



Judicial Council of California · Administrative Office of the Courts

455 Golden Gate Avenue · San Francisco, California 94102-3688

www.courts.ca.gov

REPORT TO THE JUDICIAL COUNCIL

For business meeting on October 25, 2012

Title

Adoption and Permanency Month: Judicial
Council Resolution

Agenda Item Type

Action Required

Rules, Forms, Standards, or Statutes Affected

None

Effective Date

October 26, 2012

Recommended by

Family and Juvenile Law Advisory
Committee

Hon. Kimberly J. Nystrom-Geist, Cochair

Hon. Dean T. Stout, Cochair

Date of Report

September 7, 2012

Contact

Christopher N. Wu, 415-865-7721

christopher.wu@jud.ca.gov

Executive Summary

The Family and Juvenile Law Advisory Committee recommends adopting the attached resolution proclaiming November to be Court Adoption and Permanency Month. The council can once again actively recognize National Adoption Month in California's courts by issuing this proclamation to encourage courts and local communities to take special measures to address the issues of adoption and permanency, including family reunification, in their counties. Annual recognition of November as Court Adoption and Permanency Month reinforces the Judicial Council's commitment to finding permanent homes for children.

Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council adopt the attached resolution, effective October 26, 2012, proclaiming November 2012 to be Court Adoption and Permanency Month.

Previous Council Action

In 1999, the Judicial Council declared November to be Court Adoption and Permanency Month. Every year since that first successful observance, the council has reaffirmed its declaration. The Family and Juvenile Law Advisory Committee works closely with other state and county agencies to highlight adoption and permanency efforts in California annually.

Rationale for Recommendation

Each year in California, nearly half a million¹ reports are made of child abuse and neglect, and approximately 21,000² children enter foster care. Currently, about 55,000³ children in the state are living apart from their families in child welfare–supervised, out-of-home care. Nearly 40 percent⁴ of these children will not leave the foster care system within two years. Of the more than 29,000 children who did leave foster care in 2011, only 56 percent were reunited with their families; 20 percent were adopted and 12 percent were emancipated.⁵ It is critical that California’s courts continue to learn and implement new strategies to ensure that each child has one or more lifelong connections to a caring adult and that the courts continue to promote the placement of every child in a safe, loving, permanent home.

The state has been working on innovative programs to improve the lives of foster children. One initiative—a collaboration of the California Department of Social Services (CDSS), the Administrative Office of the Courts (AOC), and other state organizations—provides training to help family members or significant others maintain a permanent and responsible role in a youth’s life. Experience shows that without permanent connections, youth leaving foster care face even more overwhelming odds against a successful adulthood.⁶

To better serve children in foster care and their families, Chief Justice Ronald M. George appointed the California Blue Ribbon Commission on Children in Foster Care in March 2006 to develop recommendations to improve outcomes related to safety, permanency, well-being, and fairness for children and families. This commission is the first of its kind to focus on the role of the courts and their responsibility to foster children. In May 2009, the Blue Ribbon Commission released its final report and action plan, *Fostering a New Future for California’s Children*:

¹ Barbara Needell et al., *Child Welfare Services Reports for California* (2012), retrieved September 5, 2012, from the University of California, Berkeley, Center for Social Services Research website at http://cssr.berkeley.edu/ucb_childwelfare. Specific reports on referrals are at http://cssr.berkeley.edu/ucb_childwelfare/allegations.aspx.

² *Ibid.* Specific reports on first entries to care are at http://cssr.berkeley.edu/ucb_childwelfare/entries.aspx.

³ *Ibid.* Specific point-in-time reports on children in child welfare–supervised foster care are at http://cssr.berkeley.edu/ucb_childwelfare/PIT.aspx.

⁴ *Ibid.* Specific reports on the amount of time in care are at http://cssr.berkeley.edu/ucb_childwelfare/PIT.aspx.

⁵ *Ibid.* Specific reports on exits from foster care are at http://cssr.berkeley.edu/ucb_childwelfare/exits.aspx. The remaining 12 percent were placed in guardianships or other types of placement.

⁶ Cal. Dept. of Soc. Services, *Improving the Lives of California’s Children and Families: Accountability in Action* (rev. Aug. 2004).

*Ensuring Every Child a Safe, Secure, and Permanent Home.*⁷ The recommendations focused on four areas: (1) efforts to prevent removal and achieve permanency, (2) court reforms, (3) collaboration between the courts and their child welfare partners, and (4) resources and funding. Local foster care commissions have already taken significant steps to implement commission recommendations at the county level. In June 2009, Chief Justice George extended the work of the commission to ensure implementation of its sweeping recommendations.

