



# The Capitol Connection

ADMINISTRATIVE OFFICE OF THE COURTS • OFFICE OF GOVERNMENTAL AFFAIRS

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## Legislative Calendar

June 15  
Budget must be passed by midnight

## "MAY REVISE" REVIEWED BY BUDGET SUBCOMMITTEES

On May 7, 2004, the Governor released his revised budget proposal for the judicial branch.

Readers will recall that the budget as proposed in January included unallocated reductions of \$59 million for the trial courts and no additional funding for mandatory costs the courts are facing in 2004-05. The May Revise proposes new funding for the trial courts to cover retirement, salaries, and other benefits costs for court employees (\$23 million, \$11.5 million, and \$9.5 million respectively), security costs (\$29 million), judges salaries costs related to an increase approved in 2003 (\$8 million), and county charges (\$1.5 million).

The Governor also proposed a number of structural reforms in the judicial branch including increasing the use of electronic reporting, eliminating the exemption from paying filing fees for governmental entities, reducing peremptory challenge of jurors in all case types, implementing smaller jury panel sizes, decreasing jury size in limited civil cases, and eliminating juror pay for government employees. In addition, the Governor proposed the formation of a working group to review trial court collective bargaining issues and make recommendations by November 1, 2004, regarding procedures to increase accountability to the funding source of the trial

courts and to ensure the fair treatment of trial court employees.

The May Revise proposal also includes \$3 million in new funding for the Supreme Court, Courts of Appeal, and the Administrative Office of the Courts including increased salary costs and increased security costs.

Previously released Spring Finance Letters include funding to continue the transfer of trial court facilities to the state.

Both the Assembly and Senate budget subcommittees heard these proposals on May 19, 2004. Both houses approved funding for the facilities program and the Supreme Court, Courts of Appeal, and the Administrative Office of the Courts. The Assembly and Senate took differing actions on the May Revise proposal that includes additional funding for the trial courts, leaving those items subject to the budget conference committee that will likely begin meeting June 1.

Both houses rejected proposals to eliminate the exemption from paying filing fees for governmental entities, reduce peremptory challenge of jurors in all case types, implement smaller jury panel sizes, and decrease jury size in limited civil cases. ■

## JUDICIAL COUNCIL HOLDS FIRST HEARING ON BUDGET IMPACTS

For nearly four hours on April 23rd, the Judicial Council listened as individuals, families, legal services organizations, and the justice community described how they have already been affected by the state budget's impact on the courts, and the need to prevent any further reductions in valuable court resources. Court leaders and employees from the state's northern-



most counties also provided a regional overview of how their local courts are striving to provide quality services in an environment that grows more challenging by the day.

Chief Justice Ronald George welcomed the guests and opened the hearing, noting the significance of the council's first public hear-

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## BROWN V. BOARD OF EDUCATION 50TH ANNIVERSARY SYMPOSIUM DRAWS HUNDREDS TO SACRAMENTO CONVENTION CENTER

The Judicial Council and Administrative Office of the Courts marked the 50<sup>th</sup> Anniversary of the *Brown v. Board of Education of Topeka* decision with an all-day symposium at the Sacramento Convention Center. More than three hundred participants attended the May 17 event, which was part of a full calendar of statewide activities hosted by the council to observe the landmark United States Supreme Court decision on May 17, 1954 that ended the legal basis for school segregation.

A highlight of the symposium was a presentation of a joint resolution authored by Senate President pro Tempore John Burton, and co-authored by Assembly Speaker Fabian Nuñez, Senator Dick Ackerman, Senate Republican Leader, Senator Kevin Murray, Chair of the Legislative Black Caucus, Assembly Member Kevin McCarthy, Assembly Republican Leader, Assembly Member Judy Chu, Chair of the Asian Pacific Islander Legislative Caucus, and Assembly Member Marco Firebaugh, Chair of the Latino Legislative Caucus. The resolution recognized the



*Presiding Justice Candace Cooper introduces Chief Justice George at the symposium luncheon.*

courts for their role in commemorating the 50<sup>th</sup> anniversary of the landmark decision and for educating the courts and the public. Administrative Director of the Courts William Vickrey accepted the resolution on behalf of Chief Justice Ronald George from Alison Harvey, chief of staff to Senator Burton.

