



## JUDICIAL COUNCIL OF CALIFORNIA

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# REPORT TO THE JUDICIAL COUNCIL

*Item No.: 20-091*

For business meeting on November 13, 2020

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**Title**

Family and Juvenile Law: Court Adoption  
and Permanency Month

**Agenda Item Type**

Action Required

**Rules, Forms, Standards, or Statutes Affected**

None

**Effective Date**

November 13, 2020

**Recommended by**

Family and Juvenile Law Advisory  
Committee  
Hon. Jerilyn L. Borack, Cochair  
Hon. Mark A. Juhas, Cochair

**Date of Report**

October 22, 2020

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### Executive Summary

The Family and Juvenile Law Advisory Committee recommends adopting a resolution proclaiming November to be Court Adoption and Permanency Month. As it has since 1999, in observance of National Adoption Month, the Judicial Council can recognize the ongoing efforts of California's juvenile courts and their justice partners to provide children and families with access to fair, understandable judicial proceedings leading to timely, well-informed, and just permanency outcomes. The resolution will also give courts the opportunity to raise community awareness of the importance of finding safe, stable, and permanent homes for every child or youth in foster care.

### Recommendation

The Family and Juvenile Law Advisory Committee recommends that the Judicial Council adopt the attached resolution, effective November 13, proclaiming November 2020 to be Court Adoption and Permanency Month.

## Relevant Previous Council Action

The Judicial Council first declared November to be Court Adoption and Permanency Month in California in 1999. Since that successful observance, the council has continued to reaffirm this declaration, demonstrating its commitment to judicial procedures and collaborative practices that promote timely case resolution and permanency for children and youth in foster care. The council's Family and Juvenile Law Advisory Committee, other advisory groups, and council staff have worked to implement council and legislative directives relating to adoption and permanency, as well as to support the juvenile courts and their local justice partners each November to highlight both ongoing and special adoption and permanency efforts.

## Analysis/Rationale

A child's most fundamental need—that of being a cherished member of a loving family—pays no heed to a worldwide pandemic. While the COVID-19 pandemic has caused massive disruptions in societies throughout the world, courts in California have found ways to ensure that this fundamental need continues to be met for the vulnerable children under its jurisdiction. In the face of the disruptions and safety concerns caused by the pandemic, courts all over the state have continued to help children achieve permanency through a mixture of stipulated adoption and permanency orders, in-person hearings, and remote hearings.

Permanent placement of a child in a committed relationship intended to last a lifetime—with the child's family if possible, or another loving family if not—is the goal of the juvenile court process. Children and families deserve access to a timely, understandable, and fair process that actively engages them, as well as the placement agency, in the work needed to achieve this goal. It is critical that California's courts continue to learn and implement new strategies to ensure that each child leaves foster care as quickly as possible with 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. This is of particular importance during this time of crisis.

California courts continue to be responsible for overseeing an enormous number of juvenile law cases. Each year in California, nearly half a million reports are made of child abuse and neglect,<sup>1</sup> and approximately 20,000 children enter foster care for the first time.<sup>2</sup> Currently, more than 60,000 children in the state are living apart from their families in child welfare—supervised, out-

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<sup>1</sup> D. Webster et al., *California Child Welfare Indicators Project*, University of California at Berkeley, <https://ccwip.berkeley.edu> (as of Oct. 15, 2020). Specific reports on referrals are available at <https://ccwip.berkeley.edu/childwelfare/reports/Allegation/MTSG/r/ab636/s>.

<sup>2</sup> *Ibid.* Specific reports on first entries to foster care are available at <https://ccwip.berkeley.edu/childwelfare/reports/Entries/MTSG/r/ab636/s>.

of-home care.<sup>3</sup> Forty percent of these children have been in foster care for more than two years; 8,800 children remain in “temporary” care after more than five years.<sup>4</sup>

Twenty-three percent of the youth in care are at the transitional age of 16 to 20 years old<sup>5</sup>—with 7,800 dependent youth and 1,100 youth in the juvenile justice system remaining under the juvenile court’s jurisdiction as young adults—and are deserving of permanency and stable living environments.<sup>6</sup> Of the more than 23,000 children who were able to leave foster care in the fiscal year ending June 30, 2020, 51 percent were reunited with their families, almost 23 percent were adopted, and 11 percent achieved permanence through legal guardianships, including nearly 1,000 in relative guardianships.<sup>7</sup> Permanent placement of a child in a committed relationship intended to last a lifetime—with the child’s family if possible, or another loving family if not—is the goal of the juvenile court process.

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, Judicial Council staff, 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.<sup>8</sup>

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

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<sup>3</sup> *Ibid.* Specific point-in-time reports on children in child welfare—supervised foster care are available at <https://ccwip.berkeley.edu/childwelfare/reports/PIT/MTSG/r/ab636/s>.

