

University of San Diego

Digital USD

---

CAI Annual Reports

Children's Advocacy Institute

---

1-1-2000

## 2000 Annual Report

Children's Advocacy Institute, University of San Diego School of Law

Follow this and additional works at: [https://digital.sandiego.edu/law\\_cai\\_annual](https://digital.sandiego.edu/law_cai_annual)

---

### Digital USD Citation

Children's Advocacy Institute, University of San Diego School of Law, "2000 Annual Report" (2000). *CAI Annual Reports*. 3.

[https://digital.sandiego.edu/law\\_cai\\_annual/3](https://digital.sandiego.edu/law_cai_annual/3)

This Book is brought to you for free and open access by the Children's Advocacy Institute at Digital USD. It has been accepted for inclusion in CAI Annual Reports by an authorized administrator of Digital USD. For more information, please contact [digital@sandiego.edu](mailto:digital@sandiego.edu).



# Children's Advocacy Institute







### **SAN DIEGO OFFICE**

*University of San Diego  
School of Law*

5998 Alcalá Park  
San Diego, CA 92110-2429  
(619) 260-4806  
(619) 260-4753 (fax)  
childrensissues@acusd.edu  
www.acusd.edu/childrensissues

### **SACRAMENTO OFFICE**

926 J Street, Suite 709  
Sacramento, CA 95814-2704  
(916) 444-3875  
(916) 444-6611 (fax)

### **INFORMATION CLEARINGHOUSE ON CHILDREN**

*University of San Diego  
School of Law*

5998 Alcalá Park  
San Diego, CA 92110-2429  
(619) 260-4806

*This annual report covers the activities of the Children's Advocacy Institute  
between January 1, 2000 and December 31, 2000.*

*The Children's Advocacy Institute is part of the University of San Diego School of Law.  
Contributions to CAI are tax-deductible to the extent the law allows.*



# TABLE OF CONTENTS

## EXECUTIVE DIRECTOR'S MESSAGE

.....2

## HISTORY & PURPOSE

.....8

## 2000 ACTIVITIES & ACCOMPLISHMENTS

.....9

### ACADEMIC PROGRAM .....9

Child Rights and Remedies .....9

Child Advocacy Clinic .....9

James A. D'Angelo Outstanding Child Advocate Awards .....10

### RESEARCH PROJECTS AND PUBLICATIONS .....11

California Children's Budget 2000-01 .....11

Children's Regulatory Law Reporter .....13

Children's Legislative Report Card .....14

### ADVOCACY .....15

In the Legislature .....15

In the Courts .....23

In Administrative Agencies .....24

In the Public Forum: The Information Clearinghouse on Children .....24

### COLLABORATION AND LEADERSHIP .....24

Children's Advocates' Roundtable .....24

Child Support Assurance Pilot Projects .....26

Interaction with National Child Advocacy Organizations .....26

Constitutionality of Proposition 21 .....26

### SPECIAL PROJECTS .....27

Lawyers for Kids .....27

Price Child Welfare Scholarship and Journalism Awards .....27

Child Friendly Foundation .....27

## 2000 DEVELOPMENT REPORT

.....28

## CAI STAFF

.....30

## CAI COUNCIL FOR CHILDREN

.....32



# EXECUTIVE DIRECTOR'S MESSAGE

**T**he year 2000 witnessed an expanding disconnect between the reality facing California's children and public discussion of the topic. For example, the media focused on the teen violence "crisis" while actual arrest data showed significant reductions. California youth homicide arrests have declined for six straight years—and not just a little—from 542 in 1994 to 182 in 1999. Does a remarkable trend to one-third previous arrest levels suggest the tidal

wave of violence we are told is upon us? Other arrests, both in California and nationally, show similar and remarkable decreases, notwithstanding a media and culture which is obsessed with violence and which tends not to teach our young the real consequences and loss it portends.

Similarly, the Legislature has its own disconnect, and has largely abandoned children. The Governor's priorities simply do not include long range interests—those central to the future of our children. The media and political response is to overreact to minor counter-trends, and

ignore underlying, long term and disturbing trends. Hence, a small decrease in child poverty levels relaxes public attention although current incidence is near historical highs, and remains three times the rate affecting senior citizens. Higher

education slots are not even keeping pace with the increasing population, when in fact they need to appreciably *exceed* population gain so our children will have a chance at employment in the evolving international economy.

Neither journalists nor political leaders are good at recognizing gradual trends, no matter how massive or momentous. Such trends lack an attention-getting "handle." No boy bites dog. No celebrity. No drama. No cute animal. No heroic rescue. No videotape. Just an unwed birth rate that has leveled, but at four times historical levels. Over 60% of African American children, about 40% of Latino children, and over 20% of White children are born to unwed parents. Over half of these children are living below the poverty line, while two-parent families offer a median of more than four times that level—over \$50,000 in family income. And the unwed problem is not primarily caused by teens—as the politically correct will dutifully cluck over; more than 70% of unwed births are to adult women. Nor is the problem confined to the female gender; paternal economic commitment to the four million California children resulting from these births averages \$26 per month per child, of which the family gets \$14. And that pathetic sum represents a record increase.

We need to make the same investment in our children that our grandparents and parents made in us. Instead, we have enacted Proposition 13 to give ourselves one-fifth the property tax burden as our children and grandchildren to finance the same services. And almost all of the budget surplus will be expended on wealthy adults, with Social Security, Medicare, private pension subsidies, inheritance tax abolition, and tax expenditures for the wealthy dominating the agendas of both political parties.

We have thus far failed to attract significant media attention to the real issues facing today's children, and we have failed to get our issues on the public agenda.

The state is focused on a single issue as the year 2000 ends: The energy crisis and the billions of dollars of overcharges now assessed and threatening to exhaust all available discretionary funding. One group will bear the



Robert C. Fellmeth,  
Price Professor of Public Interest Law

THE STATE IS FOCUSED ON A SINGLE ISSUE AS THE YEAR 2000 ENDS:  
THE ENERGY CRISIS AND THE BILLIONS OF DOLLARS OF  
OVERCHARGES NOW ASSESSED AND THREATENING TO EXHAUST  
ALL AVAILABLE DISCRETIONARY FUNDING. ONE GROUP WILL BEAR  
THE BRUNT OF THE SPENDING FREEZE WHICH IS NOW BEING  
IMPOSED INFORMALLY IN SACRAMENTO—**OUR CHILDREN.**



## EXECUTIVE DIRECTOR'S MESSAGE

THE STATE IS LITERALLY THE LEGAL PARENT TO 110,000 FOSTER CARE CHILDREN REMOVED FROM THEIR HOMES FOR THEIR OWN PROTECTION....  
MANY OF THESE KIDS ARE CAPABLE OF HIGHER EDUCATION, WHILE  
MOST NEED AT LEAST COMMUNITY COLLEGE OR TECHNICAL  
TRAINING TO OBTAIN MEANINGFUL JOBS AND HAVE A FUTURE.  
**A RESPONSIBLE PARENT MAKES SURE THAT HAPPENS.**

brunt of the spending freeze which is now being imposed informally in Sacramento—our children.

For example, at the end of 2000, we took to the Legislature a modest foster care proposal for the 2001 legislative session. The state is literally the legal parent to 110,000 foster care children removed from their homes for their own protection. When these kids reach 18 years of age, they are “emancipated from the system.” Those familiar with the system know what that means: they are simply let onto the streets. Many of these kids are capable of higher education, while most need at least community college or technical training to obtain meaningful jobs and have a future. A responsible parent makes sure that happens. So our bill would make sure that happens for the state’s foster children, providing them with full room and board to the age of 23, so long as they are students in good standing at any accredited educational institution making progress toward an advanced degree or certificate. We approached over twenty legislators to author this obviously needed and just measure. Not a single one would do so.

And other problems abound. CAI sponsored legislation in 1996 to assure that there would be a safeguard to prevent child homelessness when welfare—Temporary Assistance for Needy Families (TANF)—families are punished by way of reduced monthly payments. Hence, when a parent is unable to find a job or is otherwise “sanctioned” by having the benchmark \$620 monthly payment reduced to \$410, he/she was to receive vouchers to at least cover rent and utilities. Thus, if rent and utilities are \$550, the parent was to receive that amount in vouchers rather than the \$410 in cash. But the California Department of Social Services has adopted a rule which provides that the reduced amount of \$410 would remain the upper limit, regardless of rent and utility levels. They simply altered the law to move the lower sanctioned amount from cash to vouchers. Instead of amelioration of the penalty to prevent child homelessness, the rule accomplishes a double penalty.

These are small examples of a larger and general malaise, a movement toward self-indulgence and selfishness unprecedented in our nation. Never have so many had so much and proposed to spend so little of it for their chil-

dren. The evidence is pervasive. TANF support for impoverished children is less than one-half previous levels. Employment has pulled some from poverty, but the most recent research indicates serious detrimental impacts on children. Education “investment” has been in the form of four-figure checks for large numbers of students who do not necessarily need them, and for large numbers of teachers unrelated to performance. Meanwhile, class sizes in grades 4 through 12 are the second highest in the nation. Disabled kids get special education help primarily if they have an attorney—which excludes impoverished kids.

And the vaunted health insurance for children has been a substantial failure, with over \$500 million per year likely to be returned unused to the federal jurisdiction which had offered in vain to fund two-thirds of relatively inexpensive child coverage. Here again the media and public officials do not get it.



## EXECUTIVE DIRECTOR'S MESSAGE

How many kids are not currently insured and are ineligible for coverage under the maximum federal guidelines? Just 7%. Instead of covering all kids with preventive care and assigned physicians, and then billing *post hoc* any parents earning over 300% of the poverty line for a portion of medical expenses where substantial, we continue with the current structure of paying folks to sign kids up, with required premiums (in addition to co-payments). This is not cash for beer. There is little danger of fraud or excessive spending in providing medical care for our children. Any responsible people make certain that need is covered, regardless of the ability of a parent. Such is the case from the

sophisticated comprehensive coverages throughout Europe, to the sacrifices made in the tribal highlands of New Guinea. But not among the public officials of California. Instead, we continue with fourteen separate programs, each with qualifications, forms, payments, and barriers. When our parents found out about the polio vaccine, what did they do? Publish five-page forms? Caution against undocumented child inoculations? Demand payment in advance? No, they lined us up and delivered painful Salk shots, every last one of us. We were their children and that was enough. That spirit does not reside in our political leaders today—adults who benefitted mightily from the love and commitment of their parents.

WHEN OUR PARENTS FOUND OUT ABOUT THE POLIO VACCINE, WHAT DID THEY DO? PUBLISH FIVE-PAGE FORMS? CAUTION AGAINST UNDOCUMENTED CHILD INOCULATIONS? DEMAND PAYMENT IN ADVANCE? NO, THEY LINED US UP AND DELIVERED PAINFUL SALK SHOTS, EVERY LAST ONE OF US. WE WERE THEIR CHILDREN AND THAT WAS ENOUGH.



## EXECUTIVE DIRECTOR'S MESSAGE

Apparently, at least one generation of adults has managed to resist the example of their parents.

CAI has its work cut out for it. We need to advocate much more extensively. We need to be more voluble before the state's agencies. We need to litigate aggressively. We need to take no prisoners. We need to eschew political correctness where it conflicts with the interests of those we represent, and to whom we owe a special fiduciary duty. Hence, we must be willing to take on both conservatives and liberals. We should demand implementation of both of their positive agendas for children. Instead, we have allowed them to cancel each other's beneficial plans in a nefarious and undiscussed "contract on our children." Conservatives blame irresponsible adult decisions to reproduce, "welfare as a way of life," and private exploitation of state generosity. Liberals move reproductive decisions off the table. Conservatives respond by convincing the body politic to stop funding the safety net for children. Meanwhile, both pander shamelessly to the elderly, a population with more medical coverage than children (at five times the cost), and which enjoys one-third the poverty level—but a group which responds to surveys and polls, votes, and dominates as campaign contribution sources.

A pox on both of their houses. Prospective parents *should* be responsible. Reproductive decisions should be on the table, front and center. For starters, children *should* have a recognized right simply to be intended...is that too much to ask? Yes, two parents are preferable to one. Yes, fathers matter. A lot. But for those adults who want to work and who act responsibly, public help should be forthcoming, and for children—none should be denied. The current contract on our children needs to be reversed into a contract for our children.

In terms of demeanor, child advocates have taken the "be nice" road for thirty years. It has been and continues to be a failure. While it makes life a great deal more pleasant for us, it does not benefit those we represent. It does not capture the attention of the media. It does not put children on the public policy table. It does not lead to public resources or protective laws. To represent our clients responsibly, we must cease caring about what others think of us as advocates and begin to express what is a justifiable outrage. Our political leaders, with the media close in tow, have betrayed the human obligation to pass down the line a world better than the one handed to us by our parents. We are poised to be the generation which will most fail in the obligation which is arguably the highest ethical calling of our species.

