

1 California State Association of Counties
Jennifer B. Henning, Litigation Counsel (S.B. 193915)
2 1100 K Street, Suite 101
Sacramento, CA 95814
3 Telephone: (916) 327-7535

4 Attorneys for
Amicus Curiae California State Association of Counties
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8 UNITED STATES DISTRICT COURT
9 CENTRAL DISTRICT OF CALIFORNIA
10 WESTERN DIVISION (LOS ANGELES)
11

12 OCEAN S., et al.,

13 Plaintiffs,

14 v.

15 LOS ANGELES COUNTY, et al.,

16 Defendants.
17

No. 2:23-cv-06921-JAK-E

**MOTION FOR LEAVE TO FILE
AMICUS BRIEF**

Date: April 8, 2024 (hearing date on
motion to dismiss, Dkt. No. 51)
Time: 8:30 a.m.
Dept.: 10B
Judge: Honorable John A. Kronstadt

18
19 **I. INTRODUCTION**

20 The California State Association of Counties (“CSAC”) respectfully seeks leave
21 of the Court to file an Amicus Brief in support of Defendants. The proposed amicus
22 brief, which is attached to this motion, offers the perspective of CSAC’s 58 member
23 counties on the redressability and other jurisdictional issues raised by the parties,
24 including addressing the potential for this putative class action to interfere with
25 ongoing, state-court dependency proceedings which are intended by the Legislature to
26 serve the best interests of dependents as part of California’s comprehensive child
27 welfare scheme.

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1 **II. ARGUMENT**

2 District courts often welcome amicus briefs where the legal issues have
3 potential ramifications beyond the parties or where the amicus offers a unique
4 perspective or information beyond what the parties are able to provide. *See, e.g.,*
5 *Foothill Church v. Watanabe*, 623 F. Supp. 3d 1079, 1084 (E.D. Cal. 2022); *Sonoma*
6 *Falls Devs., LLC v. Nevada Gold & Casinos, Inc.*, 272 F. Supp. 2d 919, 925 (N.D.
7 Cal. 2003). Here, the redressability and abstention issues raised in the briefing have
8 ramifications well beyond the parties. As the proposed amicus brief explains,
9 allowing this putative class action for injunctive relief to proceed would interfere with
10 the collaborative process for managing child welfare currently stewarded by
11 California’s Juvenile Dependency Court (“Dependency Court”), while placing this
12 Court in the untenable position of attempting to solve complex and important policy
13 and political questions about how to address shortages in foster housing placements
14 and providers that are properly matters for consideration by the Legislature and the
15 relevant state agencies.

16 CSAC also offers this Court the unique perspective of the counties
17 administering child welfare programs statewide. CSAC is a non-profit corporation
18 whose members consist of the 58 California counties, each of which administers its
19 own child welfare program. Counties are the primary governmental entities that
20 directly interact with children and families to protect children from abuse and neglect;
21 keep families safely together; and, where needed, provide housing placement and a
22 wide range of other services to dependent children and non-minor dependents
23 (NMDS). Because of the counties’ extensive experience administering California’s
24 child welfare programs statewide, counties can speak directly to issues raised in the
25 briefing by the parties and amici about the role and limits of the Dependency Court
26 and the relationship between Plaintiffs’ claims here and the ongoing proceedings in
27 the Dependency Court.

28 Pursuant to Local Rule 7-3, CSAC conferred with the parties concerning this

1 motion on February 28 through 29, 2024 and is seeking to expeditiously bring this
2 motion given the upcoming, April 8 hearing date on the pending motions to dismiss
3 that are the subject of the proposed amicus brief. The Los Angeles County
4 Defendants consent to this motion; the State of California Defendants take no
5 position. Plaintiffs oppose the motion due to its timing, contending that it should have
6 been filed within one week of the principal briefs of the parties that CSAC seeks to
7 support. Plaintiffs also request, if the motion is granted, Plaintiffs be afforded an
8 opportunity to respond to the amicus brief.

9 CSAC respectfully notes that the hearing date for the pending motions to
10 dismiss was extended, by stipulation of the parties and order of the Court, to allow
11 amicus briefs to be submitted in support of the Plaintiffs.¹ Granting this motion would
12 afford the Court the benefit of considering amicus briefing in support of each side in
13 this important case, and Plaintiffs could be granted an opportunity to respond in
14 advance of the April 8 hearing date.

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28 ¹ Based on the docket entries, it appears that the amicus briefs in support of Plaintiffs were filed more than one week after Plaintiffs' principal briefs.