Last year, Chief Justice George established a work group charged with developing a series of events to educate the public and the courts about the significance of the *Brown v. Board of Education of Topeka* decision and the judicial branch of government. The work group, chaired by Presiding Justice Candace D. Cooper of the Second District Court of Appeal, announced the planned events, which included live satellite broadcasts to 200 courts throughout

the state, historical exhibits, speakers, and other educational activities, in an April 2004 press release.

For more information about the *Brown v. Board of Education of Topeka* anniversary activities, visit the Judicial Council's Web site at [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov). ■

## PROP 36: JUDICIAL COUNCIL-SPONSORED LEGISLATION SIGNED

Judicial Council-sponsored AB 1306 (Leno) was signed into law on April 13, 2004, and took effect immediately. AB 1306 provides that in Proposition 36 cases, legal jurisdiction over the case can be transferred to the defendant's county of residence at the discretion of the sentencing judge. The prior statute allowed the court in the defendant's county of residence to decide whether to accept jurisdiction of the case or instead refer the case to the probation department to be supervised on a courtesy basis.

The council sponsored AB 1306 in response to a recommendation from the Collaborative Justice Courts Advisory Committee, which reported that courts are less able to ensure effective supervision of defendants on probation under Proposition 36 when jurisdiction remains in one county, while probation supervision and treatment occur in another.

AB 1306 will enhance the likelihood of treatment success, because the trial judge in the defendant's county of residence will be in a position to make modifications to the conditions of probation that relate to treatment, and is better able to develop a suitable treatment plan because he or she is familiar with local treatment continuum and supervision alternatives.

AB 1306 received strong bi-partisan support in the Legislature, and was supported by the Chief Probation Officers of California, the California District Attorneys Association and the California Judges Association.

For more information, please contact the Office of Governmental Affairs at 916-323-3121. ■

## BILL SEEKS TO PILOT PUBLIC ACCESS TO DEPENDENCY COURT

In recent years there has been significant discussion and debate on public access to juvenile dependency courts. For decades, the general consensus has been that the sensitivity of the issues addressed by the court and the privacy interests of the children and families involved necessitate closed and confidential proceedings. Yet many states have been questioning that assumption and opting to provide some degree of public access to these proceedings in order to improve public awareness of the issues and challenges faced by the juvenile court and the child welfare system generally. Assembly Member Darrell Steinberg (D-Sacramento) is seeking to allow California to join those ranks by presumptively opening our juvenile dependency courts to the public and the media.

As recently amended, Assembly Bill 2627 would authorize the Judicial Council to select up to ten courts to pilot public access to dependency proceedings. AB 2627 is intended to remove the secrecy that surrounds these proceedings and result in improved media coverage of the child welfare system. In order to protect the privacy rights of the parties involved, the bill would give the pilot courts the discretion to close individual hearings where public access is contrary to the child's best interests. Additionally, the bill authorizes the court to admonish the nonparty attendees to refrain from disclosing any personally identifiable information concerning the parties that is obtained from the proceedings.

Judge Leonard Edwards of the Santa Clara Superior Court recently published an article arguing for the opening of juvenile court proceedings subject to limits like those proposed in AB 2627. He asserts that, as a general principle, legal proceedings should be open to the public "unless the privacy interests of one of the participants outweigh the public interest in the proceedings." He argues that opening courts would "end the suspicion that courts have something to hide ...or that those charged with public tasks are not discharging their duties." Opponents of open dependency courts counter that the intended benefits of opening dependency courts are too speculative to justify the risk that a child who is the subject of a proceeding might suffer harm as a result of public exposure. Furthermore, they argue that the potential additional workload associated with motions to close hearings to the public would burden a system that is already overtaxed.

