

# SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors  
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**Agenda Number:**  
**Prepared on:** 9/2/04  
**Department Name:** Public Defender  
**Department No.:** 023  
**Agenda Date:** 9/21/04  
**Placement:** Administrative  
**Estimate Time:** N/A  
**Continued Item:** NO  
**If Yes, date from:**

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**TO:** Board of Supervisors

**FROM:** James S. Egar  
Public Defender

**STAFF CONTACT:** James S. Egar  
Public Defender

**SUBJECT:** Legal Representation of Parents, Guardians and de facto Parents and/or minors in juvenile dependency proceedings in the Superior Court of Santa Barbara County.

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**Recommendation(s):** That the Board of Supervisors:

(A) Approve the submittal of the Public Defender of Santa Barbara County of a bid proposal to the Administrative Office of the Courts to provide legal representation for Parents, Guardians and de facto Parents and/or Minors in juvenile dependency proceedings in the Superior Court of Santa Barbara County for the period of October 1, 2004 through June 30, 2005.

(B) If the Administrative Office of the Courts selects the bid proposal submitted by the Public Defender's Office, direct the Public Defender in conjunction with the County Administrator's Office, to negotiate a contract consistent with the Budget Principles of Santa Barbara County, including full cost recovery.

## **Alignment with Board Strategic Plan:**

The recommendation(s) are primarily aligned with Goal No. 1. An Efficient Government Able to Respond Effectively to the Needs of the Community.

The recommendation(s) are primarily aligned with Goal No. 2. A Safe and Healthy Community in Which to Live, Work, and Visit.

The recommendation(s) are primarily aligned with Goal No. 5. A High Quality of Life for All Residents.

The recommendation(s) are primarily aligned with Goal No. 7. A Community that Fosters the Safety and Well-Being of Families and Children.

## **Executive Summary and Discussion:**

The Public Defender has provided legal representation for parents and/or minors in juvenile dependency proceedings in Santa Barbara County for decades. These are legal actions which are initiated and brought when neglect or abuse of children is suspected. This action triggers a large number of responses which may result in consequences as varied as family reunification on the one hand and termination of parental rights and foster placement or adoption on the other. Child safety is the primary but not the only consideration. Up-front services and interventions, child welfare services, medical, mental health, educational services, temporary placements, substance abuse treatment services and monitoring as well as other critical interventions are employed frequently. In addition, there is an entire body of law governing the due process and fair trial rights of persons who may become involved in these proceedings. Some of these proceedings include first appearances, detention hearings, jurisdictional hearings, dispositions, status reviews, post-permanency hearings, adoptions and a panoply of petitions and prescribed writs which may be involved in any particular case. Proceedings often become quite complicated as multiple children in the same families of different parents fall under the jurisdiction of the dependency court.

Aside from Capital litigation, the Public Defender handles no cases of greater significance or complexity than these dependency court cases. Traditionally, the County through its Public Defender's Office has provided the mandated counsel for persons involved in these proceedings. However, commencing July 1, 1998 the County was authorized to notify the Courts that it would no longer provide these services as it became a Court funding responsibility pursuant to the Court Consolidation legislation. [Government Code Section 77003 and Rule 810(a)(4)]

Nevertheless, your Board through its Public Defender's Office has continued to provide these critical services.

The Administrative Office of the Courts, through the Santa Barbara County Court Administrator's Office, has provided partial compensation to the County for the Public Defender's Services which have been provided.

The County, pursuant to direction from your Board of Supervisors provided Notice to the Courts on May 23, 2004 that it will cease to provide Public Defenders for legal representation in Dependency Court proceedings as of October 1, 2004. Thereafter, the Administrative Office of the Courts implemented the Dependency Representation Administration Funding and Training (D.R.A.F.T.) pilot program to, "... (F)urther the Judicial Council's goal of improving the quality of court-appointed counsel in juvenile dependency proceedings and maximizing the resources available for those services." Santa Barbara County Superior Court was accepted as an initial participant in that program. A request for proposals (R.F.P.) was issued by the Administrative Office of the Courts for representation in the North and/or South County Courts for parents and/or minors.

## **Requested Action**

The Law Office of the Public Defender requests approval of the response to the Request for Proposal issued by the Administrative Office of the Courts to provide representation for Parents, Guardians and de facto Parents and/or Minors in all of the Courts for Santa Barbara County. The Law Office of the Public Defender submitted the referenced bid to the Administrative Office of the Courts per the R.F.P. deadline of September 13, 2004 at 1:00 P.M. The submission was made with the exception noted that the proposal is subject to and conditioned upon the acceptance and approval of the Board of Supervisors.

If the Administrative Office of the Courts selects the Law Office of the Public Defender to provide the requested services, the Board of Supervisors is asked to direct the Public Defender in conjunction with the County Administrator, to negotiate the terms and conditions of the contract, consistent with the budget principles of Santa Barbara County including full cost recovery.

### **Mandates and Service Levels:**

Pursuant to authorizing legislation the Administrative Office of the Courts (A.O.C.) is required to provide for legal representation of Parents, Guardians, de facto Parents and Minors in these legal proceedings (Welfare and Institutions Code Section 317). The A.O.C. has established the Pilot D.R.A.F.T. program to address this mandate in Santa Barbara and nine other Counties throughout California. Caseload standards are proposed to be in the average range of 141 cases per dependency practitioner. This R.F.P. articulates Dependency Court service levels and mandates which include dedicated attorneys, investigators, social workers (social service practitioners), legal interpreters and clerical staff.

### **Fiscal and Facilities Impacts:**

This proposal calls for the provision of Dependency Court dedicated staff as follows:

- 4 Attorneys
- 1 Investigator
- 1 Social Worker (Social Services Practitioner)
- .5 Legal Interpreter
- 1.25 Clerical

The cost of these staff positions is \$625,644 for 9 months and \$809, 733 for succeeding years.

The representation of parents, guardians or de facto parents and/or minors will be negotiated consistent with the Budget Principles of Santa Barbara County including full cost recovery. Authorization is sought to negotiate a contract which funds all permitted direct and indirect costs incurred by the Public Defender. The fiscal responsibility for this is imposed on the Courts who may contract with whichever legal entity they deem appropriate.

**Concurrence:**

County Administrator's Office