Partly as a result of our impotence politically, the Governor's office has quietly asked policy committee chairs to kill any bill in the 2001 legislative year which involves any spending whatsoever. Whether they will comply is unclear, but it does not matter because any measures which escape policy committees will no doubt die in the suspense



OUR POLITICAL LEADERS, WITH THE MEDIA CLOSE IN TOW, HAVE **BETRAYED** THE HUMAN OBLIGATION TO PASS DOWN THE LINE A WORLD BETTER THAN THE ONE HANDED TO US BY OUR PARENTS. WE ARE POISED TO BE THE GENERATION WHICH WILL MOST FAIL IN THE OBLIGATION WHICH IS ARGUABLY THE **HIGHEST ETHICAL CALLING OF OUR SPECIES.**



## EXECUTIVE DIRECTOR'S MESSAGE



**IN THE SHELL GAMES AND  
WASTE OF PUBLIC ASSETS  
NOW UNDERWAY, THE  
CHILDREN USUALLY LOSE,  
AND THEIR PROSPECTS ARE  
NOW BLEAKER THAN EVER.**

file of each house's appropriations committee—without the inconvenience of a public vote. They will meet the fate of 22 such bills in the year 2000, placed in suspense and not pulled for a vote. No vote, no accountability.

Instead of investing in our children, we shall only be henceforth paying the energy company cartel in Texas to the tune of at least \$14 billion now, and apparently much more down the road. Those corporations bought out the deregulated energy plants of our California utilities at three times book value. Although seemingly an excessive price, they will recover their entire investment before the end of 2001, and then some. Our Legislature is floating bonds to politically soften the immediate impact, but to extend the price paid forward for twenty or more years of payments—plus interest, plus tax revenue loss because that interest is tax deductible. In the shell games and waste of public assets now underway, the children usually lose, and their prospects are now bleaker than ever.

Where will the resources come from to expand higher education? The 15–19-year-old population is going to swell by 20% by 2004, and we will experience an increase in that population over the 1995–2015 period greater than any other state in the nation (57% versus a 22% national average). Where is the money going to come from to restore California's schools? Is it all really going to come from testing and “accountability” gimmicks, and occasional thousand

dollar checks...or will it come from the more sophisticated and long-term commitment of smaller class sizes, more teachers, and better trained and committed teachers? Where are the resources for that?

We have been expanding most assiduously our tax expenditures, now including 267 programs costing \$28 billion in foregone tax revenues each year, more than we now spend on our elementary schools and university system combined. Children and education depend upon General Fund revenues which the special interests in Sacramento have been sequentially shredding for twenty

years. We invest a much lower percentage of our personal income on our children than did our parents. And the entire range of options at the state level is whether excess energy payments will burden us for five or fifty years, and federally whether we should give \$1.6 trillion or merely \$1.2 trillion to mostly wealthy adults, or whether the \$400 million difference should go to pharmaceutical subsidies, Social Security, and Medicare subsidies for our senior citizens.

What is CAI going to do about it? We need to obtain financing to reach a critical mass for effective advocacy. Here is part of our wish list:

◆ Funding of \$200,000 a year for three years would expand our existing Information Clearinghouse for Children, to make it a generator of media stories about the plight of children, to raise public consciousness. We need to increase attention to children beyond school shootings, and find the journalistic handles apparently necessary for public attention. Lacking votes and campaign money, that is our major available asset.

◆ We need funding to conduct research and a comprehensive campaign on the obligations of the male gender to children. This conservative theme is best sounded by a male-led organization, and one with a “liberal” reputation for obvious reasons of credibility. Certainly the promotion of responsible reproductive, marital, and support practices by

## EXECUTIVE DIRECTOR'S MESSAGE

men can leverage benefits to children in incalculable ways, and could possibly help to advance somewhat the cultural sea change necessary to break the conservative—liberal log-jam jeopardizing both private responsibility and public investment. If we have more of the first, middle America will give us the second.

◆ The California Children and Families Commission was created by the voter-approved Proposition 10 in November 1998. Its goal is to promote early childhood development, enabling children to be healthy, to live in a healthy and supportive family environment, and to enter school ready to learn. We need to have experienced advocates in front of the regulatory agencies that make important decisions affecting young children—decisions that will directly impact the Commission's ability to meet its goal. Where are those advocates? Shouldn't the allocation of \$100 million in public funds at the state level include at least 1% of it for such leveraged advocacy?

◆ Funding of \$300,000 would help launch a self-sustaining "Child Friendly" trademark program. Created as a separate entity, the Child Friendly Foundation would license its trademark for use on qualified products to indicate that the product is safe for children and is not made through exploitive child labor. The Foundation would assist the marketplace, stimulate responsible corporate behavior, and generate licensing fees, the bulk of which would be given to child advocacy organizations.

◆ CAI and its parent organization, the Center for Public Interest Law, are seeking a grant to develop a Masters in Public Interest Law program at the University of San Diego School of Law, to increase the quantity and quality of public interest advocates (including child advocates), and to provide a unique educational experience for a wide range of attorneys—from recent law graduates to veteran practitioners who want to shift priorities in their later years.

◆ It is our goal to convince a child-spirited attorney, business, or individual to endow the nation's first child advocacy "chair" or faculty position. The holder of the chair—which would be named after the generous funder—would be a full-time advocate for children, and would engage in clinical teaching of future child advocates. Such a position would leverage impact by training advocates as well as through litigation and advocacy for children in the year 2010. And it would still be there plugging away for children in the year 2110, and 2210, and 2310. A portion of the endowment would generate income which would add to the base, to accommodate inflation and maintain a viable presence in perpetuity. How would it be possible to leave a more important permanent legacy?

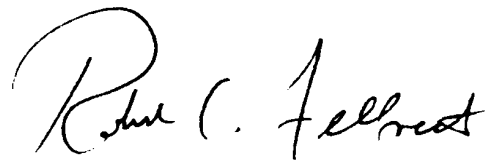
◆ We must add three professionals to our staff—including one accomplished litigator—so we can regain the critical mass size we achieved in the early 1990s.

Most of these proprietary goals will allow us to continue what we already do on a larger and more effective scale. Currently, we focus on five activities: (1) the training of child advocates through law school and clinical education; (2) the publication of an annual *California Children's Budget* to educate the public and officials and to illuminate the condition of children in the state, and population/inflation adjusted spending, in an accurate and footnoted format; (3) the publication of a *Children's Regulatory Law Reporter* to track and broaden the actions of state regulatory agencies impacting children; (4) litigation to protect and promote children's interests; and (5) an advocacy and public education agenda, including the publication of the *Children's Legislative Report Card* on the performance of the state's 120 legislators. This last activity—our legislative agenda—currently includes our own bill to improve family foster care supply and quality (critical to stimulating adoptions and improving the plight of the state's 110,000 foster care children). We will also try to persuade the state to adopt the notion of true "presumptive eligibility" for California's children for health care coverage—coverage for which funding has been provided by federal appropriation and which California will likely be returning to Washington at unprecedented levels, as 20% of the state's children remain uncovered medically.

Our litigation agenda, resources permitting, will include the lawful implementation of the rent and utility voucher safety net assurance for children affected by TANF penalty cuts to their families, as discussed above.

It is clear that we have much work before us.

In order to continue our efforts, CAI depends on the generosity of others. In 2000, CAI received assistance from many persons and organizations, to whom we are most grateful. In addition to Sol and Helen Price—who have provided us with a continuing legacy of support which allows us to function—we thank The ConAgra Foundation, Inc., the Rosenberg Foundation, the Mattel Children's Foundation, the Sierra Health Foundation, The Leon Strauss Foundation, The Ryland Group, Inc., the California Kids' Plates Program, and numerous individuals as acknowledged in CAI's 2000 Development Report.



Robert C. Fellmeth, Executive Director  
Children's Advocacy Institute  
Price Professor of Public Interest Law

# HISTORY & PURPOSE

In 1989, Professor Robert C. Fellmeth founded the Children's Advocacy Institute as part of the Center for Public Interest Law (CPIL) at the University of San Diego (USD) School of Law. Staffed by experienced attorneys and advocates, and assisted by USD law students, CAI works to improve the status and well-being of children in our society by representing their interests and their right to a safe, healthy childhood.

CAI represents children—and only children—in the California Legislature, in the courts, before administrative agencies, and through public education programs. CAI strives to educate policymakers about the needs of children—about their needs for economic security, adequate nutrition, health care, education, quality child care, and protection from abuse, neglect, and injury. CAI's mission is to ensure that children's interests are effectively represented whenever and wherever government makes policy and budget decisions that affect them.

For example, CAI has drafted and successfully advocated the passage of bills leading to some twenty new statutes, including a revision of the state's regulation of child care facilities, the requirement of children to wear helmets when riding bicycles, a series of laws to improve the state's collection of child support from absent parents, a law assuring counsel for abused children in need of legal representation, a swimming pool safety measure, the "Kid's Plate" custom license plate to fund children's programs, and others. Through litigation, CAI intervened on behalf of children's groups to preserve over \$355 million in state funding for critical preschool child care and development programs, and compelled a state agency to adopt mandatory safety standards for public playgrounds to prevent unnecessary injuries to children. CAI annually publishes the *California Children's Budget*, a 650-page analysis of past and proposed state spending on children's programs; in 1995, the National Association of Child Advocates recognized that "the

Children's Advocacy Institute's work on budget analysis for children remains the most thorough and well-researched document nationwide." Since 1996, CAI's Information Clearinghouse on Children has worked to stimulate more extensive and accurate public discussion of important children's issues.

In 1993, CAI created the Child Advocacy Clinic at the USD School of Law, to help provide child advocates to the legal profession. In the Clinic, law student interns practice law in dependency court, representing abused children under special certification, or engage in policy advocacy at the state level, drafting legislation, research and writing reports, and assisting in litigation projects. Many graduates of this program have gone on to become professional child advocates.

CAI's academic program is funded by the University of San Diego and the first endowment established at the University of San Diego School of Law. In November 1990, San Diego philanthropists Sol and Helen Price contributed almost \$2 million to USD for the establishment of the Price Chair in Public Interest Law. The first holder of the Price Chair is Professor Robert Fellmeth, who also serves as CAI's Executive Director. The chair endowment and USD funds combine to finance the academic programs of both CPIL and CAI; to finance advocacy activities, CAI professional staff raise

additional funds through private foundation and government grants, test litigation in which CAI is reimbursed its attorneys' fees, and tax-deductible contributions from individuals and organizations.

The Children's Advocacy Institute is guided by the Council for Children, a panel of professionals and community leaders who share a vision to improve the quality of life for children in California. CAI also functions under the aegis of the University of San Diego, its Board of Trustees and management, and its School of Law.



Robert C. Fellmeth with Sol and Helen Price



# 2000 ACTIVITIES & ACCOMPLISHMENTS

## ACADEMIC PROGRAM

CAI administers a unique, two-course academic program in child advocacy at the University of San Diego School of Law. The coursework and clinical experience combine to provide future lawyers with the knowledge and skills they need in order to represent children effectively in the courts, the Legislature, and before administrative agencies.

### *Child Rights and Remedies*

Students must complete Professor Robert Fellmeth's three-unit course, *Child Rights and Remedies*, as a prerequisite to registration in the Child Advocacy Clinic. *Child Rights and Remedies* surveys the broad array of child advocacy challenges: the constitutional rights of children, defending children accused of crimes, child abuse and dependency court proceedings, tort remedies and insurance law applicable to children, and child property rights and entitlements.

### *Child Advocacy Clinic*

The Child Advocacy Clinic offers law student interns two options: (1) in the dependency court component, they may work with an assigned attorney and social worker from the Dependency Section of the San Diego Office of the Public Defender representing abused or neglected children in dependency court proceedings; or (2) in the policy project component, students may engage in policy work with CAI professional staff involved in state agency rulemaking, legislation, test litigation, or similar advocacy. In addition to their field or policy work, all Clinic interns attend a weekly seminar class.

In the Spring 2000 semester, six law students (Stacey Amodio, Katherine Layton, Christina McClurg, Amanda McLaughlin, Adriana Suarez, and Charlotte Wilder) were enrolled in the policy section with Adjunct Professor Margaret Dalton, and received training in legislative, regulatory, and advocacy focusing on current children's issues. In addition to developing their advocacy skills, the students developed expertise in specific areas; the semester's



Warren Hall, University of San Diego School of Law

focus included sexual orientation and hate crimes, baby abandonment, and sibling rights in dependency proceedings. Additionally, some students attended a San Diego Domestic Violence Coordinating Council training session in recent legislation, including new changes in child custody determinations; others observed a Juvenile Law Section meeting sponsored by the San Diego County Bar Association. One student worked with Professor Robert Fellmeth on drafting amendments to the CAI-sponsored foster care bill, SB 949 (Speier).

