

THE SACRAMENTO BEE sacbee.com

This story is taken from [Sacbee / Our Region](#)

Children's lives on the line in court system on the brink

chubert@sacbee.com

Published Saturday, Aug. 22, 2009

Early on a Monday morning, on the third floor of a beige building with tinted windows, seven family members stand in a circle and join hands in prayer.

Across a wide, carpeted lobby, scores of men and women wait their turns in court, many of them cradling babies or trying to calm toddlers. In one corner, a wiry man in a Kings cap points an accusatory finger at a Child Protective Services social worker, calling her a "villain" who is threatening to take his kids.

Emotions roil inside Sacramento County's juvenile dependency court, where judicial officers known as referees decide the futures of thousands of abused and neglected children.

Dependency court is in crisis, according to a lawsuit filed recently in federal court in Sacramento.

So many children are crowding the system that the lawyers who represent them and the referees who preside over cases cannot keep up, according to the suit. The result, it says, is that youngsters too often are left in limbo, in foster homes or other living arrangements, without proper care and supervision and vulnerable to further abuse.

The system has become so dysfunctional, the suit says, that it is robbing youngsters of their constitutional and statutory rights to a fair hearing and "adequate and effective" legal representation.

Because dependency court proceedings and files are closed to the public, the inner workings of the system are difficult to document. But The Bee, through a special order issued by Presiding Judge Kenneth Peterson, recently got a rare look inside. As part of the agreement, the identities of children and parents whose cases The Bee examined must be kept private.

The solution to fixing an overloaded system boils down to money, key players in dependency court agree. But given the state's dire budget situation, no one is sure where the funding might come from.

The lawyer who filed the suit for the nonprofit Children's Advocacy Institute, based at the University of San Diego School of Law, says the state Judicial Council and Administrative Office of Courts, which control the purse strings, should rearrange priorities and find funding for more dependency referees and lawyers. That could mean, for example, shifting funds

away from buildings and administration. The suit asks that the federal government intervene at the state level and force a solution, as it has on such issues as prison overcrowding.

"There is plenty of money if you are spending it the right way," said Edward Howard of Sacramento, senior counsel for the institute. "These are kids who we have taken from their parents. They are orphans by our hand. They have to come absolutely first."

When children are removed from their homes because of allegations of abuse, the dependency court becomes their surrogate parents. Its charge is to act in "the best interest" of the youngsters, while trying to find a way to safely reunite them with their families.

A small army of specialists, from social workers to psychologists to substance abuse counselors, weighs in on every case. Every child and every parent has his or her own lawyer, usually appointed by the court. In a series of hearings over a period of months, a referee makes crucial decisions about everything from where a child should go to school to whether he or she should be able to see siblings. Daily, tears are spilled and anger boils over.

Lawyers, judicial officers and others who work in dependency court stop short of saying their workloads are placing children in grave danger. But all agree that the caseloads are crushing.

By observing hearings and trials for one week and talking to those involved, The Bee confirmed many of the problems detailed in the lawsuit.

Hearings are delayed repeatedly because reports are late or one of the attorneys is unprepared. Overburdened lawyers frequently meet their young clients in the court's hidden "playroom" just moments before they are scheduled to appear. Referees, under pressure to keep the calendar moving, make decisions in a matter of minutes that could profoundly affect a child's life.

In a system stretched to the breaking point, everyone is feeling the pressure.

Life-and-death decisions

The baby has a fractured arm.

The mother has an attitude problem.

And Nick Knight, attorney for the client who has yet to reach his first birthday, is torn.

Knight, a stocky, broad-shouldered lawyer for the nonprofit Sacramento Child Advocates, is prepared to go to trial to prove that this young mom yanked her daughter's arm so violently that it cracked. The mother's lawyer has proposed a settlement: For the chance to get her baby back, she will acknowledge that the girl was hurt in her care and agree to monitoring and counseling.

The mother has denied abusing the child, but Knight has experts who contradict her story. If she cannot come to terms with what the evidence suggests she has done, he asks himself, is it safe to return the baby to her?

Knight wishes he had a crystal ball to help him decide.

"It's impossible to predict what might happen when you're dealing with people who have

chaotic lives," he says. "It weighs on you."

Knight's day at the William R. Ridgeway Family Relations Courthouse on Power Inn Road illustrates the huge caseloads that lawyers for abused and neglected children routinely face.

The case of the girl with the broken arm is one of 270 that Knight, who is married with an infant son of his own, has on his plate and among at least 10 that he will work on today. He will appear in court this afternoon with a teenage client who has been in and out of group homes for four years, and with an angry and resentful girl whose stepfather has been accused of molesting her. Easily half of his cases involve parental drug and alcohol abuse. He has dozens of young clients with one or both parents in prison or jail. He must consider all of these factors in his role as legal advocate for society's most vulnerable youngsters.

Knight's workload forces him to make tough choices about which cases to make a priority. Yet his schedule is lighter than that of some of his colleagues at Sacramento Child Advocates, who carry as many as 400 cases at a time. That is more than double the standard of 188 cases set by the Judicial Council.

"There is always a degree of triage," Knight says. "We have cases where parents are torturing their children. Kids are being beaten, burned. Clearly those are life and death, and we make them a priority."