1 **III. CONCLUSION**

2 For all of the foregoing reasons, CSAC respectfully requests that it be granted
3 leave to file the attached brief as amicus curiae.

4 Dated: March 5, 2024

Respectfully submitted,
California State Association of Counties

JENNIFER B. HENNING

Attorneys for
Amicus Curiae California State
Association of Counties

TONY LOPRESTI
County Counsel

By: /s/ Susan P. Greenberg
SUSAN P. GREENBERG
Deputy County Counsel

Attorneys for
Amicus Curiae California State
Association of Counties

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EXHIBIT A

1 California State Association of Counties
Jennifer B. Henning, Litigation Counsel (S.B. 193915)
2 1100 K Street, Suite 101
Sacramento, CA 95814
3 Telephone: (916) 327-7535

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Amicus Curiae California State Association of Counties
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No. 2:23-cv-06921-JAK-E

**[PROPOSED] AMICUS BRIEF OF
THE CALIFORNIA STATE
ASSOCIATION OF COUNTIES IN
SUPPORT OF DEFENDANTS**

Date: April 8, 2024

Time: 8:30 a.m.

Dept.: 10B

Judge: Honorable John A. Kronstadt

TABLE OF CONTENTS

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

- I. INTEREST OF AMICUS CURIAE..... 6
- II. INTRODUCTION AND SUMMARY 6
- III. ARGUMENT..... 7
 - A. The Appropriateness of an NMD’s Housing Placement and Transition Planning Is a Central Focus of the Dependency Court’s Supervision in Plaintiffs’ Ongoing Dependency Proceedings..... 7
 - 1. Dependency Court Supervision 9
 - 2. State Performance Measures and Regulatory Oversight 13
 - B. The Larger Public Policy Questions About How to Address Nationwide Foster Care Shortages Are Ill-Suited for Resolution Via Federal Class Action 14
- IV. CONCLUSION 18

1
2
3
4
5
6
7
8
9
10
11
12
13
14
15
16
17
18
19
20
21
22
23
24
25
26
27
28

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In re Nicole S.,
39 Cal. App. 5th 91, Cal. Rptr. 3d 82 (2019) 9

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Cal. Welf. & Inst. Code § 366.21 10

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Cal. Welf. & Inst. Code § 11400(y) 9

Cal. Welf. & Inst. Code § 16001(a)(2) 8

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Cal. Welf. & Inst. Code § 16501.1(d)(1) 9

Cal. Welf. & Inst. Code § 16501.1(g)(16) 9

Cal. Welf. & Inst. Code § 16501.1(g)(16)(A)(ii) 8

Cal. Welf. & Inst. Code § 16501.1(g)(16)(B) 8

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2

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Extending Foster Care to 26, The Imprint (Feb. 22, 2023)* 13

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*Violence and ‘Crisis’: How Hundreds of L.A. County’s Abused Children
Ended up in Hotels, Los Angeles Times (May 28, 2023)* 16

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1 **I. INTEREST OF AMICUS CURIAE**

2 The California State Association of Counties (“CSAC”) is a non-profit
3 corporation whose members consist of the 58 California counties. CSAC sponsors a
4 Litigation Coordination Program administered by the County Counsels’ Association
5 of California and overseen by the Association’s Litigation Overview Committee,
6 comprised of county counsels throughout the State. The Litigation Overview
7 Committee monitors litigation of concern to counties statewide and determined that
8 this case is a matter that concerns all counties.¹

9 Plaintiffs’ allegations in this putative class action depict some of the steep
10 challenges associated with providing housing and case planning for Nonminor
11 Dependents (“NMDs”), transition-age youth participating in California’s child welfare
12 system. California is one of 11 states in which each county administers its own child
13 welfare program, under the regulatory oversight of the California Department of
14 Social Services (“CDSS”). Counties are the primary governmental entities that
15 directly interact with children and families to protect children from abuse and neglect;
16 keep families safely together; and, where needed, provide housing placement and a
17 wide range of other services to dependent youth in collaboration with, and under the
18 close supervision of, the Juvenile Dependency Court (“Dependency Court”). Counties
19 have an exceptionally strong interest in working collaboratively with the Dependency
20 Court and attorneys for NMDs, as contemplated by California’s comprehensive state
21 scheme for child welfare intended to serve the best interests of dependent youth.

22 **II. INTRODUCTION AND SUMMARY**

23 As Defendant Los Angeles County has correctly argued, the issues raised by the
24 Plaintiffs here regarding the planning and placement services available to transition
25 age youth are not redressable in federal court, but rather a core focus of ongoing
26

27 ¹ No party or counsel for a party authored the attached brief, in whole or in part. No
28 one made a monetary contribution intended to fund the preparation or submission of
this brief.

