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CAI Issues 20th Anniversary Retrospective: 20 Years of Changes, Always a Kid at Heart

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Children's Advocacy Institute **20**th Anniversary Retrospective



Twenty years of changes. Always a kid at heart.



2009 marks the 20th anniversary of the Children's Advocacy Institute, an academic, research, and advocacy law firm based at the University of San Diego School of Law.

In honor of this milestone, this publication presents some of CAI's major accomplishments over the past two decades—all of which were made possible by the hundreds of USD law students, individuals, foundations, and other entities who have contributed to and supported CAI's work over the years, and who share CAI's goal of

improving the status of children in our society. We are forever grateful to each and every person who contributed to our successes over the past 20 years.

However, there is much more work to be done. And while we are prepared to put in another 20 years, our ultimate goal is to put ourselves out of work — by ensuring that our society recognizes and respects, as a matter of course, the basic right that children have to a happy, healthy, and safe childhood that provides them with a meaningful opportunity to become self-sufficient adults.

SAN DIEGO OFFICE

University of San Diego
School of Law
5998 Alcalá Park
San Diego, CA 92110-2429
(619) 260-4806
(619) 260-4753 (fax)

SACRAMENTO OFFICE

717 K Street, Suite 509
Sacramento, CA 95814
(916) 444-3875
(916) 444-6611 (fax)

info@caichildlaw.org
www.caichildlaw.org



Who Makes CAI's Work Possible?

The Children's Advocacy Institute (CAI) is deeply grateful to the countless individuals, organizations, and foundations that have supported our work over the past twenty years. Although we cannot list each donor here, we would be remiss not to mention by name a few special individuals whose long-standing commitment and generosity to CAI has enabled us to advocate on behalf of children and youth for two decades—and counting:

Sol and Helen Price

Paul and Barbara Peterson

Louise Horvitz

We are also pleased to list some of the many foundations and organizations that have supported our work over the past twenty years. Funding from these entities, as well as many others not here listed, has enabled CAI to achieve many of the accomplishments described in this report.

ADVANTA Mortgage Corp. USA

Alliance Healthcare Foundation

California Department of Justice

California Governor's Office of Emergency Services

The California Wellness Foundation

The ConAgra Foundation, Inc.

Cox Kids Foundation

Nathan Cummings Foundation



Maximilian E. & Marion O. Hoffman Foundation

James Irvine Foundation

Jacobs Family Foundation

The Leon Strauss Foundation / The Simon Strauss Foundation

Magnes Fund

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McCarthy Family Foundation

Pacific Mutual Foundation

Price Charities

Rosenberg Foundation

San Diego County Bar Foundation

San Diego Foundation Weingart-Price Fund

Sierra Health Foundation

Sony Electronics, Inc.

The Streisand Foundation

U.S. Department of
Education

Weingart Foundation

Anonymous Grantors



CAI gratefully acknowledges the support—financial and otherwise—of the administration of the University of San Diego, and of the administration and faculty of the USD School of Law, a majority of whom personally contribute to CAI.

1989



• The [Children's Advocacy Institute \(CAI\)](#) is founded as part of the [Center for Public Interest Law \(CPIL\)](#) at the [University of San Diego \(USD\) School of Law](#). Initial funding from the Weingart Foundation brings together an interdisciplinary team of legal, social sciences, and health professionals to advocate on behalf of children's interests on issues such as child abuse and neglect, child care and development, and child health and safety, as well as ways to improve the government's delivery of children's services in California. CAI represents children—and [only children](#)—in the California Legislature, in the courts, before administrative agencies, and through public education programs. CAI engages in advocacy on the needs of children—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 conducts an intensive nine-month study of San Diego County's system for [detecting and routing initial reports of child abuse](#). The initial reaction by individuals who have worked in the child abuse field for several years is that CAI's description of the current flaws in the system is both comprehensive and accurate. Several legislators express interest in carrying legislation to address some of the issues identified by CAI.