In August 2010, the commission issued a progress report, *Building a Brighter Future for California's Children: Making Progress in Tough Economic Times.*⁸ The report noted progress in several areas of emphasis, including the expansion of educational services for current and former foster youth; the establishment of local foster care commissions in counties around the state; the initiation or continuation of statewide collaborative policymaking efforts; and the provision of training, support, and resources for court-appointed counsel in juvenile dependency cases. One development of particular impact was the passage of the federal Fostering Connections to Success and Increasing Adoptions Act of 2008.⁹ This act is directly responsive to 20 of the commission's recommendations, including support for relative caregivers, improved family finding and engagement, more flexibility in the use of federal funds, and support for foster youth until age 21.

In response to the federal act and the commission's recommendations, the Judicial Council has sponsored or cosponsored several bills in recent years. Of particular note is Assembly Bill 12, signed into law by Governor Arnold Schwarzenegger on September 30, 2010.¹⁰ AB 12 represented California's adoption of the major provisions of the federal Fostering Connections to Success Act. Among other provisions, AB 12 provides youth turning 18 the opportunity to continue receiving foster care benefits and juvenile court supervision until they reach age 21. This transition period gives them more time to find and develop permanent connections to caring adults and to prepare for self-sufficiency. The council adopted comprehensive rules and forms to implement these provisions last year.¹¹

The Blue Ribbon Commission's current chair, Associate Justice Richard D. Huffman, Court of Appeal, Fourth Appellate District, reported on the commission's recent progress at the December 2011 council meeting. Most recently, Justice Huffman appeared at the August 2012 council

⁷ Judicial Council of Cal., California Blue Ribbon Commission on Children in Foster Care, *Fostering a New Future for California's Children: Ensuring Every Child a Safe, Secure, and Permanent Home, Final Report and Action Plan* (May 2009), www.courts.ca.gov/documents/brc-finalreport.pdf.

⁸ Judicial Council of Cal., California Blue Ribbon Commission on Children in Foster Care, *Building a Brighter Future for California's Children: Making Progress in Tough Economic Times, Implementation Progress Report* (August 2010), www.courts.ca.gov/documents/brc-progress-0810.pdf.

⁹ Pub.L. No. 110-351 (Oct. 7, 2008) 122 Stat. 3949, codified at 42 U.S.C. §§ 622, 627, 671-679(c).

¹⁰ The Judicial Council also sponsored clean-up legislation to Assembly Bill 12, Assembly Bill 212, and Assembly Bill 1712 in the 2011-2012 legislative session.

¹¹ Judicial Council of Cal., mins. (Oct. 27-28, 2011), p. 24-25.

meeting to report on the work of the commission's Truancy/School Discipline Workgroup. At the meeting, the council approved Justice Huffman's request that AOC staff be permitted to seek outside funding for a statewide summit on keeping California's children in school and out of court.

Court Adoption and Permanency Month is one way California courts can raise awareness, demonstrate commitment, and bring about changes in the court system to stabilize children's lives. The month of November was selected to coincide with National Adoption Month, when government agencies and nonprofit organizations highlight innovative efforts to promote permanency, including adoption, and to raise awareness of the need for safe, permanent homes for children in foster care.

Since Court Adoption and Permanency Month was initiated in 1999, many individual California courts have dedicated specific adoption days in November—including Adoption Saturdays and Adoption Fridays—as well as other events, to clear their backlogs of adoption cases. The Judicial Council encourages courts to do so as circumstances permit.

The Judicial Council also encourages courts with no backlog of adoption cases to hold adoption celebrations or commemorate other permanent connections for foster children and to institute local system programs as part of the statewide November effort to raise awareness of adoption and permanency.

Many local courts—in conjunction with county social services, local nonprofit agencies, and others—celebrate and highlight Court Adoption and Permanency Month in November and throughout the year. Many counties will honor permanent connections for foster children with events this year, including the following:

- The Superior Court of Fresno County and the Fresno County Department of Social Services will hold Fresno County Adoption Day on November 29, 2012. The department, along with foster family agencies and adoption home study agencies, is planning the celebration, which will include food, games, and most important, adoption finalizations. Dependency court judges will finalize adoptions throughout the event. In 2010, 30 children in 22 families finalized their adoptions during the Fresno County Adoption Day celebration.
- The Superior Court of Alameda County, along with the Alameda County Social Services Agency and other partners, will hold its 13th Annual Adoption Day on November 16, 2012. During the first 12 years of Alameda County's special Saturday events, more than 750 children found homes in over 600 families.
- In 2012, the Superior Court of Los Angeles County has continued the national trend that it started in 1998 of holding periodic Adoption Days, which bring together volunteer judicial officers, attorneys, social workers, court staff, and others to complete adoptions, often for hundreds of children and families in a day. In addition, the Los Angeles court and its partners

marked the week of September 10–14, 2012, as Family Reunification Week to honor the many families who successfully navigated the dependency court and child welfare system to emerge healthier, stronger, and intact. Events during the week included a presentation at the Los Angeles County Board of Supervisors meeting honoring Family Reunification Week Heroes and a half-day symposium entitled, “Family First: The Road that Leads Back Home.”