Interestingly, both sides point to the results of a recent

pilot program with open dependency courts in Minnesota to bolster their arguments. From 1998 to 2001, twelve Minnesota counties implemented a pilot project that presumptively opened juvenile dependency courts to the public. The National Center for State Courts conducted an evaluation of the pilot and concluded that the change had not resulted in significant positive or negative differences in the system: no harm to children could be clearly shown, nor did the change promote major reforms in the child welfare system as a result of greater public awareness. Thus proponents argue that the Minnesota experience demonstrates that the general principle of open courtrooms can be extended to dependency proceedings without risk of harm to the children under the court's jurisdiction. Opponents of the change argue that a shift of this magnitude should not be undertaken without the likelihood of significant benefit. Members of the Legislature will have an opportunity to enter this debate as they consider AB 2627 this spring and summer. The Judicial Council supports the bill because it promotes the goal of public awareness of the work of the juvenile dependency court. ■

### BENCH-BAR COALITION SETS "DAY IN SACRAMENTO"

The statewide Bench-Bar Coalition has scheduled its "Day in Sacramento" for Wednesday, June 2, 2004. During the Day in Sacramento, panels of bar leaders, judges, and legal services organizations will meet with legislators at the State Capitol to discuss issues of interest to the bench and the bar. Key themes this year will be the ongoing impact of the state's fiscal situation on the courts and collaborative efforts in support of a stable source of funding for the judicial branch.

For more information, please contact the Office of Governmental Affairs at 916-323-3121 or email Dia Poole at [dia.poole@jud.ca.gov](mailto:dia.poole@jud.ca.gov) ■



## CORRECTIONS REFORM IN THE LEGISLATURE

Last month, *The Capitol Connection* reported on the efforts of the Governor's Independent Review Panel and Juvenile Justice System Reform Work Group to reform adult and youth corrections in California. In continuing our coverage, we report on a number of bills seeking correctional reform that are moving through the Legislature.

**SB 1342 (Speier):** Appoints the Inspector General to a 10-year term, subject to Senate confirmation, and indicates that the Inspector General cannot not be removed from office except for good cause.

**Status: In Senate**

**SB 1352 (Romero):** Provides the Office of the Inspector General (OIG) with access to documents and materials pertaining to Youth and Adult Correctional Agency personnel and internal investigations. Authorizes the OIG to redact certain personal or identifying information in those documents. Requires the OIG, through an Office of Independent Review, to report to the Governor and the Legislature semiannually as to the office's investigations and audits and to post a summary of investigations and audits on the office's Web site. Requires the OIG to make reports of investigations and audits available to the public.

**Status: Assembly Public Safety**

**SB 1400 (Romero):** Requires the Department of Corrections to adopt regulations to remedy problems in the investigation and disciplinary processes of investigations regarding its workforce.

**Status: In Senate**

**SB 1431 (Speier):** Requires directors of the Department of Corrections and Department of Youth Authority to adopt regulations imposing a schedule of sanctions for misconduct by employees. Requires the directors to adopt a code of conduct that would clearly state, among other things, an employee's responsibility to report employee misconduct and cooperate in any investigation conducted by law enforcement.

**Status: In Assembly**

**SB 1522 (Vasconcellos):** Provides that the determination not to fix a parole date would only be reached upon a showing of clear and convincing evidence that the individual currently poses an unreasonable risk of danger to public safety.

**Status: In Senate**

**SB 1640 (Romero):** Requires the Board of Parole, in consultation with the Department of Corrections and other interested parties, to adopt regulations concerning parole revocation hearings that would provide for a right to counsel, specific time limits for providing certain notices and hearings, rules of evidence, and other due process rights for parolees.

**Status: In Senate**

**SB 1642 (Romero):** Requires the Department of the Youth Authority to develop an aftercare program for wards to be known as the Transitional Treatment and Reintegration Placement program.

**Status: Senate Appropriations Committee**

**SB 1676 (Romero):** Requires the Attorney General to make an independent evaluation of the evidence of criminal conduct and to make a de novo determination whether to accept the case based upon whether there is sufficient evidence to sustain a conviction.

**Status: In Senate**

**SB 1715 (Poochigian):** Requires the Department of Corrections to adopt scientifically-tested tools to assess the risk to public safety and risk of recidivism for individual inmates and parolees, and would require the department to use these risk assessments to allocate, to the extent feasible, preexisting resources effectively and efficiently within the prison system and during the period of parole, including in determining release from parole.

**Status: Senate Appropriations Committee**

**SB 1731 (Romero):** Prohibits any of the Youth and Adult Correctional Agency entities required to refer criminal matters to law enforcement authorities from otherwise disclosing or entering into an officer's personnel file any official information gathered during an investigative process that is deemed to be confidential or privileged under any other provision of law.