• CAI opens a [branch office in Sacramento](#), and hires a legislative advocate, an attorney, and support staff to represent children's interests before policymakers, agency officials, and courts. At the time, the addition of the two CAI professional advocates triples the number of full-time professional advocates promoting child health and safety in Sacramento. This office remains open to this day.

• CAI helps write, revise, and successfully advocate for a legislative declaration that the [child care and development portion](#) of the California Department of Education's (CDE) budget [has a legitimate educational content](#) and is not distinguishable from CDE's K–14 educational expenditures. Enactment of this measure strengthens the hand of those seeking to preserve preschool child care and education within the Proposition 98 protective umbrella. *AB 370 (Hannigan) [Cb. 1394, Stats. of 1989]*

• CAI helps [implement Proposition 99](#), a successful 1988 initiative measure which substantially increased the tax on tobacco products and allocated revenue from the increase to various public health services, including several benefiting children.

1990

- CAI launches the [Children's Advocates' Roundtable](#), which still meets monthly in Sacramento to facilitate information-sharing on state and federal proposals affecting children and improving communication and coordination among child advocacy groups.
- CAI and the Southern California Women's Law Center prepare a detailed brochure, entitled [Liability Insurance and Child Care](#), which contains basic information on insurance for family child care providers. Because of the brochure's popularity and valuable consumer information, the state Department of Insurance agrees to reprint the pamphlet for statewide distribution at its cost.
- The California Attorney General awards CAI a three-year grant to [evaluate a three-county pilot project aimed at reforming child abuse investigations](#). The goal of the pilot project is to document the effect on child abuse victims and prosecutions when the traditional, multiple-interview abuse investigation is altered to provide a single comprehensive interview conducted by an expert and videotaped to establish propriety and enable others to review the tape, rather than repeatedly re-interview the child.
- During California's budget crisis, CAI drafts and distributes to policymakers and the media a coherent, accurate statement on the [overall effect of proposed cuts in](#)

[services to children](#). The analysis is the only comprehensive statement of the impact of the cuts available to assist policymakers when making difficult budget decisions.

- CAI sponsors [Growing Up in Poverty](#), a free conference at USD addressing issues affecting children and poverty. Over 500 people attend the opening session, a presentation by nationally recognized author and activist Jonathan Kozol.
- CAI co-sponsors [San Diego's Candlelight Vigil](#), held in Balboa Park; over 1,500 similar vigils are held worldwide, demonstrating support for the United Nations' World Summit for Children.





1991

- CAI helps initiate and create a new model for quality representation of abused children in dependency court ([Sacramento Child Advocates](#), a nonprofit entity that will grow to provide legal representation for 4,700 children in 2009).
- CAI drafts and wins enactment of legislation permitting a [child victim witness to testify out of the immediate presence of the alleged perpetrator](#). *SB 905 (Killea) [Ch. 948, Stats. of 1991]*
- CAI sponsors successful legislation establishing a [comprehensive lead testing program for California children](#) who are at highest risk of exposure. To finance screening and mitigation, the measure assesses fees against industries using lead. A companion bill requires all insurance companies and health maintenance organizations to provide coverage for lead testing. *AB 2038 (Connelly) [Ch. 799, Stats. of 1991]; AB 1979 (Lee) [Ch. 797, Stats. of 1991]*
- CAI helps win enactment of the [Children's Firearm Accident Prevention Act of 1991](#), making a gun owner criminally liable if he/she leaves a loaded firearm in a place accessible by a child, and the child accidentally injures himself/herself or others with the gun. *AB 2029 (Connelly) [Ch. 956, Stats. of 1991]*
- CAI advocacy helps improve [child abuse victims' access to the Victims of Crime compensation fund](#) administered by the Board of Control. For example, CAI's advocacy before the Board of Control results in regulatory changes allowing child protective services reports and dependency court findings of abuse to be used to prove eligibility for compensation.

