

SANTA BARBARA COUNTY BOARD AGENDA LETTER



Clerk of the Board of Supervisors
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Agenda Number:
Prepared on: 9/23/04
Department Name: CAO
Department No.: 012
Agenda Date: 9/28/04
Placement: Administrative
Estimate Time: NA
Continued Item: NO
If Yes, date from:

TO: Board of Supervisors

FROM: Michael F. Brown
County Administrator

STAFF CONTACT: John Jayasinghe
Administrative Analyst

SUBJECT: Court Appointed for Counsel Juvenile Dependency Representation, Fiscal Year 2004-05 Continuation 10/1/04 - 11/30/04

Recommendation:

That the Board of Supervisors:

Authorize the District Attorney and Public Defender to continue to provide juvenile dependency representation services for the Superior Court for the period of October 1, 2004 through November 30, 2004, costs to be paid by the Administrative Office of the Courts (AOC).

Alignment with Board Strategic Plan:

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

Executive Summary and Discussion:

Background

Court appointed counsel for juvenile dependency representation is required to be funded and provided by the Court for any child who is the subject of a petition under Welfare and Institutions code section 300, as well as for the parents of these children who are otherwise unrepresented by counsel. These proceedings are instigated when there is suspected abuse or neglect that may result in the removal of the child or children from the family home. The purpose of these Welfare and Institutions code sections is to provide immediate and maximum safety and protection for children who are currently being physically, sexually, or emotionally abused, neglected, or exploited, and to ensure the future safety, protection, and physical and emotional well-being of children who are at risk of that harm.

In these proceedings, County Counsel represents the County Department of Social Services Child Protective Services program. The District Attorney (DA) represents some of the minors, (individual who is under age 18) and the Public Defender (PD) represents additional minors. Court appearances may include, but are not limited to, initial jurisdiction, detention, trial, disposition, placement, and semiannual review hearings. In all of these proceedings, Counsel's role is to advocate for the safety and best interests of the minor. If prosecution of one or both of the minor's parents arises from these proceedings, cases are referred to criminal court prosecutors to handle. Counsel will also visit the minor during post-adjudication placement, as deemed necessary. The PD represents parents who are threatened with the loss of their parental rights and or of having children removed from the family because of alleged abuse, which children face the possibility of foster care, institutional housing, or adoption.

In past fiscal years and continuing into the current year, the State of California has not provided the Court with adequate funds for this Superior Court obligated service and costs have substantially exceeded the level of funding. The Court has persistently sought additional deficiency funding from the State for this function.

At the Board of Supervisors meeting of March 23rd, 2004, the Board of Supervisors authorized the County Administrator to execute and transmit a letter notifying the Superior Court that the DA and PD would discontinue being court appointed counsel for juvenile dependency representation services beginning October 1, 2004, pursuant to Government Code 77212(b). Consistent with the practices of other local courts throughout the State, the Judicial Council of California, Administrative Office of the Courts (AOC) issued a Request for Proposal (RFP) to initiate the bidding process for dependency counsel services on August 24th, 2004.

Recommended Action

On September 20th, 2004 the AOC, requested a two month extension of County provided dependency counsel services to November 30th, 2004. This is due to the fact that while several responses were received from their RFP, they do not, in aggregate, reflect coverage for the entire County. Therefore the AOC has determined that the RFP may be reissued.

The AOC has requested the County to provide service for an interim period through November 30, 2004. If the County agrees, the AOC has offered to pay the full cost of these services based on an assumed annual cost to the County which is less than actual full cost recovery, from the period of July 1st, 2004 through November 30th, 2004. County representatives will be meeting with Superior Court Executives to reach local Court concurrence on an accurate reimbursement level. Upon reaching a final agreement among the local parties and the AOC, staff will recommend that the budget be adjusted accordingly.

In light of the social significance of juvenile dependency representation and the impacts to the children and parents involved in the system, the extension of services until November 30th, 2004, will provide additional time for the Superior Court and the AOC to make final decisions on the long term provisions of this service.

Mandates and Service Levels:

Pursuant to the provisions of Government Code Section 77003(a) (4) and Rule 810(a) (4) of the California Rules of Court, the State of California is responsible for funding court-appointed counsel for the juvenile

dependency representation required by Welfare & Institutions Code Section 300. The requirements for court-appointed counsel are more fully set forth in California Rules of Court, Rule 1438. The County is not required to provide funding or service for court appointed counsel for juvenile dependency representation.

For the first quarter of FY 2004-05 the DA has provided one and one-tenth (1.1) full time equivalent (FTE) employee, which was allocated as one (1) Deputy DA and one-tenth (.1) Legal Secretary. For first quarter of FY 2004-05 the PD has provided six and a quarter (6.25) FTE employee, which was allocated as two (2.50) Deputy PDs, one (1) Investigator, one (1) Social Services Practitioner, one half (.5) Paralegal and one and one quarter (1.25) Legal Secretaries.

This existing service level would continue through the end of November 2004 only.

Fiscal and Facilities Impacts:

The AOC has requested the County to provide service for an interim period through November 30, 2004. If the County agrees, the AOC has offered to pay the full cost of these services based on an assumed annual cost to the County which is less than actual full cost recovery, from the period of July 1st, 2004 through November 30th, 2004. County representatives will be meeting with Superior Court Executives to reach local Court concurrence on an accurate reimbursement level. Upon reaching a final agreement among the local parties and the AOC, staff will recommend that the budget be adjusted accordingly. Based on the AOC proposal no added General Fund Contribution will be required.

Concurrence:

District Attorney and Public Defender

CC: Thomas Sneddon, Jr., District Attorney
James Egar, Public Defender
Gary Blair, Court Executive Officer