**Status: Assembly Public Safety**

**SCA 8 (Vasconcellos):** Among other things, requires the State Department of Corrections to evaluate the educational, vocational, and psychosocial levels of each inmate upon entry. Provides each inmate with a rehabilitation program to address identified deficiencies, monitored by the State Inspector General who annually reports to the Legislature and Governor. Requires a parenting course be made available to and completed by certain inmates. Also see AB 854 (Koretz).

**Status: In Assembly** ■

## LEGISLATIVE REVIEW

The following is an update of the second year of the 2003-2004 legislative session on selected bills of interest to the courts.

### COURT OPERATIONS

**AB 3079 (Judiciary Committee), as amended April 22, 2004. Court operations**

Authorizes the compensation of retired subordinate judicial officers sitting on assignment in a manner analogous to retired judges. Eliminates appellate filing fees in specified mental health and juvenile cases. Provides Court Appointed Special Advocates with access to a social worker's complete report to the court. Clarifies the scope of a Rule of Court concerning attorney contact information in dependency cases. Corrects obsolete statutory references.

**Status:** In Assembly; **JC Position:** Co-sponsor (with the California Judges Association)

### CRIMINAL

**AB 2173 (Parra), as introduced. Driving under the influence: statement**

Provides that the court shall require a person convicted of a DUI to sign and date a statement that indicates that the person is aware that individuals who drive under the influence pose a serious threat to the lives of innocent persons. Requires the court to include on the abstract of the conviction or violation that the person has signed and dated the above described statement, or attach the statement to the abstract.

**Status:** In Assembly; **JC Position:** Oppose unless amended

**SB 1287 (Kuehl), as introduced. Prisoners: incarcerated parents**

Prior to the acceptance of a plea, requires the court to advise the defendant that if the defendant is a custodial parent, conviction may have consequences for the defendant's parental rights.

**Status:** In Senate; **JC Position:** Oppose unless amended

### FAMILY

**AB 129 (Cohn), as amended April 14, 2004. Juvenile court: dual status children**

Authorizes any county to create a protocol that would permit a minor who meets specified criteria to be designated as both a dependent child and a ward of the juvenile court. Requires that only one agency serve the child at any given time during the case. Requires the Judicial Council to evaluate the results of implementing the protocol, and to report its findings to the Legislature.

**Status:** Senate Judiciary Committee; **JC Position:** Sponsor

**AB 2148 (Diaz), as amended April 28, 2004. Family law proceedings**

Establishes new structure for ordering a party to pay the costs of the other party's legal costs in specified family law proceedings. Authorizes the court to make spousal support orders under the Domestic Violence Protection Act. (DVPA). Requires the court when determining whether to make custody, visitation, or support orders under the DVPA to consider whether failure to make the order will affect the safety of the petitioner.

**Status:** In Assembly; **JC Position:** Oppose

**AB 2228 (Garcia), as amended April 28, 2004. Child custody investigations: release of information**

Requires family, juvenile, and probate courts in child custody, welfare, and guardianship proceedings, to share upon request, all available information the court deems necessary to make a determination regarding the best interest of a child, as specified. Authorizes the release of juvenile court file information to probate investigators and court appointed child custody evaluators.

**Status:** Senate Rules Committee; **JC Position:** Support

### JURIES

**AB 1978 (Haynes), as amended March 24, 2004. Jurors: eligibility**

Exempts from jury service mothers with custody of minor children under 6 years of age.

**Status:** Assembly Judiciary Committee; **JC Position:** Oppose

**AB 2253 (Mountjoy), as introduced. Jury duty: exemptions**

Permits the exclusion of a prospective juror who is 75 years of age or older if that person wishes to be excused.

**Status:** Assembly Judiciary Committee - failed passage, reconsideration granted; **JC Position:** Oppose

**AB 2271 (Parra), as introduced. Jury selection: peace officers**

Prohibits peace officers such as parole officers of the Department of Corrections or the Department of the Youth Authority, probation officers, deputy probation officers, and others, from being selected for voir dire in civil or criminal matters.