1992

- CAI successfully sponsors sweeping child care licensing and regulation reform, including minimum unannounced inspection requirements, civil penalty powers, nine separate child care regulation sections ensuring accountability, and child care advocate positions. The bill includes its own funding mechanism — the California “Kids’ Plates” personalized vehicle license plate program, which raises millions of dollars each year in funding for child health and safety programs. *AB 3087 (Speier) [Ch. 1316, Stats. of 1992]*
- CAI successfully advocates for legislation requiring the state to set up a [bulk purchase program for vaccines](#) and to reinvest the considerable savings realized from bulk purchases in programs that are most likely to increase access to and quality of immunization services for children, and then serves as an advisor to the Department of Health Services (now known as the Department of Health Care Services) to implement these measures. *AB 3351 (Gotch) [Ch. 1110, Stats. of 1992]; AB 3354 (Gotch) [Ch. 1111, Stats. of 1992]*
- CAI is named “[Children’s Advocate of the Year](#)” by the California Consortium for the Prevention of Child Abuse for its “passionate, tireless and effective advocacy on behalf of California’s children.”
- CAI advocacy results in the enactment of a law requiring that all junior high school students be offered a course in [parenting skills and education](#). *SB 1307 (Watson) [Ch. 1355, Stats. of 1992]*
- On behalf of the California Association for the Education of Youth Children, the Children’s Lobby, the California Child Development Administrators Association, the California Child Care Resource and Referral Network, and other leading organizations representing child care providers, CAI engages in successful litigation [protecting \\$355 million in high-priority child development programs](#). [*CTA v. Huff*]
- CAI creates and commences administration of the [Price Child Health and Welfare Journalism Awards](#), an annual recognition of outstanding journalistic work that enhances public understanding of issues facing children.
- CAI commences administration of the Maternal and Child Health Advocacy Project, which provides services to pregnant women; engages in outreach to providers and advocates regarding resources and services for this population; and engages in policy advocacy on behalf of poor expectant mothers and their young children. Four years later, this project successfully spins off as a stand alone entity called [Maternal and Child Health Access](#).
- In a case of precedential import, CAI helps secure a ruling confirming the standing of a minor to be heard in dependency court. [*Allen M. v. Superior Court*]
- CAI helps establish the [California Coalition for Children’s Safety and Health](#), a statewide coalition of business, medical, consumer, and children’s advocacy organizations working to reduce child injuries.





1993

- Through CAI, the USD School of Law commences an academic program to educate and train USD law students in child advocacy. A new course, entitled *Child Rights and Remedies*, surveys the broad array of child advocacy challenges, including 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. Enrolled students qualify to participate in the [Child Advocacy Clinic](#), which gives them the option of working with an assigned attorney from the San Diego Office of the Public Defender representing abused children in dependency court proceedings, or engaging in policy advocacy at the state or national level, drafting legislation, participating in regulatory proceedings, researching and writing reports, assisting in impact litigation, or working on special projects. Over 600 law students participate in CAI's academic program as of 2009.
- CAI participates in litigation challenging the federal government's denial of [California's application for Child Abuse Prevention and Treatment Act \(CAPTA\) funding](#). CAI is instrumental in providing the state with extensive declarations, legal research, federal child abuse publications, and legal strategies, all

of which contributed to a ruling that the federal government had abused its discretion in denying CAPTA funds to California. [*California v. Sbalala*]

- CAI represents the National Association of Counsel for Children as *amicus curiae* in an Arizona test case considering the [right of abused children to seek legal remedies directly from the court](#). The Arizona Court of Appeal rules in favor of CAI's argument, holding that a child may independently petition the court to sever parental rights. [*In re Appeal in Pima County Juvenile Severance Action No. S-113432*]
- CAI successfully petitions the Department of Health Services (now known as the Department of Health Care Services) to promulgate regulations to implement the [Childhood Lead Poisoning Prevention Act of 1991](#).
- CAI intervenes in litigation and successfully defends against a challenge brought by the California Paint Council to the collection of [lead mitigation fees](#) authorized by AB 2038 (discussed above).
- CAI helps win enactment of legislation requiring children under the age of 18 to wear a [helmet when riding a bicycle](#). AB 2268 (*Calderon*) [*Ch. 1000, Stats. of 1993*]

