis to conduct a legal analysis of court files, observe court proceedings, and prepare written reports and legal memoranda detailing areas where legal findings and orders are made appropriately as required under title IV-E. The on-site file review is not an audit. To ease the burden on local courts, these reviews may also occur remotely if the courts have an electronic case management system that allows the attorneys to gain remote access.

During the on-site visit, attorneys meet with judges, juvenile court professionals, and other stakeholders and discuss preliminary findings on areas of strength and where changes are suggested. Identifying and resolving these issues early, reduces the likelihood of a judicial determination error resulting during a federal review. A written report summarizing the recommendations is sent to the court and justice partners including the child welfare agency and the probation department. This style is Fact Sheet/Bullet. It is Georgia Pro 10 pt., with at least 15 pt. spacing and 6 pts. of spacing below.

- **Ongoing Assistance**

Upon request, attorneys provide judicial officers and court staff with information on developments in the federal and state juvenile law, and general best practices. Attorneys conduct follow-up visits and provide assistance on issues specific to the unique needs of each court. Attorneys can also provide assistance by offering legal advice on a particular issue that persistently arises in court, reviewing and updating court scripts and minute orders, trainings to assist with the implementation of their legal advice and recommendations noted during the court file review.

Contacts:

Marymichael Smrdeli, Supervising Attorney, Center for Families, Children & the Courts, Marymichael.Smrdeli@jud.ca.gov or 415-865-4220

Audrey Fancy, Principal Managing Attorney, Center for Families, Children & the Courts, Audrey.Fancy@jud.ca.gov or 415-865-7706