Many California courts also support the Heart Gallery program, which raises community awareness through professional photography exhibits of children and youth in foster care who need adoptive families and permanent lifelong relationships. The number of Heart Galleries continues to grow throughout the nation, with California locations in Alameda, Fresno, Kern, Los Angeles, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Luis Obispo, San Mateo, Santa Barbara, Shasta, and Solano Counties.

A wide variety of resources on adoption and permanency are available on the [California Dependency Online Guide](#) website run by the AOC Center for Families, Children & the Courts. These materials provide ideas, resources, and best practices for collaboration among courts and their communities to raise awareness of the necessity for safe and permanent homes for all foster children. Available materials on permanency and adoption include articles; research reports; more than 50 California cases; manuals, including the [Court Adoption and Permanency Resource Guide \(2006\)](#) and the *California Judges Benchguides*: Benchguide 130, on Adoptions; toolkits on concurrent planning, family engagement, and other permanency topics; and links to online courses, fact sheets, and resource libraries. The materials are searchable by type of document or by topic, such as adoptability, adoption assessments, concurrent planning, and permanency. The California Dependency Online Guide is available free of charge to all California judicial officers, attorneys, and child welfare professionals, and it is currently used by more than 2,700 subscribers.

Comments, Alternatives Considered, and Policy Implications

The annual resolution declaring November as Court Adoption and Permanency Month continues to be well received and celebrated by courts, court-connected professionals, and the adoption and permanency community. It does not require circulation for comment as part of an official Invitation to Comment cycle.

The Judicial Council could choose not to proclaim November 2012 to be Court Adoption and Permanency Month and instead rely on the resolutions of 1999 through 2011 to promote adoption and permanency activities in November. However, the Family and Juvenile Law Advisory Committee believes that a new proclamation each year highlights the ongoing critical need to seek permanence for foster children.

Implementation Requirements, Costs, and Operational Impacts

Court Adoption and Permanency Month is a voluntary program. Every court can participate at a level it considers appropriate to its jurisdiction. Suggested commemorative events range from no-cost activities for promoting adoption and permanency to higher-cost, systemwide programs.

Participation by families in any special event or project in any court is also voluntary. The emphasis on the month of November is not intended as a rationale for scheduling adoption hearings just so they coincide with a special event. Each case should be heard as soon as it can be calendared, and the families involved should be offered the opportunity to participate in a court's later-occurring event.

Attachments

1. Judicial Council resolution proclaiming November 2012 to be Adoption and Permanency Month, at page 7.

JUDICIAL COUNCIL OF CALIFORNIA

Resolution

Whereas, consistent with its commitment to improving the lives of children and their families, the Judicial Council since 1999 has annually recognized November as Court Adoption and Permanency Month;

Whereas nearly half a million incidents of child abuse and neglect are reported each year in California, and more than 21,000 children enter foster care;

Whereas nearly 55,000 children in California live apart from their families in child welfare–supervised out-of-home care;

Whereas nearly 40 percent of the children in foster care in California have been away from their families for two or more years;

Whereas, of the 29,000 California children who left foster care in 2011, 56 percent were reunited with their families, 20 percent were adopted, and 12 percent were emancipated;

Whereas local courts and communities throughout California have created programs promoting permanency that have resulted in a decrease in the number of children waiting for permanent, safe homes; and

Whereas the Judicial Council is committed to working with the Governor, the Legislature, and local courts and communities to achieve permanency for children who have been abused or neglected;

Now, therefore, be it resolved that I, Tani G. Cantil-Sakauye, Chief Justice of California, on behalf of the Judicial Council of California, do hereby proclaim November to be Court Adoption and Permanency Month, during which the courts and their communities are encouraged to join in activities to promote permanency.

In witness whereof

I have hereunto set my hand this 25th day of October, 2012

Attest:

TANI G. CANTIL-SAKAUYE
Chief Justice of California and
Chair of the Judicial Council of California

STEVEN JAHR
Administrative Director of the Courts