1 dependency proceedings taking place as part of a comprehensive state child welfare
2 program designed to allow the Dependency Court, counties, and the attorneys for the
3 parties to work in tandem to serve the interests of dependent youth. The
4 appropriateness and reasonableness of Plaintiffs' housing placement and case
5 planning are primary subjects of those proceedings and the subject of regular findings
6 by the Dependency Court. Allowing this suit to proceed would thus place this Court
7 in the untenable position of reviewing on an ad-hoc basis the regular findings of the
8 Dependency Court in cases in which that court is, by design, intended to function as
9 the ultimate case manager responsible for the well-being of the dependent youth under
10 the umbrella of its protection.

11 To the extent that Plaintiffs' concerns are not redressable in the Dependency
12 Court, but rather stem from much larger policy and political problems surrounding the
13 acute shortage of foster care placements plaguing states nationwide, assuming
14 stewardship over the case planning and placement of NMDs would also put the Court
15 in the even more untenable position of acting as an experimental laboratory for
16 resolving high-stakes social problems with no clear solution. Unlike the California
17 Legislature, the federal judiciary is not tasked with allocating scarce resources among
18 competing policy priorities, including administering a child welfare system that aims
19 to address abuse and neglect while attempting to keep families safely intact,
20 particularly in an arena in which many steep challenges remain notwithstanding the
21 expenditure of significant resources. This Court should dismiss Plaintiffs' claims.

22 **III. ARGUMENT**

23 **A. The Appropriateness of an NMD's Housing Placement and** 24 **Transition Planning Is a Central Focus of the Dependency Court's** 25 **Supervision in Plaintiffs' Ongoing Dependency Proceedings.**

26 The provision of housing placement and support for transitional planning for
27 NMDs by counties takes place in the context of a comprehensive, heavily regulated
28 dependency scheme in which the reasonableness of counties' efforts and the adequacy

1 of their planning are closely supervised by the Dependency Court and subject to
2 regulatory oversight by CDSS. The state system is designed to tackle the many
3 challenges associated with preventing abuse and neglect, keeping families together
4 when safe and appropriate, and caring for dependent youth via a collaborative process
5 among all parties and stakeholders in which the Dependency Court acts as the ultimate
6 case manager, with overarching responsibility for the well-being of youth under the
7 umbrella of the court’s protection.

8 Indeed, the FAC itself contends that Plaintiffs’ central allegations concerning
9 housing placement and case planning are already addressed by California’s detailed
10 dependency scheme. Plaintiffs urge, for example, that:

- 11 • Before a dependent child turns eighteen, state law requires counties to
12 provide the youth with assistance and support in developing a personalized
13 transition plan addressing housing, health insurance, education, and
14 various services. FAC ¶ 179 (citing Cal. Welf. & Inst. Code
15 §§ 16501.1(g)(16)(A)(ii), (g)(16)(B)).
- 16 • Counties are required to regularly evaluate their placement needs and
17 resources, with technical assistance from the State, including the “ability to
18 meet the emergency housing needs of nonminor dependents in order to
19 ensure that all nonminor dependents have access to immediate housing
20 upon reentering foster care or for periods of transition between
21 placements.” FAC ¶ 27 (citing Cal. Welf. & Inst. Code § 16001(a)(2)).
- 22 • The policies, procedures, and operations of transitional housing providers
23 (known as THPP-NMDs) are “heavily regulated at the State and County
24 level[.]” FAC ¶¶ 146-48, including via All-County Letters issued by CDSS
25 relating to, among other pertinent matters, obligations to provide placement
26 upon re-entry, FAC ¶ 66 n. 10, and the certification and statutory
27 requirements for licensing of THPP-NMDs, FAC ¶ 146.
- 28 • Case plans must generally meet a dependent child’s needs and include the

1 reasoning behind a placement, which must be based on selecting “a safe
 2 setting that is the least restrictive family setting that promotes normal
 3 childhood experiences and the most appropriate setting that needs the
 4 child’s individual needs ... and consistent with the selection of the
 5 environment best suited to meet the child’s special needs and best
 6 interests.” FAC ¶¶174-75 (citing Cal. Welf. & Inst. Code
 7 §§ 16501.1(a)(1), (d)(1), § 11400(y), § 16501.1(g)(16)).

