

Senate Bill 316

Dependency Court Representation Funding

Senator Holly J. Mitchell

SUMMARY

SB 316 will set a limit to the number of child or nonminor dependent clients an appointed dependency court attorney may have at one time. To lower the current number of clients per attorney, the state shall properly fund dependency court attorneys to the identified recommended numbers.

BACKGROUND

There are 74,362 children in foster care in California. Each is represented by a court appointed attorney who is charged with the sole responsibility of advocating for that child's safety, protection and physical and emotional well-being.

For a child in foster care, who has been removed from his or her home because of physical and emotional abuse or neglect, having a competent and dedicated attorney is critical. A child's attorney may be in the best position to prevent horrific outcomes.

Though the Dependency Court, the state makes decisions that have huge implications on the child's life and future such as whether the child will ever return to his or her parents, be placed with siblings, where and with whom he or she will live, and what services he or she will receive.

In 2008, a California Judicial Council study concluded that the basic caseload standard where the attorney is supported by a social work investigator is a maximum of 188 child clients, while the optimal is 77.

Yet in California, overwhelming caseloads make it impossible for the dependency court appointed attorneys to properly serve their child clients. In Los Angeles County, where the largest number of foster children in the state are served, the average dependency attorney's caseload is 300 children per lawyer. In 15 of California's counties, the caseloads are even higher.

THIS BILL

SB 316 will ensure that counsel representing a child or nonminor dependent would not have a case load that exceeds 77 clients unless that counsel has the assistance of a social worker or investigator on a half-time or more than half-time basis and that counsel's case load could not exceed 188 clients.

SUPPORT

- Children's Advocacy Institute
- Children's Law Center
- Legal Advocates for Children and Youth (LACY)

OPPOSITION

None on file

FOR MORE INFORMATION

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