

Cal.Rules of Court, Rule 5.505

WEST'S ANNOTATED CALIFORNIA CODES

CALIFORNIA RULES OF COURT

TITLE 5. FAMILY AND JUVENILE RULES

DIVISION 3. JUVENILE RULES

CHAPTER 1. PRELIMINARY PROVISIONS--TITLE AND DEFINITIONS

Rule 5.505. Juvenile dependency court performance measures

(a) Purpose

The juvenile dependency court performance measures and related procedures set forth in this rule are intended to:

(1) Protect abused and neglected children by assisting courts in promoting children's placement in safe and permanent homes, enhancing their well-being and that of their families, and ensuring that all participants receive timely and fair treatment;

(2) Assist trial courts in meeting the mandated timelines for dependency hearings, securing due process for all litigants, and, in collaboration with the child welfare agency, improving safety, permanency, and well-being outcomes for children and families under the jurisdiction of the juvenile dependency court; and

(3) Assist courts in making well-informed resource allocation decisions.

(b) Performance measures

Detailed definitions of the performance measures and descriptions of the methods for producing the performance measures in accordance with (c)(2) and (3) are contained in the Judicial Council-approved *Implementation Guide to Juvenile Dependency Court Performance Measures*.

The juvenile dependency court performance measures are:

(1) Hearing timeliness:

(A) Percentage of children for whom the initial hearing is completed within the statutory time frame following the filing of the initial petition;

(B) Percentage of children for whom the jurisdictional hearing is completed within the statutory time frame following the initial hearing;

(C) Percentage of children for whom the disposition hearing is completed within the statutory time frame following the finding of jurisdiction;

(D) Percentage of children for whom a 3-month or other interim review hearing is held;

(E) Percentage of children for whom the 6-month review hearing is completed within 6 months of the date the child entered foster care;

(F) Percentage of children for whom the 12-month permanency hearing is completed within 12 months of the date the child entered foster care;

(G) Percentage of children for whom the 18-month review hearing is completed within 18 months of the date of original protective custody;

(H) Percentage of children for whom the first section 366.26 hearing is completed within 120 days of the termination of reunification services;

(I) Percentage of children whose postpermanency hearing is completed within 6 months of the section 366.26 hearing or the last postpermanency hearing;

(J) Percentage of children in long-term foster care whose subsequent section 366.26 hearing is completed within 12 months of the previous section 366.26 hearing;

(K) Percentage of children whose adoption is finalized within 180 days after termination of parental rights;

(L) Median time from disposition or section 366.26 hearing to order establishing guardianship;

(M) Percentage of children for whom the first and subsequent postpermanency review hearings are completed within the statutory time frame;

(N) Percentage of hearings delayed by reasons for delay and hearing type;

(O) Median time from filing of original petition to implementation of a permanent plan by permanent plan type; and

(P) Median time from filing of original petition to termination of jurisdiction by reason for termination of jurisdiction.

(2) Court procedures and due process:

(A) Percentage of cases in which all hearings are heard by one judicial officer;

(B) Percentage of cases in which all parties and other statutorily entitled individuals are served with a copy of the original petition;

(C) Percentage of hearings in which notice is given to all statutorily entitled parties and individuals within the statutory time frame;

(D) Percentage of hearings in which child or parents are present if statutorily entitled to be present;

(E) Percentage of hearings in which a judicial inquiry is made when a child 10 years of age or older is not present at hearing;

(F) Percentage of hearings in which other statutorily entitled individuals who are involved in the case (e.g., CASA volunteers, caregivers, de facto parents, others) are present;

(G) Percentage of cases in which legal counsel for parents, children, and the child welfare agency are present at every hearing;

(H) Point at which children and parents are assigned legal counsel;

(I) Percentage of cases in which legal counsel for children or parents changes;

(J) Percentage of cases in which no reunification services are ordered and reasons;

(K) Percentage of cases for which youth have input into their case plans; and

(L) Cases in compliance with the requirements of the **Indian Child Welfare Act (ICWA)**.

(3) Child safety in the child welfare system:

(A) Percentage of children who are not victims of another substantiated maltreatment allegation within 6 and 12 months

after the maltreatment incident that led to the filing of the initial petition; and

(B) For all children served in foster care during the year, percentage of children who were not victims of substantiated maltreatment by a foster parent or facility staff member.