That semester, for the first time, students who had completed a semester in the policy section of the Clinic had the opportunity to enroll in an advanced section. Five law students (Mimi Adams, Jane Babin, Valerie Jones, Elizabeth Kuchta, and Sharon Smith) participated in this advanced course and worked on a variety of projects, such as drafting legislation to mandate the inclusion of special education students in the state's accountability program, and legislative analyses on protection against sexual orientation discrimination in the schools, hate crimes, and mental health issues. One student worked in the Domestic Violence Restraining Order Clinic at Family Court, and another worked with Professor Fellmeth on research for the *California Children's Budget 2000-01*.

THE CHILD ADVOCACY CLINIC OFFERS LAW STUDENT INTERNS TWO OPTIONS:  
...THEY MAY WORK WITH AN ASSIGNED ATTORNEY AND SOCIAL WORKER FROM THE  
DEPENDENCY SECTION OF THE SAN DIEGO OFFICE OF THE PUBLIC DEFENDER  
REPRESENTING ABUSED OR NEGLECTED CHILDREN...OR...STUDENTS MAY ENGAGE IN  
POLICY WORK WITH CAI PROFESSIONAL STAFF INVOLVED IN STATE AGENCY  
RULEMAKING, LEGISLATION, TEST LITIGATION, OR SIMILAR ADVOCACY.

## 2000 ACTIVITIES & ACCOMPLISHMENTS

Also during the Spring 2000 semester, five law students (Juanita Blanco, Amy Garcia, Jenny Kim, Kristina Lupariello, and Charlotte Wilder) participated in the Clinic's dependency section. In addition to working at the Public Defender's Office representing abused and neglected children in dependency court proceedings, all of these students attended weekly classroom sessions conducted by Professor Fellmeth.

In the Fall 2000 semester, six law students (Sapna Iyer, Tamara McCormic, Tiffany Salayer, Dan Tompkins, Eva

Turella, and Sonia Williams) were enrolled in the policy section with Professor Robert Fellmeth, and received training in legislative, regulatory, and advocacy focusing on current children's issues. Each student worked on semester-long advocacy projects; this semester's focus included foster care reform, follow-up on the state's child care inspection requirements, analysis of Proposition 21 and the lawsuits challenging it across the state, streamlining the appeals process in dependency court proceedings, and researching child-related regulatory proposals for inclusion in the *Children's Regulatory Law Reporter*.

During the Fall 2000 semester, five law students (Steven Andreacola, Colleen Gleason, Lynnae Lee, Christina McClurg, and Holly Sullivan) participated in the Clinic's dependency section.

CAI is very grateful to the Mattel Children's Foundation for its support of the Child Advocacy Clinic for the past five years.

### *James A. D'Angelo Outstanding Child Advocate Awards*

On May 26, 2000, the University of San Diego School of Law held its Graduation Awards Ceremony in Shiley Theatre. At that time, CAI had the pleasure of awarding the James A. D'Angelo Outstanding Child Advocate Awards to four graduating law students, for their exceptional participation in CAI's Child Advocacy Clinic.

Jane Babin was recognized for her exemplary participation in CAI's Policy Clinic, where she was an invaluable part of CAI's child advocacy effort for over two years. Katherine Layton, Joseph Raskin, and Charlotte Wilder were each recognized for their outstanding participation in CAI's Dependency Clinic, where they each effectively represented abused and neglected children in San Diego County.

The award is a tribute to Jim D'Angelo (BA '79, JD '83), who passed away in April 1996. Funding for the award is made possible by generous donations from several USD School of Law alumni. CAI is grateful to Hal Rosner (JD '83) and all of Jim's classmates for their generous gifts.



## RESEARCH PROJECTS &amp; PUBLICATIONS

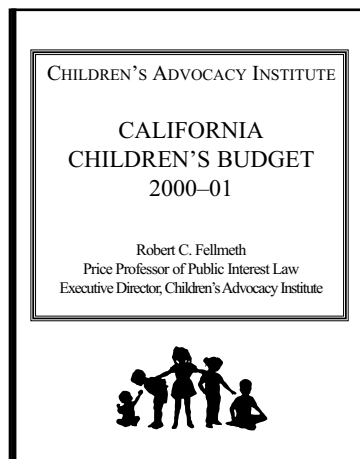
*California Children's Budget 2000-01*

**A**t first blush, California's 2000-01 budget was a good thing, with the state's \$12.4 billion surplus invested in education, social programs, and tax relief for all Californians. In fact, however, the budget constitutes an eleventh straight year of disinvestment in children most in need, yet again neglecting a developing underclass of impoverished children projecting to over one-third of the future population.

On June 27, 2000, CAI released its eighth annual *California Children's Budget* at a State Capitol press conference hosted by Senator Martha Escutia (D-Montebello). The *California Children's Budget*

2000-01 is a 650-page analysis of recent condition indicator data (with 2,000 endnotes specifying sources); legislative and court developments; major child-related federal/state/local spending from 1989, adjusted for inflation and population; the Governor's proposed levels as revised in May; and recommended spending. According to the report, the budget reflects three continuing flaws:

- (1) Impoverished children are not a major investment priority, even with available funds.
- (2) The tax base feeding the General Fund continues to be eaten away year after year through deductions and credits now amounting to over \$32 billion; by 2002, the new budget will increase the deductions and credits by another \$2.2 billion, only 18% of which is child-related.
- (3) Much of the new money directed toward children is "one time only" spending, because of the Davis



Administration's stubborn antipathy to "adding to the base."

The budget does include some important benefits for children, including increased funding for K-12 education (including important incentives and investment in teacher supply and quality), overdue increased physician reimbursement rates, child health enrollment outreach, some higher education additions (including substantial Cal Grant funding increases), and increases to child care help (including a refundable tax credit).

Specifically, the findings of the *California Children's Budget 2000-01* include the following:

◆ The 2000-01 overall investment in children, as a percentage of Californians' personal income, is significantly less than that made twenty years ago. The source of most child spending is the General Fund; if we collected the same percentage of total personal income for it as did our parents, we would have \$3.5 billion more—above and beyond our \$12.4 billion surplus. Although the

Governor rejects most additions to the future *spending* base, he and the Legislature do not hesitate to subtract from the future *revenue* base. Tax benefits generally continue forever unless affirmatively ended, and that requires a two-thirds vote. They are magnets for special interest advocacy and can sacrifice long-term investment in children for short-term gain by voter blocs—a priority different than that of our parents and grandparents.

◆ In addition to the gradual reduction of the General Fund itself, the proportion of General Fund spending going to children has gone from 84% in 1980-81 to 76% in the 2000-01 budget. About 20% of the surplus will directly address the most important child-related needs.

◆ Although the K-12 education base has been increased by more than the token amount for 1999-2000 (which was one-quarter of 1%), it still remains well below

### ACCORDING TO THE REPORT, THE BUDGET REFLECTS THREE CONTINUING FLAWS:

(1) IMPOVERISHED CHILDREN ARE NOT A MAJOR INVESTMENT PRIORITY, EVEN WITH AVAILABLE FUNDS. (2) THE TAX BASE FEEDING THE GENERAL FUND CONTINUES TO BE EATEN AWAY YEAR AFTER YEAR THROUGH DEDUCTIONS AND CREDITS....

(3) MUCH OF THE NEW MONEY DIRECTED TOWARD CHILDREN IS "ONE TIME ONLY" SPENDING, BECAUSE OF THE DAVIS ADMINISTRATION'S STUBBORN ANTIPATHY TO "ADDING TO THE BASE."



## 2000 ACTIVITIES & ACCOMPLISHMENTS



the national average, especially when one subtracts the “one-time expenditures.” Items such as the teacher supply, incentives, and low-performing school investment are welcome, but California remains at second from the bottom of the nation in student class size for grades 4–12.

◆ The budget has a welcome \$195 million for refundable child care credits for the working poor, but the need here is five times that level, and most of it will go to the upper middle class with families eligible up to \$100,000 a year in income. We also need tax incentives for quality and supply increase in communities where more child care is needed.

◆ The budget includes no Earned Income Tax Credit for the working poor most in need of a boost toward self-sufficiency (unlike Minnesota, New York, and other states). Basic safety net support is down to 73% of the poverty line, and many children of those leaving TANF rolls remain below the poverty line and are hungry.

◆ The budget includes funds for “Healthy Families” outreach; 93% of California’s kids are insured or are eligible for public medical coverage. To bar the other 7% from receiving medical services, we have over fourteen frag-

mented programs with separate barriers. Under the adopted budget, over one million eligible children will remain uncovered. We have \$4.3 billion in federal Children’s Health funds (at a 2–1 match), and 80% of it will be sent back to D.C.—the largest give-back of federal money in the nation’s history. The *California Children’s Budget 2000–01* proposes that California cover all children, providing universal preventive care, and if a child of a parent earning over 300% of the poverty line receives substantial medical services, bill the parent *post hoc* on a sliding scale. The state could then use remaining federal funds and red tape savings on tax credits to employers for part of their contribution to private coverage of dependents under 300% of the poverty line.

◆ The budget does not include adequate funding for prevention: a needed crusade through advertising, public education, and parenting education in our schools. California should use the skills of Madison Avenue to promote respect for each child’s basic right to be intended by two parents. The 30% unwed birth rate has leveled, but remains near historical highs, and contrary to perception, most of those births are to adult women. On the paternal

## RESEARCH PROJECTS & PUBLICATIONS

side, although child support reforms have almost doubled collection, the average amount collected for almost four million California children is \$26 per month per child owed support by an absent parent (of which the government keeps \$12).

◆ Although the budget adds new funds for higher education, it is not increasing capacity beyond population growth from 1990. We must add to the base *significantly* beyond population growth so our children will have jobs in the future international economy.

The *California Children's Budget 2000-01* was distributed to every member of the California Legislature and, as with previous *Children's Budgets*, became a valuable resource document for state budget negotiations. With the generous support of The ConAgra Foundation, Inc., CAI has begun work on the *California Children's Budget 2001-02*, scheduled for release in May 2001.

To obtain a copy of the *California Children's Budget 2000-01*, contact CAI at (619) 260-4806. The report is also available at [www.sandiego.edu/childrensissues](http://www.sandiego.edu/childrensissues).

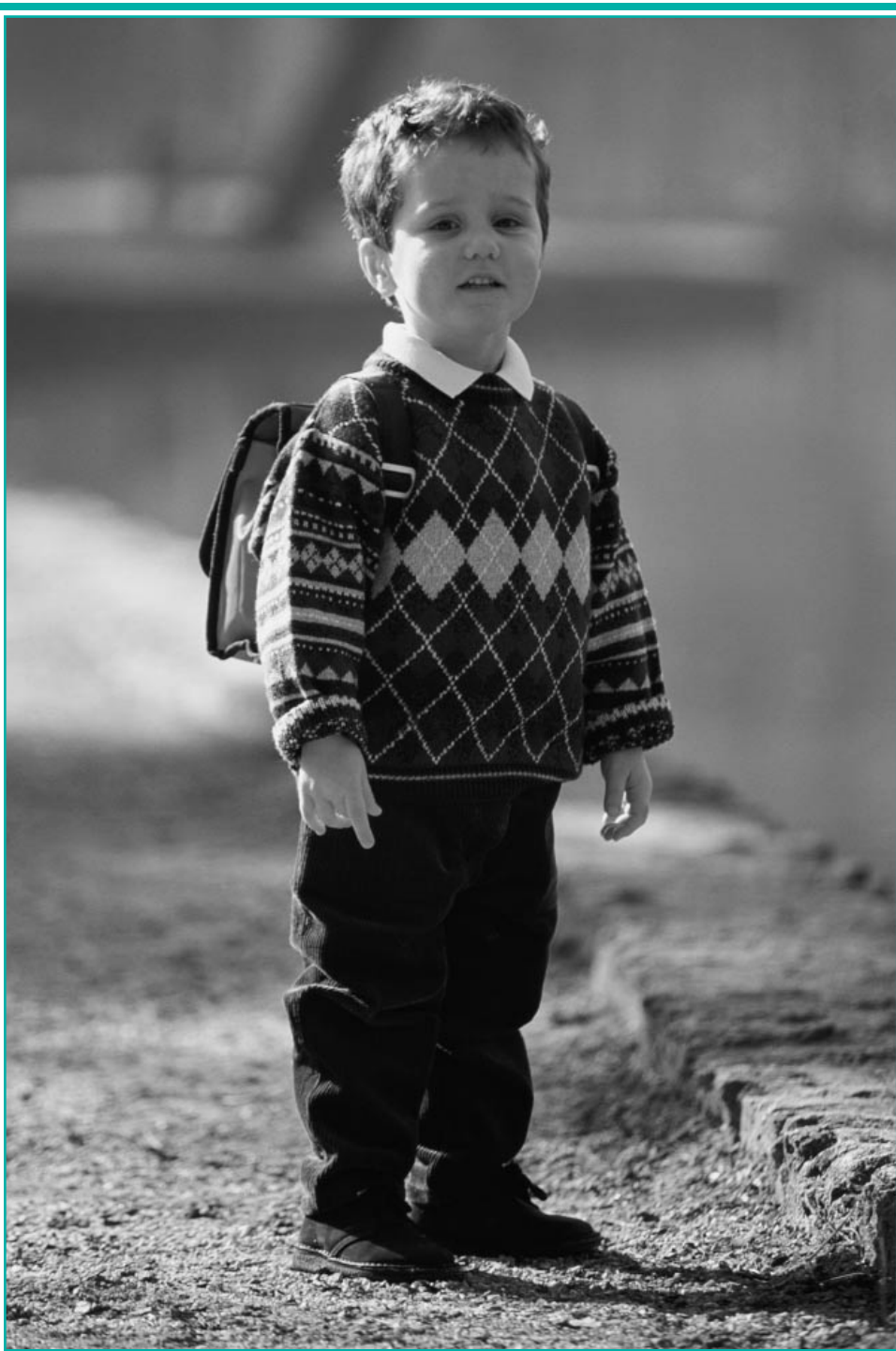
### *Children's Regulatory Law Reporter*