8 A state’s decision to participate in, and its decisions concerning, the extended
 9 foster care program covering youth above age 18 necessarily involve balancing
 10 competing resource priorities in tackling complex and multi-faceted social problems
 11 that are not easily addressed. But the available evidence indicates that participation in
 12 extended foster care helps youth who are transitioning into young adulthood to further
 13 their education and employment, avoid economic hardship and homelessness, save
 14 money, and decrease their likelihood of coming into contact with the criminal justice
 15 system. *See, e.g.,* Mark Courtney et al.. *Report from CalYOUTH: Findings on the*
 16 *relationships between extended foster care and youths’ outcomes at age 21*, Chapin
 17 Hall at the University of Chicago (2018),
 18 [https://www.chapinhall.org/research/improved-outcomes-at-age-21-for-youth-in-](https://www.chapinhall.org/research/improved-outcomes-at-age-21-for-youth-in-extended-foster-care/)
 19 [extended-foster-care/](https://www.chapinhall.org/research/improved-outcomes-at-age-21-for-youth-in-extended-foster-care/).

20 1. Dependency Court Supervision

21 As Defendant Los Angeles County correctly explains, the Dependency Court
 22 has sweeping powers and broad responsibility to ensure that NMDs, like dependent
 23 children, receive appropriate care, housing placement, services, and case planning.
 24 *See* Mem. Of Points and Authorities in Supp. of County Defendants’ Motion to
 25 Dismiss for Lack of Subject Matter Jurisdiction, ECF No. 51-1, at 2-4.

26 Dependency proceedings involving an NMD are focused on the best interest of
 27 the dependent. *In re Nicole S.*, 39 Cal. App. 5th 91, 105, 252 Cal. Rptr. 3d 82, 92
 28 (2019). The Legislature designed juvenile dependency laws so that collaboration by

1 all parties to a dependency matter, and by the Dependency Court itself, to form and
 2 review a case plan would serve as the central mechanism for managing a dependent’s
 3 welfare. Cal. Welf. & Inst. Code § 16501.1 (“The Legislature finds and declares that
 4 the foundation and central unifying tool in child welfare services is the case plan”). In
 5 furtherance of this comprehensive scheme, the Dependency Court conducts a hearing
 6 at least every six months to review, and make findings concerning, the adequacy and
 7 appropriateness of an NMD’s case or transition plan and to review the reasonableness
 8 of the county’s efforts to assist the NMD. *E.g., Id.* §§ 366(a), 366.21, 366.3(d), (e),
 9 366.31(b), 391; Cal. Rules of Court, Rules 5.708(b), (f), 5.903(e).

10 As part of this regular review of the status and progress of an NMD, the
 11 Dependency Court makes specific findings and orders addressing whether:

- 12 • The NMD’s current placement is appropriate;
- 13 • The county exercised due diligence in finding an appropriate relative with
 14 whom the NMD could be placed;
- 15 • The county made reasonable efforts and provided assistance to help the
 16 NMD satisfy the criteria for NMD status (generally, that the NMD is
 17 enrolled in an educational or employment program or employed);
- 18 • The transition plan was developed jointly by the county and NMD;
- 19 • The transition plan reflects the living situation and services that are
 20 consistent with the NMD’s opinion of what the NMD needs to gain
 21 independence, and sets out the benchmarks that indicate how both the
 22 county and NMD will know when independence can be achieved;
- 23 • The transition placement includes appropriate and meaningful independent
 24 living skills services that will help the NMD transition from foster care to
 25 successful adulthood;
- 26 • The county made reasonable efforts to comply with the transition plan and
 27 prepare the NMD for independence;
- 28 • The county provided the NMD with the transition plan;

- 1 • The NMD made satisfactory progress in meeting the goals of the transition
- 2 plan;
- 3 • The county made reasonable efforts to maintain relationships between the
- 4 NMD and people who are important to them, including efforts to establish
- 5 and maintain relationships with caring and committed adults who can serve
- 6 as lifelong connections and relationships with siblings under the court’s
- 7 jurisdiction; and
- 8 • The county provided required information, documents, and services.

9 Cal. Rules of Court, Rule 5.903(e); California Courts, Form JV-462, Findings and
10 Orders after Nonminor Dependent Status Review Hearing,
11 <https://www.courts.ca.gov/documents/jv462.pdf>.

