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## 2006 Annual Report

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

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# Children's Advocacy Institute

2006 Annual Report



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This annual report covers the activities of the Children's Advocacy Institute between January 1, 2006 and December 31, 2006.

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.

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## EXECUTIVE DIRECTOR'S MESSAGE

A major opportunity was lost in 2006. The state received \$7.5 billion in tax revenues it had not anticipated in its budgetary planning. That sum allowed substantial new spending for the first time in almost a decade. The first priority for that money is properly the foster children of the state. These children have lost their original parents and are now subject to the legal parental authority of the courts. They, the legislature, and the governor become their parents. So they properly have first priority. As CAI has argued for seventeen years, the parental performance of the state to these children—its own children—has been miserable. Foster kids start out with harm done to them leading to their removal from their homes. They are then often moved from placement to placement. Most are administratively determined to be “unadoptable.” They are then shunted to the streets at age 18 with little support or help to transition into adulthood.



Two major failures underline the state's own child neglect. First, family foster care rates remain below levels needed to pay the costs of children placed in these families. These are the folks who will raise the state's children. And these families are also the source of 80% of non-kin adoptions for foster children. But they are compensated less than one-eighth the amount received by group homes—which have traditionally had organized and effective lobbying in Sacramento. A family will receive \$500 per month for a typical child, while group homes receive over \$4,500 per month per child. Because of the lack of appropriate compensation, family foster care providers are in short supply. The result? Fewer adoptions, placement of children far from siblings or previous ties, and little quality choice for children who should be the subject of competition among caring adult providers. California last increased the family foster care rates in 2001, and they have been cut an effective 25% in the intervening years through inflation. And the 2001 increase, sponsored by CAI, was paltry and did not itself compensate for inflation from 1998. Increases—or at least the termination of annual cuts—would add to the supply and quality of these families functioning as parents for the state's children.

The other major area of shame is what happens to these children when they emancipate at 18 years of age. We know that the average age of self-sufficiency for youth is 26 years of age. We know that private parents invest a median total of over \$44,000 in their children after they turn 18 (by providing housing, cash assistance, food, tuition, etc.). How much does the state provide? About 3% of the sum invested by other parents. **Compared to their counterparts, the outcome measures for former foster children are predictable—higher rates of incarceration, chemical dependency, pregnancy, unemployment, welfare, and homelessness.** CAI received a three-year grant from The California Wellness Foundation to help improve the transition of these youth into adulthood, and we clearly have our work cut out for us.

What did the legislature do in 2006? It added \$97 million for foster children, just over one percent of the unexpected new money. Did it increase family foster care rates? No, that bill died in suspense. Did it provide emancipation help? Yes, raising help from \$5 million to \$15 million in the major post-18 transitional housing account (THP+). That is enough to raise the amount the state gives to its kids from 3% of the amount private parents give to perhaps 7%.



Some 25,000 former foster youth are aged 18 to 25 in the state; with this increase, the number receiving help will grow from 500 to a still pathetic 1,500. The largest part of the new money consisted of \$50 million to reduce social worker caseloads at the behest of the powerful public employee unions. That may have been a justified expenditure—social workers are overburdened and important to the future of these youth. But the most important bill to help these children died without vote, and the second most important expenditure was largely symbolic. Five other measures promising substantive help for foster kids, including higher education help and assured medical coverage, also died. All were killed in the Suspense File of the legislative appropriations committee without vote as a result of the usual “deal” arranged among the “Big Five” of the state (the Governor and four legislative leaders). Then, to add insult to injury, the state engaged in its usual self-congratulatory rituals. On September 22, 2006, the Governor signed six bills relating to foster care, most of them lacking substantial impact. But the event was marked by press releases, photo ops with foster children, and declarations of accomplishment.

The legislature has for some time recognized that the state has a visible hypocrisy problem with regard to its own foster children. It recently created an Assembly Select Committee on Foster Care chaired by Assemblywoman Karen Bass, who has strong credentials

as an advocate for impoverished youth. But the output from the legislature for 2006 represents perhaps two steps on a journey of ten or more that must be traversed for the state to rise above its current status as a neglectful parent.

CAI was involved in some of the few steps taken in 2006, sponsoring four measures that won enactment, including two of the six signed bills noted above. The first creates a high level body to coordinate child welfare policy between departments—the measure’s most important provision, creating a truly independent ombudsman for foster kids, was scuttled. Another CAI co-sponsored measure seeks to assure continued legal representation for abused children during the critical appellate stage of their cases. Here too, the bill was watered down to such an extent that the right of these children to basic legal representation (and the possible unthinkable cut-off of existing representation mid-stream) is dependent entirely on the Judicial Council to implement the new statute via rulemaking. And there is regrettable and baffling support for the routine termination of representation of abused children on appeal, in violation of both their basic due process rights and the applicable Rules of Professional Conduct guiding attorney ethical obligations to clients in general.





The two other CAI-sponsored bills that won enactment may have greater import. One was the insertion in the judicial omnibus bill of a clarification regarding the timing of adoption consideration and approval by juvenile dependency courts. Previous law had set a hearing six months after parental termination occurs. In most cases, adoptions are sought by foster parents who have functioned as real parents (and were visited by social workers and the child's counsel) for a year or more. But counties consistently take months, and then years, to complete the paperwork providing these children with the security and status of real and permanent parents. Some judges had contended that they could not begin to pressure social workers to finish their work until after the six-month mark. CAI made the simple addition of language clarifying that the hearing may be conducted earlier than six months if the court determines that an earlier review is in the best interests of the child—thus allowing quicker judicial action. And CAI specifically authorized Judicial Council rules to specify timetables and expedition in this notoriously and often gratuitously dilatory process.

Finally, CAI worked as a last second sponsor of a revised SB 1534 (Ortiz). During August 2006, a dangerous case was pending in federal court. In *Rogers v. Sacramento County*, the plaintiff contended that the federal Personal Responsibility Act of 1996 precludes *any* child health coverage for any undocumented children—as a matter of federal law—unless and until the state enacts specific qualifying statutory language after 1996 authorizing such assistance with appropriate limits. Because of the sudden evolution of the case into a precedential threat to the coverage of tens of thousands of children, CAI moved quickly to help craft and advocate for emergency legislation that provides authority to preclude this very real litigation threat to child coverage. CAI's efforts were successful, and the Governor signed SB 1534 on September 29, 2006.

This record is not a cause for self-congratulations. As in 2005, the victories involved no cost and minor or narrow adjustments of law. Children did not fare well in the 2006 legislative session. CAI's *2006 Children's Legislative Report Card* reviews the actions taken by

policymakers on several child-friendly measures. The *Report Card* deliberately subtracted credit for major bills that were allowed to die in the suspense files of the Senate and Assembly appropriations committees. Accordingly, no legislator could earn 100%. This adjustment reflects the unacceptability of holding child-related measures in the suspense file—where they die without public vote. Since every legislator is theoretically capable of moving a measure on the floor, and since this systemic avoidance of accountability is institutional, every legislator in CAI's *Report Cards* will be assigned a negative vote for important child-related bills that are so terminated.

In 2007, we hope to have Assemblymember Bass buttressed with the elevation of her committee into a Joint committee, with powerhouse state senator Darrell Steinberg the other chair. Certainly there will be sympathy for these children, but will the state walk the walk? There is no unanticipated bolus of tax revenues in 2007–08. In fact, a shortfall is predicted. The \$7.5 billion is gone, and these most vulnerable children are left holding a largely empty bag.

Interestingly, as 2006 closed the Governor indicated interest in broader medical coverage for children—700,000 of whom lack it. CAI provided his office with our data and recommendations on universal coverage of children with *post hoc* billing of parents on a sliding scale for the very small number of children who are uncovered privately and are ineligible for public coverage. Currently, less than 5% of the state's children are in this last group (because most parents earning over 250% of the poverty line have employer-based coverage). The current irrational scheme provides 13 separate public programs, each with qualifications, documentation, and varying eligibility from income and age of children (which change for each family over time). All of the massive entry system barriers, with attendant expense and delay, exists to keep the 5% of children who are uncovered and ineligible from getting treatment. And it is worse, because only a few—2–3% of the 5%—will actually incur significant medical expenses in a given year. **So to keep a fraction of one percent of children from getting ineligible care, we abandon 700,000 children who are eligible to emergency room care and their families to possible financial ruin.** Nor is such a draconian outcome hyperbole, as medical cost shortfall is a major cited cause for consumer bankruptcy. We leave on the table a federal 2–1 match for most of these uncovered kids. And we provide comprehensive coverage for every single senior citizen at 7–10 times the per capita cost of covering their grandchildren.

At the federal level, a growing deferral of obligation to the next generation took the form of an evolving budget deficit, adding to a

Social Security shortfall predicted at \$10 trillion; a Medicare deficit projected at \$20 trillion; prospective private pension failure that is insured against federally, and unfunded benefits for public employee retirees amounting to several trillion dollars nationally. These obligations create an unprecedented intergenerational transfer from the young and future earners to the old and retiring members of the boomer generation.

Meanwhile, federal budget priorities fail to include children's programs. **The State Child Health Insurance Program has hit a plateau and is now subject to retraction with a substantial number of eligible children uncovered. The No Child Left Behind Act is funded at a fraction of promised levels.** And the budget to be proposed for 2008–09 will reduce student loan subsidies—just as tuition increases mount and more students need higher education for future employment—and promises deep cuts in child welfare and other spending.

The largest share of the federal budget will be devoted to debt payments and defense. The nation, with 4% of the world's population and no superpower enemies, spends more money on the military than every other country combined. Separate and apart from that enduring expense is the projected cost of the Iraq war, with experts acknowledging \$1 trillion in total direct costs, and another \$1 trillion in indirect future costs—including the long-term care of now more than 24,000 injured Americans.

**The looming state budget shortfall could be addressed by simply assessing one-third of the federal tax savings now extant from Congressional solicitude to the wealthy.** The 2001 and 2003 cuts lowered the tax obligations of California's wealthy class by approximately \$37 billion per year. These wealthy citizens are earning record incomes, and the gap between them and the bottom quartile of residents has never been greater. Why not recapture a portion—one-third, one-fourth, or even one-tenth—of the federal reductions at the state level? The state is closer to the people, and isn't capturing resources at that level consistent with federalist principles?

Another means to close the state budget structural shortfall (which primarily threatens future public child investment) is to provide property tax equity for the young. The current system of property taxation limits assessment increases to just above 1977



levels—so older homeowners and businesses now pay about one-tenth the taxes of new home buyers and start-up business ventures. The young pay ten or more times the taxes for the same governmental services simply because they are young or new. Remedying that injustice (perhaps with deferral of taxes until death of both spouses to provide equity for the elderly) could alone cure the state revenue structural shortfall.