1994

- CAI releases its first annual report on state spending for children, the *California Children's Budget 1994–95*, illuminating the impacts of the state's chronic underfunding of programs serving children and youth. The report identifies the major accounts relevant to children in the state budget, and separates out the revenue from local, state, and federal sources. Importantly, the report analyzes trends from the base year of fiscal year 1989–90 and adjusts spending to reflect changes in population and inflation. CAI will go on to publish *Children's Budgets* annually for the next ten years.
- CAI completes its service as official state evaluator of child abuse victim pilot projects to assure a single, multidiscipline-reviewed, videotaped interview of child victims, and publishes the *Child Victim Witness Investigative Pilot Projects Research and Evaluation Final Report*.
- CAI sponsors legislation stating that each child who is the subject of a dependency proceeding is a party to that proceeding, and as such is entitled to competent counsel. *SB 783 (Lockyer) [Ch. 1073, Stats. of 1994]*
- CAI files a petition for and obtains a writ of mandate ordering the Department of Health Services (DHS) (now known as the Department of Health Care Services) to adopt [public playground safety regulations](#), as mandated by 1991 legislation. Subsequent litigation by CAI is required to compel DHS to comply with the writ and adopt the regulations, which it eventually does in 1999. [*Barrow v. Department of Health Services*]
- CAI drafts and submits an *amicus curiae* brief on behalf of the National Association of Child Advocates (now Voices for America's Children) in litigation challenging [Medicaid waivers under § 1115 of the Social Security Act](#). In the brief, CAI outlines seven specific dangers of § 1115 waivers to medical care access for children, and urges the court to require the federal government to grant waivers, but only upon a particularized inquiry into each of the areas of abuse extant and outlined for the court. [*NACHC v. Shalala*]





1995

- CAI vigorously—and successfully—opposes “paddling” legislation introduced to deter juvenile graffiti offenses. One of these proposals would have required parents to paddle their children in open court with a long, thick, hardwood paddle; if the court felt the blows were inadequate, it could order the bailiff to administer them.
- CAI sponsors legislation to remove a 1996 sunset (expiration) provision in state law establishing formal state child death review teams to evaluate the cause of child deaths, thus making [child death review evaluation](#) a permanent part of California state government. *AB 653 (Davis) [Ch. 539, Stats. of 1995]*
- An op-ed piece entitled “[California: A Society that Cuts Child Welfare but Boosts Jails](#),” written by CAI’s Executive Director and published by the *Los Angeles Times*, is discussed with approval on the Senate floor by U.S. Senator Paul Simon (D-Ill.), and entered into the *Congressional Record*.
- The National Association of Child Advocates (now Voices for America’s Children) recognizes that CAI’s “[work on budget analysis for children remains the most thorough and well-researched document nationwide](#).”

1996

- CAI and the National Association of Child Advocates (now Voices for America's Children) release [Ready, Willing, and Able: What the Record Shows about State Investments in Children 1990–1995](#). Based on CAI's *California Children's Budget*, this document tracks and quantifies the effects of devolution—the shifting of key decisions affecting children from federal to state and local officials—across the nation. The study analyzes budget figures from twelve states (including California) and two cities during the five-year period, and concludes that states have failed to invest in programs that support struggling working families and safeguard children.
- CAI helps win enactment of the [Swimming Pool Safety Act](#), which requires residential swimming pools constructed on and after January 1, 1998 to have one of five specified safeguards, and requires specified disclosures to buyers where pools are a part of real property sold or transferred. *AB 3305 (Setencich) [Ch. 925, Stats. of 1996]*
- The Second District Court of Appeal cites a 1994 CAI study entitled [Do Children Get Competent Counsel? A 58-County Survey of Standards for Attorneys Representing Children in Juvenile Court](#), in upholding the use of independent attorneys to represent children in dependency court proceedings. [*In Re Shawn B.*]