Another of CAI's unique publications is the *Children's Regulatory Law Reporter*, which focuses on an often ignored but very critical area of law: regulations adopted by government agencies. For each regulatory proposal discussed, the *Children's Reporter* includes both an explanation of the proposed action and an analysis of its impact on children. The publication is targeted to policymakers, child advocates, community organizations, and others who need to keep informed of the actions of these agencies.

In 2000, CAI released the fourth issue of the *Children's Reporter* (Vol. 2, No. 2), which discussed over 50 proposed and pending California regulatory changes which affect children. Among other things, the issue discussed rulemaking proposals on

playground safety, Healthy Families, child support, California Children's Services medical eligibility, child welfare services community treatment facilities, and charter schools.

The current and back issues of the *Children's Reporter* are available on CAI's website at [www.sandiego.edu/childrensissues](http://www.sandiego.edu/childrensissues).





## 2000 ACTIVITIES & ACCOMPLISHMENTS

### *Children's Legislative Report Card*

Yet another unique and informative CAI publication is its *Children's Legislative Report Card*, an annual document which analyzes California legislators' votes on child-friendly bills.

Last November, CAI published the 2000 edition of its *Children's Legislative Report Card*, which includes a narrative description of the major child-related issues considered by the Legislature in 2000, as well as detailed descriptions of 23 child-friendly bills in the areas of economic security, child support collection, health care, injury prevention, child care, education, and child abuse prevention and intervention. The *Report Card* also includes a chart documenting each legislator's floor votes on these bills. Because this was

the final year of a two-year session, this issue of the *Report Card* also includes each legislator's cumulative score for the entire 1999–2000 legislative term.

Through their votes on important bills, legislators can make a real difference in the lives of California's children. All too often in the political arena, legislators “take a walk” rather than stand up for children—and children suffer as a result. The *Report Card* provides a record of children's policy progress in the legislative session, and the votes that made it happen.

CAI is pleased to announce that 31 legislators received 100% marks for the 23 bills graded in the 2000 term. Of those legislators, the following eighteen received 100% marks for the entire two-year legislative session: Senators John Burton and Hilda Solis, and Assemblymembers Elaine Alquist, Ellen Corbett, Martin Gallegos, Robert Hertzberg, Hannah-Beth Jackson, Sheila Kuehl, John Longville, Alan Lowenthal, Kerry Mazzoni, Kevin Shelley, Darrell Steinberg, Virginia Strom-Martin, Helen Thomson, Tom Torlakson, Antonio Villaraigosa, and Scott Wildman.

The 2000 edition of the *Report Card* also discusses the difficulty in commanding accountability in the legislative process because of the use of the “suspense” file. Many significant child-related bills are not part of the grading process, because legislative leaders held them captive in the suspense files of the Senate and Assembly Appropriations Committees, refusing to allow the bills to even come up for a vote—thus killing these measures without having to vote against them publicly. The suspense file policy of setting aside policy items with major cost implications until the Budget Act is passed and revenues are accounted for is fiscally sound. But suspense file decisions should ultimately be made in a public forum with public votes for accountability.

Many of the most significant bills for the most vulnerable children failed to make the priority list for release from the suspense files of the Assembly and Senate. Those priority lists are drafted by just a handful of legislators (the Speaker of the Assembly, the President Pro Tempore of the Senate, minority party leaders, and the chair and vice chair of the Appropriations Committees), after considering the personal and political priorities of individual bill authors. Many of the bills killed on suspense files passed on bipartisan votes with wide margins in policy committees and in prior floor votes (see below for examples of suspense file fatalities). CAI believes that official actions must be subject to public accountability. The suspense file system allows legislators to kill important bills without getting their hands dirty. As such, it is an affront to the democratic process.

The current and back issues of the *Children's Legislative Report Card* are available on CAI's website at [www.sandiego.edu/childreissues](http://www.sandiego.edu/childreissues).





## ADVOCACY

### *In the Legislature*

**F**acing a record budget surplus of more than \$18 billion over last year's revenue projections, child advocates urged policymakers to begin the long overdue, significant investment in our children that is so badly needed. Instead, officials made only baby steps toward that investment: one-time

infusions of cash, without the long-term commitment to the base that CAI advocates as critical to sustaining the economic health of this state for future generations.

Notwithstanding, CAI Senior Policy Advocate Kathryn Dresslar (who has since resigned to join the staff of Assemblymember Darrell Steinberg) helped secure several legislative victories for children in 2000, particularly in the areas of child care, K-12 education, higher education, and juvenile crime prevention.

Child care benefitted from some important wins legislatively and in the state's 2000-01 Budget Act. Significant investment in California's child care infrastructure is critical to furthering the successful welfare-to-work activities of California's CalWORKs program, as well as assisting the hundreds of thousands of non-aided low-income working families that struggle on a daily basis to find and keep affordable, quality child care. The Children's Advocates Roundtable, convened by CAI, singled out child care as a top priority for Roundtable members to support as a coalition this year. As a result, California's 2000-01 Budget Act included reinstatement of the child care tax credit and significant increases (\$138 million) in new spending for important child care and child development programs, including:

- ◆ cost of living adjustments (COLAs) of 3.17% for child care program reimbursement rates and "catch-up COLAs" to partially reimburse centers for past years when no COLA was provided;

- ◆ modest increases in subsidized child care programs. While the Legislature approved \$75 million in half-year costs for 24,000 new subsidized child care slots for infants to five-year-olds, the Governor approved only \$40 million of that appropriation and set aside a total of \$42 million in gubernatorial vetoes of Legislature-approved child care spending for one-time child care expenditures to be determined later;

- ◆ a \$47 million increase to expand State Preschool for an additional 100,000 children over a two-year period that began in January 2000;

- ◆ \$40 million for half-year expansion of full-day general child care for children up to age five;

- ◆ \$55.1 million for Quality Improvement Activities (an increase this year of \$29.6 million), including \$15 million for a child care salary retention incentive program, \$6 million to bring child care center playgrounds into compliance with California's newly-adopted minimum safety standards for public playgrounds, child care center upgrades to meet the requirements of the Americans with Disabilities Act, funding to double the size of a program to train CalWORKs recipients as child care teachers, and \$1.5 million to develop a centralized waiting list for subsidized child care; and

- ◆ \$3 million for a half-year expansion of migrant day care.

K-12 education continued to be a "stated" priority for the Davis Administration. Per pupil spending in California public schools was increased to \$6,694, an increase of \$669 per pupil (or 11%) over last year—an amount still lagging in comparison to even average per pupil spending nationally. This and other spending was enough of an increase to scuttle a California Teachers' Association-sponsored signature gathering effort to place an initiative on the ballot to raise per-pupil spending to the national average. Much of the increase was subsumed in one-time teacher bonuses and adjustments for population and inflation, with school size and teacher supply and quality addressed only



State Capitol, Sacramento, CA

**FACING A RECORD BUDGET SURPLUS,...CHILD ADVOCATES URGED POLICYMAKERS TO BEGIN THE LONG OVERDUE, SIGNIFICANT INVESTMENT IN OUR CHILDREN THAT IS SO BADLY NEEDED. INSTEAD, OFFICIALS MADE ONLY BABY STEPS TOWARD THAT INVESTMENT.**

## 2000 ACTIVITIES & ACCOMPLISHMENTS

### THE MOST SIGNIFICANT ACHIEVEMENT OF THE LEGISLATURE AND GOVERNOR THIS YEAR WAS THE ENACTMENT OF SB 1644 (ORTIZ/POOCHIGIAN) WHICH, BEGINNING IN THE 2001–02 BUDGET YEAR, **WILL ENTITLE ALL ACADEMICALLY AND FINANCIALLY-ELIGIBLE STUDENTS TO A CAL GRANT FOR HIGHER EDUCATION.**

minimally and not to scale. The Budget Act included:

- ◆ \$143 million for teacher recruitment and retention at low-performing schools;
- ◆ \$85 million to provide bonuses to teachers and other certificated staff at low-performing schools that achieve improvements in pupil test scores;
- ◆ minor raises in the beginning salaries for school teachers;
- ◆ \$26 million to expand advanced placement (AP) course offerings;
- ◆ teacher tax credits (ranging from \$250 to \$1,500 each depending on the number of years of service in teaching);
- ◆ Governor's Merit Scholarship Program (\$1,000 scholarships to be awarded to each of the top-performing 10% of students in grades nine through twelve at each public high school, without regard to the student's family income); and
- ◆ \$109 million in K–12 professional development for teachers provided by a higher education consortium led by the University of California (UC), California State University (CSU), and private colleges.

The budget makes several one-time expenditures of current year funds for K–12 education, including:

- ◆ \$425 million for the School Improvement and

Pupil Achievement Block Grant, \$245 million of which is provided to school districts, county offices of education, and charter schools for specified improvements and the remaining \$180 million to school sites for local priorities as determined by school site councils;

- ◆ \$350 million in one-time spending for bonuses to school sites and school employees for meeting test score improvement criteria;

◆ \$250 million for the English Language and Intensive Literacy Program, a new summer school/after-school program for English language learners in grades K–12; and

- ◆ \$175 million in education technology grants to purchase or lease computers.

Unfortunately, two of the larger programs—teacher tax credits and merit scholarships—give huge sums to large numbers of persons without specification or individualized need. Although gratitude inducing, this spending would have more impact if focused on teacher supply and quality enhancement investment, and on class size reduction for grades 4–12, where California ranks among the worst in the nation.

Higher education spending also increased somewhat in the Budget Act. The UC won an 18% increase in General Fund support over last year's budgeted amount. The CSU system posted a 13% increase over last year. Both UC and CSU budgets will reduce summer enrollment fees to the same level charged in the fall, winter, and spring. California's community college spending increased 16% increase over last year's funding totals.

However, inflation and population increases reduce these raw number percentages by one third to one-half in actual impact. And more important, higher education capacity is not increasing to match population growth from 1991, even though a much higher percentage of youth need that education now for future jobs.

The most significant achievement of the Legislature and Governor this year was the enactment of SB 1644 (Ortiz/Poohigian) which, beginning in the 2001–02 budget year, will entitle all academically and financially-eligible students to a Cal Grant for higher education. No longer will Cal Grants be available only to the earliest applicants; if a student makes the grades in high school and meets the financial requirements for student aid, he or she will get a Cal Grant to help achieve higher education goals. While important as a benefit to many youth in need, the scope of



this help is not as significant as press releases suggest. It funds tuition for public college at about \$1,500 per year and will pay for less than one-half of typical private school tuition. Taking room, board, and other costs into consideration, the grant will offset from 10%–25% of annual college costs.

Another significant win for California children and youth is contained in the agreement ultimately reached by the Legislature and Governor Davis to dramatically increase state investment in juvenile crime prevention strategies in AB 1913 (Cardenas/Schiff). Among other things, this bill augments local juvenile justice program funding by an additional \$121.3 million. To gauge the scope of this investment, consider that in 1997 California spent \$200 million on *all* juvenile crime prevention activities, compared to \$1.8 billion spent that same year to prosecute and incarcerate juveniles, according to a study by The California Wellness Foundation. No significant increases in state juvenile crime prevention spending have occurred since that report. And with the voter's March 2000 approval of Proposition 21—Pete Wilson's "Juvenile Crime Initiative" (also supported by Governor Davis)—considerably more is expected to be spent on prosecution and incarceration of juveniles after they have gotten into trouble, after people have been victimized.

