

GOVERNOR DELIVERS ADDITIONAL FUNDING FOR COURT-APPOINTED DEPENDENCY COUNSEL

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nly three days after taking office, Governor Gavin Newsom took direct and immediate action to deliver on his campaign's commitment to invest in California's most vulnerable children and families. In an unprecedented act, Governor Newsom included an additional \$20 million for the legal representation of children and families involved in the state's juvenile dependency courts, bringing the program that much closer to finally achieving full funding.



Governor Gavin Newsom speaks at the Families Belong Together rally and march in Los Angeles, June 2018. Photo: Karl Sonnenberg

In his revised May budget, he seized on a new federal policy to identify an additional \$34 million for legal representation, bringing the state closer than ever before to achieving full funding for this important work.

California has long recognized the right to court-appointed counsel for children and indigent parents in dependency court proceedings. In 1989, California shifted the responsibility for funding this statutory right away from counties and placed it squarely with the state under the Trial Court Funding Act with the express purpose of ensuring statewide equal access to justice.

However, the state has never fully funded this mandate. Thirty years later, the program is now funded at only 66 percent of the Judicial Council's conservative estimated need. Statewide, dependency representation programs are choosing between drastically high caseloads and drastically low rates of compensation. All too often, dependency attorneys are confronted with both problems.

The decisions made in dependency courts have the potential to permanently sever the parent-child relationship. Courts have the power to temporarily remove children from their parent and sometimes even limit all contact prior to a full

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evidentiary hearing on whether the children are at risk for abuse or neglect. Depending on the trajectory of the case, the court may later decide whether a child should be placed with strangers, a relative, or whether the child can remain or return to their home. The court may also decide whether to terminate all contact between the parent and child, and whether to permanently terminate parental rights and free that child for adoption by another family. Ensuring that juvenile dependency judges have access to evidence on behalf of children and parents is essential to upholding the validity of these decisions and protecting the due process rights of each client in the dependency system.

Research shows that high quality legal representation increases the number of foster children who return to their families of origin. Washington State underwent a rigorous study from 2004 through 2008 and found that improving

representation by providing reasonable compensation and reduced caseloads led to an eleven percent higher exit rate to reunification and shorter timelines to other forms of permanency, such as adoption and legal guardianship¹.

San Francisco's highly specialized attorneys for parents and children are experienced in both the complex statutory framework and the special skills needed to appropriately interview highly traumatized parents and children at different developmental ages and cognitive abilities. However, San Francisco's attorneys are significantly underpaid for their work. Despite increases to the state's budget in 2015 and 2017, San Francisco's portion of the state budget has been cut every year since 2010. As a result, the attorneys on San Francisco's court-appointed dependency panel have not received a raise in their hourly rate since 2007. Given the high cost of living in the Bay Area, this stagnation has significantly limited the ability of these specialized lawyers to continue doing this important work.

Governor Newsom's investment in lawyers for children and families represents a historic moment for California. In the thirty years of this state's promise, never before has a governor taken proactive steps towards meeting the needs of the children and families in our abuse and neglect system.

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Note:

partnersforourchildren.org/resources/publications/evaluation-impact-enhanced-parental-legal-representation-timing-permanency