12 NMDs are appointed state-compensated counsel for dependency proceedings
13 with primary responsibility to “advocate for the protection, safety, and physical and
14 emotional well-being of the child or nonminor dependent.” Cal. Welf. & Inst. Code
15 § 317(c)(2). These duties include conducting investigations, making recommendations
16 to the court regarding the dependent's welfare, and participating in the proceedings to
17 adequately represent the child. *Id.* § 317(e)(1).² The NMD’s counsel can seek
18 modification of the Dependency Court’s orders—including those making findings
19 relating to placement, services, or planning—at any time. Cal. Welf. & Inst. Code
20 §§ 385, 388. Thus, the NMD remains at all times able to seek, through their counsel,
21 to revisit the findings made during the regular status hearings and challenge the
22 adequacy of their placement or services.

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25 ² The duties of an NMD’s counsel extend even “beyond the scope of the juvenile
26 proceeding,” requiring counsel to advise the court of “other interests of the child that
27 may need to be protected by the institution of other administrative or judicial
28 proceedings.” *Id.* § 317(e)(3). If this attorney “learns of any such interest or right, the
attorney...must notify the court immediately and seek instructions from the court as to
any appropriate procedures to follow.” Cal. R. Ct. 5.660(g.)

1 As the detailed allegations in the FAC concerning the experiences of the named
2 Plaintiffs in the child welfare system reflect, understanding the challenges associated
3 with providing housing and case planning for a particular NMD requires close
4 consideration of their unique circumstances and personal history—an ongoing inquiry
5 falling squarely within the purview of California’s Dependency Courts in supervising
6 all aspects of the dependency as part of this comprehensive state scheme. Yet,
7 notably, the FAC does not allege that the Plaintiffs sought to address the stated
8 concerns about housing and services in Dependency Court via their court-appointed
9 and state-compensated counsel as part of the ongoing, state-court dependency
10 proceedings designed and intended to serve Plaintiffs’ interests.

11 Further, counties’ experience participating in this collaborative and iterative
12 process before the Dependency Court confirms that the Dependency Court’s close
13 engagement with the facts of each of the many individual cases before it does not, as
14 Amicus CASA of Los Angeles suggests, render that state court unable to effect any
15 changes in practices. *See* CASA Amicus Br. at 8:24. To the contrary, a county
16 regularly appearing before the Dependency Court needs to take careful account of that
17 court’s expressed views in formulating and modifying its practices—particularly if
18 efforts, planning, placement, or services were found to be inappropriate or inadequate.
19 And the Dependency Court’s close familiarity with the facts of and broader context of
20 these proceedings, often over a lengthy period of time, makes it well situated to gauge
21 whether rulings finding a county’s efforts or services inadequate or unreasonable
22 would be warranted. *See, e.g., Michael G. v. Superior Ct.*, 14 Cal. 5th 609, 622, 526

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1 P.3d 120, 124 (2023) (discussing dependency court’s rulings regarding the
2 reasonableness of reunification services provided by a county).³

3 2. State Performance Measures and Regulatory Oversight

4 Under California’s child welfare system, each of California’s counties
5 administers a child welfare program with CDSS serving as the regulatory oversight
6 body “with full power to supervise every phase of the administration of” child welfare
7 services. Cal. Welf. & Inst. Code § 10600. CDSS promulgates regulations and
8 policies that direct every aspect of child welfare practice in the state, including by
9 issuing All-County Letters and other guidance, and conducts audits and reviews of
10 child welfare programs. *See generally* Reed & Karpillow, *supra* note 3 at 5-7.

11 Counties are accountable to CDSS for accomplishing child welfare program measures,
12 and CDSS has the power to take formal action against a county failing to comply with
13 state and federal child welfare regulations. *See id.*; Cal. Welf. & Inst. Code § 10605.

14 Counties work collaboratively with the State and other stakeholders to systematically
15 measure their progress in, and develop strategic plans for, fulfilling statewide policy
16 goals for children who come into contact with the child welfare system, including:

17 (a) protecting children from abuse and neglect; (b) ensuring children are safely

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20 ³ The Judicial Council of California, the policymaking body of the California courts,
21 also makes recommendations annually to the Governor and Legislature, adopts and
22 revises the California Rules of Court, and provides training and technical assistance
23 for participants in dependency court proceedings. *See, e.g.,* Diane Reed & Kate
24 Karpillow, *Understanding the Child Welfare System in California*; California Center
25 for Research on Women and Families, Public Health Institute (2nd ed. 2009), at 8,
26 <https://www.phi.org/thought-leadership/understanding-the-child-welfare-system-in-california-a-primer-for-service-providers-and-policymakers-2nd-edition/>; California
27 Judicial Council, 2018 Regional Trainings, *Continuum of Care Reform: Improving
28 Permanency Outcomes and Repairing Out of Home Care*,
<https://www.courts.ca.gov/documents/CCR-17-18-ebinder.pdf>; *see also* Jeremy
Loudenback, *Grappling with Homelessness, California Lawmakers to Consider
Extending Foster Care to 26*, *The Imprint* (Feb. 22, 2023),
<https://imprintnews.org/top-stories/california-lawmakers-will-weigh-extending-foster-care/238645> (discussing support by the California Judges Association, a non-profit
professional association representing the California judiciary, for bill to expand
extended foster care).