AB 1913's \$121.3 million boost to juvenile crime prevention spending is significant—a 61% increase in the state's commitment to protect public safety by preventing juvenile crime before it happens, while preserving and enhancing future opportunities for California's at-risk youth. Countless academic studies, Governor-appointed blue ribbon task forces, the League of Women Voters, and various commissions have studied the problem of juvenile crime. All have come to the same conclusion: long-term reductions in juvenile crime will only result from significant investment in crime prevention strategies. It is time for California to heed those recommendations. CAI applauds the enactment, at long last, of the policy in AB 1913.

Following is a listing of some of the key legislative victories achieved in 2000.

### **Child Poverty**

**AB 1233 (Aroner)** clarifies counties' authority to offer "grant-based on-the-job training" activity in CalWORKs, as post-assessment or as community service, permitting diversion of grants for use in payment of wages to participants, making them eligible for earned income tax credit and other benefits of wage-based labor. (*Chapter 933, Statutes of 2000*)

**SB 962 (Escutia)** requires counties to offer recipients of CalWORKs the option of direct deposit banking if



they offer it to county employees. (*Chapter 795, Statutes of 2000*)

**SB 2013 (Committee on Health and Human Services)** requires DSS to develop (with the participation of stakeholder groups) a simpler and shorter application form for non-CalWORKs food stamp cases. (*Chapter 682, Statutes of 2000*)

### **Child Health**

**AB 2415 (Migden)** allows qualified immigrant children to enroll in the Healthy Families children's insurance program, regardless of their date of entry into the United States, thus repealing the restriction of eligibility to Healthy Families to only those families who entered the U.S. on or before August 22, 1996. (*Chapter 944, Statutes of 2000*)

**AB 2900 (Gallegos)** provides one year of continuous eligibility for children enrolled in Medi-Cal, consistent with the one year of continuous eligibility for children enrolled in the Healthy Families program. (*Chapter 945, Statutes of 2000*)

**SB 87 (Escutia)** simplifies the Medi-Cal redetermination process for families of former CalWORKs recipients,



## 2000 ACTIVITIES & ACCOMPLISHMENTS



and makes it easier for families to stay on Medi-Cal when they leave cash assistance for work. (*Chapter 1088, Statutes of 2000*)

**SB 567 (Speier)** expands the requirement to use child passenger safety restraints in vehicles for all children up to six years of age or 60 pounds. (Prior law only required use of child passenger safety restraints for children up to four years or 40 pounds.) This bill will sunset in one year, unless extended by additional legislation. (*Chapter 675, Statutes of 2000*)

**AB 2260 (Shelley)** establishes the Healthy Schools Act of 2000. Among other things, the bill requires each schoolsite to maintain records of all pesticide use at the schoolsite for four years and make the records available to the public upon request; requires, on an annual basis, the school district designee to provide to all staff and parents or guardians of pupils enrolled at a school written notification addressing, among other things, expected pesticide use; and requires the school district designee to post warning signs prior to application of pesticides at a schoolsite. (*Chapter 718, Statutes of 2000*)

### *Child Care and Development*

**SB 1703 (Escutia)** appropriates \$42 million for one-time child care expenditures for child care facility grants and loans. (*Chapter 704, Statutes of 2000*)

**AB 212 (Aroner)** appropriates \$15 million for supplementing staff compensation in state subsidized child care centers. The bill also encourages the leveraging of local Proposition 10 monies and other local funding sources by requiring local child care planning councils to develop a distribution plan to encourage increased compensation and staff training to access AB 212 monies—a plan that must be approved by the State Department of Education. (*Chapter 547, Statutes of 2000*)

### *Education*

**SB 1644 (Ortiz/Poochigian)** recasts the Cal Grant financial assistance program beginning with the 2001–02 school year to entitle all eligible students who make the grades and exhibit the financial need to obtain Cal Grant financial assistance. The program will no longer be administered on a “first come, first served” program funded at 25%

CAI'S TOP PRIORITY BILL FOR THIS YEAR, **SB 949 (SPEIER)**, WAS AMONG THE CASUALTIES IN THE ASSEMBLY APPROPRIATIONS COMMITTEE. THIS IMPORTANT BILL WOULD HAVE INCREASED THE NUMBER AND QUALITY OF LICENSED FOSTER FAMILY PROVIDERS AVAILABLE TO CARE FOR ABUSED AND NEGLECTED CHILDREN REMOVED FROM THEIR HOMES, BY RAISING THE REIMBURSEMENT RATES THESE FAMILIES RECEIVE AND BY INSTITUTING FINANCIAL INCENTIVES FOR THEM TO SEEK ADDITIONAL TRAINING.

of each graduating class. This bill is one of the greatest education investments in terms of enhancing California's continued economic growth and exhibiting a commitment to equality in educational opportunity since the G.I. bill. (*Chapter 403, Statutes of 2000*)

### Child Protection

**SB 2160 (Schiff)** This CAI-sponsored bill establishes a legal presumption that children in dependency court would benefit by the appointment of independent legal counsel. In the event a court decided not to appoint counsel for a child, it must list the reasons why in the court record. (*Chapter 450, Statutes of 2000*)

**SB 1368 (Brulte)** provides that no parent or other person having lawful custody of a child 72 hours old or younger may be prosecuted for child abandonment or endangerment if he or she voluntarily surrenders physical custody of the child to any on-duty employee at a public or private hospital emergency room or any additional location as designated by the local board of supervisors (e.g., fire stations, etc.). However, immunity from prosecution will not apply if the child shows signs of abuse when surrendered. (*Chapter 824, Statutes of 2000*)

**AB 2464 (Kuehl)** provides that any order made by the juvenile court regarding the custody of, or visitation with, a child who is a dependent of the juvenile court at the time the juvenile court terminates its jurisdiction, shall be a final judgment and shall remain in effect after that jurisdiction is terminated. (*Chapter 921, Statutes of 2000*)

### Juvenile Justice

**AB 1913 (Cardenas/Schiff)** doubles the state appropriation to a popular local law enforcement funding stream (Supplemental Law Enforcement Services Fund or SLESF). The bill also requires that 50% of the funding be expended on a comprehensive multiagency juvenile crime prevention plan, to be approved by the Department of Corrections, and requires evaluation reports to the

Department and to the Legislature on the efficacy of specific juvenile crime prevention efforts. (*Chapter 353, Statutes of 2000*)

Unfortunately for the children of California, it was not all good news from Sacramento in 2000. It is equally important to note where the Legislature and the Governor failed children, despite considerable public and legislative interest in addressing the problems, and plentiful state revenues. In the two years of Governor Davis' tenure as Governor, it has become clear that if a bill is not included in the Budget Act—even bills with very modest pricetags or delayed costs—it will likely be vetoed or it will never make it off the Appropriations (fiscal) Committee's suspense file, as explained above. All bills with appropriations or cost implications in excess of \$150,000 are placed on the "suspense file" and, after a select few legislators consider available revenues and political priorities, some are voted out of suspense. The remainder are left to die without a public vote.

### Suspense File Fatalities

CAI's top priority bill for this year, SB 949 (Speier), was among the casualties in the Assembly Appropriations Committee. This important bill would have increased the number and quality of licensed foster family providers available to care for abused and neglected children removed from their homes, by raising the reimbursement rates these families receive and by instituting financial incentives for them to seek additional training. The bill also required the California Department of Social Services to enhance its recruitment of foster families and adoptive parents for these vulnerable children. The measure enjoyed considerable Republican and Democratic support, yet it died on the Appropriations "suspense file," never receiving a public vote by that Committee.

Despite the fact that SB 949 would have increased family foster care rates in a four-step process (5% increase per year for four years), the bill actually would have resulted in immediate (and considerable) savings to the state and

THE MEASURE ENJOYED CONSIDERABLE REPUBLICAN AND DEMOCRATIC SUPPORT, YET IT DIED ON THE APPROPRIATIONS "SUSPENSE FILE," NEVER RECEIVING A PUBLIC VOTE BY THAT COMMITTEE.

## 2000 ACTIVITIES & ACCOMPLISHMENTS

counties who share the cost of alternative placements in group homes and foster family agencies at up to ten times the cost of licensed foster family homes. More importantly than saving money, SB 949 would have resulted in more family foster care placements—settings in which most foster children fare better and in which many are adopted by their foster parents.

Sometimes bills with minor fiscal implications, or no costs, also die on the suspense file. Such was the case for another CAI-sponsored bill. SB 1391 (Schiff) would have provided more accountability in the child welfare system by reversing the presumption of confidentiality in dependency court proceedings in a five-year pilot project in interested counties. Academic and media scrutiny of how the child welfare system responds to the needs of children in foster care is stymied by the current secrecy of the system. CAI has concluded that, instead of protecting children's privacy, current law serves more to protect the overburdened, under-resourced bureaucracy of social workers, dependents' counsel, and court officials—a system that needs fundamental reform by anyone's standards. CAI has joined the growing ranks of child advocates calling for more openness and accountability in the dependency court. Several states have already made the change. This bill was quite controversial, but—here's the kicker—had no costs, other than a Judicial Council study on the effectiveness of the five-year pilot project, costs considered by Judicial Council to be absorbable. Still, the bill was placed on and improperly died on the suspense file.

So who do we hold accountable for the demise of these two important bills and countless other child-friendly bills that met the same fate? Who should we work on to make our case next year? A select few decide which bills will be voted off the suspense file. In the Assembly, such deci-

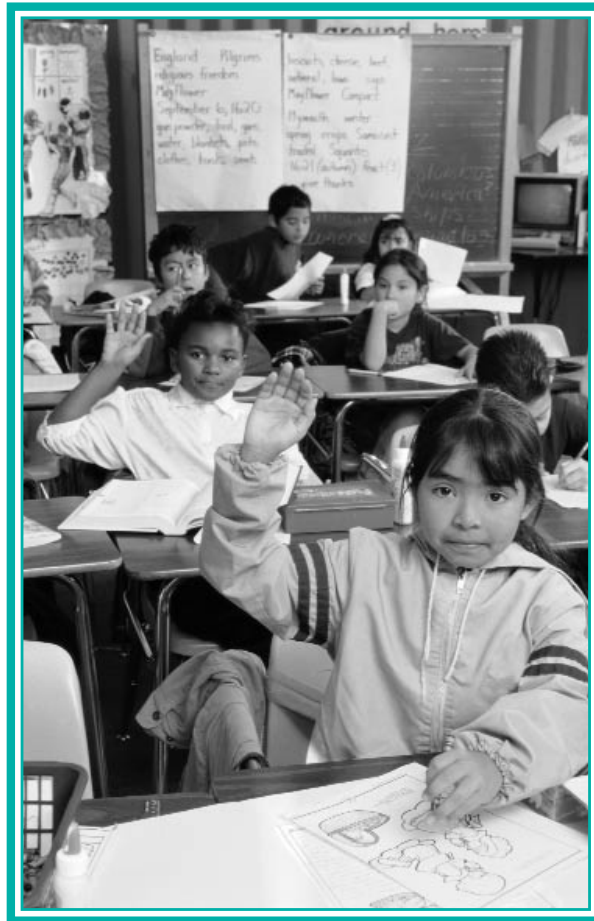
sions were made last session by Appropriations Committee Chair Carole Migden, Vice Chair Bill Campbell, Speaker of the Assembly Bob Hertzberg, and Minority Leader Scott Baugh. In the Senate, suspense file decisions were made by Senate Appropriations Committee Chair Patrick Johnston, Vice Chair Tim Leslie, President Pro Tempore John Burton, and Minority Leader Jim Brulte. Both groups were guided

by the priority lists offered by the bills' authors. Did the author sacrifice one bill in favor of another on the suspense file with more political oomph? Or did party leaders sacrifice the bill in a game of policy horsetrading? Did the Governor send word to his fellow Democrat Chairs and legislative leadership that he did not want certain bills to get to his desk, saving him the trouble and embarrassment of vetoing them? Complicating the situation is the fact that the Governor has been raising campaign money to the tune of over \$1 million a month since being in office; with Proposition 208 on hold in the courts, that campaign money can be transferred to any other candidate. Particularly in an election year, there must have been a powerful urge to please this Governor. What really happened to these bills? Nobody will say.

As is noted above, the suspense file policy of setting aside policy items with major cost implications until the Budget Act is passed and revenues are accounted for is fiscally sound. But suspense file decisions should ultimately be made in a public forum with public votes for accountability.