**Status:** In Assembly; **JC Position:** Oppose

### JUVENILE DELINQUENCY

**SB 1151 (Kuehl), as amended March 16, 2004. Juvenile crime**

Adds to the factors to be considered by the juvenile court in a fitness hearing the actual alleged behavior of the minor, the minor's degree of involvement in the crime, the level of harm actually caused by the minor, and any other matter that may affect the circumstances and gravity of the offenses.

**Status:** In Senate; **JC Position:** Support ■

# BUDGET HEARING

*(Continued from page 1)*

ing on the judicial branch budget. “It’s truly an historic event, we’ve not had anything similar in the past,” Chief Justice George said. “We’ll be hearing directly from court users about the judicial branch budget and how it affects vital programs and services.”

The 35 witnesses were organized into ten panels, and each in turn presented his or her statement. At the conclusion of each panel, council members were free to ask questions of the witnesses before the next panel was seated. The following excerpts reflect the wide range of testimony presented at the hearing:

Riverside County Presiding Judge Douglas Miller expressed concern for the courts’ ability to provide an adequate level of service given current budget restraints:

The impact on our collaborative courts, our drug courts, our mental health courts, our family law courts, our unified family law courts – right now, in reality, they’re being held together by what I consider Band-aids and strings, and as all of you know, they provide an incredible service, not just to the participants, but to the community.

Maura Rogers-Horn, representing the Riverside County Public Defender’s Office, spoke about the spillover effects of court, state and local government budget cuts on the Mental Health Court:

The results of these cuts [to court staff and Riverside County Department of Mental Health staff] have dramatically impacted our program. There are now longer stays in custody for the people wishing to participate in the program, and the calendars are larger because the people are waiting to enter the program...the Public Defender is providing transportation to all the programs...and the Probation Department has now essentially become a case worker.

El Dorado County Presiding Judge Suzanne Kingsbury spoke about the effects on small courts in the Northern Region:

The Northern Region is almost exclusively comprised of small courts covering vast geographic areas. ... Many of these courts are in counties experiencing phenomenal growth. Cut-



ting a position in a small court can lead to eliminating or greatly hampering the ability of an innovative program to operate. ... If budgets are not restored and historic funding shortfalls are not addressed in the near term, expect larger vacancy rates, increased workers compensation claims, additional closures, trial delays, elimination of services and programs, additional negative impact on our valuable court employees, and limited access to justice for all those we serve.

Aaron Peardon, an Orange County Superior Court employee, on courtroom security:

For the Court’s employees and the public, security is an issue of great concern. The Court’s reduced ability to adequately and appropriately staff courtrooms, entrances, and other public areas has already created significant health and safety problems for the employees and the public. If security levels are further reduced, as the Court currently contemplates, these risks will be greatly exacerbated.

Ten-year-old Venus Anderson from Los Angeles, who appeared with her adoptive mother Deborah Anderson, urged the council to retain family law programs:

Please, your honors, please don’t take Adoption Saturday away because if it wasn’t for this special day, I can’t say I would be a good person or a good student. I get lots of awards and do good math and read good because I have a family that helps me go forward. I wish all kids could have half of what I do.

Christy Shelton, a former client of the El Dorado County Juvenile Court and recipient of a Judicial Council scholarship, who appeared with Court Appointed Special Advocate Judy Cefalu, stressed the importance of providing CASAs for youth who need an adult in the court system that they can trust:

I was an out of control teen with many problems. ... The CASA program had provided someone that was there for me, to make no judgments and to find a way of understanding. My CASA worker gave me that little push that I



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## BUDGET HEARING

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needed inside of me, so I could reach for my goals – so I could even have goals.

From Alameda County, Betty Bishop, herself a college graduate, asked what would happen to access for seniors who urgently needed court services if funding were reduced for programs that primarily serve elders:

What about the elders who are really uneducated? I don't see how they could possibly file an order. The law is quite different, as you know, from the education most of us receive – it's not like reading Shakespeare, if you follow my meaning – so even if you've been fortunate enough to have an education, it can be overwhelming. It's like another language!

Fresno Superior Court Commissioner Nancy Cisneros introduced Shane Halversen, a former client, who credited



the Drug Court program with restoring his family:

Drug Court saved my life, and it not only saved my life, it saved my children's lives. It began to teach me to rethink and live life the way it's supposed to be lived.