(4) Child permanency:

(A) Percentage of children reunified in less than 12 months;

(B) Percentage of children who were reunified but reentered foster care within 12 months;

(C) Percentage of children who were discharged from foster care to a finalized adoption within 24 months;

(D) Percentage of children in foster care who were freed for adoption;

(E) Percentage of children in long-term foster care who were discharged to a permanent home before their 18th birthdays;

(F) Of children discharged to emancipation or aging out of foster care, percentage who were in foster care 3 years or longer;

(G) Percentage of children with multiple foster-care placements;

(5) Child and family well-being:

(A) Percentage of children 14 years of age or older with current transitional independent living plans;

(B) Percentage of children for whom a section 391 termination of jurisdiction hearing was held;

(C) Percentage of section 391 termination of jurisdiction hearings that did not result in termination of jurisdiction and reasons jurisdiction did not terminate;

(D) Percentage of youth present at section 391 termination of jurisdiction hearing with judicial confirmation of receipt of all services and documents mandated by section 391(b)(1-5);

(E) Percentage of children placed with all siblings who are also under court jurisdiction, as appropriate;

(F) Percentage of children placed with at least one but not all siblings who are also under court jurisdiction, as appropriate;

(G) For children who have siblings under court jurisdiction but are not placed with all of them, percentage of cases in which sibling visitation is not ordered and reasons;

(H) Percentage of cases in which visitation is not ordered for parents and reasons;

(I) Number of visitation orders for adults other than parents and siblings, (e.g., grandparents, other relatives, extended family members, others) as appropriate;

(J) Number of cases in which the court has requested relative-finding efforts from the child welfare agency;

(K) Percentage of children placed with relatives;

(L) For children 10 years of age or older and in foster care for at least 6 months, percentage for whom the court has inquired whether the social worker has identified persons important to the child; and

(M) For children 10 years of age or older in foster care for at least 6 months, percentage for whom the court has made orders to enable the child to maintain relationships with persons important to that child.

(c) Data collection

(1) California's Court Case Management System (CCMS) family and juvenile law module must be capable of collecting the data described in the *Implementation Guide to Juvenile Dependency Court Performance Measures* in order to calculate the performance measures and to produce performance measure reports.

(2) Before implementation of the CCMS family and juvenile law module, each local court must collect and submit to the AOC the subset of juvenile dependency data described in (b) and further delineated in the *Implementation Guide to Juvenile Dependency Court Performance Measures* that it is reasonably capable of collecting and submitting with its existing court case management system and resources.

(3) On implementation of the CCMS family and juvenile law module in a local court, and as the necessary data elements become electronically available, the local court must collect and submit to the AOC the juvenile dependency data described in (b) and further delineated in the *Implementation Guide to Juvenile Dependency Court Performance Measures*. For the purposes of this subdivision, "implementation of the CCMS family and juvenile law module" in a local court means that the CCMS family and juvenile law module has been deployed in that court, is functioning, and has the ability to capture the required data elements and that local court staff has been trained to use the system.

(d) Use of data and development of measures before CCMS implementation

Before CCMS implementation, the AOC must:

- (1) Establish a program to assist the local courts in collecting, preparing, analyzing, and reporting the data required by this rule;
- (2) Establish a procedure to assist the local courts in submitting the required data to the AOC;
- (3) Use the data submitted under (c)(2) to test and refine the detailed definitions of the performance measures and descriptions of the methods for producing the performance measures described in the *Implementation Guide to Juvenile Dependency Court Performance Measures*;
- (4) Consult with local courts about the accuracy of the data submitted under (c)(2). After such consultation, use data to generate aggregate data reports on performance measures, consistent with section 16543, while not disclosing identifying information about children, parents, judicial officers, and other individuals in the dependency system; and
- (5) Assist the courts in using the data to achieve improved outcomes for children and families in the dependency system, make systemic improvements, and improve resource allocation decisions.

(e) Use of data after CCMS implementation

On implementation of CCMS, the AOC must:

- (1) Use the data submitted under (c)(3) to conduct ongoing testing, refining, and updating of the information in the *Implementation Guide to Juvenile Dependency Court Performance Measures*;
- (2) Use the data submitted under (c)(3) to generate aggregate data reports on performance measures, consistent with section 16543, while not disclosing identifying information about children, parents, judicial officers, and other individuals in the dependency system;
- (3) Upon the request of any local court, extract data from the system and prepare county-level reports to meet data reporting requirements; and
- (4) Assist the courts in using the data to achieve improved outcomes for children and families in the dependency system, make systemic improvements, and improve resource allocation decisions.

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