1 maintained in their homes where safe and appropriate; (c) preserving family
 2 relationships and connections; (d) securing permanency and stability without
 3 increasing reentry into foster care; and (e) ensuring that youth emancipating from
 4 foster care are prepared to transition into adulthood. *See, e.g., CDSS, An Analysis of*
 5 *California Counties’ Child Welfare System Improvement Plans* (2007),
 6 https://cfpic.org/wp-content/uploads/2020/12/SIP_ImpApp_A_0.pdf.

7 **B. The Larger Public Policy Questions About How to Address**
 8 **Nationwide Foster Care Shortages Are Ill-Suited for Resolution Via**
 9 **Federal Class Action**

10 To the extent that any of the Plaintiffs’ concerns are not redressable in the
 11 Dependency Court, the fault does not lie in a purported lack of expertise on the part of
 12 the Dependency Court. *See* CASA Amicus Br. at 8:24 (arguing that the state court
 13 lacks the expertise and capacity to address Plaintiffs’ concerns). Rather, many of the
 14 challenges and limitations on the court and the agencies providing services to NMDs
 15 stem in significant measure from the fundamental backdrop of a steep shortage in
 16 housing and providers for dependent youth—not just in California, but across the
 17 country. That shortage is a significant policy concern for policymakers and
 18 legislators,⁴ but ill-suited for redress by a federal district court, which is neither
 19 charged with balancing priorities in allocating scarce resources nor tasked with
 20 experimenting with public policy approaches to ameliorating such challenging and
 21 multi-faceted policy problems. Indeed, in asking this Court to wade into such
 22 complex matters, the FAC does not identify any specific measures that a district court
 23 could take to fix shortages in the array of housing placements in the foster care system

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26
 27 ⁴ Plaintiffs acknowledge, too, the significant role that scarcity in housing and
 28 providers plays in the challenges posed in supporting NMDs. *See, e.g.,* FAC ¶¶ 154-
 44.

1 or to design systematic changes to case planning to forestall all future difficulties in
2 securing housing.

3 California led the nation in significantly reducing use of congregate care
4 (sometimes called “group homes”) for foster youth, including since the passage of
5 Continuum of Care Reform (“CCR”) in 2015 intended to increase successful
6 placement of foster youth in family settings. *See generally* County Welfare Directors
7 Association (Feb. 4, 2022), *Child Welfare Services: Building upon the Continuum of*
8 *Care Reform (CCR)*, [https://www.cwda.org/sites/main/files/file-](https://www.cwda.org/sites/main/files/file-attachments/cws_package_sub_1_sub_3_final.pdf?1653317680)
9 [attachments/cws_package_sub_1_sub_3_final.pdf?1653317680](https://www.cwda.org/sites/main/files/file-attachments/cws_package_sub_1_sub_3_final.pdf?1653317680). But counties across
10 the state—and states across the country—have since experienced severe shortages in
11 foster placements and providers. *See, e.g.*, Ryan Hewes, *Idaho’s Foster Care Crisis:*
12 *Our Biggest Barrier Is Having Available Foster Homes*, Idaho News (Jan. 27, 2023),
13 [https://idahonews.com/news/local/idahos-foster-care-crisis-our-biggest-barrier-is-](https://idahonews.com/news/local/idahos-foster-care-crisis-our-biggest-barrier-is-having-foster-homes-available)
14 [having-foster-homes-available](https://idahonews.com/news/local/idahos-foster-care-crisis-our-biggest-barrier-is-having-foster-homes-available); Dorian Hargrove & Carlo Cecchetto, *Foster Care*
15 *Crisis: Rise in Abuse Cases in San Diego County and a Shortage of Foster Homes for*
16 *Teens*, CBS8 (Mar 24, 2023),
17 [https://www.cbs8.com/article/news/investigations/foster-care-crisis-shortage-of-](https://www.cbs8.com/article/news/investigations/foster-care-crisis-shortage-of-homes-and-uptick-in-abuse/509-4113d70f-8c67-4e0c-a6bf-76120aa8aa77)
18 [homes-and-uptick-in-abuse/509-4113d70f-8c67-4e0c-a6bf-76120aa8aa77](https://www.cbs8.com/article/news/investigations/foster-care-crisis-shortage-of-homes-and-uptick-in-abuse/509-4113d70f-8c67-4e0c-a6bf-76120aa8aa77) (discussing
19 role of pandemic and teen drug use in fueling spike shortage in families available for
20 foster placement accompanied by rise in abuse cases); Gabby Hart, *Foster Parent*
21 *Shortage in Texas Continues, Hundreds of Foster Children Spend Mother’s Day*
22 *Alone*, Fox 26 (May 14, 2023), [https://www.fox26houston.com/news/national-foster-](https://www.fox26houston.com/news/national-foster-care-month-highlights-need-for-more-foster-mothers-in-texas)
23 [care-month-highlights-need-for-more-foster-mothers-in-texas](https://www.fox26houston.com/news/national-foster-care-month-highlights-need-for-more-foster-mothers-in-texas); News Staff, *Too Few*
24 *Foster Homes and a System in Crisis*, Smoky Mountain Times (Jun. 5, 2023),
25 [https://www.thesmokymountaintimes.com/local-news/too-few-foster-homes-and-](https://www.thesmokymountaintimes.com/local-news/too-few-foster-homes-and-system-crisis)
26 [system-crisis](https://www.thesmokymountaintimes.com/local-news/too-few-foster-homes-and-system-crisis).