Through this program, I'm able to do the responsibilities of a dad – anyone can be a father – and now I'm a dad to my two daughters.

Commissioner Cisneros also described how drug court results in overall savings to the state:

From the three years I've been in drug court, I haven't sent anyone from drug court to state prison for failure. I'd say I'm saving about 1498 prison beds in all of our drug court programs.

In response to Cisneros' remarks, San Joaquin County Judge and council member William Murray emphasized the need to make the public aware of the cost savings benefits of drug court programs given that, at an estimated cost of \$30,000 per year per inmate, 1500 prison beds results in \$45 million in savings:

The cost savings are staggering from the taxpayers' perspective. The human perspective of this is probably the most important, but looking at it from the perspective of the taxpayer, I think if we made it clear that there are significant costs savings, the idea of maintaining

drug courts and therapeutic justice courts would be better advanced.

Representatives from legal services organizations and their clients also testified that the services they provide and receive largely depend on a stable source of funding for courts. Ken Babcock, Executive Director and General Counsel of the Public Law Center in Orange County, announced a new coalition of legal services organizations and non-profits dedicated to advocating on behalf of the judicial branch budget. Babcock stated that the goal of the new Coalition to Preserve our Justice System is to "make sure that the legislature, the administration and other opinion leaders know what this council knows – that the courts affect the lives of real people day after day; lives that are made demonstrably better because of the courts; lives that will become demonstrably worse if access to the courts is severely limited."

State Senator Joseph Dunn, who earlier this year held a series of statewide hearings on the judicial branch budget, commented on the importance of hearing firsthand from the people we serve:

Perhaps the best voices for our courts are the 'real people.' It's nice to have some real people come and testify before us because they are our best advocates for the judicial branch of government. They are the most credible voices – they have the most sincere stories to tell.

Chief Justice George, expressing a desire to hold future branch budget hearings, perhaps annually and in different locations around the state, adjourned with these remarks:

We received a wealth of vital information this morning, in terms of the vital services provided to the public and affording access to our residents of California, and how much is in jeopardy when, in fact, the judicial branch is not adequately funded.

The Chief Justice also announced on behalf of the council that the testimony will be shared with the Schwarzenegger Administration and the Legislature in the hope of protecting court budgets.

You can hear the full hearing on the courts Web site at [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov). Click on Court admin, then Judicial Council, and scroll down to the link for the audio Web cast.

For more information on the council hearing, contact the Office of Governmental Affairs at 916-323-3121 or email Dia Poole, at [dia.poole@jud.ca.gov](mailto:dia.poole@jud.ca.gov)

## RIPPED FROM THE HEADLINES



“Ripped From the Headlines” highlights news stories of interest including headlines and lead paragraphs, without editorial comment from *The Capitol Connection*.

**“Ballot Plan Would Bypass Parties”** *Los Angeles Times* (April 11, 2004)

Four years after the Supreme Court struck down California's open primary, voters could soon get another chance to overhaul state elections with a new free-for-all ballot.

The proposal, nearing qualification for a November vote, has vexed top Democrats and Republicans alike. Voters, regardless of party registration, would be able to pick any candidate in a primary. The candidates who finished first and second would then compete in a general-election runoff – even if both belonged to the same party.

The new system would cover races for U.S. Senate, the House of Representatives, the state Legislature and seven statewide offices: governor, attorney general, treasurer, controller, lieutenant governor, insurance commissioner and secretary of state.

Backers say the change would favor the election of moderates and curb the influence of ideologues, especially in the polarized Legislature, where discord between liberal Democrats and conservative Republicans has stymied solutions to the fiscal crisis.

But the major state parties and top lawmakers fiercely oppose the measure. Among their biggest fears: runoffs that lock out one party by pitting two members of another party against each other.

**“New Names Surface For Judge-Picking Post”** *The Recorder* (April 14, 2004)

Handing out bench seats has so far been a low priority for Gov. Arnold Schwarzenegger. Nearly five months after taking office, he has yet to name his judicial appointments secretary.

Now, a new candidate's name has surfaced – Joseph Russoniello, the former U.S. attorney for the Northern District from 1982-1990.