Both of these alternatives for child investment equity, and others, will be part of CAI's future advocacy.

## CAI's Work in 2007

CAI's specific work plan for 2007 includes: :

■ Continuation of The California Wellness Foundation-funded examination of foster care transition to adulthood, including research, a detailed report, and various educational materials articulating the need to extend benefits and services during that period. CAI will finish its report on the status of this program and release it in a press conference in January. It will thereafter seek to publicize the facts pertaining to these children, and to provide helpful materials to the foster youth themselves on every available opportunity that is extant. CAI will also develop and advocate for the adoption of a detailed plan to provide equitable investment in these foster youth as they face emancipation.

■ Budget advocacy for responsible public investment in child health, special needs kids, child welfare, child care, and education. We shall continue to convene the Children's Advocates' Roundtable in Sacramento for this and other legislative advocacy purposes. The Roundtable, which CAI created in 1991 by bringing together 18 child-related groups to present a united voice to then Governor Wilson, now consists of over 300 organizations. It has advocated for the generation of new revenue, while helping to moderate radical proposed cuts—particularly for impoverished children.

■ A legislative program including five major bills, mostly in the foster care area. CAI measures will seek to (1) allow more liberal disclosure of foster care deaths and near-deaths; (2) increase family foster care compensation and supply; (3) provide significant new funding for foster youth post-18 years of age as they transition into adulthood, appoint a "Transition Guardian" to help each obtain self-sufficiency, and make a financial investment in former foster youth equivalent to the median amount received by other youth (and including a proper share of newly received Proposition 63 mental health funds); (4) provide CalGrant scholarship help of more foster youth; and (5) assure Medi-Cal coverage to foster youth to age 21.

■ Commentary on pending rulemaking, including participation in the proposed rules of the Judicial Council in determining when children in dependency court will be afforded counsel on appeal. Regrettably, it is the position of six of the seven judicial districts of the state that such children, who are already represented at the trial level by statutory provision, can have counsel effectively removed from their case when the decision of the Juvenile Court is appealed. CAI disagrees.

■ Litigation, including continuation of the 2006 filing against Orange County. In *CAI v. Orange County Department of Social Services*, CAI seeks a writ to compel compliance with AB 1151 (Dymally), legislation CAI sponsored in 2003. The law requires counties to disclose the name, birth date, and death date of any child who dies while in state foster care. It is the position of Orange County that such a disclosure requires court approval. CAI wrote the measure and disagrees with that interpretation – as do the 57 other counties that have not required a specific juvenile court order to provide CAI with the required death data.

New lawsuits include a possible challenge to current Medi-Cal pediatric specialty rates. The "rate design" — or specification how much is paid for each procedure – disadvantages Medicaid child patients in violation of federal and state law. Other litigation activity may include a challenge to the cut-off of appellate counsel for abused children during dependency court appeals if the rulemaking advocacy noted above fails, as well as amicus filings and assistance to our colleagues bringing class actions or precedent-setting cases. CAI intends to survey the laws enacted over the past decade for the protection of foster children and investigate state and county compliance with each, with the intent of bringing legal action where performance has not followed promise.

■ The education of law students and practitioners, including three elements:

(1) Continuation of the USD law school educational program, consisting of the three-unit *Child Rights and Remedies* course plus two clinics (a dependency court clinic where between 10 to 20 students annually are specially certified to practice in juvenile court representing abused and neglected children, and a policy clinic where students work on CAI's litigation, legislation, and rulemaking projects).

(2) The possible performance of practitioner training under a currently-pending grant that would be funded by the federal Children's Justice Act, with the grantee providing training for all attorneys newly-hired to represent children in juvenile dependency courts statewide. CAI's proposal is under consideration by the

Children's Section of the Law Enforcement and Victim Services Division of the Governor's Office of Emergency Services. CAI's proposal involves the multidisciplinary training of new attorneys performing this important task, and CAI's grant partners to help provide that instruction would include the famous Chadwick Center for Children and Families (San Diego Children's Hospital), the National Association of Counsel for Children (including Executive Director Marvin Ventrell), distinguished Professor of Law John E.B. Myers, and Ana Espana of the Office of Public Defenders. The instruction would be available both live and formatted for distance learning and Internet replication.

(3) CAI will continue to plan for the creation of a Masters of Law Program in Child Advocacy — a plan to create multidisciplinary education for new graduates and for veteran counsel who seek career change in the service of children. The new masters program is supported by the First Star Foundation and is part of its Multidisciplinary Centers of Excellence plan.

■ CAI will also continue to work on the national level. If asked, I shall continue to serve as counsel to the Board of Voices for America's Children. I continue to serve on the Board of Directors for the National Association of Counsel for Children (NACC), and am currently the Treasurer of the Board's Executive Committee. I continue to serve on the Board of the Maternal and Child Health

Access Foundation in Los Angeles, and on the Board of First Star, a Washington, D.C.-based public charity dedicated to improving life for child victims of abuse and neglect. CAI presented at several national conferences in 2006 (including the 2006 NACC conference in October in Lexington, Kentucky) and will participate in additional conferences in 2007 (including the International Conference on Child and Family Maltreatment in San Diego).

#### **A Note of Thanks**

We are grateful for the help of our friends, especially our Council for Children, our donors, and our grantors. We know that every gift to us, starting with the extraordinary generosity of Sol and Helen Price over the years, and longstanding friends such as Paul Peterson and Louise Horvitz, imposes on us a fiduciary obligation to perform consistent with their expectations.



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



# HISTORY AND 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 educates 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 aspiration is to ensure that children's interests are effectively represented whenever and wherever government makes policy and budget decisions that affect them.**



CAI's legislative work has included the clarification of the state's duty to protect children in foster care, and declaration that the state assumes an obligation of the highest order to ensure the safety of children in foster care; the improvement of educational outcomes for foster children; the revision of the state's regulation of child care facilities; the requirement that children 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. CAI's litigation work has included intervention on behalf of children's groups to preserve \$355 million in state funding for preschool child care and development programs, and a writ action to compel the Department of Health Services to adopt mandatory safety standards for public playgrounds. CAI has published the *California Children's Budget*, an extensive analysis of past and proposed state spending on children's programs. Other CAI publications include the *Children's Regulatory Law Reporter*, presenting important child-related rulemaking proposals under consideration by state agencies and indicating their potential impact on children, and the *Children's Legislative Report Card*, highlighting important legislative proposals that would improve the health and well-being of our children, and presenting our legislators' public votes on those measures. Since 1996, CAI's Information Clearinghouse on Children has worked to stimulate more extensive and accurate public discussion of 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, researching and writing reports, and assisting in litigation projects. Many graduates of this program have gone on to become professional child advocates.

In 2006, CAI launched the Homeless Youth Outreach Project (HYOP), under the direction of Equal Justice Works Fellow Kriste Draper, providing homeless youth with a clinic where they can receive legal assistance necessary to secure services to which they are entitled. The HYOP partners with homeless youth shelters, outreach centers, and





schools to provide a legal clinic to assist these youth in accessing health care coverage, education, and government benefits.

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 may be reimbursed its attorneys' fees, and tax-deductible contributions from individuals and organizations.

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

## 2006 ACTIVITIES AND 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 participation 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 from 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 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, Clinic interns attend a weekly seminar class.

During 2006, eleven law students (Hasmik Badalian, Liesel Danjczek, Rebecca Heatherman, Jillian Kick, Jenna Leyton, Kimberlee O'Maley, Jessica Paulson, Emily Reinig, Desiree Serrano, Summer Stech, and Robert Troncoso) participated in the policy section of the CAI Child Advocacy Clinic. Each student worked on semester-





long advocacy projects such as analyzing the child-related impact of statewide ballot measures; researching, analyzing, and summarizing recent child-related reports and studies; researching prospective litigation projects; researching and analyzing data supporting family foster care rate increases and other CAI legislative proposals; and researching child-related condition indicators for CAI's *California Children's Budget*.

During 2006, sixteen law students (Jason Carr, Erin Davis, Kimberly Edmunds, Helen Fessehaie, Haley Frasca, Lauren Frawley, Kristy Gill, Tara Hunter, Erin Palacios, Kirsten Widner, Amanda Moreno, Cynthia Ninos, Tara Pangan, Jessica Paulson, Mittal Shah, and Edward Tsang) participated in the Child Advocacy Clinic's dependency section. In addition to working at the Public Defender's Office assisting attorneys in the representation of abused and neglected children in dependency court proceedings, these students attended weekly classroom sessions conducted by Professor Fellmeth.

Also during 2006, two students engaged in in-depth work with CAI as part of independent supervised research projects; these students were Kimberly Edmunds and Jessica Paulson.

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

On May 26, 2006, the USD School of Law held its Graduation Awards Ceremony. At that time, CAI had the pleasure of awarding the James A. D'Angelo Outstanding Child Advocate Award to Melanie Delgado, Kriste Draper, Jessica Paulson, and Summer Stech, four graduating law students, for their exceptional participation in CAI's Child Advocacy Clinic.

All four students participated in the policy and/or dependency section of the Child Advocacy Clinic, over multiple semesters. The work performed by Melanie, Kriste, Jessica, and Summer was outstanding, and their contributions to the field of child advocacy have only just begun.

The award is a tribute to Jim D'Angelo (BA '79, JD '83), who passed away in 1996. To his own two children and all children with whom he came into contact, Jim shared tremendous warmth, patience, love, concern, and laughter; he was the consummate child advocate. Funding for the award is made possible by 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.



### **Joel and Denise Golden Merit Award in Child Advocacy**

In 2004, graduating law student Jessica Heldman established the Joel and Denise Golden Merit Award in Child Advocacy, which is presented annually to University of San Diego School of Law students who use their legal skills during their law school years to impact the lives of children in foster care. This award seeks to encourage students to work on behalf of foster children, thus enabling the foster children of San Diego to benefit from the innovative efforts of young legal advocates. The award, which was presented for the first time in Spring 2005, is named in honor of Jessica's parents: Joel, a gifted and generous attorney who works to vindicate civil rights, and Denise, a tireless child advocate and exceptional adolescent therapist. Most importantly, both are role models of unconditional love and support, which every child deserves.

The 2006 recipient of the Joel and Denise Golden Merit Award in Child Advocacy was Kirsten Widner, in recognition of her efforts to use her knowledge, skills, and compassion to better the lives of San Diego's foster children.





families participating in CalWORKs and children receiving SSI/SSP was continuing to erode a family's financial stability as the state's cost of living rapidly increases.

CAI and the coalition contended that the loss in purchasing power, a total of 32% since 1990, has erected higher barriers to a family's self-sufficiency and has had a detrimental impact on the well-being of children.