### *Governor's Vetoes*

More bad news for children came from the pen of Governor Gray Davis, who vetoed several major pieces of legislation that would have made significant improvements on several different fronts. Among these casualties are the following:



**THE SUSPENSE FILE POLICY OF SETTING ASIDE POLICY ITEMS WITH MAJOR COST IMPLICATIONS UNTIL THE BUDGET ACT IS PASSED AND REVENUES ARE ACCOUNTED FOR IS FISCALLY SOUND. BUT SUSPENSE FILE DECISIONS SHOULD ULTIMATELY BE MADE IN A PUBLIC FORUM WITH PUBLIC VOTES FOR ACCOUNTABILITY.**

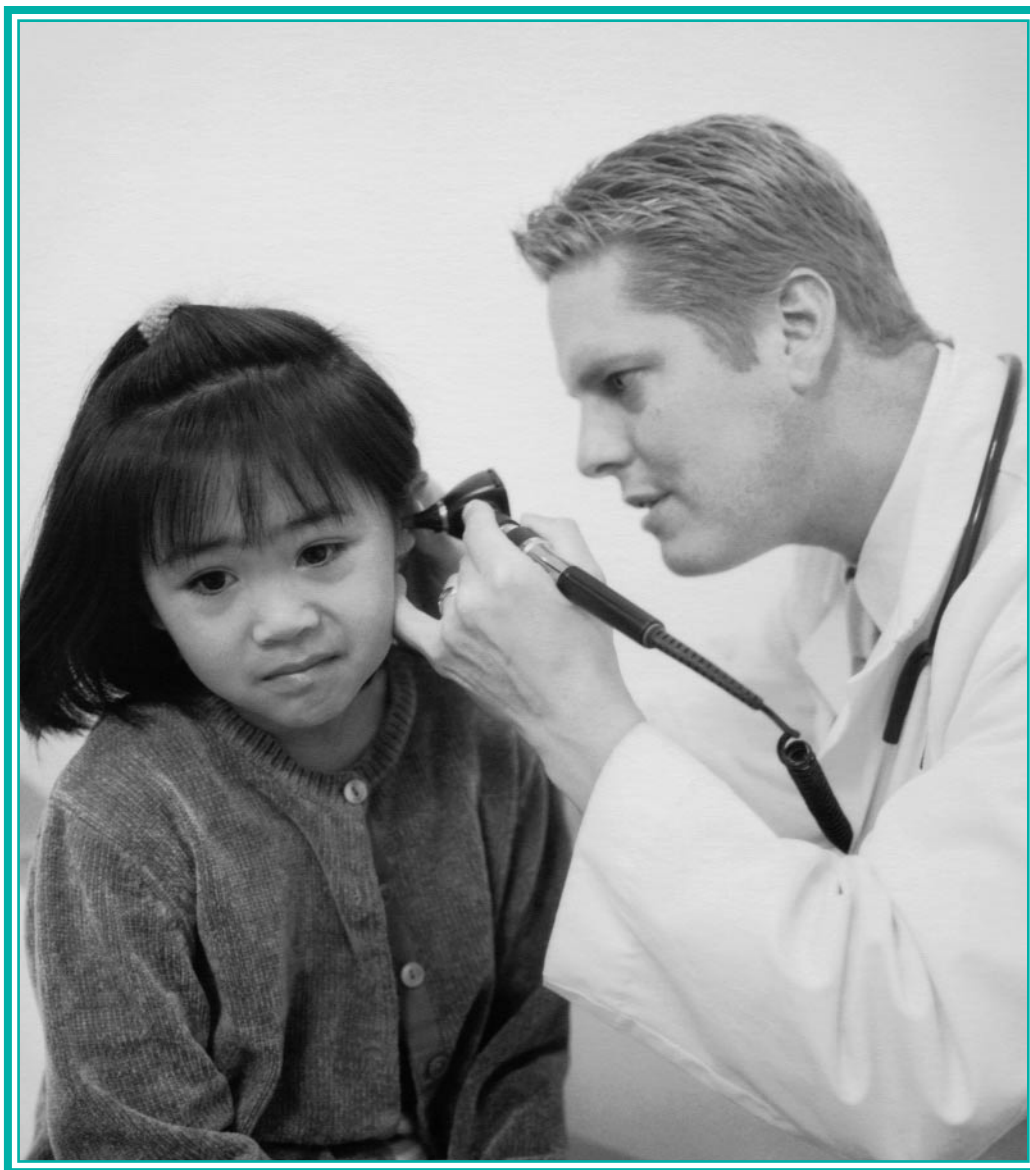


### *Child Poverty*

**AB 1995 (Aroner)** This CAI-sponsored bill would have created a welfare debt forgiveness program for child support obligors on the condition they pay current child support obligations in full and on time until the child support obligation is discharged (when the child turns 18 or graduates from high school). Only the debt owed to the county and state government to reimburse for welfare benefits would have been forgiven (not debt owed to the family) and forgiveness would occur only after the child support obligation has been discharged upon child's reaching majority. During the time the obligor is making regular child support payments, interest would have ceased to accrue on the welfare debt owed to counties. If the obligor gets 60 days behind without satisfying a good cause exception, the welfare debt would have fallen back upon the child support obligor. This bill was passed by the Legislature but vetoed by Governor Davis. In his veto message, the Governor said: "While it eventually might produce increased collections sufficient to offset the cumulative costs of the program, this measure would result in immediate General Fund costs upon its implementation while any offsetting savings would be both longer term and more speculative."

### *Child Nutrition*

**AB 2631 (Knox)** would have provided modest grants to nonprofits or government agencies for start-up or expansion of summer food programs and after-school nutrition programs. This bill was passed by the Legislature but vetoed by Governor Davis. In his veto message, the Governor said: "While this program may have merit, it will cost an additional \$1.2 million currently not appropriated in the 2000 Budget Act. This program should compete with other meritorious programs in next year's budget."



### *Child Health*

**AB 93 (Cedillo)** would have made it easier for families to remain on Medi-Cal by eliminating the authority of the Department of Health Services to require status reports of enrollees more frequently than once a year. This bill was passed by the Legislature but vetoed by Governor Davis. In his veto message, the Governor said: "This bill would, in effect, result in continuous eligibility for every Medi-Cal beneficiary for a minimum of one year from the date that eligibility is established. This bill would go beyond the expansion of Medi-Cal eligibility agreed upon as part of the Budget Act of 2000 and could result in benefits for persons no longer in need of Medi-Cal."

**AB 1722 (Gallegos)** would have eliminated burdensome and unnecessary paperwork to determine the assets

## 2000 ACTIVITIES & ACCOMPLISHMENTS

of families (aside from income) that is not required by federal law in determining eligibility for Medi-Cal. Besides an immediate savings in administrative costs of \$3 million, this change in law would have made the program more user-friendly for the estimated 7.3 million uninsured Californians. This bill was passed by the Legislature but vetoed by Governor Davis. In his veto message, the Governor said: "This bill would exempt all assets, other than income, from Medi-Cal eligibility determinations under the 1931(b) program, beginning January 1, 2001. This bill is inconsistent with the eligibility rules agreed upon as part of the Budget Act of 1999 and related budget trailer bill legislation."

### Education

**AB 1197 (Firebaugh)** would have allowed California students who are applying for a lawful immigration status to pay instate tuition to attend state community colleges or public universities if they meet other requirements. This bill was passed by the Legislature but vetoed by Governor Davis. In his veto message, the Governor said: "In order for undocumented students to be exempt from paying non-resident tuition charges as called for in this legislation, [the Illegal Immigration Reform and Immigrant Responsibility Act of 1996] would require that all out-of-state legal residents be eligible for this same benefit. Based on Fall 1998 enrollment figures at the University of California and the California State University alone, this legislation could result in a revenue loss of over \$63.7 million to the State."

**SB 1348 (Vasconcellos)** would have required the Superintendent, in consultation with the Secretary for Education, to submit a proposal to convene a summit, on or before September 1, 2001, regarding the advisability of developing a master plan for parenting education in non-school settings. The bill would have required the Superintendent to convene and conduct the summit pursuant to the approved plan, and would have required the various state departments to participate in the summit and collect, complete, and submit to the summit available research regarding, among other things, the causal relationship between the presence or absence of parenting skills and dysfunctional behavior. This bill was passed by the Legislature but vetoed by Governor Davis. In his veto message, the

Governor said: "While I believe parenting education can provide valuable skills for parents and prospective parents, I am vetoing this bill for the same fundamental reason as last year because it would initiate a broader state involvement in a subject that is the rightful domain of families, faith-based entities and non-profit organizations."

### Child Protection

**SB 147 (Alpert)** As originally introduced, this bill would have extended Medi-Cal coverage for foster youth until age 21. When that provision was adopted into the state Budget Act, this bill was amended to specify that, for the purpose of establishing eligibility for benefits under the

Medi-Cal program for independent foster care adolescents under that option, there shall be no income or asset test applied. This bill was passed by the Legislature but vetoed by Governor Davis. In his veto message, the Governor said: "This bill does not appear necessary. The Department of Health Services currently does not impose income or asset tests on eligibility for this new optional eligibility group."

**SB 2091 (Ortiz)** would have required the Department of Social Services to administer pilot programs in three counties (selected through a request for proposals process) to provide enhanced services to emancipating foster youth. This bill would have begun the long overdue process of identifying ways to promote success for this highly vulnerable population of young adults. This bill was passed by

the Legislature but vetoed by Governor Davis. In his veto message, the Governor said: "...[T]he services component of this bill is duplicative of the existing Independent Living Program, which currently operates in each county, providing services to all youth between the ages of 16 and 21. Implementing a pilot project to provide the same or similar services that currently are provided to all youth on a statewide basis is unnecessary. This bill permits an emancipated youth to reside with under age foster care youths. I believe this raises significant public policy concerns."

Apart from what the Legislature did and did not do in 2000 is the larger subject of what it is *unlikely* to do under the Davis Administration's hostility to making long-term investment in impoverished children. Davis' multiple vetoes on the



few bills that made it to his desk to help our most vulnerable children will have a chilling effect on legislators' willingness to reintroduce these or similar bills next year.

### *In the Courts*

On June 5, 2000, the U.S. Supreme Court issued its highly-anticipated decision regarding the rights of grandparents and other nonparents to contest for visitation of children. In *Troxel v. Granville*, the Court held that a Washington state statute which allowed nonparents to petition for visitation of a child against the child's parent's wishes, and which placed no limits on either the persons who may petition for visitation or the circumstances in which such a petition may be granted, was unconstitutional as applied in this case.

The state statute at issue—Washington Rev. Code Section 26.10.160(3)—permitted “[a]ny person” to petition for visitation rights “at any time” and authorized state superior courts to grant such rights whenever visitation may serve a child's best interest. Petitioners Troxel petitioned for the right to visit their deceased son's daughters. Respondent Granville, the girls' mother, did not oppose all visitation, but objected to the amount sought by the Troxels. The Washington Superior Court ordered more visitation than Granville desired, and she appealed. The Washington State Court of Appeals reversed and dismissed the Troxels' petition. In affirming, the Washington Supreme Court held that Section 26.10.160(3) unconstitutionally infringed on parents' fundamental right to rear their children. Reasoning that the U.S. Constitution permits a state to interfere with this right only to prevent harm or potential harm to the child, the Washington court found that the statute does not require a threshold showing of harm and sweeps too broadly by permitting any person to petition at any time with the only requirement being that the visitation serve the best interest of the child.

In affirming the Washington Supreme Court, the U.S. Supreme Court held that the statute, as applied to Granville and her family, violates her due process right to make decisions concerning the care, custody, and control of her daughters. The Court further held that the “breathhtakingly broad” statute effectively permits a court to disregard and overturn any decision by a fit custodial parent concerning visitation whenever a third party affected by the decision files a visitation petition, simply because a state judge believes that a “better” decision could be made.



**IN ITS HOLDING, THE SUPREME COURT DID RECOGNIZE THAT CHILDREN MAY HAVE SIGNIFICANT INTERESTS IN THIRD PARTY OR NONPARENTAL RELATIONSHIPS.**

CAI Executive Director Robert C. Fellmeth, through his position as Chair of the National Association of Counsel for Children's (NACC) *Amicus Curiae* Committee, filed an *amicus* brief with the U.S. Supreme Court in this proceeding, urging the Court to recognize the rights of children to certain nonparental relationships. Professor Fellmeth served as counsel of record for NACC and helped to draft the brief, along with Professor Joan Hollinger, Professor Donald Duquette, and NACC Executive Director Marvin Ventrell. In its brief, NACC argued that a properly tailored law which preserves children's rights to certain nonparental relationships while at the same time protecting parental due process would benefit children as well as their families. In its holding, the Supreme Court did in fact recognize that children may have significant interests in third party or nonparental relationships. Further, the Court's decision does not preclude states from adopting properly-crafted nonparental visitation statutes, consistent with the NACC position. Moreover, two dissents went further and discussed the child's right to a parent as a concomitant right to the adult “right to parent”—the most advanced discussion of child constitutional rights in this context to date.