- CAI launches the [Information Clearinghouse on Children](#) (ICC) to stimulate more extensive and accurate public discussion of issues related to child well-being, health, and safety. The ICC maintains a subject-specific resource base on a wide variety of children's issues; provides journalists, public officials, and academicians with data, statistics, information, and referrals to experts on children's issues; publishes reports and fact sheets on public policy decisions and child-related issues; and offers local advocates training in advocate techniques and media relations.
- CAI co-sponsors the first [California Children's Policy Summit](#) in Sacramento, convening over 500 child advocates, public officials, academicians, journalists, and experts on children for extensive panel discussions and goalsetting in the areas of economic security, juvenile justice, safety, health, and education.
- CAI launches [Lawyers for Kids](#), which offers attorneys the opportunity to use their talents, knowledge, 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.



1997

- CAI launches two new publications aimed at informing the public about actions taken by policymakers and state agencies that impact children and youth. CAI's *Children's Regulatory Law Reporter* focuses on an often-ignored but very critical area of law: regulations adopted by state government agencies. The *Reporter* discusses regulatory actions proposed by agencies such as the Department of Social Services and the Department of Education; in addition to detailing what the proposed changes are, CAI also explains how the proposed changes would impact children. The *Children's Legislative Report Card* describes major issues considered by the legislature, provides detailed descriptions of selected child-friendly bills, and presents a grid documenting legislators' floor votes on those bills.
- CAI participates in California's implementation of the federal welfare reform legislation, to ensure that reduction of child poverty is the stated, primary goal of and a specific evaluative criterion for California's new welfare reform experiment, the [California Work Opportunity and Responsibility to Kids \(CalWORKs\)](#) program.
- CAI co-sponsors legislation that—for the first time since 1991—[increases the compensation rate for family foster care providers](#). As introduced, the bill proposes to increase the reimbursement rate by 25%; as signed by the Governor, the increase is 6%. *AB 1391 (Goldsmith) [Ch. 944, Stats. of 1997]*
- CAI co-sponsors legislation to expand the [use of the Franchise Tax Board to collect child support](#) and to standardize and vastly improve county child support collection performance data which must be reported to state and federal agencies, and establish a meaningful financial incentives system based on real performance. *AB 573 (Kuehl) [Ch. 599, Stats. of 1997]; SB 936 (Burton) [Ch. 926, Stats. of 1997]*
- CAI monitors and provides assistance to the Managed Risk Medical Insurance Board in its drafting of regulations for [Healthy Families](#), the new state program to provide low-cost, comprehensive health, dental, and vision insurance to the children of working poor families.

1998

- CAI co-sponsors a measure to implement a new [performance-based child support incentive structure](#) to fund county child support collection programs, as proposed by the Legislative Analyst's Office. *SB 1410 (Burton) [Ch. 404, Stats. of 1998]*
- CAI helps win enactment of legislation requiring the Department of Social Services to contract with an independent and qualified entity to conduct a study to determine [appropriate caseload per child welfare social worker](#) and best practices within the child welfare field that will adequately protect children. *SB 2030 (Costa) [Ch. 785, Stats. of 1998]*
- CAI successfully advocates for legislation [expediting adoption of children by their foster parents or relative caregivers](#), by eliminating some duplicative assessments and background checks common to both the foster care and adoption application processes. *AB 2286 (Scott) [Ch. 983, Stats. of 1998]*
- CAI takes a leadership role in promoting the implementation of [quality child support assurance programs](#), which guarantee payment of a minimum level of child support for each child with an established child support order, which is assigned to the county.
- CAI, Children Now, and Kids in Common develop and implement a common agenda for expanding California children's health coverage. CAI's focus is on building consensus around and generating action to support public policy measures to strengthen Healthy Families and Medi-Cal.