In June 2006, CAI submitted an open letter to the Big Five (Governor Arnold Schwarzenegger, Senator Don Perata, Assemblymember Fabian Nunez, Senator Dick Ackerman, and Assemblymember George Plescia), urging them to significantly increase funding in two high priority areas: (a) giving foster children a chance at adoption by increasing placements in family foster care settings, and (b) providing a level of support to former foster youth once they turn 18 that is comparable to the support provided by parents to their post-18 children transitioning to self-sufficiency.

While some funding for increased adoption was included in the Governor's proposed budget, CAI contended that this goal is best achieved by increasing the supply of family foster care providers, as over 80% of non-relative adoptions are made by family foster care providers. But the supply of these providers has not increased markedly for a decade and, as a result, California foster children are relegated to wherever the few placements exist—in new school districts, or separated from siblings, or sent to institutional group homes. CAI believes that increased compensation will increase supply, as more families will be able to afford to take into their family an additional person with attendant expense. At present, the state pays about \$450 per month per child to many of these foster parents. Their compensation has not been adjusted for inflation since 2001. Meanwhile, the state pays group homes \$4,000–\$5,000 per month per child.

According to CAI, raising family foster care rates by 50% could be easily justified. Introduced on February 23, 2006, AB 2481 (Evans) would have raised these rates by just 5% and tied them to the California Necessities Index. CAI felt that this adjustment was exceedingly modest, and would have much preferred an increase not of 5%, but at least 20%, with an extra sum for special needs training

## **ADVOCACY, RESEARCH, AND PUBLICATIONS**

### **Budget Advocacy**

In March 2006, CAI led a coalition of advocates in urging Governor Schwarzenegger and legislative leaders to ensure that children and their needs are a priority in the state's budget. The Governor's proposed budget for 2006–07, released in January 2006, included some encouraging increases for children's programs, such as increased funds to enroll children in health programs, some additional funding to improve the lives of foster children, and increased funding for Community Care Licensing. However, the additional monies were small in amount and were more than offset by threatened cuts. For example, sustaining the cost of living adjustment suspension to



and child acceptance and with an office in the state Department of Social Services devoted solely to family foster care supply and quality increase. Either case would have resulted in more choices in placement, more adoptions, and better outcomes—as well as lower costs over the long term as fewer children are placed in expensive group home settings. Although also endorsed in a June 8, 2006, *Sacramento Bee* editorial as the “most important” of pending bills aimed at assisting foster children—and as modest a proposal as it was—AB 2481 died in the suspense file of the Assembly’s Appropriations Committee. Funding for this change was not included in the various budget proposals—resulting in a sixth year of inflation-caused reduction in these rates and concomitant supply diminution outcome.

CAI also urged support for SB 1576 (Murray), which was included in the legislative budget proposal and eliminated the onerous 60% county share of cost that has inhibited the growth of the Transitional Housing Plus Program. However, CAI noted that only \$5 million in new funding was included in the package; that level of funding will essentially finance the number of former foster youth currently receiving help, and would do next to nothing for the thousands of other former foster youth struggling to achieve self-sufficiency.

CAI noted that the median amount of money spent on children by their parents after they turn 18 (in the form of tuition, housing assistance, cash, food, clothing, etc.) is over \$44,000. It would take \$250 million—not \$5 million—to provide the median level of assistance to these youth that California’s other parents provide for their kids. In November 2006, the Governor increased the \$5 million to \$15 million. A substantial expansion, consistent with responsible parental obligation, would indicate that something well over \$10 million more is warranted. This investment would allow these children to afford job training or higher education—and give them the kind of chance responsible parents provide. These funds are (and need to be) disbursed with care and supervision—as the STEP and THPP arrangements provide—but the amount should allow for more of these children to have a real chance for a future.

## Legislative Activity

**Overview of 2006 Legislative Year.** Perhaps the most important underlying issue facing the 2006 Legislature — and future legislatures — has to do with a substantial structural deficit inhibiting public spending for children. The deficit is the product of some improvident legislative spending from 2000–02, as the dot.com boom and





general fund revenues declined precipitously. But it has been much exacerbated by \$5 billion in new tax breaks for special interests over the last decade, and by the Governor's tax cut of over \$4 billion in vehicle license fee (VLF) revenues—which was misleadingly advertised as a campaign against a tax increase. In fact, the VLF had been in place for decades at 2% of the value of a vehicle, and proceeds funded important local general fund services.

Of paramount concern to child advocates is the Governor's radical insistence that no new tax revenues will be countenanced, although he has imposed substantial increased costs on child- and youth-related programs—ranging from unprecedented tuition and fee higher education increases to medical service co-pays to increased licensing fees for child care providers. As argued in the Executive Director's message above, the federal tax cuts of 2001

and 2003 save California's relatively wealthy taxpayers almost \$37 billion per annum, and that the recapture of just one-fourth of those savings for state investment in children would resolve the structural deficit, while enabling K–12 investment and increase higher education capacity, responsible opportunities for foster children for whom the state is the parent, and universal health coverage for children. Many of these expenditures would yield federal contribution (some at a two to one match) and recapture funds now left on the table in Washington, D.C.

**2006 Notable Legislative Victories for Children.** As noted above, the overall dire picture for child investment was briefly ameliorated during the first six months of 2006 with \$7.5 billion in unexpected new revenue. This meant that the Governor's May Revise for the budget year beginning on July 1 could avoid the consequences of the nascent structural deficit—at least for one year. The Governor, chastened by the November 2005 electoral rejection of his various ballot measures, responded by acceding to the vote results, and to the continuing polls and focus group testing that has become a fixture in high-level politics. He moved to the center on numerous issues,



restored the education monies required by Proposition 98, joined with the Legislature on infrastructure bonds, advanced a number of environmental projects (including legislation to begin addressing global warming), and paid down a small portion of the still looming future bond and other financial obligations.

And there was other news favorable to children from the Legislature's own initiative, such as an increase in the minimum wage (an important factor in child poverty for minimum wage parents). Education received restoration of \$4 billion promised in 2005; infrastructure bonds to be presented to the electorate may promise some long overdue capital improvements to schools, and underperforming schools will get focused help. The Governor's after-school child care funding initiative (Proposition 49, which heralded his entrance into state politics) will finally receive substantial funding. Some barriers to child health coverage will be removed. And in the area of child abuse, the Assembly's new Select Committee on Foster Care has started its work.

**Work Unfinished.** In each of the areas addressed above, much that was attempted died in process, much was weakened, and much was left undone. In terms of child poverty, beyond the minimum wage increase, the TANF benefits continue to decline—with cost-of-living increases denied year after year, and with the public safety net now at a record low as a percentage of the poverty line (from 95% of the line to below 67% currently).

The state's CalWORKs implementation of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 welfare reform has put some parents to work, but has also relegated more children into extreme poverty (below one-half of the poverty line). A disturbing number of parents lack both employment and public assistance for their children. Yet the Governor vetoed a bill that asked for nothing more than a study of child poverty with an eye to eliminating it—which this wealthy state is well able to accomplish. Another measure would have removed bureaucratic barriers to children eligible for Food Stamps and school lunch help; the Governor's veto message acknowledged the worth of feeding hungry children and the value of the bill in facilitating food for impoverished kids, but noted that the remaining "structural deficit" precluded his signature.

As to K–12 education, California will likely remain the state with the second largest class sizes in the nation—a critical indicator of educational commitment and efficacy. With regard to higher education, the state has not only increased tuition and fees substantially, but has reduced capacity. There were more community college to university "slots" per 18-year-old in 1991 than now—when our children need higher education more than ever.

Although the after-school activities increase is important, subsidized child care continues to cover only a small percentage of the need, particularly in the inner cities and rural areas. And inspection of child care facilities remains completely inadequate—dog shelters are inspected more often.

In the area of health coverage, more children are now enrolled due to Healthy Families, the state's implementation of the federal State Child Health Insurance Program. But the trend nationally is now one of enrollment decrease, subtracting from gains made over the last ten years. Over 8 million eligible children still lack coverage nationally. California has 700,000 children without coverage. Most of the additional coverage over the last five years has not come from the state, but from counties. More than thirty of them have now expanded child health coverage beyond federal or state lines on their own limited dime, reflecting a social conscience beyond the apparent reach of legislative performance to date.

**Child Welfare Disappointments.** The child welfare work of the 2006 legislative session warrants special comment because of its announced priority and the hard work of Assemblywoman Karen Bass and others on behalf of the state's abused and neglected children. Regrettably, however, some of the successful bills for foster children were somewhat marginalized during the legislative process. For example, the bill to create a coordinating council of public officials to guide foster care policy was watered down due to territorial objections from the Governor's office, and the provisions to make the Foster Care Ombudsman independent from those he/she is monitoring was removed—an important loss for these children in need of an institutionalized and unfettered champion within the system. The provision to assure foster children continued legal representation during the appeal of their cases was similarly watered down and now such obvious due process protection (afforded all parents) now depends on the good graces of a Judicial Council rule to inhibit the current practice of limiting such representation—a practice now regrettably in effect in five of the state's six judicial districts.

Other child welfare bills died *in toto* in 2006, including many warranting priority well beyond those winning successful passage. One important such bill would have increased the supply of family foster care providers by focusing on their recruitment and increasing their compensation. Family foster care is the source of 80% of foster care non-kin adoptions. These families provide more personal

care and serve as the common alternative to group homes, where outcomes have been (with some exceptions) distressingly poor. Low education performance, college graduation rates below 3%, common homelessness, pregnancies, and arrests statistically attend group home placement and emancipation. The family providers receive from \$420 to \$650 per month per child depending on age—less than the cost involved in caring for these children and as a practical matter precluding 75% of the adult population from participating. The group homes receive \$3,500 to \$5,000 per child per month. A doubling of family foster care rates would save money beyond the next several fiscal years, and it would enhance the supply of those able to adopt, with important outcome improvements for the state's abused and neglected children. Family foster rates were last increased a small amount in 2001, and have in spending power actually fallen more than 25% since 1996 due to inflation. But there was no increase in 2006—none. The bill was held in the suspense file, where it died without a public vote.

The Legislature did add \$84 million for foster child-related purposes, but \$50 million of that went to a single beneficiary for one specific purpose—social worker caseload reduction. The social workers serving foster children have caseloads sometimes over 40 or 50, clearly warranting caseload reduction—and their role as the prime monitors of foster children justifies some priority. But the relative success of this meritorious increase was fueled not by its relative merits so much as the political power of its sponsors, the County Welfare Directors Association and public employee unions. **The stagnant family foster care rates warrant at least equivalent priority, as does caseload reduction for attorneys representing children—who do not have caseloads of 50, but 250–350 and more in many California counties.**

The remaining \$34 million of increase funding included equity for relatives caring for foster children and adults choosing to adopt. But it is accurate to factor into cited raw dollar increases the effect of population and inflation change year to year. A \$20 million increase may be a spending power decrease where \$30 million is necessary to match inflation and population increase.