## 2000 ACTIVITIES & ACCOMPLISHMENTS



The NACC *amicus curiae* brief is available on the Children's Advocacy Institute's website (<http://www.sandiego.edu/childreissues/nacc.html>); the U.S. Supreme Court's decision is available online at <http://supct.law.cornell.edu/supct/html/99-138.ZS.html>.

### *In Administrative Agencies*

One of the few child advocacy organizations with expertise in the regulatory forum, CAI represented children before various administrative agencies during 2000. For example, CAI is a regular participant in the regulatory workgroups of "The P3 Project" (Program, Policies, and Procedures) of the new Department of Child Support Services (DCSS) to implement the major child support reform laws sponsored by CAI. Public hearings on the work product of these workgroups began in Fall 2000, and final regulations are to be adopted by DCSS by July 1, 2001.

CAI has also advocated extensively before the Department of Social Services and DCSS regarding the implementation of child support assurance in California. Among other things, CAI has articulated the need for necessary federal waivers; CAI also supported counties' efforts to distribute more of the collected child support payments to participating clients, and to make clients eligible for additional services in the CalWORKs program (such as transportation, health care, and subsidized child care).

### *In the Public Forum: The Information Clearinghouse on Children*

In 1996, CAI instituted the "Information Clearinghouse on Children" (ICC), with the goal of stimulating more extensive and accurate public discussion on a range of critical issues affecting the well-being, health, and safety of children. Supervised by CAI professional staff, the ICC provides a research and referral service for journalists, public officials, and community organizations interested in accurate information and data on emerging children's issues. The ICC has an extensive mailing list of media outlets, public officials, and children's advocacy organizations, and distributes copies of reports, publications, and press releases to members of the list, as appropriate.

CAI is grateful to The California Wellness Foundation and the Maximilian E. & Marion O. Hoffman Foundation, Inc. for their past support of the Information Clearinghouse on Children.

### *COLLABORATION & LEADERSHIP Children's Advocates' Roundtable*

During 2000, CAI was able to continue to coordinate and convene the Children's Advocates' Roundtable monthly meetings in Sacramento, thanks to the financial support of the Sierra Health Foundation. The Roundtable, established in 1990, is an affiliation of roughly 150 statewide and regional children's policy organizations, representing over twenty issue disciplines (e.g., child abuse prevention, child care, education, poverty, housing, juvenile justice). The Roundtable is committed to providing the following:

- ◆ a setting where statewide and locally-based children's advocates gather with advocates from other children's issue disciplines to share resources, information, and knowledge, and strategize on behalf of children;
- ◆ an opportunity to educate each other about the variety of issues and legislation that affect children and

youth—facilitating prioritization of issues and minimizing infighting over limited state resources historically budgeted for children’s programs;

- ◆ an opportunity to collaborate on joint projects that promote the interests of children and families; and

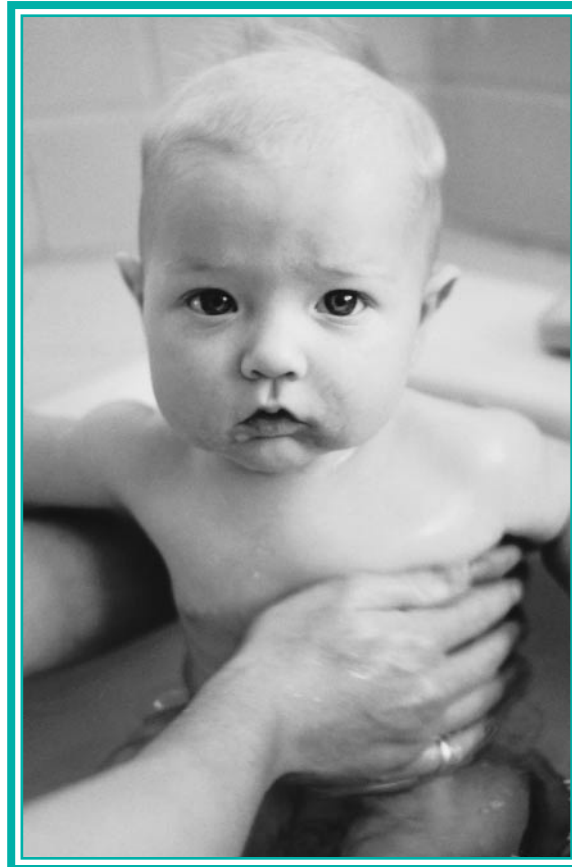
- ◆ a setting to foster a children’s political movement, committed to ensuring that every child in California is economically secure, gets a good education, has access to health care, and lives in a safe environment.

Although many Roundtable members cannot attend each monthly meeting, CAI keeps them up-to-date on Capitol policymaking and what they can do to help through “Roundtable FAXblasts” of meeting minutes and e-mail updates. The Roundtable also maintains an updated directory of California children’s advocacy organizations and is exploring other joint projects, such as a dedicated page in the statewide children’s newspaper, the Children’s ADVOCATE. Unlike many collaborations which seem to winnow away with age, the Children’s Advocates’ Roundtable has grown in membership and influence with policymakers each year.

In November 2000, the Children’s Advocates Roundtable presented Governor Gray Davis with a list of budget priorities for 2001–02, collectively referred to as “Prerequisites to Learning.” The Roundtable agrees that improving the state’s educational system is integral to California’s economic vitality. However, not all children arrive at the schoolhouse door with the same preparation and family support systems; much more work needs to be accomplished to ensure that all children are well-equipped to learn. Accordingly, the Roundtable members identified the key actions which must be taken in the next legislative session:

- ◆ **Provide health care for children and families.**

California has failed to take full advantage of federal funding to expand access to affordable health care for children and their families. It is time to explore methods to recruit families and their children for affordable health care—and then ensure that such coverage is maintained. Families need a system that is easy to navigate and free from any stigma, intimidation, or confusion.



- ◆ **Increase economic security for working families.**

One child in four lives in poverty in California. The life-long consequences of poverty cannot be underestimated; poor children are more likely to be born at low birth weight or die in infancy. Later in life, they are more likely to repeat a grade or drop out of school.

- ◆ **Ensure adequate nutrition and food assistance.** Families continue to experience hunger, even during a time when our economy is booming. The state should expand school-based meal programs, facilitate the establishment of after-school and summer food programs, and increase outreach efforts for food stamp assistance.

- ◆ **Improve outcomes for foster youth.**

The foster care system serves roughly 110,000 of the state’s most vulnerable children. There is a critical shortage of licensed foster families ready to provide such children with homes. Lacking the supportive network and economic assistance provided by families of other youth, foster youth face huge obstacles in that transition.

- ◆ **Expand access to affordable, quality child care.**

Child care is the greatest concern for working families across the state. All California children should have access to high quality, affordable child care. Investments in basic child care infrastructure and increasing numbers of subsidized child care slots for working families are of vital importance.

- ◆ **Increase access to after-school programs.**

Working parents of all income levels need quality after-school programs for their children. After-school programs that are both physically and academically stimulating are proven to be effective in increasing children’s self-esteem, enhancing social skills, improving academic performance, and reducing youth crime.

- ◆ **Ensure access to quality education for children with special education needs.** Specific steps must be taken to ensure that no child is denied a quality education.

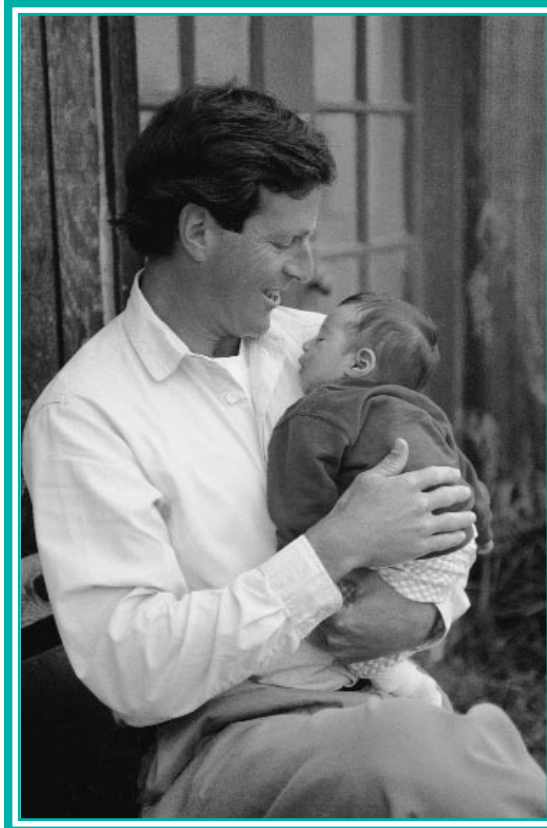
The complete list of Roundtable priorities, including specific proposals in each issue area, is available at [www.sandiego.edu/childrensissues](http://www.sandiego.edu/childrensissues).

## 2000 ACTIVITIES & ACCOMPLISHMENTS

### *Child Support Assurance Pilot Projects*

During 2000, CAI continued its leadership role in promoting the implementation of quality child support assurance (CSA) programs, as authorized in AB 1542 (Chapter 270, Statutes of 1997), California's welfare reform law, and as expanded in CAI-sponsored AB 472 (Chapter 803, Statutes of 1999). County child support assurance programs guarantee payment of a minimum level of child support for each child with an established child support order, which is assigned to the county. One model suggested in the law sets the monthly child support assurance payment as follows: \$250 for the first eligible child, \$125 for the second eligible child, and \$65 for each subsequent eligible child, but counties are permitted to set different payment schedules. That way, if a child support payment is not forthcoming from the noncustodial parent, the county takes the hit, not the child. If child support is collected in excess of the guaranteed level of support, that money is also passed through to the custodial parent. This assures custodial parents employed in low-wage jobs of regular monthly child support payments to make ends meet without resorting to welfare.

During 2000, CAI and the Center for Law and Social Policy continued to work on a joint grant from the Rosenberg Foundation, which enabled CAI to continue to provide technical support and assistance to California counties implementing pilot child support assurance projects and counties considering such projects, and to advocate for the expansion of child support assurance in California. Particularly as low-income single-parent families are facing time-limited welfare benefits, child support assurance is an important alternative that promises to move families not just into work, but out of poverty, while promoting the role of noncustodial parents in their children's lives. CAI is extremely grateful to the Rosenberg Foundation for providing the necessary funding to enable CAI to continue to make significant improvements in the area of child support assurance.



### *Interaction with National Child Advocacy Organizations*

CAI remains actively involved in major national child advocacy organizations. As mentioned above, CAI Executive Director Robert Fellmeth serves on the Development and Bylaws committees of the National Association of Counsel for Children (NACC), and actively participates as a member of the NACC Board of Directors. He also serves as counsel to the Board of Directors of the National Association of Child Advocates and is on the Board of Foundation of America: Youth in Action and the Maternal and Child Health Access Project Foundation.

### *Constitutionality of Proposition 21*

In 2000, CAI joined forces with other advocacy organizations to challenge Proposition 21, the juvenile crime initiative approved by California voters in March 2000. Proposition 21 substantially changed the rules governing juvenile law to—among other things—allow prosecutors rather than judges decide if juveniles will be tried as adults for serious crimes; allow juveniles as young as fourteen to be tried as adults;

make juvenile court proceedings and records less confidential; expand the category of felonies that would send youthful offenders to state prison; and broaden the prosecution authority and increase punishment for gang-related crimes.

CAI, the League of Women Voters, and Coleman Advocates for Children and Youth are the named plaintiffs in a lawsuit brought by the American Civil Liberties Union seeking to block enforcement of the law. Specifically, the action charges that Proposition 21 violated the state's constitutional requirement that initiatives cover a single subject. The lawsuit was filed on June 7 in San Francisco Superior Court against Governor Gray Davis, Attorney General Bill Lockyer, and San Francisco District Attorney Terence Hallinan.



## SPECIAL PROJECTS

*Lawyers for Kids*

Started by CAI in 1996, Lawyers for Kids offers attorneys the opportunity to use their talents and resources as advocates to help promote the health, safety, and well-being of children; assist CAI's policy advocacy program; and work with CAI staff on test litigation by offering expertise in drafting *amicus curiae* briefs. Among other things, Lawyers for Kids members stand ready to assist CAI's advocacy programs by responding to legislative alerts issued by CAI staff.