1999



- CAI advocacy helps to completely restructure California's child support collection program, creating a new Department of

Child Support Services to oversee a centralized statewide system of child support enforcement and collection. *AB 196 (Kuehl) [Ch. 478, Stats. of 1999]*

- CAI co-sponsors a measure to create a **Child Support Complaint Fair Hearings Process** for both custodial and noncustodial parents, that will exist outside of the more cumbersome and time-consuming court process. *AB 472 (Aroner) [Ch. 803, Stats. of 1999]*
- CAI sponsors the **Playground Safety and Recycling Act of 1999**, which establishes a grant program to assist public agencies in upgrading and repairing local playgrounds to minimum safety standards, and encourages the use of recycled materials in those efforts. *AB 1055 (Villaraigosa) [Ch. 712, Stats. of 1999]*
- As counsel of record for the National Association of Counsel for Children, CAI helps draft an *amicus curiae* brief to the U.S. Supreme Court, advocating for the Court's first recognition of **a child's constitutional right to maintain certain nonparental relationships** (e.g., grandparents, former foster parents, etc.). In its 2000 holding, the Court recognizes that children may have significant interests in third-party or nonparental relationships, and does not preclude state adoption of properly-crafted nonparental visitation statutes. [*Troxel v. Granville*]
- CAI's advocacy before the Department of Health Services (DHS) (now known as the Department of Health Care Services) results in DHS' long-overdue adoption of **public playground safety regulations**, making California the first state in the nation to develop comprehensive minimum standards for playground safety.



2000

- CAI co-sponsors legislation to establish a **legal presumption that children in dependency court would benefit from the appointment of independent legal counsel**; in the event a court decides not to appoint counsel for a child, it must list the reasons why in the court record. *SB 2160 (Schiff) [Ch. 450, Stats. of 2000]*
- CAI sponsors legislation urging policymakers to **increase the number and quality of licensed foster family providers** available to care for abused and neglected children removed from their homes, by raising the reimbursement rates these families receive and by instituting financial incentives for them to seek additional training. Although the bill enjoys considerable bipartisan support, it dies in the Assembly Appropriations Committee’s “suspense file” without receiving a public vote by that committee. *SB 949 (Speier) [failed passage]*
- CAI co-sponsors a measure to provide more accountability in the child welfare system by **reversing the presumption of confidentiality in dependency court proceedings** in a five-year pilot project in interested counties. Although the measure has basically no fiscal implication, it is also killed in the Assembly Appropriations Committee’s suspense file. *SB 1391 (Schiff) [failed passage]*
- CAI joins forces with other advocacy organizations to challenge **Proposition 21**, the juvenile crime initiative approved by California voters in March 2000, and is a named plaintiff in an ultimately unsuccessful lawsuit seeking to block enforcement of the law. [*League of Women Voters et al. v. Davis*]
- Under CAI’s leadership, the Children’s Advocates’ Roundtable presents Governor Gray Davis with a list of budget priorities for 2001–02, collectively referred to as “**Prerequisites to Learning**.” These priorities call on policymakers to take actions to provide health care for children and families; increase economic security for working families; ensure adequate nutrition and food assistance; improve outcomes for foster youth; expand access to affordable, quality child care; increase access to after-school programs; and ensure access to quality education for children with special education needs.