**Suspense File Graveyard.** The Governor has to date opposed new revenue, or the excision of existing tax breaks. California is one of only two states that requires a two-thirds legislative majority to enact a budget, or to tax (or to end a special tax credit or deduction)—making Republican Party intransigence an effective obstacle to majority rule in legislative decisions, quite apart from the prospect of

veto. Indeed, both parties have failed to invest responsibly in children, breaking the chain of such sacrifice forged by previous generations of adults. That failure is manifested in the “Suspense File” death of many important bills for children, particularly the heralded child welfare bills of 2006. This procedural graveyard allows legislative termination of child friendly bills without a public vote.

The practice works as follows: After a bill passes out of its policy committee, it is referred to an appropriations committee if it involves even small public cost. It then goes into what is termed the “Suspense File”—and is kept there without vote unless affirmatively removed for scheduled consideration by the Chair of that appropriations committee. Hence, bills die without vote. Those so killed in 2006 include the most important bills for foster children—who were the stated beneficiaries of legislative priority that year. Bills to provide higher education subsidy, medical coverage, and family foster care rate reform all failed in this suspense file forum, as did many other child friendly bills. All died on the altar of the “structural deficit.” Some of them would actually save money in the long-term, but that is not the time horizon here applied.

**2006 Legislative Priorities.** CAI's top legislative priorities during 2006 were the following measures:

■ **AB 2216 (Bass)** creates the California Child Welfare Council, an advisory body that will be responsible for improving the collaboration and processes of the multiple agencies and courts that serve children and youth in the child welfare and foster care systems. This bill also requires the creation of judicial outcome measures by April 1, 2008. The goal of the bill is to correct the state's failure to effectively coordinate services administered by a vast array of state and county agencies, thereby leaving children subject to injuries and without essential health, dental, mental health, housing and educational services. The Governor signed this bill on September 22 (Chapter 384, Statutes of 2006).

■ **AB 2284 (Jones)** would have required foster children to receive specified health and dental assessments and required the Department of Health Services to extend Medi-Cal benefits to certain foster care adolescents to age 21. This measure died in the Senate Appropriations Committee's suspense file.

■ **AB 2303 (Judiciary Committee).** CAI sponsored the part of this Judicial Omnibus bill that allows, with regard to adoption and legal guardianship, a status review to be held earlier than every six months if the court determines that an earlier review is in the best interest of the child. The Governor signed this bill on September 28 (Chapter 567, Statutes of 2006).



■ **AB 2480 (Evans)** establishes a process for the appointment of appellate counsel for children in dependency proceedings. The bill is aimed at ensuring that, as a matter of due process, children have competent representation through all stages of the legal process. The measure also clarifies the law pertaining to the holding of patient-therapist/physician and penitent/clergy privilege, thus ensuring that these privileges can be appropriately protected for children in dependency proceedings. The Governor signed this bill on September 22 (Chapter 385, Statutes of 2006).

■ **AB 2481 (Evans)** would have increased grant payments for foster family home providers and provided funding for the recruitment and retention of foster parents and adoptive parents. Specifically, this bill would have increased the foster family home provider grant by 5%; required future annual grant increases based upon the California Necessities Index; and expanded current foster parent recruitment and retention efforts by creating the Foster and Adoptive Parent Recruitment and Retention Program. This measure died in the Assembly Appropriations Committee's suspense file.

■ **AB 2781 (Leno)** regulates private child support collectors by, among other things, requiring them to meet some basic consumer protections in their dealings with support obligees in contracting for the collection of past-due child support, and prohibiting them from engaging in any debt collection practices that are prohibited by the Rosenthal Fair Debt Collection Practices Act. The Governor signed this bill on September 29 (Chapter 797, Statutes of 2006).

■ **AB 2938 (Runner)** would have expanded what records can be released to the public in a case of child abuse or neglect that has resulted in a child fatality or near fatality. This measure died in the Assembly Committee on Public Safety.

CAI also supported several measures during 2006, including the following:

■ **SB 437 (Escutia)** establishes the Healthy Families Presumptive Eligibility Program for children who appear to meet the income requirements of Healthy Families and were receiving but are no longer eligible for Medi-Cal without a share of cost or are eligible for



Medi-Cal with share of cost, and establishes the Medi-Cal to Healthy Families Accelerated Enrollment Program, subject to federal approval, to provide temporary benefits until a final eligibility determination is made for children applying for Medi-Cal who appear to be eligible for Healthy Families. The Governor signed this bill on September 19 (Chapter 328, Statutes of 2006).

■ **SB 1289 (Cedillo)** would have allowed persons to remain voluntarily in foster care until 21 years of age, if they are in attendance in university, community college, or vocational training on a full-time basis. This measure died in the Senate Appropriations Committee's suspense file.

■ **SB 1335 (Soto)** would have required the Department of Social Services to conduct annual unannounced licensing inspections of all residential facilities for children, including group homes and foster family homes. This measure died in the Assembly Appropriations Committee's suspense file.



■ **SB 1616 (Kuehl)** would have required the Division of Juvenile Justice of the Department of Corrections and Rehabilitation, to work with the Social Security Administration and the Department of Health Services to ensure that disabled wards are enrolled in Medi-Cal and that their disability benefits are available to them when they are released from incarceration at a state institution. The bill would have ensured that disabled youth have critical health care and cash assistance immediately upon release, which would help promote their successful reentry into their communities. The Governor vetoed this bill on September 29.

■ **SB 1534 (Ortiz)** permits a city, county, city and county, or hospital district to, at its discretion, provide aid, including health care, to persons who, but for Section 411 of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996. The Governor signed this bill on September 29 (Chapter 801, Statutes of 2006).

■ **SB 1576 (Murray)** would have eliminated the county share of the cost for transitional housing services for former foster youth between the ages of 18 and 24 subject to funding in the Budget. This measure died in the Assembly Committee on Appropriations. Although the county share-of-cost for the THP-Plus program was eliminated through budget trailer legislation (AB 1808, Chapter 75), the state's limited funding for this program means that DSS must limit new participation in the THP-Plus program.

■ **SB 1641 (Soto)** requires the Department of Social Services to report to the Legislature on the progress of its Community Care Licensing residential care regulation review. The measure defines a home that meets the best needs of the child to include a home that meets the child's health, safety, and well-being needs, is the least restrictive and most family-like environment, and allows the child to engage in reasonable, age-appropriate day-to-day activities, as specified. The bill require the foster child's caregiver to use a reasonable and prudent parent standard, as defined, to determine these age-appropriate activities. The Governor signed this bill on September 22 (Chapter 388, Statutes of 2006).

■ **AB 379 (Koretz)** would have made it an infraction for a person to smoke a pipe or cigarette in a vehicle, whether in motion or at rest, in which there is a child passenger who is required to be secured in a child passenger restraining system. This measure died in Conference Committee.

■ **AB 1144 (Harman)** requires the Department of Health Services (DHS) to adopt, and amend as necessary, its playground safety regulations in order to meet the current American Society

for Testing and Materials (ASTM) standards for playground safety and other standards that relate to playground equipment, as specified. The Governor signed this bill on September 26 (Chapter 470, Statutes of 2006).

■ **AB 1948 (Montañez)** requires the Department of Health Services to conduct, or contract for the conducting of, a feasibility study report of technological requirements for modifying the Child Health and Disability Prevention Gateway to allow a person applying on behalf of a child the option to simultaneously pre-enroll and apply for enrollment in Medi-Cal or Healthy Families over the Internet without submitting a follow-up application. The ultimate goal of this measure is to eliminate some of the barriers in the application process that prevent eligible children from enrolling in public health coverage programs. The Governor signed this bill on September 19 (Chapter 332, Statutes of 2006).

■ **AB 1953 (Chan)** reduces the allowable lead content in pipes and plumbing fixtures to a level that would virtually eliminate lead contamination in faucets and drinking water systems, thus reducing the exposure to lead by children who depend upon tap water for their drinking water. The Governor signed this bill on September 30 (Chapter 853, Statutes of 2006).

■ **AB 1983 (Bass)** would have required DSS to convene a workgroup of stakeholders, including county welfare directors, mental health and health organizations, local housing agencies, and employer and employee unions to identify services that are most useful to former foster youth and to make recommendations to improve outreach efforts to those youth. This measure died in the Assembly Appropriations Committee's suspense file.

■ **AB 2031 (Cohn)** would have required DSS to work with stakeholders to draft best practices guidelines for using advanced technology to assist counties in identifying all relatives and non-relative extended family members for foster children. In most cases, placing children with relatives or extended family members increases the child's likelihood of successful outcomes. In counties that have voluntarily used advanced technology to identify relatives and non-relative extended family members, placement of children with loved ones has improved significantly. The Governor vetoed this bill on September 29.

■ **AB 2108 (Evans)** would have changed child passenger safety restraint laws to require children under eight to be placed in



an appropriate child safety restraint system in the back seat, under specified circumstances. The National Highway Transportation Safety Administration has suggested that children who have outgrown car seats with an internal harness, usually at about age four, should be properly restrained in a seat belt positioning car seat until they are eight years of age, unless they are four feet nine inches or taller. Children who use car or booster seats instead of seat belts alone are 59% less likely to be injured if they are involved in an accident. The Governor vetoed this bill on September 29.

■ **AB 2193 (Alquist)** would have established budgeting standards based on optimal caseload standards for the child welfare services program. This measure died in the Senate Appropriations Committee's suspense file.

■ **AB 2205 (Evans)** would have required DSS to establish categorical eligibility for Food Stamps for Medi-Cal recipients who are eligible to receive CalWORKs services; eligibility for Food Stamps



would also have triggered eligibility for school lunch participation. Thus, the measure would have simplified the process and avoided barriers to participation of low-income families and children in the Food Stamp and school meals programs. The Governor vetoed this bill on September 30.

■ **AB 2489 (Leno)** would have enacted the Foster Youth Higher Education Preparation and Support Act of 2006. This measure died in the Senate Appropriations Committee's suspense file.

■ **AB 2556 (Jones)** would have declared that it is the goal of Legislature to halve child poverty by Jan. 1, 2016, and eliminate it entirely by Jan. 1, 2026. The bill also would have required the Department of Finance to report annually on how the Governor's proposed budget will impact the goal of reducing child poverty. The Governor vetoed this bill on September 30.

■ **AB 2709 (Maze)** would have directed the Franchise Tax Board, with the assistance of DSS and the Employment Development Department, to prepare a study on the feasibility of developing a credit under the personal income and corporation tax laws to encourage employers to hire former foster youth. This measure died in the Senate Committee on Revenue and Taxation.