27 How best to ameliorate this shortage is an important public policy and political
28 question that is a focus of legislatures, government bodies, policymakers, and

1 advocacy organizations across the county. Policymakers, judges, and advocates have,
 2 for example, taken differing views as to whether resources are best devoted towards
 3 foster care placements versus efforts to keep struggling families intact, *see* Megan
 4 Butler, *Critics Say Bills to Slow Influx of Foster Children in Georgia Ignore Root*
 5 *Causes*, Courthouse News Service (Mar. 8, 2023),
 6 [https://www.courthousenews.com/critics-say-bills-to-slow-influx-of-foster-children-](https://www.courthousenews.com/critics-say-bills-to-slow-influx-of-foster-children-in-georgia-ignore-root-causes/)
 7 [in-georgia-ignore-root-causes/](https://www.courthousenews.com/critics-say-bills-to-slow-influx-of-foster-children-in-georgia-ignore-root-causes/), experimented with a variety of pilot rules and
 8 programs, *e.g.*, Eilis O’Neill, *Washington State’s New Solution for Foster Parents and*
 9 *Child Care*, KUOW (Jan 4, 2023), [https://www.kuow.org/stories/new-washington-](https://www.kuow.org/stories/new-washington-state-rule-aims-to-address-shortage-of-foster-parents-childcare)
 10 [state-rule-aims-to-address-shortage-of-foster-parents-childcare](https://www.kuow.org/stories/new-washington-state-rule-aims-to-address-shortage-of-foster-parents-childcare), and lamented the long
 11 time horizon for seeing improvements from resource-shifting, *see* Editorial Board,
 12 *Opinion: The Crisis in Foster Care*, Washington Post (Jan 11, 2020),
 13 [https://www.washingtonpost.com/opinions/the-crisis-in-foster-](https://www.washingtonpost.com/opinions/the-crisis-in-foster-care/2020/01/11/81caa67e-33f6-11ea-a053-dc6d944ba776_story.html)
 14 [care/2020/01/11/81caa67e-33f6-11ea-a053-dc6d944ba776_story.html](https://www.washingtonpost.com/opinions/the-crisis-in-foster-care/2020/01/11/81caa67e-33f6-11ea-a053-dc6d944ba776_story.html). And there are
 15 widely differing perspectives on the most effective solution. For example, while the
 16 FAC faults Los Angeles County for not offering NMDs support for extended hotel
 17 stays, FAC ¶¶ 111, 159-60, 162, others have criticized use of hotels instead of group
 18 homes, *see* Letters to the Editor, *Foster Kids in Hotels? California Needs to Bring*
 19 *Back Group Homes Now*, Los Angeles Times (Jun. 4, 2023),
 20 [https://www.latimes.com/opinion/letters-to-the-editor/story/2023-06-04/foster-kids-in-](https://www.latimes.com/opinion/letters-to-the-editor/story/2023-06-04/foster-kids-in-hotels-california-needs-to-bring-back-group-homes#:~:text=Letters%20to%20the%20Editor%3A%20Foster,are%20no%20foster%20families%20available.&text=Changes%20to%20state%20law%20have%20tied%20counties'%20hands)
 21 [hotels-california-needs-to-bring-back-group-](https://www.latimes.com/opinion/letters-to-the-editor/story/2023-06-04/foster-kids-in-hotels-california-needs-to-bring-back-group-homes#:~:text=Letters%20to%20the%20Editor%3A%20Foster,are%20no%20foster%20families%20available.&text=Changes%20to%20state%20law%20have%20tied%20counties'%20hands)
 22 [homes#:~:text=Letters%20to%20the%20Editor%3A%20Foster,are%20no%20foster%](https://www.latimes.com/opinion/letters-to-the-editor/story/2023-06-04/foster-kids-in-hotels-california-needs-to-bring-back-group-homes#:~:text=Letters%20to%20the%20Editor%3A%20Foster,are%20no%20foster%20families%20available.&text=Changes%20to%20state%20law%20have%20tied%20counties'%20hands)
 23 [20families%20available.&text=Changes%20to%20state%20law%20have%20tied%20](https://www.latimes.com/opinion/letters-to-the-editor/story/2023-06-04/foster-kids-in-hotels-california-needs-to-bring-back-group-homes#:~:text=Letters%20to%20the%20Editor%3A%20Foster,are%20no%20foster%20families%20available.&text=Changes%20to%20state%20law%20have%20tied%20counties'%20hands)
 24 [counties'%20hands](https://www.latimes.com/opinion/letters-to-the-editor/story/2023-06-04/foster-kids-in-hotels-california-needs-to-bring-back-group-homes#:~:text=Letters%20to%20the%20Editor%3A%20Foster,are%20no%20foster%20families%20available.&text=Changes%20to%20state%20law%20have%20tied%20counties'%20hands), or recounted problems associated with housing youth at hotels,
 25 *see* Kathryn Hurd & Rebecca Ellis, *Violence and ‘Crisis’: How Hundreds of L.A.*
 26 *County’s Abused Children Ended up in Hotels*, Los Angeles Times (May 28, 2023),
 27 [https://www.latimes.com/california/story/2023-05-28/foster-children-hotels-social-](https://www.latimes.com/california/story/2023-05-28/foster-children-hotels-social-workers-assaulted)
 28 [workers-assaulted](https://www.latimes.com/california/story/2023-05-28/foster-children-hotels-social-workers-assaulted).

