March 18, 2015

The Hon. Hannah Beth-Jackson

Chair, Senate Judiciary Committee

State Capitol, Room 2187

Sacramento, CA 95814

 **Re: SUPPORT FOR SB 316 (MITCHELL)**

Dear Chair Beth-Jackson:

[ORGANIZATION NAME AND DESCRIPTION]

Every major decision about the life of foster children is made by a judge in an adversarial proceeding; decisions such as with whom the child will live, whether they will see their brothers or sisters again, whether they will be given drugs against their will, whether they are prepared to be emancipated.

Having by force of law severed their relationships with their parents, and having taken on the task of raising them in a government program, the state’s moral responsibility to foster children is the same as the moral responsibility of a parent. And, it finds no parallel anywhere in state government.

We are obligated not just to avoid further harming them. We are obligated to raise them well.

Severed from their parents, raised in a government program, already traumatized by definition, nobody needs a lawyer more than a child in this system. Children, unlike adults, cannot advocate for themselves.

Thus, Senate Bill 2160 enacted in 2000 amended section 317 of the Welfare & Institutions Code (“WIC”) so that the statute currently requires that

* counsel be appointed for children in almost all dependency cases;
* appointed counsel have caseloads and training that ensure adequate representation; and
* the Judicial Council promulgate rules establishing caseload standards, training requirements, and guidelines for appointment of counsel for children.

The Legislature understood that the case loads of attorneys was relevant to whether attorneys could “adequately” represent their child clients and perform the listed tasks they are required to perform explicitly by statute. Thus, as underscored above, WIC section 371 requires the:

Judicial Council shall promulgate rules of court that establish caseload standards, training requirements, and guidelines for appointed counsel for children and shall adopt rules as required by Section 326.5 no later than July 1, 2001.

The Council has never adopted such a rule.

As a result, caseloads for attorneys representing abused and neglected children have become preposterous. In Los Angeles County, for example, lawyers representing these children have average caseloads a case load of over 300 children, more than twice what the Judicial Council says is the maximum possible caseload.

What the Council did do was study the caseload issue, eventually identifying 77 child clients per lawyer as the maximum without the aid of a social worker, 188 with such aid.

All SB 316 (Mitchell) does is put in enforceable code the very caseload standards identified by the Judicial Council back in 2008, and does in statute what the Council was by law required to do by a court rule per a law enacted back in 2000.

To some significant extent, every law or program or expenditure aimed at benefitting these children will simply never fulfill its promise unless those legally and ethically charged with ensuring the laws are enforced to the benefit of these children have a reasonable chance at doing the job we have assigned them to do under current law. Phrased another way, we will never be able to say that we are doing right by these children until we give them the champion and a voice the Legislature intended fourteen years ago.

Please vote for SB 316.

Sincerely,