■ **AB 2977 (Mullin)** requires new and remodeled pools and spas to provide at least one safety feature from a list of eligible features, adds mesh fences and swimming pool alarms to the list of enumerated drowning prevention safety features, and requires remodeled pools and spas to cover drains with an anti-entrapment grate. Swimming pool drowning is the leading cause of injury death for toddlers ages one to four; over 50 children drown each year. For every fatality, there are four more near-drownings, with many of these victims suffering lifelong disability. The Governor signed this bill on September 26 (Chapter 478, Statutes of 2006).



***Children's Legislative Report Card.*** In October 2006, CAI released the 2006 edition of its *Children's Legislative Report Card*, attributing grades to California legislators for their votes on child-related legislation during the second year of the 2005–06 legislative session. The grades reflect each legislator's votes on 24 bills that ran through policy and fiscal committees and achieved votes on both the Assembly and Senate floors. The *Report Card* also includes two additional bills, one of which was killed in the Suspense File of the Senate Appropriations Committee, and one of which was killed in the Suspense File of the Assembly Appropriations Committee. For those measures, each legislator in the house of origin received a "no" vote—reflecting the fact that they allowed the bill to die in the Suspense File without an affirmative vote. Thus, the *Report Card* reflects each legislator's actions on 25 total measures.

The *Report Card* is intended to educate and inform the public of legislators' actions on a selection of bills that would have benefited children if enacted.

***Legislator of the Year Awards.*** CAI selected Assemblymember Karen Bass as the recipient of its 2006 Legislator of the Year; Assemblymember Bill Maze as the recipient of the 2006 Children First award; and Kathy Dresslar as the recipient of the 2006 Legislative Staff Member of the Year award.

CAI awards Legislator of the Year to a legislator who has consistently fought for children's well-being and has been an exemplary leader on behalf of California's children. A legislator's score on CAI's annual *Children's Legislative Report Card*,

the content of his/her bill package, and other acts of support outside the voting process are contributing factors in the decision. Assemblymember Bass earned this honor through her outstanding leadership on the Select Committee on Foster Care; her efforts to ensure that foster care was a priority issue in 2006; her successful effort to increase the state's financial commitment to foster children, including funding to reduce caseload, provide resources for relative caregivers, and help foster youth effectively transition into adulthood; and her consistent support of child-friendly legislation.

The Children First Award recognizes a legislator for who went against the status quo or resists political expediency to support children's issues. Assemblymember Maze earned this award through his prominent leadership on the Select Committee on Foster Care; his efforts to ensure that foster care was a priority issue in 2006; his successful effort to increase the state's financial commitment to foster children, including funding to reduce caseload, provide resources for relative caregivers, and help foster youth effectively transition into adulthood; and his co-sponsorship of AB 2216, the Child Welfare Leadership and Performance Accountability Act of 2006.

CAI presented its 2006 Legislative Staff Member of the Year award to Kathy Dresslar, for her consistent work behind the scenes to improve the lives of children in California; her honest advice and counsel to advocates working toward a similar goal; and her commitment to keeping children's issues an important piece of the Legislature's agenda.

## Advocacy in the Courts

**Overview.** On occasion, when other forms of advocacy fail to bring about the desired result for children, advocates must turn to the courts for relief. Having the ability to engage that forum on behalf of children is an invaluable resource to CAI. Unlike a client-driven civil practice, litigation at CAI often comes through untapped channels: we hear of problems that occur across counties and local areas, or we hear similar complaints from children or youth being serviced through the public system. Due to the nature of the litigation CAI seeks to be involved in, our staff makes frequent contact with advocates and individuals from public agencies, non-profit groups, and advocacy groups, as well as private attorneys in order to stay abreast of changes in current law and policy, as well as to identify and pursue projects when issues or opportunities arise. With numerous contacts at the local, state, and federal level, CAI can better navigate the issues children face and determine where



best to utilize its expertise. The investigatory phase of litigation, including requesting public records, communicating with agency and administrative representatives, locating plaintiffs throughout the state, and conducting legal research, often takes several months to conduct for each matter listed below. The following is an update of litigation-related work conducted by CAI in recent months.

**Foster Child Fatality Data Litigation.** In 2003, CAI sponsored AB 1151 (Dymally) and worked diligently to ensure the bill was passed and signed by the governor. This bill, inter alia, added Section 6252.6 to the Government Code which reads:

Notwithstanding paragraph (2) subdivision (a) of Section 827 of the Welfare and Institutions Code, after the death of a foster child who is a minor, the name, date of birth, and date of death of the child shall be subject to disclosure by the county child welfare agency pursuant to this chapter.





The purpose of this provision is to counteract bureaucratic reluctance to reveal the fact that child deaths occur while in foster care, to inform the public about these incidents, and to encourage greater scrutiny of the foster care system.

Pursuant to Government Code Section 6252.6, CAI has since made several Public Records Act requests of each county in California (each covering different time periods), requesting the “tombstone information” permitted by AB 1151. CAI is compiling this information in order to track the number of deaths in each county and, via the information gathering, be cognizant of any abnormalities that occur within counties or the state.

CAI received responses to its Public Records Act requests from most counties. However, some counties have refused to abide with the clear language of section 6252.6, and CAI has commenced litigation to enforce compliance.

**CAPTA Compliance.** CAI is also looking into litigation to compel the state to comply with the federal Child Abuse Protection

and Treatment Act (CAPTA) (42 U.S.C. § 5101 et seq.). California receives funding from the federal government to help support its foster care program; the eligibility for this funding is based, in part, on California’s compliance with CAPTA’s provisions. Among other things, CAPTA requires each state to have in effect and enforce a law or program, relating to child abuse and neglect, that includes:

provisions which allow for public disclosure of the findings or information about the case of child abuse or neglect which has resulted in a child fatality or near fatality.

Like the AB 1151 provisions discussed above, the CAPTA disclosure requirements are an exception to general confidentiality laws, and are intended to ensure that the public has access to information about foster child deaths and near-deaths, in order to prevent tragedies from recurring.

CAI believes that California may be out of compliance with this CAPTA requirement, and is determining the most expedient course

of action—which could likely be litigation to enforce the federal provisions.

**Ensuring Children’s Timely Access to Health Care.** CAI continues to monitor the status of Medi-Cal provider rate reimbursement decreases, as they have a direct effect on poor children’s ability to access appropriate health care services in a timely fashion. A future CAI project might involve litigation to compel the increase of these rates to be more in line with Medicare rates of reimbursement, in order to ensure children have the same opportunity to access health care in a timely manner as is provided for other populations. In upcoming research, CAI will seek to determine what efforts have been made on a federal level to enforce compliance with 42 U.S.C.S. § 1396; how much it costs for pediatricians to practice; how access to primary care affects long-term medical issues and costs; differing prices for care based on specialty, correlated with varying rates depending on payor (uninsured, third-party, Medi-Cal, and Medicare); children’s access to specialty care, specifically, the access for children with private insurance vs. the access for children covered by Medi-Cal; and the difference between managed care and pay for service models.

## Regulatory Advocacy

**Overview.** One of the few child advocacy organizations with expertise in the regulatory forum, CAI represented children’s interests before various administrative agencies during 2006. CAI staff monitors child-related rulemaking proposals as they are released by the state agencies that implement various laws directly impacting children’s health and well-being.

**Testimony on Regulatory Proposals.** During 2006, CAI submitted comments on the following regulatory proposals:

■ **Data Collection Requirements / Chafee National Youth in Transition Database.** In September 2006, CAI submitted comments to the U.S. Department of Health and Human Services’ Administration for Children and Families (ACF) on its proposed regulations which would require states to collect and report data to ACF on youth who are receiving independent living services and the outcomes of certain youth who are in foster care or who age out of foster care. CAI supported the overall goal of the rulemaking package, as appropriate data collection is vital to ensuring that states provide services that effectively assist former foster youth achieve self-sufficiency. However, CAI expressed concern to ACF that its

proposed regulations fail to gather adequate information on foster youth to accurately reflect the effectiveness of programs implemented pursuant to the Foster Care Independence Act of 1999. For example, CAI noted that the proposed regulations did not require reporting about services and outcomes related to mental health issues. Further, CAI noted that the regulations as proposed did not go far enough in requiring states to report the frequency of various services; for example, while a state would be required to indicate if a youth met with his/her mentor, the rules do not require the state to indicate whether the youth and mentor met once a week or once during the entire reporting period.

■ **Implementation of AB 72.** In August 2006, CAI submitted comments to the Department of Social Services (DSS) on its proposed regulations implementing AB 72 (Bates) (Chapter 358, Statutes of 2004), which requires child care Resource and Referral agencies to remove from the program’s referral list a licensed child day care facility with a revocation or temporary suspension order or that is on probation. While CAI supported the overall goal of DSS’ regulatory package, it raised two concerns regarding the proposed language. First, CAI noted that proposed section 47-301.91, which implements Education Code § 8212(e)(3), identifies the two actions that a county must take within two business days of being notified by the Resource and Referral program that a licensed child care provider’s license has been temporarily suspended or revoked. However, section 8212(e)(3) requires that these two actions be taken concurrently, and that term is missing from DSS’ proposed regulatory language. Second, Education Code § 8212(e)(4) requires that upon being notified that a licensed child care provider has been placed on probation, an entity must notify each parent in writing that the provider has been placed on probation and that the parent has the option of selecting a different provider or remaining with the same provider without risk of termination of payment. However, CAI noted that one provision in § 8212(e)(4) was not included in the proposed regulatory language, specifically a provision stating that to the extent feasible, a program is urged to provide this written notice in the primary language of the parent. Because the Legislature saw fit to include this provision in AB 72, CAI contended that it is appropriate to also include it in the regulatory language implementing AB 72.

■ **Estate Recovery Claim Exemption Regulations.** In August 2006, CAI also submitted comments to the Department of Health Services (DHS) on its proposed estate recovery claim exemption regulations, which clarify estate recovery procedures applicable to deceased Medi-Cal beneficiaries. CAI raised two specific concerns with the proposed regulatory language as it pertains to the unique needs of minor children of deceased Medi-Cal beneficiaries. First,





CAI found another, even more troubling, aspect of the proposed regulations. DHS' current regulations do not allow it to make a claim when there is a surviving child of a decedent Medi-Cal beneficiary who is under the age of 21. DHS' proposed amendments, however, place on the child the burden to provide documentary evidence to the Department of his/her status as a party exempted from estate recovery requirements. This burden is particularly onerous when no provisions are made for representation of these children. While the proposed changes do require the person handling the estate to notify any surviving child of the decedent of his/her right to seek an exemption from the Department's claim, there is no assurance that the child will be of such an age or capacity to be able to either understand the notice or to perform the required acts to seek the exemption to which he/she is entitled. To remedy this troubling situation, CAI proposed two possible solutions. First, a provision could be added requiring DHS to assist any minor child in gathering and preparing any documentation required to seek an exemption. Alternatively (and, at potentially less cost), CAI proposed the deletion of the burden-shifting language altogether.

