

BUDGET FACT SHEET

RESOLVING THE CASELOAD CRISIS FOR COURT APPOINTED DEPENDENCY COUNSEL

THE GOAL

Ensure that every child and parent involved with the foster care system is provided with effective, high quality legal representation.

BACKGROUND

When a child is removed from her home because of serious physical, emotional or sexual abuse, the state of California assumes the role of a legal parent. Through the Dependency Court, the state makes decisions that have huge implications on the child's life and future – i.e. whether the child will return to her parents or be adopted, if she will be placed with her siblings, where and with whom she will live, where she will go to school, and what type of therapy or other services she will receive.

Given the impact of these decisions, having a competent and dedicated attorney is critical. A child's attorney is the one person in the system with the sole responsibility of advocating for that child's protection, safety, and physical and emotional well-being. Pursuant to California law, the duties of children's attorneys are vast and go well beyond the courtroom. *Welfare and Institutions Code § 317*. Not only do they advocate in all court proceedings, the attorneys are also expected to ascertain and advance the needs of their minor clients outside of the legal proceedings.

THE ISSUE

Caseloads for California's dependency court appointed counsel are appallingly high. Thirty-two California counties are not sufficiently funded to meet even Judicial Council's maximum caseload standard of 188 clients per lawyer (optimal is 77). Of those counties, fifteen are so under-resourced that caseloads are *more than double* that of the basic standard. With 400 children to represent, it is virtually impossible for attorneys to effectively protect the safety and well-being of foster children. We are failing to give a voice to California's most vulnerable youth.

Similarly, attorneys for parents cannot effectively assist their clients without manageable caseloads.

OTHER STATES

In 2006, a federal court in Atlanta ruled that high caseloads violate children's constitutional right to zealous and effective legal representation. Through a court-supervised settlement process, the average caseload for children's attorneys were reduced from 500 to 90. Several states, including Massachusetts, New York, Arkansas and Wyoming, have followed suit by implementing strict caseload standards.

CALIFORNIA'S SOLUTION

It would cost an additional \$33.1 million annually to move all dependency attorney caseloads to the recommended maximum. The entirety of this relatively small allocation must go directly to court appointed counsel.

SUPPORT

The 2014 budget request was supported by: Alameda County Foster Youth Alliance, Alliance for Children's Rights, California Advocacy Institute, California Welfare Directors Association, California Women's Law Center, California Alliance for Children and Family Services, California CASA, California Youth Connection, CASA of Los Angeles, CASA of Sacramento, Child Welfare Initiative, Children's Advocacy Institute, Children's Law Center of California, Children Now, Dependency Advocacy Center, Dependency Legal Services, East Bay Children's Law Offices, Foster Care Counts, John Burton Foundation, Juvenile Dependency Counselors, Los Angeles Board of Supervisors, Los Angeles Center for Law and Justice, Los Angeles Dependency Lawyers, National Center for Youth Law, Parent Advocates and Dependency Associates of Sacramento, Pepperdine University, Public Counsel, San Francisco Counsel for Families and Children

FOR MORE INFORMATION



Children's Law Center
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Excellence in Advocacy

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