On a typical day, Knight may appear before the court in a dozen different cases involving as many as 40 children, going toe to toe with lawyers for parents who want their kids back. Often, children as young as 4 sit beside him, sneaking glances at their mothers and fathers at the other end of a horseshoe shaped table.

Between hearings and trials, Knight crams for upcoming appearances, consoles young clients, consults with other attorneys, answers calls and e-mails on his BlackBerry, and shoots back and forth between the courthouse and his office on Folsom Boulevard.

Inevitably, he takes files and emotional baggage home with him at the end of the day.

"I don't think you can work in this industry and not have it affect you," Knight says. "What we do is of critical importance to these kids. I get intensely anxious at times about the outcomes."

Burnout takes a toll. At Knight's nonprofit firm, lawyers last about 18 months. But Knight, who is paying off \$130,000 in law school loans and makes an annual salary of about \$45,000, says he cannot imagine doing anything else.

"I feel that most of the time I'm making a huge positive impact for children," Knight says. "That doesn't put anything in my retirement account, but I'm going to find a way to make it work."

Late in the day, after consulting with social workers and other lawyers, Knight decides to go forward with a proposed settlement involving the child with the broken arm. If the mother completes counseling, she will get her baby back.

He packs up his briefcase and heads back to the office, where a file with the name of a little girl with a brain injury is waiting on his desk.

The rapid-fire referee

Six siblings with four different fathers, two of whom are in prison. A mother on her way to a mental hospital, and a father en route to San Quentin.

Parents who come to court drugged. Parents who appear in shackles. Wide-eyed children who, despite horrors inflicted upon them by those parents, cry when they learn they cannot go home.

This is family life as it plays out in Dean Petersen's courtroom in Department 135 of Sacramento County's dependency court.

Over the course of 22 years as a juvenile referee, Petersen has worked to protect young victims and steer wayward parents toward better lives for themselves and their children.

Petersen is one of six Sacramento County dependency court referees who decide the fates of children who have been taken from their homes because of allegations of abuse and neglect. Referees are lawyers with vast experience in juvenile law. But unlike judges, they are appointed rather than elected.

Federal law sets a 12-month deadline for the court to decide whether a child who has been taken from his or her parents should be allowed to go home. But meeting that deadline has become a monumental challenge, one that cannot always be met because of high caseloads and frequent continuances. According to the federal lawsuit, referees juggle as many as 1,000 cases at a time.

Petersen arrives at the courthouse by 6 most mornings to review case files, and once he is on the bench he works at a rapid-fire pace. On a recent afternoon, by *The Bee's* measure, he spent an average of about six minutes on each case. In those six minutes, he made rulings that returned kids to parents, changed their schooling arrangements and medications, ordered drug counseling and anger management classes for parents, and set the wheels in motion to terminate parental rights.

"I do wish I had more time to spend on each case," Petersen said. "I wish parents showed up in court when they are supposed to. I wish reports were in on time. This work can be overwhelming."

As a result, he said, children often linger too long in foster homes or with relatives who are less than perfect caretakers, and parents and youngsters face delays in getting counseling and other services.

On the bench, Petersen is alternately folksy and no-nonsense. He cheerfully greets children and parents who appear before him. He scolds lawyers and social workers who are unprepared. He warns parents that they are destined to lose their children if they fail to shape up, and congratulates those who show effort toward rehabilitation. He signals the end of each case with a sing-songy, "Thaaaaat's all!"

His tenth case on a recent morning features two teenage sisters who arrive in court wearing hooded sweat shirts and sullen expressions. Their mother, a weary-looking alcoholic, is sitting with her lawyer at one end of the table. Their father, with his lawyer, is unshaven and wearing a jail-issued orange jumpsuit. The parents are accused of leaving the girls unsupervised, abusing alcohol and physically harming their kids.

Petersen discusses placing the girls with a relative. He orders the father's lawyer to look into the logistics of the girls visiting him in prison. He approves counseling for the mother.

The girls stare straight ahead as a deputy leads their father back to his cell and their mother leaves the courtroom.

Where will they all be, Petersen wonders, a year from now?

All of the state's dependency courts are busy, but Sacramento County's faces some of the most suffocating caseloads and gets less than its share of funding, says Howard of the Children's Advocacy Institute.

The lawsuit points out that the Administrative Office of the Courts gives Sacramento and Alameda counties each about \$2.6 million to pay attorneys, even though Sacramento County, with some 5,000 active cases, has double the workload of Alameda.

Sacramento County's dependency court caseloads have ballooned in the past year in part because of intensive scrutiny of its CPS unit. The agency's "emergency response" workers are taking on an average of about 17 new investigations per month, says spokeswoman Laurie Slothower. By the end of last year, the lawsuit notes, dependency lawyers were picking up 235 new cases each month.

The state's Judicial Council, which oversees the Administrative Office of the Courts, has tried to address the issue, it says in a prepared statement. Last year, the council says, it asked the Legislature for \$50 million to reduce attorney caseloads. But "to date, no funding has been allocated."

While the council is committed to serving children in dependency court, it says, "it will require a sustained effort by all branches of government" to get caseloads down.

The key court officials named in the lawsuit all declined comment to The Bee. They have until Sept. 4 to respond to the lawsuit.

ShareThis

Call The Bee's Cynthia Hubert, (916) 321-1082.