■ **Implementation of the Mental Health Services Act (Proposition 63).** In June 2006, CAI submitted extensive comments to the Department of Mental Health (DMH) on its proposed rules implementing the Mental Health Services Act (Proposition 63). Initially, CAI argued that the first priority population for Proposition 63 coverage should be children in the dependency and/or delinquency jurisdiction of the state's juvenile courts. CAI also expressed concerns with the proposed anti-supplantation language; DMH's proposed definition of "transitional youth"; and the fact that the rules do not address the methodology for

allocating funds or create a system for prevention-based spending that will proactively target the causes of mental illness for the most vulnerable and highest priority population.

■ **Appointment of Counsel for Children in Dependency Appeals.** During 2006, the Judicial Council released proposed regulatory changes and new form JV-810 to set forth the procedures for a child's trial attorney or Child Abuse Prevention and Treatment Act (CAPTA) guardian ad litem (GAL) to follow and factors for them to consider when requesting the appointment of a separate appellate attorney for a child in a juvenile dependency appeal. This

proposed regulatory changes add the phrase "as of the date of the Department's notice of claim" to identify the time at which the surviving child of the deceased Medi-Cal beneficiary must be under the age of 21 in order to claim an exemption from an estate recovery action. CAI argued that this added verbiage, which would reduce the number of surviving children who could claim the exemption, is not required by applicable federal law. Furthermore, it is unreasonable to believe that, if the child was 20 years old at the time of the decedent's death, the Department would be permitted to recover from the decedent's estate merely by delaying its notice of claim by a few months. Therefore, CAI requested that this proposed verbiage be deleted from DHS' proposed regulatory language.



proposal implements CAI-sponsored AB 2480 (Evans) (Chapter 385, Statutes of 2006), which provides that in all dependency cases in which the child is the appellant, the Court of Appeal shall appoint a separate attorney for the child, and in cases where the child is not the appellant, the Court of Appeal shall have discretion to determine whether a separate attorney is necessary. In order to assist the Court of Appeal in its decision, AB 2480 requires that the trial attorney make a recommendation to the Court of Appeal, “in any case in which the trial counsel or guardian ad litem determines that, for the purposes of the appeal, the child’s best interests cannot be protected without the appointment of separate counsel.” At this writing, CAI is drafting comments to the Judicial Council’s proposed language, which are due in late January 2007.

**DSS Workgroup.** In response to SB 1641 (Soto) (Chapter 388, Statutes of 2006), the Department of Social Services, Community Care Licensing Division, convened a group of advocates and stakeholders to review existing DSS licensing regulations. The purpose of the review is to ensure that regulations regarding the licensing of group homes, foster family agencies, and foster homes adequately incorporate the reasonable and prudent parent standard and ensure that foster children are able to engage in reasonable, age-appropriate day-to-day activities while still having their health, safety, and well-being needs met in the least restrictive and most family-like environment. CAI was asked to participate in this project and continues to meet with the workgroup at monthly meetings in Sacramento. The process will lead to regulatory changes that conform to the current statutes and will improve the quality of life for youth in foster homes.

**Children’s Regulatory Law Reporter.** CAI’s *Children’s Regulatory Law Reporter* focuses on a critical—and yet often overlooked—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 regarding the actions of these agencies.

In 2006, CAI published Vol. 6, No. 1 of the Children’s Reporter. New regulatory actions featured in those issues included the following:

- Department of Social Services (DSS) rulemaking, as mandated by *Fry v. Saenz* (Sacramento County Superior Court Case No. 00CS01350), sought to extend CalWORKs eligibility to specified classes of disabled persons who are otherwise eligible for such benefits when enrolled full-time in high school or a vocational/

technical training program, even though they cannot reasonably be expected to complete either program before reaching age 19.

- Department of Health Services rulemaking increased the total fee for Newborn Screening Program services—constituting the third such fee increase since 2001, with a cumulative increase of over 85%.

- The Health Facilities Financing Authority engaged in rulemaking to implement the Children’s Hospital Program as authorized by Proposition 61, which authorized \$750 million in general obligation bonds, to be repaid from state’s general fund, for grants to eligible children’s hospitals for construction, expansion, remodeling, renovation, furnishing and equipping children’s hospitals.

- Department of Developmental Services rulemaking implemented the Family Cost Participation Program (FCPP), which requires that some families pay part of respite, day care, and camping services provided for their disabled children by regional centers.

- The Superintendent of Public Instruction (SPI) engaged in rulemaking to set forth minimum qualifications and training standards for special education hearing officers, as well as to provide guidance on impartiality and conflict resolution and hearing officer supervision.

- The SPI also engaged in rulemaking to provide procedures for child care and development contractors to follow for children receiving child protective services and children at risk of abuse, neglect, or exploitation.

- DSS engaged in rulemaking to require licensees to notify parents/authorized representatives and DSS of any unusual incident or injury to any child while in care in a licensed family child care home.

- The Board of Education proposed rulemaking, as mandated by the settlement in *Chapman v. Board of Education, et al.*, Alameda County Case No. 2002-049636, to set forth a one-year exemption of the requirement to pass the California High School Exit Examination for students with disabilities in the class of 2006 who satisfy certain requirements.

- The California Educational Facilities Authority proposed rulemaking to implement the Academic Assistance Program, to award grants to eligible private colleges to provide a program of academic assistance and services to pupils attending a qualified school, as defined, in order to inform the pupils of the benefits of, and the requirements for, higher education; prepare these pupils for college entrance; or to provide programs, such as academic enrichment and

mentoring programs, that advance the academic standing of those pupils.

■ The Board of Education sought rulemaking to guide school districts and schools in the administration of the Physical Fitness Test, including but not limited to definitions, test administration, data requirements and testing variations, accommodations and modifications for students with exceptional needs.

■ DSS sought rulemaking to implement AB 458 (Chu) (Chapter 331, Statute of 2003) and SB 1639 (Alarcon) (Chapter 668, Statutes of 2004), recent measures regarding foster youth personal rights.

■ DSS engaged in rulemaking to ensure that children in group homes and placed through foster family agencies maintain family connections.

■ The Department of Youth Authority (DYA) proposed rulemaking to implement Proposition 69, as passed by the voters in the November 2004 election, mandating that all wards and parolees under the jurisdiction of DYA, after having been convicted of, found guilty of, having pled no contest to, or having been found not guilty by reason of insanity, of any felony offense, or whose records indicate a prior conviction for such an offense, or any juvenile adjudicated under Section 602 of the Welfare and Institutions Code for committing any felony offense, shall provide biological specimens to DYA for submission to the Department of Justice for its DNA and Forensic Identification Database and Data Bank Program.

The current and back issues of the *Children's Regulatory Law Reporter* are available on CAI's website at [www.caichildlaw.org](http://www.caichildlaw.org).

## Advocacy in the Public Forum

**Information Clearinghouse on Children.** Since 1996, CAI has maintained the Information Clearinghouse on Children (ICC), to stimulate 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.

**Opinion/Editorial Pieces.** During 2006, CAI staff had three opinion / editorial pieces published in major California newspapers:

■ In May 2006, the San Diego Union-Tribune published CAI Executive Director Robert Fellmeth's oped entitled, "California's Foster Children and Family Values," in which Fellmeth urged the state's policymakers to increase funding for youth emancipating from the foster care system:

*The special obligation we have to these children means that these important proposals warrant approval. We face yet another year of loud declarations of support for abused children, of pledges to family values, of pronouncements — but the performance at its current stage is far short of the typical California parent.*

*If one wants to recount what it means to ponder family values, think of what your parents spent on you, all the food, the help, the time, the attention, the support.*

*Why do we not commit not 1% of the new money to add to the governor's budget, but 4%? That is a modest percentage and would likely do the job — more choices of family placements, more adoptions, a real chance at higher education and a job.*

*I suspect that when a California parent obtains additional income, the children of the family in special need will be allocated more than 1% of it. It is time to watch how those who will determine the care of these children manifest our family values.*

■ In December 2006, the Los Angeles Daily Journal published a two-part oped written by Fellmeth and CAI Staff Attorney Melanie Delgado. The extensive two-part piece also focused on the plight of youth aging out of the foster care system at 18. The first part, "Emancipation Leaves Foster Kids Trapped in Poverty and Despair," Fellmeth and Delgado describe how foster youth in general are faring and the troubles they face as they try to transition into adulthood:

*...These youth of the state are in a precarious state — for they cannot "boomerang" back to their parents' homes. They cannot continue to stay at home to look for work or attend a nearby community college. When they turn 18 years of age, or within several months thereafter — they become "emancipated" from foster care — and that is not like leaving home as most of us did. Their family foster care providers stop receiving any money for them and often*

*take in other children for compensation who are sleeping where they used to sleep. Those in group homes are most often summarily bid goodbye. Unless it is affirmatively provided, they do not have the safe harbor of a place to return. Even if they manage to get into a college and live in a dorm, when summer vacation or holidays come, they likely have no place to go. "You never miss the water until the well runs dry" goes the old cliché. We all take for granted what these children do not have: continued parental commitment as we enter adulthood.*

The second part, "Treat Emancipated Foster Kids As Well As Parents Treat Their Own," Fellmeth and Delgado discuss recent attempts to assist emancipated foster youth, future costs and benefits that would accrue from adequately investing in their future, and remedies commended by the evidence:

*There is much we can do, but it is really not too much  
— just match the median parental investment in our*

*youth. What long term public benefits would accrue from such a modest investment? What benefits in public cost savings (incarceration, welfare) and in public tax revenues (employment and higher education)? Our study has commissioned an economic cost/benefit analysis of such an investment based on existing data from independent auditors. Our findings will be released on January 4 in Sacramento. But the numbers should not be the final determinative given the moral imperative here at issue. Parents do not base their investment in their children on their likely personal return.*

*So how do we live up to our parental obligations here? We can stop terminating jurisdiction and help for these youth — the presumption should be continued coverage to age 24. We need to replicate what any responsible parent does....*







*If you draw the conclusion that we are angry over how these children of the State are treated, you are correct. Our question is – why are you not just as angry? And what are we going to do to hold the “liberal” Democrats and the “family values” Republicans accountable?*

## **COLLABORATION AND LEADERSHIP**

### **Children’s Advocates’ Roundtable**

CAI continues to coordinate and convene the Children’s Advocates’ Roundtable monthly meetings in Sacramento. The Roundtable, established in 1990, is an affiliation of over 300 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 e-mail updates; the Roundtable

also maintains an updated directory of California children’s advocacy organizations. 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.

During 2006, CAI led the Roundtable members in ongoing budget advocacy efforts, among other things.

