

The Time Is Now

Delivering on the Promise of Equal Access to Justice in Dependency Courts: Making the Case for Urgently Needed Caseload Reductions ■ February 2025

State law and policy have long recognized that families involved with the foster care system need and deserve effective, high-quality legal representation and that it is the state’s responsibility to fully fund the costs of providing enough attorneys in every county to achieve those goals. Although the Legislature, the Governor, and the courts have taken meaningful steps to improve funding for the statewide dependency counsel program, more work remains to ensure quality representation for children and their families.

Regrettably, the current caseloads of court-appointed attorneys in California who represent vulnerable children and parents in their child welfare hearings remain well above nationally recognized standards. The time is now for the state to reassess its funding level for dependency attorney caseloads, given that the Judicial Council of California (JCC) caseload standards – set over 15 years ago – are based on outdated assumptions and **remain unacceptably high at 141 clients per attorney**. Below are other examples of caseload standards.

Representative Dependency Counsel Caseloads	
State/Organization	Cases Per Attorney
National Association of Counsel for Children (NACC) ¹	40 to 60
Washington ²	45
Family Justice Initiative ³	60
California⁴ – deemed optimal best practice standard in 2002 but as yet unrealized	77
Pennsylvania ⁵	87 (parent); 66 (child)
Colorado ⁶	100
California⁷ – current “base-level” standard for determining statewide funding level	141

Lower Caseloads Increase the Quality of Representation

Decisions made by the Juvenile Court in child welfare proceedings, including temporary or permanent separation of a family, are profoundly important. It is critical that attorneys for children and parents have caseloads that allow for the requisite training as well as the time and attention needed in each individual case. Numerous studies have found that competent legal representation yields improved perceptions of fairness by parties, increased visitation and parenting time, better crafted case plans, and, importantly, expedited permanency.⁸

In 2004, the JCC commissioned a study of dependency counsel caseload, which concluded that an optimal practice standard would be a maximum of 77 clients per attorney, while a basic practice standard would be 141 clients per attorney. Two decades later, California continues funding the dependency counsel program for no fewer than 141 cases-per-attorney. As a result, the judicial branch’s own long-standing recommendation – a maximum caseload that is much better for advocating the interests of children and parents – remains a distant goal. Making matters worse, in the intervening years, substantial changes in dependency practice⁹ that substantially add to the dependency counsel workload have been adopted and but never factored into California’s budget funding assumptions.

¹ See [best practice guidelines](#).

² Maximum caseload for attorneys representing children is 45 clients, with a further maximum set at 60 total cases. See [RCW 13.34.212](#) and [Practice Standards](#).

³ See [Caseloads and Compensation Guide](#).

⁴ A 2002 study by the Judicial Council concluded that 77 clients per attorney is necessary for an optimal, or best practice, standard of performance but was fiscally unattainable at the time. See [Judicial Council 2008 report](#).

⁵ See [2015 Roundtable Report](#).

⁶ See [Chief Justice Directive 04-06](#).

⁷ The 141 caseload standard, a key element in the current Judicial Council formula to derive the annual statewide funding level for dependency counsel, is considered a base-level practice standard. Effectively, the 141 cases/attorney standard was deemed what the state could afford rather than what was an optimal standard.

⁸ See [2017 ACF Information Memo on high quality legal representation](#).

⁹ As one example, California extended foster care to age 21 in 2012 – leading to significant new requirements for the legal representation of thousands of young adults who remain in foster care – yet the associated responsibilities for counsel have not been incorporated into California’s caseload standard. Other examples of law changes that have increased workload and are not accounted for in the determination of statewide funding needs include: the approval process for psychotropic medication; school discipline communication, including requirements for attorneys to provide information to foster youth school liaisons; and representation of youth in foster care who also are parents.

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Recent Changes to Dependency Counsel Funding in California

The Legislature and Administration have taken the following steps to improve the dependency counsel system:

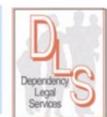
- **Establishing a separate budget line item for dependency counsel funding** and, since 2015, phasing state appropriation increases to an amount intended to reduce caseload maximums to 141 clients-per-attorney, where it has remained since 2022-23.
- **Taking advantage of expanded federal drawdown (FFDRP) opportunity** – A 2019 change in the federal government’s [Child Welfare Policy Manual](#) has permitted claiming federal foster care dollars (Title IV-E funds) for attorneys providing legal representation to a Title IV-E-eligible child in foster care or to the child’s parents. California’s dependency counsel providers have been able to access these funds since 2020-21.
- **Making limited-term investments** – In recognition of pandemic-related operational costs and dependency caseload increases, the 2021-22 budget included a one-time appropriation of \$10 million.
- **Authorizing an ongoing appropriation (“gap” funding)**– The 2021-22 budget included an ongoing appropriation of up to \$30 million to address shortfalls in anticipated federal Title IV-E funding reimbursements.

Despite these important changes, California’s dependency counsel caseload remains painfully and unsustainably high. Simply put, continued and sustained efforts to improve outcomes for children and their families in the dependency system are primarily achievable by reducing attorney caseloads, and increasing the state’s appropriation to further reduce those caseloads.

Taking Steps Toward Progress: A Two-Part Solution

Recognizing that dependency counsel attorneys are critical to protecting vulnerable children, strengthening families, and fulfilling the promise of access to justice in dependency court, we are asking the state to take these immediate steps to address today’s unacceptably high caseloads:

- Apply \$15 million of the \$30 million in gap funding (intended to address shortfalls in the drawdown of federal matching funds) already appropriated in the judicial branch’s budget to the state General Fund line item for dependency counsel; and
- Request that the Legislature and Governor direct the Judicial Council of California to undertake a review – in consultation with dependency counsel stakeholders – to (1) identify job requirements added since 2014; (2) correct the dependency counsel funding allocation model to account for those workload impacts as well as adequate county counsel salary comparisons and a realistic administrative cost component; and (3) no later than November 30, 2025, report the results of this review to the Legislature, including the increase in state funding needed to achieve optimal caseload standards.



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