*Price Child Health and Welfare Journalism Awards*

In 1991, CAI created a nonprofit charitable corporation to administer the Price Child Health and Welfare Journalism Awards. These awards are presented annually for excellence in journalism for a story or series of stories that make a significant impact on the welfare and well-being of children in California and advance the understanding of child health and welfare issues in this state.

In 2000, the first place award was given to the *Los Angeles Times* for its December 1999 series entitled "Vehicle Safety: The Hidden Dangers for Children," written by Ricardo Alonso-Zaldivar and Richard Simon, which reported on child injuries and deaths attributable to collapsing seat backs in cars.

The 2000 second place award was given to *The Sacramento Bee* for its October 1999 series entitled "Dead-End Dreams," written by Darragh Johnson, with photographs by Bryan Patrick, which chronicled the lives of homeless teens in Sacramento.

CAI gratefully acknowledges the dedication of the members of the selection committee who reviewed numerous submissions from California daily newspaper editors: Chair Gary Richwald, M.D., M.P.H.; Louise Horvitz, M.S.W., Psy.D.; Dana C. Hughes, M.P.H., M.S.; Lynn Kersey; and Alan Shumacher, M.D., F.A.A.P. CAI also thanks the accounting firm of Ernst & Young for its professional *pro bono* assistance.

*Child Friendly Foundation*

During 2000, and at the suggestion of CAI Council for Children member Martin Fern, CAI staff set out to form the Child Friendly Foundation, a separate and stand-alone nonprofit organization not affiliated with CAI or the University of San Diego. The goals of the Foundation are to (1) promote child friendly products in the marketplace by licensing a trademark for use on qualified products to indicate that the product is safe for children and is not made through exploitive child labor; and (2) distribute the proceeds of its licensing program to child advocacy organizations throughout the country. Thus, the Foundation would assist the marketplace, stimulate responsible corporate behavior, and provide much-needed funding for groups focusing on substantive child-related issues. CAI is extremely grateful to Marty, as well as the other members of Child Friendly's Board of Directors: Gary Redenbacher, Esq.; Tony Samson, Esq.; Marvin Ventrell, Esq.; Gary Richwald, M.D., M.P.H.; and Professor Robert Fellmeth.



# 2000 DEVELOPMENT REPORT

CAI is grateful to Sol and Helen Price for their gift of the Price Chair Endowment, which has helped to stabilize the academic program of CPIL and CAI within the USD School of Law curriculum; to the Weingart Foundation for its 1992 grant enabling CAI to undertake a professional development program; and for generous grants and gifts contributed by the following individuals and organizations between January 1, 2000 and December 31, 2000:

JOHN H. ABBOTT AND VICKIE LYNN BIBRO

ANNETTE AGUIRRE

MICHAEL AND DEIRDRE ALFRED, IN MEMORY OF JAMES A. D'ANGELO

MR. AND MRS. VICTOR N. ALLSTEAD

MAUREEN J. ARRIGO

NANCY L. BEATTIE

LUCY BERGER

CAROL O. AND FRANK J. BIONDI, JR.

LUCINDA BRASHARES

ANNE M. BRAUDIS

CARLOS R. CARRIEDO

CANDACE CARROLL AND LEN SIMON

PROF. NANCY CAROL CARTER, IN HONOR OF THE FELLMETHS

CENTER FOR COLLABORATION FOR CHILDREN

CENTER FOR COLLABORATIVE PLANNING

CENTER FOR INJURY PREVENTION POLICY AND PRACTICE

DR. AND MRS. WILLIAM F. CHAPMAN, IN MEMORY OF JAMES A. D'ANGELO

THE CONAGRA FOUNDATION, INC.

CONSUMER'S OMBUDSMAN PROGRAM, INC.

PROF. JOSEPH J. DARBY

DEPARTMENT OF HEALTH SERVICES

JANICE M. DUNN

RICHARD P. EDWARDS

GAROLD AND JOYCE FABER

SANFORD H. FELDMAN

MARTIN D. FERN

MARY E. GALES, M.D.

DAVID L. GOLDIN

JAMES R. GOODWIN

LINDA GULLEDGE, ESQ.

DR. AND MRS. BIRT HARVEY

WALTER AND SUSAN HEISER

LOUISE AND HERBERT HORVITZ CHARITABLE FOUNDATION

MORRIS KILGORE CONSULTANTS

KATHRYN E. KRUG

PATRICIA S. KUHI

PAUL S. AND MARY E. LASKIN

# 2000 DEVELOPMENT REPORT

PROF. HERBERT LAZEROW  
JOY LAZO  
PROF. CYNTHIA LEE  
RUTH LEVOR, IN HONOR OF CLARA EVE COOK  
HON. M. JAMES LORENZ  
JIM AND JANET MADDEN  
JOHN C. MALUGEN  
NED MANSOUR  
MATTEL CHILDREN'S FOUNDATION  
DAVID E. AND DEBRA K. MAURER  
MICHAEL J. MCCLAIN  
MR. AND MRS. EDWIN L. MILLER, JR.  
PROF. JOHN H. AND MARGO MINAN  
JAMES F. MULVANEY  
JOHN B. MYER, IN MEMORY OF JAMES A. D'ANGELO  
RALPH NADER  
PROF. VIRGINIA NOLAN  
MR. AND MRS. PAUL A. PETERSON  
GARY REDENBACHER AND RENAE FISH  
REV. DOUGLAS REGIN  
DR. GARY A. RICHWALD  
ROSENBERG FOUNDATION  
ROSNER & LAW, IN MEMORY OF JAMES A. D'ANGELO, CHILD ADVOCATE AWARD  
THE RYLAND GROUP, INC.  
BLAIR L. SADLER  
GLORIA AND ANTHONY SAMSON  
DONALD AND DARLENE SHILEY  
ASSOC. DEAN VIRGINIA SHUE  
SIERRA HEALTH FOUNDATION  
PROF. ALLEN C. SNYDER AND LYNNE R. LASRY  
PROFESSOR AND MRS. LESTER B. SNYDER, IN HONOR OF ROBERT C. FELLMETH  
THE LEON STRAUSS FOUNDATION  
CAROLINE TOBIAS  
UNITED WAY OF SAN DIEGO COUNTY  
FRED AND SHARON ZACHARIAS  
ANONYMOUS DONORS TO THE CHILDREN'S ADVOCACY INSTITUTE

The Development Report includes all contributions received from January 1, 2000 through December 31, 2000. While every effort has been made to ensure accuracy, we ask readers to notify us of any errors and apologize for any omissions.

—The Editors



## CAI STAFF

### ROBERT C. FELLMETH

Robert C. Fellmeth is CAI's Executive Director; he is also a tenured professor and holder of the Price Chair in Public Interest Law at the University of San Diego School of Law. He founded USD's Center for Public Interest Law in 1980 and the Children's Advocacy Institute in 1989. In the children's rights area, he teaches Child Rights and Remedies, and supervises the dependency court component of the Child Advocacy Clinic.

Professor Fellmeth has almost 30 years of experience as a public interest law litigator, teacher, and scholar. He has authored or co-authored 14 books and treatises, and is currently completing a law text entitled *Child Rights and Remedies*. He serves as a member of the Board of Directors of the National Association of Counsel for Children, the Maternal and Child Health Access Project Foundation, and Foundation of America: Youth in Action, and he is counsel to the board of the National Association of Child Advocates.

### ELISA D'ANGELO WEICHEL

Elisa D'Angelo Weichel is CAI's Administrative Director and staff attorney. She is responsible for all administrative functions of CAI, oversees all of CAI's programs and grant projects, serves as Editor-in-Chief of CAI's *California Children's Budget*, and performs legal research and advocacy. Weichel, a graduate of the USD School of Law (J.D., 1990), was 1989's *Outstanding Contributor* to the Center for Public Interest Law's *California Regulatory Law Reporter*. Before taking her current position with CAI, Weichel served for several years as staff attorney for CAI's parent organization, the Center for Public Interest Law, where she often contributed her legal research and advocacy skills to assist CAI staff on a variety of subjects.

### JULIANNE D'ANGELO FELLMETH

Julianne D'Angelo Fellmeth is the Administrative Director of CAI's parent organization, the Center for Public Interest Law (CPIL). She is responsible for all administrative functions of CPIL and all of its programs and grant projects. In addition to managing the master budget of CPIL/CAI (which exceeds \$500,000 annually), she team-teaches regulatory law courses with Professor Robert Fellmeth at the USD School of Law and coordinates CPIL's academic program. D'Angelo Fellmeth is a 1983 *cum laude* graduate of the University of San Diego School of Law, and served as editor-in-chief of the *San Diego Law Review* in 1982–83.

### KATHRYN R. DRESSLAR

Kathryn R. Dresslar was CAI's Senior Policy Advocate in Sacramento until her resignation in November 2000. While with CAI, Kathy co-chaired the statewide Children's Advocates' Roundtable and the Legislative Committee of the California Coalition for Children's Safety and Health. She also served as a member of the Executive Committee and Chair of the Public Policy Development Committee for the California Coalition for Children's Immunizations, and on the Children's Dental Health Advisory Committee. After leaving CAI, Kathy joined the staff of Assemblymember Darrell Steinberg as his Legislative Director.

## CAI STAFF

### GUADALUPE ALONZO

Guadalupe (Lupe) Alonzo is the new Senior Policy Advocate in Sacramento for both CAI and its parent organization, the Center for Public Interest Law. Lupe previously served as a fiscal analyst for the Mexican American Legal Defense and Educational Fund (MALDEF) in Sacramento, and has substantial experience in the state budget and legislative process.

She has a bachelor's degree from the University of California at Berkeley and a master's degree from the Lyndon B. Johnson School of Public Affairs at the University of Texas.

### KIMBERLY A. PARKS

Kimberly A. Parks is CAI's office manager in San Diego. She provides support services for Professor Fellmeth and for CAI's academic and advocacy programs (including CAI student interns); and provides support to the Information Clearinghouse on Children, including the formatting and distribution of the *Children's Regulatory Law Reporter*. Parks is a longtime USD employee, and has worked for CAI since its founding in 1989.

### STEPHANIE REIGHLEY

Stephanie Reighley performs bookkeeping and donor relations responsibilities in CAI's San Diego office. She tracks revenue and expenses in over 20 CAI accounts, provides staff support services for CAI fundraising activities, and is responsible for all gift processing. She also staffs the semi-annual meetings of CAI's Council for Children.

Reighley has worked for CAI since 1994.

### LOUISE JONES

Louise Jones is CAI's office manager in Sacramento, where she tracks legislation, monitors Sacramento office expenditures, and maintains communication with the San Diego office. She also staffs the monthly meetings of the Children's Advocates' Roundtable.

Jones joined CAI in 1996.



# CAI COUNCIL FOR CHILDREN

**C**AI is guided by the Council for Children, which meets semiannually to review policy decisions and establish action priorities. Its members are professionals and community leaders who share a vision to improve the quality of life for children in California. The Council for Children includes the following members:

**THOMAS A. PAPAGEORGE, J.D., COUNCIL CHAIR**, Head Deputy District Attorney, Consumer Protection Division, Los Angeles District Attorney's Office (Los Angeles)

**MARTIN D. FERN, J.D.**, Partner, Luce, Forward, Hamilton & Scripps, LLP (Los Angeles)



**BIRT HARVEY, M.D.**, Professor of Pediatrics Emeritus, Stanford University (Palo Alto)

**LOUISE HORVITZ, M.S.W., PSY.D.** (Los Angeles)

**HON. LEON S. KAPLAN**, Los Angeles Superior Court (Los Angeles)

**PAUL A. PETERSON**, of counsel to Peterson & Price, Lawyers; founding Chair of the CAI Board of Advisors (San Diego)

**GARY F. REDENBACHER, J.D.**, attorney at law (Santa Cruz)

**GARY A. RICHWALD, M.D., M.P.H.** (Los Angeles)

**BLAIR L. SADLER**, President and Chief Executive Officer, Children's Hospital and Health Center (San Diego)

**GLORIA PEREZ SAMSON**, Principal, Castle Park High School (Chula Vista)

**ALAN E. SHUMACHER, M.D., F.A.A.P.**, retired neonatologist; Past President of the Medical Board of California; President, Federation of State Medical Boards of the U.S. (San Diego)

**OWEN SMITH**, President, Anzalone & Associates (Sylmar)

The CAI Council for Children and Staff: (back, left to right) Paul Peterson, Council Chair Tom Papageorge, Robert Fellmeth (Executive Director), Owen Smith, Dr. Gary Richwald, Dr. Birt Harvey; (seated, left to right) Blair Sadler, Elisa Weichel (Administrative Director), Lupe Alonzo (Senior Policy Advocate), Gloria Perez Samson, Martin Fern.

Not pictured: Louise Horvitz, Hon. Leon Kaplan, Gary Redenbacher, Dr. Alan Shumacher.



