



February 26, 2021

California Assembly Committee on Judiciary
California Senate Committee on Judiciary

CLC Comment to Joint Information Hearing, February 23, 2021: “COVID and the Courts: Assessing the Impact on Access to Justice, Identifying Best Practices, and Plotting the Path Forward”

SUBMITTED VIA ELECTRONIC MAIL

Dear Chair Stone and Chair Umberg,

Children’s Law Center of California (“CLC”) is grateful for your committees’ consideration of the significant and varied impacts of Covid on California’s court system. The February 23, 2021 joint hearing was informative, with testimony providing an illustration of the real-life effects of the pandemic on Court systems, personnel, and litigants. By way of background, CLC serves as dependency court appointed counsel for approximately 39,000 children and youth in Los Angeles, Sacramento, and Placer Counties.

CLC was heartened to hear the many ideas put forward during the hearing related to supporting our court system as we continue our struggle to respond to the varied challenges and strain on resources created by the Covid pandemic. We join in our colleagues’ pleas for funds to increase staffing to address backlogs; filing fee waivers; technology and access to hearings without cost to all litigants; space for necessary in-person proceedings that allows physical distancing, includes enhanced cleaning procedures, and provides personal protective equipment; and uniformity in the application of safety procedures and regulations as to which hearings are truly necessary to conduct in-person rather than virtually. Restoration of previous cuts to Court staffing and construction funds should be considered as part of a comprehensive plan to address the many issues at hand.

With regard to dependency court specifically, as noted during the joint hearing, children and families in our system are among those suffering the most devastating effects of this year-long crisis. Shelter-in-place orders restricted children from in-person contact with their loved ones, and family reunification plans were put on hold. Many children lacked access to the technology required for distance learning. As the crisis escalated, CLC mobilized quickly to maintain meaningful contact with our clients and support caregivers in need of food and rental assistance to preserve placements, while simultaneously equipping staff for remote practice and implementing safety measures for staff continuing to see clients and attend hearings in-person.

We are hopeful that the Judicial Council and Legislature will incorporate the needs of nonprofits and legal service providers in considering solutions going forward. The non-profit law firms who provide

representation to children and families in the dependency courts have and will continue to incur significant unexpected expenses due to the pandemic. Organizations such as CLC have seen a dramatic increase in clients during the pandemic (in Los Angeles alone, the number of children in foster care increased 14% between March and September 2020). We have shouldered 100% of the expense for costly health and safety measures, unexpected staffing shortages due to exposure to Covid, child-care and other family caregiving responsibilities, technology (hardware and software) needed to participate in remote hearings, and other unforeseen costs such as for interpreters and the creation of in-office spaces for clients to attend virtual hearings safely. To move forward efficiently, planning must include funding for organizational infrastructure – not only for the courts and other governmental entities - but also for pro bono and public interest organizations working alongside our county and state partners.

CLC is proud to have worked throughout the pandemic, modifying and adjusting practices with every new public health directive or advisory and every emergency order. We have shown up wherever, whenever, and however needed in order to meet our statutory and ethical mandates. We appreciate that the Legislature and Governor have gone to great lengths to direct funds where they are needed most. The legal services providers are essential to a fully operational court system. Without adequate funding for our organizations, efforts at ensuring access to justice for our most vulnerable Californians will fall short. To move forward efficiently, planning must include funding for the organizational infrastructure – from technology to protective equipment to human resources/staff and more - required to support these solutions.

Thank you again for your attention to these critical matters. We are happy to provide further information and engage in discussions going forward to best serve clients in need.

Sincerely,



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