### **Multidisciplinary Centers of Excellence**

In conjunction with First Star, a national child advocacy organization, Multidisciplinary Centers of Excellence (MCE) are in formation at the University of San Diego (USD) School of Law, Columbia Law School and the University of Florida Levin College of

Law. During 2006, CAI staff continued efforts toward establishing USD's MCE, which will provide an unparalleled interdisciplinary curriculum to the many professionals who work on behalf of maltreated children: lawyers, psychologists, social workers, nurses, teachers, CASAs, police officers, and judges. The MCE program is designed as a model of evidence-based practice that can be replicated nationwide for the training of child welfare professionals.

Since 2002, First Star has worked to develop the MCE program as a model of best practice that can be replicated nationwide for the training of child welfare professionals. The program has grown to include the law schools at USD, Columbia University, the University of Florida, as the nation's pilot program partners. Each MCE will provide an unprecedented interdisciplinary curriculum that draws from coursework in law, psychology, social work, public health and medicine. This curriculum is being developed through a series of conferences that involve the leading experts at child advocacy centers around the country.

First Star's MCE's are designed to provide comprehensive, multidisciplinary training for professionals responsible for the welfare of abused and neglected children across the United States. In addition to classroom-based courses for advanced degree students of law, social work, psychology, nursing and public health, the MCEs will offer special First Star certification to those beginning careers in child welfare and also continuing education to practicing judges, attorneys, social workers and other child welfare professionals nationwide through distance-learning technology. The MCEs are a pilot program for reinventing the training standards for America's child welfare workforce, with an emphasis on court-appointed attorneys and guardians ad litem for children. It is hoped that the MCE model will be replicated at universities throughout the country, and thereby establish a new public-private paradigm for interdisciplinary collaboratives that benefit children.

**The ultimate benefit of MCEs is to improve the care of children in the foster care system such that more children, despite their maltreatment, have the skills, well-being and capacity requisite to the development of a healthy and productive society.** To date, child welfare practice and policy have been dominated by a framework best described as a child/parent/state triangle, wherein authority over children is allocated to the private

sphere of the autonomous family. State provision of support and services must generally be tied to some finding or admission of family failure or dysfunction. The more intrusive the intervention, the more compelling the reason for intervening must be. If instead, child welfare is viewed through an "ecological" lens, the focus is on overlapping "systems" that include families, peer groups, faith communities and neighborhoods. The MCEs recognize the importance of this more child-centered perspective and seek to build stronger relationships between the various support networks that protect and nurture our children.

## Interaction with National Child Advocacy Organizations

CAI remains actively involved in major national child advocacy organizations. CAI Executive Director Robert Fellmeth serves on the Board of Directors for the National Association of Counsel for Children (NACC), currently serving as NACC Treasurer. Professor Fellmeth also serves as counsel to the Board of Directors of Voices for America's Children, an organization with chapters of advocates in more than forty states. He also serves on the Board of Directors of First Star, and he chairs the Board of the Maternal and Child Health Access Project Foundation, which advocates for the health of infants and pregnant women among the impoverished of Los Angeles.

During 2006, CAI staff participated in several high-profile conferences and seminars. For example, CAI staff presented its initial findings regarding outcomes for emancipating foster youth at the National Association of Counsel for Children's 29th National Children's Law Conference in Louisville, KY. CAI staff also made two presentations at the Chadwick Center for Children and Families' 21st Annual San Diego International Conference on Child and Family Maltreatment in San Diego; one presentation focused on the interdisciplinary training of child welfare professionals, and the other examined common ethical conundrums in child welfare practice. Other 2006 conferences in which CAI staff participated included Chapin Hall's Adolescence and the Transition to Adulthood Conference in Chicago, IL; the Stand Up for Kids National Conference in Houston, TX; the Casey Family Programs 4th Annual It's My Life Conference in Seattle, WA; the National Association for Education of Homeless Youth's Annual Conference in Little Rock, AR; The California Wellness Foundation's 8th Annual Health Advocates Retreat in Monterey, CA; and Voices for America's Children — Making Voices Count for Kids: 2006 Joint Conference in Baltimore, MD.



## **SPECIAL PROJECTS**

### **Foster Care Benefits Extension Project**

In October 2005, CAI was awarded a three-year grant from The California Wellness Foundation to engage in a variety of activities aimed at extending all foster care benefits in California to age 21 (and to age 23 where postgraduate education or vocational training is being obtained). The project will include the preparation of an authoritative cost/benefit evaluation showing the eventual cost savings that would be attributable to keeping former foster youth out of jail, off the streets, and off welfare and public health programs, instead helping them become self-sufficient, contributing, healthy, and tax-paying members of society; extensive research on applicable federal law and waivers; research and identification of outcomes in jurisdictions where benefits have been extended beyond age 18; extensive public education on the challenges our foster children face when they turn 18, and on the state's need to continue its support of these young adults—as responsible parents do—in order to enable

them obtain the higher education and/or vocational training that will enable them to become self-sufficient, while maintaining their physical and mental health and well-being; research and compilation of any additional justification that would support this proposal; presentation of our findings to the state's policymakers and related activities aimed at bringing about the necessary changes in state law; and monitoring the implementation of the new state policies by state and county agencies.

**This grant is targeted at improving the outcomes for the 75,000 children in our foster care system, and in particular the 4,000 or so who emancipate out of the system each year at age 18 under the current scheme.**

Right now, the future for young adults leaving the foster care system is bleak. Extending benefits to age 21 (and to age 23 where postgraduate education or vocational training is being obtained) would give these kids a fighting chance to get on their own two feet. There are many things to learn about being a self-sufficient adult, and none of the answers are automatically bestowed on us on our 18th birthday. These kids must be given a meaningful opportunity to find out how to meet the challenges of adulthood—how to gain employment, seek higher education, obtain housing, obtain medical care and attention, etc. In other words, they need time to learn how to take charge of their own health and well-being, and they need support services that mirror those provided by responsible parents throughout the state.

During 2006, CAI staff engaged in extensive research on issues such as current state and federal law regarding benefits and the extension of benefits past age 18; outcomes of former California foster youth (e.g., numbers of former foster youth who graduate from high school, pursue higher education, graduate from higher education, obtain vocational education, obtain employment, go on CalWORKs, have children during or soon after foster care, end up in prison, end up homeless, etc.; outcomes in jurisdictions where benefits have been extended beyond age 18 or where post-18 transitional services are appropriately funded; post-emancipation programs that are currently available in California; identification of which post-emancipation programs are being accessed by former foster youth and to what extent; determining which programs or opportunities former and current foster youth would like to have in place; other justifications that supports the proposal to extend benefits beyond age 18 for all foster youth and/or increase the quality and funding of post-18 transitional services.





CAI also conducted focus group sessions of current and foster youth to get their opinions on current programs and what kind of programs/services they would like to see offered, etc.; solicited similar information from current and former foster youth and foster youth providers via online questionnaires; and commissioned a cost-benefit analysis comparing the cost of extending benefits beyond age 18 for all foster youth with the eventual cost savings that would be attributable to keeping former foster youth out of jail, off the streets, and off welfare and public health programs, instead helping them become self-sufficient, contributing, healthy, and taxpaying members of society.

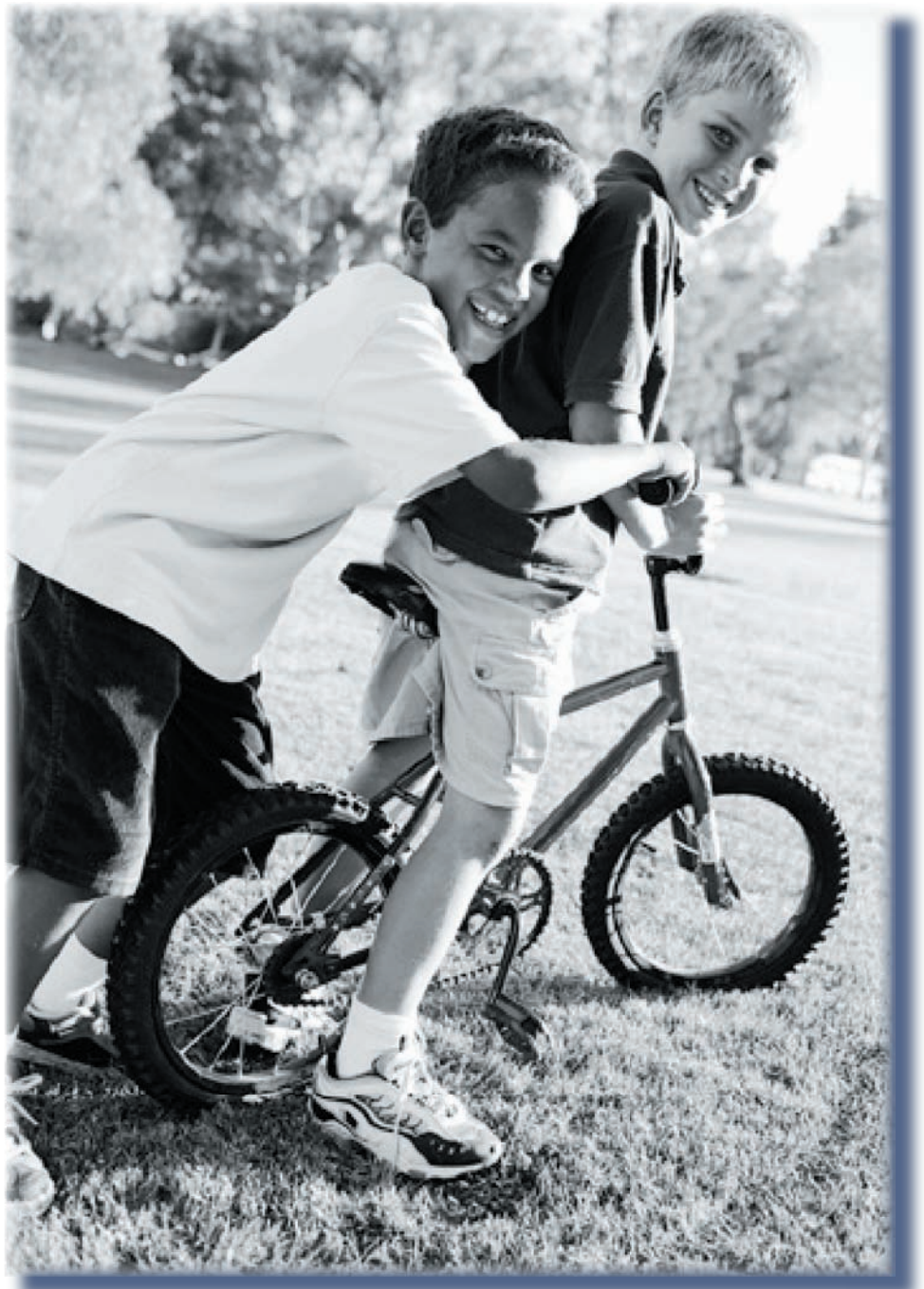
Based on its research and findings, CAI drafted a master report entitled, “Expanding Transitional Services for Emancipated Foster Youth: An Investment in California’s Tomorrow,” which will be released at a Sacramento press conference in early January 2007.