Vetting judges would be nothing new for him. Since 2001, he has headed up a six-member committee charged with filling federal judicial vacancies in the Northern District.

“He is a superb candidate,” said a lawyer familiar with Russoniello's judicial selection work. “I can't imagine anyone better.”

Russoniello declined to say if he's been interviewed for the job, saying it would be “premature” and adding that he's never even met Schwarzenegger.

**“U.S. Finds Fault In All 50 States' Child Welfare Programs, And Penalties May Follow”** *New York Times* (April 26, 2004)

Federal investigators find widespread problems in child welfare programs intended to protect children from abuse and neglect, and no state has received passing grades from the Bush administration reviews conducted over the last three years.

As a result, states face tens of millions of dollars in penalties. State officials said the penalties could make it more difficult for them to pay for the needed improvements.

No state fully complies with the standards established by the federal government to assess performance in protecting children and finding safe, permanent homes for those who have suffered abuse or neglect.

Some states, including New Jersey and Florida, have received national attention because of scandals in their child welfare programs. But the federal report suggests that most states have similar problems.

Seven of the 14 federal standards focus on the safety and well-being of children, including the incidence of abuse and neglect, the time they spend in foster care and the stability of their living arrangements.

Federal officials said 16 states did not meet any of those seven standards. These states were Alaska, California, Georgia, Illinois, Indiana, Michigan, Minnesota, Nebraska, North Carolina, Ohio, Oklahoma, South Dakota, Tennessee, Washington, West Virginia and Wyoming.

**“Combination Of Deals, Debt Could Yield On-Time Budget”** *Los Angeles Times* (April 29, 2004)

People are beginning to imagine the previously unimaginable in Sacramento: that legislators may actually pass a state budget on time.

They've failed for 14 of the last 17 years to pass a spending plan by the July 1 start of the new fiscal year. Everybody yawns through the constitutional deadline of June 15 for legislative passage of a budget. Last year, lawmakers and Gov. Gray Davis squabbled for 44 days past that legal deadline.

Hitting the elusive July 1 target would spare private vendors anguish and ensure they'd be paid while doing business with the state. It would signal Wall Street bond-buyers that California was getting its act together. And it would be another step toward the politicians' primary goal: restoration of some public confidence in their competence.

But to envision enactment of an on-time budget, one has to imagine:

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# RIPPED FROM THE HEADLINES

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- Gov. Arnold Schwarzenegger cutting more deals with budget "stakeholders" – the politically correct name for special interests – to effectively take controversial items "off the table" before the governor and legislative leaders begin their bargaining.
- Democrats running up the white flag on taxes, sparing the Capitol a heated summer brawl.
- The governor and Legislature deciding to procrastinate and punt, again, rolling over debt into the next year and postponing the inevitable confrontation with deficit spending.

There are signs that all this may become reality.

**"Senate GOP Under New Leadership"** *Los Angeles Times* (May 11, 2004)

Sen. Dick Ackerman of Irvine is seen as quiet, conservative and a fierce partisan fighter. Budget battle will be his first test.

Sen. Dick Ackerman has the urbane sense of humor that helps when you are a member of a perpetual political minority.

On Monday, Ackerman (R-Irvine) launched his new cruise as Republican leader of California's Senate, which has been controlled by Democrats since 1971. A conservative Republican who has been in the Legislature for a decade, Ackerman, 61, was voted in by his colleagues and is expected to follow the philosophic tack of his predecessor, Jim Brulte of Rancho Cucamonga – taxes bad, private business good – but with a stylistic imprint that differs from that of the hulking, gregarious Brulte.

It is in association with Gov. Arnold Schwarzenegger that Ackerman is now likely to play his most significant role in Sacramento. Though the Republicans hold only 15 of 40 seats in the Senate, they become major players in the state budget process because any tax increase requires two-thirds support of the Legislature.

Ackerman will now be one of the "Big Five" – the governor and majority and minority party legislative leaders who negotiate the state's spending plan. Some senators say replacing Brulte, who was a party leader for a decade, will be a difficult challenge, but the outgoing minority leader says Ackerman will be fine. "Sen. Ackerman has served as the Republican budget conferee for the last two years and, frankly, has been making hiring decisions for the last four months on all of our staff, including our fiscal staff."

