

1 [Urging Adequate State-wide Funding for Dependency Counsel]

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3 **Resolution urging the California State Legislature, the Judicial Council, and Governor**
4 **Jerry Brown to adequately fund dependency counsel in the State of California, a**
5 **statutory obligation of the State, to address a state-wide crisis in funding deleteriously**
6 **affecting our most vulnerable families in San Francisco and the State of California,**
7 **particularly families that are poor and families of color.**

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9 WHEREAS, Dependency courts are entrusted with the most sensitive and critical
10 responsibilities: ensuring the health and safety of children that are alleged to have been
11 neglected or abused while ensuring that functioning families are prevented from system-
12 involvement and allowed to remain intact; and

13 WHEREAS, Children and indigent parents appear before dependency courts are
14 statutorily entitled to appointment of counsel; and

15 WHEREAS, California is required to fund legally mandated, court-appointed counsel
16 services so that all children and parents receive effective assistance of counsel; but, all fifty-
17 eight counties are underfunded, and some are in greater crisis than others; and

18 WHEREAS, Data shows attorneys in dependency courts are handling exceedingly high
19 caseloads, in some counties exceeding four times the recommended rate by the American
20 Bar Association; and

21 WHEREAS, Since 2009, the State of California has increased the budget for court
22 appointed dependency counsel by only \$11,000,000 dollars, an amount woefully insufficient,
23 while the number of open cases continues to escalate; and

24 WHEREAS, In 2015, San Francisco dependency courts served 2,181 youth (including
25 580 new youth who entered the San Francisco dependency courts in 2015 alone); and

1 WHEREAS, In addition to the parents of these youth, and approximately 1,000 current
2 San Francisco dependents are placed in out-of-home foster care, nearly two-thirds of whom
3 are placed well outside the city limits of San Francisco; and

4 WHEREAS, Court-appointed dependency counsel in San Francisco has dropped from
5 \$4,508,548 in 2010 to \$3,761,098 in 2015 and is slated for further reduction on July 1, 2016,
6 to \$3,251,759 – a net decrease of 28% and more than \$1,300,000; and

7 WHEREAS, During this same time period, the number of children and parents in need
8 of court-appointed dependency counsel in San Francisco has risen by 8%; and

9 WHEREAS, California’s families of color are disproportionately represented in the
10 foster care system and the index is significantly higher than national averages for African
11 American children, ranging between 4.8 (2000) and 3.6 (2012); and

12 WHEREAS, San Francisco’s racial disproportionality is one of the highest in the State;
13 the index for San Francisco African American foster youth is 8–10 times that of San
14 Francisco’s African American and Latino population; and

15 WHEREAS, National data shows 80% of foster children have never experienced
16 physical or mental abuse; rather, the majority of foster children are removed from their homes
17 because of a risk of harm that is associated with living below the poverty level; and

18 WHEREAS, Investment in our families involved in our dependency system is critical
19 given the dire outcome statistics for foster youth, including but not limited to studies
20 demonstrating the following:

- 21 • Foster children are given psychotropic medications 12 times as frequently as typical
22 children;
- 23 • Foster care children experience Post Traumatic Stress Disorder (PTSD) at twice the
24 rate of Iraqi veterans;

- 1 • By age 25, 81% of all male foster care alumni have been arrested and 35%
- 2 incarcerated;
- 3 • Adults who have been in foster care as children suffered worse prognoses than
- 4 their peers in almost all domains:
 - 5 ○ PTSD: 25% / 4.5%;
 - 6 ○ Depression: 24.3% / 10.6%;
 - 7 ○ Anxiety: 43% / 5.1%;
 - 8 ○ Addiction/alcoholism: 11.1% / 2/5%;
 - 9 ○ Males convicted of a crime: 60% / 10%;
 - 10 ○ Homeless for more than one day: 22% / 2%.

11 WHEREAS, Outcomes improve when families are represented by trained, effective,
12 and competent counsel who are able to ensure a fair process in which the children and
13 parents are guided through a challenging legal, administrative and emotional process so that
14 constitutional and legal rights are protected; and

15 WHEREAS, The role of counsel is to protect the child, prevent the unnecessary break-
16 up of a functioning family, prevent unnecessary entry of children into foster care, and assist in
17 strengthening family supports, and

18 WHEREAS, Once a child may no longer be reunified with family, that child’s counsel
19 has a crucial role in ensuring that the child secures permanency with other loving adults,
20 without which the child cannot thrive; and

21 WHEREAS, Absent significant additional funding statewide to bring caseloads down
22 and prevent any and all further cuts, irreparable harm will follow to countless poor families and
23 families of color, particularly the African American families of this City and State; and

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1 WHEREAS, State mandated court-appointed counsel services can only be carried out
2 if the state budget provides sufficient funds to support legal representation that provides
3 children and parents with meaningful access to effective representation; and

4 WHEREAS, State and federal provisions and law declares California must provide
5 effective legal representation to children and families, now, therefore, be it

6 RESOLVED, That Board of Supervisors of the City and County of San Francisco urges
7 the California State Legislature and Governor Jerry Brown to provide and protect sufficient
8 funding for trained, effective and competent counsel to serve the families of all dependency
9 courts throughout the state; and

10 FURTHER RESOLVED, That Board of Supervisors urges the California State
11 Legislature, the Governor, and the Judicial Council to cease all further cuts to San Francisco's
12 dependency counsel or irreparable harm will come to San Francisco's families served by our
13 dependency court.

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