CAI’s work on this project will continue through 2008. CAI is extremely grateful to The California Wellness Foundation for the opportunity to engage in this very worthwhile endeavor.

## 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, including but not limited to child health, health care reform, child nutrition, child safety, child poverty, child care, education, child abuse, and juvenile justice.

At a special luncheon on November 4, CAI honored the following 2006 Award recipients:



■ The First Place award winner was The Sun (San Bernardino) series, “Enough,” written by The Sun’s staff, illuminating the violence that plagues the San Bernardino area, its direct effect on children and youth, and the community’s response. Editor Steve Lambert accepted the award on behalf of The Sun staff.

■ Second Place (tie) was awarded to the Los Angeles Daily Journal article, “Landfill Blamed for Student Illnesses,” reported by Anat Rubin, which details the possible link between respiratory infections in a Los Angeles school and a neighboring waste management facility;

and the Sacramento Bee series, “Put to the Test,” reported by Laurel Rosenhall, with photos by Carl Costas, which examines the struggles of some California students attempting to pass the newly-instated California High School Exit Exam.

These articles appropriately shed light on what we might otherwise fail to see—failures in our society that put children in great danger. These reporters and newspapers are to be commended for their efforts to make us aware of these problems—and now all Californians must all hold our policymakers accountable for ensuring that our children are better protected.

CAI gratefully acknowledges the dedication of the members of the selection committee who reviewed the numerous submissions: Chair Gary Richwald, M.D., M.P.H.; Robert C. Fellmeth, J.D.; Anne Fragasso, J.D.; Louise Horvitz, M.S.W., Psy.D.; Dana C. Hughes, M.P.H., M.S.; Lynn Kersey; Gloria Perez Samson; Alan Shumacher, M.D., F.A.A.P.; Dr. Robert Valdez, Ph.D.; and Elisa Weichel, J.D.

## Homeless Youth Outreach Project

Under the direction of Equal Justice Works Fellow Kriste Draper, CAI’s Homeless Youth Outreach Project provides legal assistance to youth living on the streets of San Diego, without the usual security, stability, and support that a family unit provides. The specific goals of this project are to:

- Provide a general legal advice clinic to the homeless youth population of San Diego County through schools, shelters and outreach centers, specifically Stand Up For Kids’ (Stand Up) outreach center in down town San Diego.

- Assist homeless youth in accessing healthcare coverage available to them and acquiring an education and the proper resources necessary to be successful in school.

- Refer homeless youth to other social service and legal agencies within the community for assistance with any issues that may be beyond the scope of this project.

- Contact and build partnerships with various medical clinics, schools and other agencies in San Diego to raise awareness and education on the problems facing homeless youth within San Diego and how we can assist in their empowerment

- Hold quarterly education seminars with the homeless youth to educate them on their rights and the tools available to help them be successful.

- Recruit, train and supervise volunteer attorneys and law students to assist at the on-site legal clinics and with ongoing case representation to ensure project longevity and sustainability.

- Continually self-evaluate itself through client surveys and developmental meetings with CAI and other partnerships to ensure that the project is effectively and successfully meeting the needs of the homeless youth in a sustainable manner.

## 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 in various capacities. Among other things, Lawyers for Kids members stand ready to assist CAI’s advocacy programs by responding to legislative alerts issued by CAI staff.



*Members of the CAI Council for Children and Price Award Selection Committee join the recipients of the 2006 Price Child Health and Welfare Journalism Awards. From left, Gloria Perez Samson (CAI Council/Awards Selection Committee); Carl Costas (Sacramento Bee); Dr. Alan Shumacher (CAI Council/Awards Selection Committee), Laurel Rosenhall (Sacramento Bee); Steve Lambert (The Sun); Anat Rubin (Los Angeles Daily Journal); and Dr. Gary Richwald (CAI Council/Award Selection Committee Chair).*



# 2006 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, 2006, and December 31, 2006, and/or in response to CAI's 2006 holiday solicitation:

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Carrie Wilson  
Professor Fred Zacharias  
Marjorie and Ya-Ping Zhou  
Anonymous Donors

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** 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 Child Advocacy Clinic. Professor Fellmeth has over 30 years of experience as a public interest law litigator, teacher, and scholar. He has authored or co-authored 14 books and treatises, including 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 (currently holding the office of NACC Treasurer), First Star, and the Maternal and Child Health Access Project Foundation; and he was counsel to the board of Voices for America's Children.

**Elisa Weichel** is CAI's Administrative Director and staff attorney. Among other things, Weichel directs all of CAI's administrative functions, managing CAI's master budget and coordinating all fundraising, development, and outreach; oversees all of CAI's programs and grant projects; serves as Editor-in-Chief of *CAI's California Children's Budget* and *Children's Regulatory Law Reporter*; coordinates the drafting and production of the *Children's Legislative Report Card* and the *CAI Annual Report*; staffs CAI's Information Clearinghouse on Children, responding to requests for information from government officials, journalists, and the general public; collaborates with and assists other child advocacy and public interest organizations; serves as webmaster for the CAI website; and performs legal research, litigation, 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 the Center for Public Interest Law.

**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 CPIL's master budget, 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.

**Ed Howard** is CPIL/CAI's Senior Counsel, based in our Sacramento office. In addition to conducting CPIL/CAI's legislative and policy advocacy, Howard performs litigation activities and chairs the Children's Advocates Roundtable, a network of 300 California child advocacy organizations representing over twenty issue disciplines. Howard's expertise in California legislative politics and policy stems from his years as Special Counsel and Chief Policy Advisor to a State Senator and Chief Consultant of two standing California legislative committees. Howard received his B.A. from The George Washington University's political science program in Washington, D.C. and received his J.D. from Loyola Law School, where he was awarded the American Jurisprudence Award for Constitutional Law and was selected as Chief Justice of the Moot Court. He is a member of the State Bar of California, and as well is admitted to practice law before the Ninth Circuit and United States Supreme Courts.

**Christina Riehl** serves as CAI Staff Attorney in the San Diego office, primarily handling CAI's litigation and related activities. Before joining CAI, Riehl worked as staff attorney with the Children's Law Center of Los Angeles, where she represented minor clients in dependency court proceedings. Prior to that, she interned with the Honorable Susan Huguenor, currently the presiding judge in San Diego Juvenile Court. Riehl is a graduate of the USD School of Law, where she participated in the CAI academic program.

**Melanie Delgado** serves as CAI Staff Attorney / Advocate in the San Diego office, working on CAI grant projects, litigation, and related activities. Before joining CAI, Delgado worked as a paralegal with a San Diego law firm and volunteered with Voices for Children in the Case Assessment Program, where she reviewed the files of children under the jurisdiction of the dependency court to ensure their interests were appropriately being addressed. Delgado is a graduate of the USD School of Law, where she participated in the CAI academic program, and was a co-recipient of the James A. D'Angelo Outstanding Child Advocate Award in 2006.



**Kriste** **Draper** serves as Equal Justice Works Fellow for the Children's Advocacy Institute. Her primary responsibilities are staff the Homeless Youth Outreach Project. Draper is a graduate of the USD School of Law, where she participated in the CAI academic program, and was a co-recipient of the James A. D'Angelo Outstanding Child Advocate Award in 2006.

**Kathy** **Self** serves as Executive Assistant, performing bookkeeping and donor relations responsibilities in CPIL/CAI's San Diego office. She tracks revenue and expenses, processes grant and fundraising activities, and provides support services to CAI professional staff, the CAI Council for Children, and the CAI academic and advocacy programs.

**Marissa** **Martinez** serves as Executive Assistant, and is CPIL/CAI's office manager in San Diego. She provides support services for Professor Fellmeth and for

CPIL/CAI's academic and advocacy programs (including student interns).

**Lillian** **Clark** serves as CPIL/CAI Executive Assistant in our Sacramento office, where she supports CPIL/CAI's legislative advocacy program. Before joining CPIL/CAI, Lillian acquired extensive experience working in legal offices, and is enrolled in an accredited legal assisting program to further enhance her credentials in this field.

**Christina** **Falcone** performs accounting and donor relations responsibilities in CPIL/CAI's San Diego office. She tracks revenue and expenses, processes grant and fundraising activities, and provides support services to CPIL/CAI professional staff, the CAI Council for Children, and the CPIL/CAI academic and advocacy programs.

# CAI COUNCIL FOR CHILDREN

CAI is guided by the Council for Children, which meets semi-annually 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:

**Gary F. Redenbacher, J.D., Council Chair**

*Attorney at law (Santa Cruz)*

**Gary Richwald, M.D., M.P.H., Council Vice-Chair**

*Consultant/educator in public health, preventive medicine, & communicable diseases (Los Angeles)*

**Robert Black, M.D.**

*Pediatrician (Monterey)*

**Louise Horvitz, M.S.W., Psy.D.**

*Licensed clinical social worker, individual and family psychotherapist (Los Angeles)*

**John M. Goldenring, M.D., M.P.H., J.D.**

*Consulting medical director, practicing pediatrician, attorney at law (San Diego)*

**Honorable Leon S. Kaplan**

*Judge, Los Angeles Superior Court (Los Angeles)*

**James B. McKenna**

*Managing Director; Chief Investment Officer, American Realty Advisors (Glendale)*

**Thomas A. Papageorge, J.D.**

*Head Deputy District Attorney, Consumer Protection Division, Los Angeles District Attorney's Office (Los Angeles)*

**Blair L. Sadler, J.D.**

*Past President & Chief Executive Officer, Children's Hospital & Health Center (San Diego)*

**Gloria Perez Samson**

*Retired school administrator (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 United States (San Diego)*

**Owen Smith**

*Past President, Anzalone & Associates (Sylmar)*

## Emeritus Members

**Birt Harvey, M.D.**

*Professor of Pediatrics Emeritus, Stanford University (Palo Alto)*

**Paul A. Peterson, J.D.**

*of Counsel to Peterson and Price, Lanyers (San Diego)*



*The CAI Council for Children. Back row: Hon. Leon Kaplan, Blair Sadler, Owen Smith, Tom Papageorge, Gloria Perez Samson. Front row: Dr. Gary Richwald (Vice-Chair), Dr. Robert Black, Dr. Alan Shumacher, Gary Redenbacher (Chair), Robert Fellmeth (Executive Director), Dr. Louise Horvitz, James McKenna. Missing: Dr. John Goldenring.*









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