**"Criticism Comes From Both Sides"** *San Francisco Chronicle* (May 14, 2004)

Democrats and Republicans praised Gov. Arnold Schwarzenegger on Wednesday for making tough choices in his revised budget and then quickly began picking those same proposals apart.

"We're screwing the poor ... taking food out of their mouths," said Democratic Sen. John Burton, who called the plan's cuts to social services and health care "absolutely unworthy of a great state, unworthy of a governor who has compassion."

GOP Sen. Dick Ackerman of Irvine had a different complaint.

"We'd suggest more cuts in health and welfare," Ackerman, the newly minted Republican Senate leader, said. The governor should resist pressure from Democrats who "want to expand programs. Their goal is to spend more money."

**"Schwarzenegger Rolls The Dice"** *Los Angeles Business Journal* (May 17, 2004)

By cutting a string of deals to close a \$15 billion state budget gap, Gov. Arnold Schwarzenegger has become California's latest governor to take up high-stakes gambling.

The deals with teachers, university officials and local government leaders, along with a pending compact with state Indian tribes, could lop \$4 billion to \$5 billion off the 2004-05 deficit. But in exchange for up-front concessions from these groups, Schwarzenegger has committed to making up the billions in cuts in future years.

"Where do you pay that bill from?" asked Kim Rueben, public finance research fellow at the Public Policy Institute of California.

Schwarzenegger said the funds will come from surplus revenues generated by the "booming economy" that he's trying to stimulate with business climate reforms, and from a massive reorganization of state government.

"I'm trying to do both, stimulate the economy and be responsible fiscally," Schwarzenegger said at a press conference last week. "We are trying to manage the government, making sure we are smart about the way we spend money. At the same time, we will do everything to keep businesses here and make the economy boom."

The state Legislature is expected to go along with the governor's budget plan with minor tweaks, even though the Democratic majority is generally unhappy there are no tax increases.■

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#### **Archives**

Looking for a past issue of *The Capitol Connection*? Find it online at [www.courtinfo.ca.gov/courtadmin/aoc/capconn.htm](http://www.courtinfo.ca.gov/courtadmin/aoc/capconn.htm).

## AOC WINS TWO TOP COMMUNICATION AWARDS



Photo: Dia Poole

Two AOC media, one print and one video, won top honors for Excellence in Government Communication from the State Information Officers Council (SIOC) at their annual awards luncheon in Sacramento on May 13. Court News, the bimonthly newsletter for court executives,

and CCN, the video newsmagazine for court professionals, each won Gold Awards. Court News editor Blaine Corren (right) accepted the award presented in the magazine category. Director/Videographer Dex Craig (left) of the AOC's Education Division accepted the award for CCN, a collaborative effort of the Education Division and the Office of Communications. CCN, broadcast monthly to over 220 courts via satellite, won in the audio-video campaign category.

Nominations in the statewide competition may be submitted for work done in the previous calendar year, and the entries must have been produced for a state of California office, commission, department, or agency. This year's entries were judged by an independent panel of media professionals from communications and public relations firms. SIOC is a non-profit, professional organization that meets monthly to educate members and discuss trends and developments in government public information. Information on SIOC meetings and membership can be found at <http://www.ca-sioc.org>. ■

### News From the AOC

In addition to *The Capitol Connection*, the Administrative Office of the Courts publishes several newsletters reporting on various aspects of court business. Visit these online on the California Courts Web site at [www.courtinfo.ca.gov](http://www.courtinfo.ca.gov). To subscribe to these newsletters, contact [pubinfo@jud.ca.gov](mailto:pubinfo@jud.ca.gov).

**CFCC Update:** Reports on developments in juvenile and family law, including innovative programs, case law summaries from the AOC's Center for Families, Children and the Courts; grants and resources, and updates on legislation and rules and forms. Published three times a year. See [www.courtinfo.ca.gov/programs/cfcc/resources/publications/newsletter.htm](http://www.courtinfo.ca.gov/programs/cfcc/resources/publications/newsletter.htm).

**Court News:** Award-winning bimonthly newsmagazine for court leaders reporting on developments in court administration statewide. Indexed from 2000 at [www.courtinfo.ca.gov/courtnews](http://www.courtinfo.ca.gov/courtnews).