1 In California, numerous pending or recently considered bills address various
2 approaches to the heavy challenges of administering a foster care program, including
3 initiatives to address shortages in placements and support for NMDs. In the current
4 legislative session, the California Legislature has taken up bills to address many
5 minute details of service provision to NMDs, including administration of CalFresh
6 (food stamp) benefits specific to NMDs, *see* Assem. B. 866, 2023-24 Reg. Sess. (Cal.
7 2023), to remove barriers to placement with non-relative extended family members
8 with criminal history, *see* Sen. B. 824, 2023-24 Reg. Sess. (Cal. 2023), to improve
9 care of LGBTQ youth, *see* 2023 Cal. Legis. Serv. Ch. 266 (West), to create regional
10 health teams to serve youth with complex needs, *see* Sen. B. 204, 2023-24 Reg. Sess.
11 (Cal. 2023), and to create a pilot program in three counties extending services to
12 NMDs up to 22 years old, *see* Sen. B. 9, 2023-24 Reg. Sess. (Cal. 2023).

13 Counties across this state are deeply committed to supporting and increasing
14 opportunities for NMDs. But district courts are not laboratories for exploring pilot
15 solutions to such intractable policy and political problems. And, unlike the
16 Legislature and relevant state agencies, this Court is not tasked with resolving
17 competing views about how to best allocate resources among competing, pressing
18 priorities. Among the options state policymakers *could* adopt, it is not appropriate for
19 a federal court to determine what they *should* adopt. Nor is this Court tasked with
20 reviewing on an ad-hoc basis the ongoing findings of the Dependency Court in the
21 child welfare scheme designed by the Legislature to address the more immediate
22 concerns regarding Plaintiffs’ housing placement, case planning, and services.

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1 **IV. CONCLUSION**

2 This Court should dismiss this action for lack of jurisdiction.

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4 Dated: March 5, 2024

Respectfully submitted,

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California State Association of Counties

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JENNIFER B. HENNING

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Attorneys for
Amicus Curiae California State
Association of Counties

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TONY LOPRESTI
County Counsel

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By: /s/ Susan P. Greenberg

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SUSAN P. GREENBERG
Deputy County Counsel

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Attorneys for
Amicus Curiae California State
Association of Counties

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