<sup>4</sup> *Ibid.* Specific reports on time in care are available at <https://ccwip.berkeley.edu/childwelfare/reports/PIT/MTSG/r/ab636/s>.

<sup>5</sup> *Ibid.* Specific reports on the age of youth in care are available at <https://ccwip.berkeley.edu/childwelfare/reports/PIT/MTSG/r/ab636/s>.

<sup>6</sup> *Ibid.* Specific reports on foster youth and the juvenile justice system are available at <https://ccwip.berkeley.edu/childwelfare/reports/PIT/MTSG/r/ab636/s>.

<sup>7</sup> *Ibid.* Specific reports on exits from foster care are available at <https://ccwip.berkeley.edu/childwelfare/reports/Exits/MTSG/r/ab636/s>. The remaining 16 percent aged out/emancipated or were placed in other types of placement.

<sup>8</sup> M. Testa, C. M. Bruhn, and J. Helton, “Comparative Safety, Stability, and Continuity of Children’s Placements in Formal and Informal Substitute Care” in *Child Welfare and Child Well-Being: New Perspectives from the National Survey of Child and Adolescent Well-Being*, M. B. Webb et al., eds. (Oxford University Press, 2009).

Fridays and Adoption Saturdays—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. Courts have sought to limit public gatherings as much as possible during the pandemic, so these efforts have been curtailed recently. Courts have, however, continued to celebrate reunification and legal permanence at each hearing where a child is ordered into the care and custody of the child’s permanent family. Children, courts, and families are able to express their joy and gratitude for what amounts to a profound and gratifying closure to their foster care episode.

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. There are Heart Galleries throughout the nation, with California locations in Kern, Los Angeles, Orange, Riverside, Sacramento, San Bernardino, and San Diego Counties.

A wide variety of resources on adoption and permanency are available at the California Dependency Online Guide, a website maintained by council staff in the Center for Families, Children & the Courts.<sup>9</sup> 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, and more than 60 California cases; 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 5,000 subscribers.

### **Policy implications**

The annual resolution declaring November to be Court Adoption and Permanency Month continues to be well received and celebrated by courts, court-connected professionals, and the adoption and permanency community.

### **Comments**

This recommendation does not require circulation for public comment.

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<sup>9</sup> California Dependency Online Guide, <https://cadependencyonlineguide.info/>.

**Alternatives considered**

The Judicial Council could choose not to proclaim November 2020 to be Court Adoption and Permanency Month and instead rely on the resolutions of 1999 through 2019 to promote adoption and permanency activities in November. However, the Family and Juvenile Law Advisory Committee believes that a new resolution each year highlights the ongoing critical need to seek permanence for foster children.

**Fiscal 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 and Links**

1. Attachment A: Court Adoption and Permanency Month resolution

# JUDICIAL COUNCIL OF CALIFORNIA



## ADOPTION AND PERMANENCY MONTH R E S O L U T I O N

*Whereas*, consistent with its commitment to support practices and procedures that promote access to justice and improved case outcomes for California's children and families, the Judicial Council has annually recognized November as Court Adoption and Permanency Month since 1999;

*Whereas* 433,460 incidents of child abuse and neglect were reported in fiscal year 2019–20 and 19,662 children entered child welfare–supervised foster care for the first time in California;

*Whereas* some 60,000 children in California continue to live apart from their families in child welfare–supervised out-of-home care and over 40 percent of the children in foster care in California still live apart from their families for two or more years;

*Whereas* the Judicial Council and local courts pivoted to respond to the COVID-19 pandemic by enacting emergency rules, providing financial support to purchase remote technology, and assisting with stipulated resolutions while still adhering to federal and state findings;

*Whereas* despite the disruptions to court operations and safety emergencies created by the COVID-19 pandemic, California courts still reunified 11,802 families, finalized 5,241 adoptions, and dismissed its jurisdiction over 2,421 children in guardianships during the fiscal year 2019–20;

*Whereas* the percentage of foster children who exit foster care through adoption is at only 23 percent;

*Whereas* California law requires that placing agencies incorporate the voices of foster children in permanency planning;

*Whereas* California has promoted permanency through the provision of services aimed at eliminating barriers to permanency for foster children, and the Judicial Council has provided trainings and tools, including bench cards, to assist courts in ensuring foster children get legal permanence;

*Whereas* local courts and communities throughout California have created programs promoting permanency that have resulted in a reduction in the number of children waiting to live in safe, stable, and permanent homes; and

*Whereas* the Judicial Council remains committed to working with the Governor, the Legislature, and local courts and communities to ensure that every abused or neglected child finds a safe, stable, and permanent home with a loving family as quickly as possible;

*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 2020 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 13th day of November, 2020*

Attest:

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

MARTIN HOSHINO  
Administrative Director