2001

- CAI actively supports the “Speaker’s Package”—eleven bills, with a total price tag of \$330 million, aimed at [reforming the foster care system](#) in a meaningful way. Most of these measures receive overwhelming bipartisan support; however, only six are enacted, with less than \$18 million in funding provided for the new initiatives.
- CAI works closely with Kids ‘N Cars to secure the enactment of the [Unattended Child in Motor Vehicle Safety Act](#), making it an infraction, punishable by a fine, for the parent, legal guardian, or other person responsible for a child who is six years of age or younger to leave that child inside a motor vehicle, without being subject to the supervision of a person who is twelve years of age or older, and where there are conditions that present a significant risk to the child’s health or safety, or when the vehicle’s engine is running or the vehicle’s keys are in the ignition, or both. *SB 255 (Speier) [Ch. 855, Stats. of 2001]*
- CAI participates in the Proposition 10 Commission’s Children with Disabilities Forum, which was convened in order to advise the Commission on what to include in its “[Children with Disabilities Strategic Plan](#).” CAI is one of the few child advocacy organizations to participate in this forum, with most of the other participants representing parents or providers.
- CAI joins leading public interest advocates from across the country at the [Public Interest Law Summit](#), hosted by CAI’s parent organization, the Center for Public Interest Law, and the University of San Diego School of Law.
- The [California State Assembly issues Members Resolution No. 539](#), commending CAI for being “a tireless and passionate voice, in the California State Legislature, state agencies, and the courts, advancing the economic, safety, health and educational interests of children and youth” and for being a “reliable, credible source of information and passionate advocate for [one of] the most vulnerable and underserved populations in California.”





2002

- CAI successfully supports two measures aimed at **improving educational outcomes for foster children**—one requires the court to appoint a responsible adult to represent the educational needs of a child when parental rights are removed, and the other requires the court to appoint an education surrogate whenever a responsible adult is not identified, and strengthens the duties of the surrogate parent. *AB 886 (Simitian) [Ch. 180, Stats. of 2002]; SB 1677 (Alpert) [Ch. 785, Stats. of 2002]*
- CAI Executive Director Robert Fellmeth completes *Child Rights & Remedies*, a treatise designed for use in law schools, as well as graduate schools of social work, political science, public health, and education. The text, published by Clarity Press, includes national data on the status of children, combined with leading cases, questions for discussion, and commentaries across a wide spectrum of child-related issues.
- CAI participates as *amicus curiae* in litigation concerning the **duties owed to a foster child by a county child welfare agency**. In a case involving a foster child who had been sexually molested by his foster parent, a regrettable appellate court opinion held that the county had no mandatory duty to protect the child from sexual abuse while he was in foster care placements. According to the opinion, other than a mandatory duty requiring social workers to visit each foster child monthly, all other decisions made by the county welfare agency are discretionary. CAI urges the California Supreme Court to review and reverse this decision, and cites eighteen applicable sections of state law that use the words “shall” and “must” with regard to the protection of children; the Court declines to review the case. [*County of Los Angeles v. Superior Court (Terrell R.)*]
- CAI unveils a new Web site—www.caichildlaw.org—that includes a number of new features designed to inform other child advocacy organizations and the general public about important child-related issues. Among other things, the new Web site includes agendas and minutes from the Children’s Advocates’ Roundtable; information on CAI’s advocacy activities; all CAI publications, reports, and press releases; and links to other child advocacy organizations, government agencies and officials, and other helpful resources.

2003

Terrell R. opinion (see above). The measure declares that the state has a duty to care for and protect the children that the state places into foster care, and—as a matter of public policy—the state assumes an obligation of the highest order to ensure the safety of children in foster care; confirms the state’s duty to comply with all requirements under federal law that are relevant to the protection and welfare of children in foster care; clarifies that the existing statutory requirement that a child be placed in a safe home or setting means a home or setting where the child is free from abuse or neglect; and provides that after the death of a minor foster child, designated information regarding that child is subject to disclosure pursuant to the California Public Records Act. *AB 1151 (Dymally) [Ch. 847, Stats. of 2003]*

- CAI advocacy helps bring about the enactment of an important new statute addressing a mix of commonly confronted [educational problems for foster children](#). Among other things, the new law declares that educational stability must be considered as a factor when

- CAI is the drafter and main sponsor of the [Duty to Foster Children Reaffirmation Act](#), which legislatively reverses the

making out-of-home placement decisions; provides that a child has a right to immediate enrollment when moved to a new school jurisdiction; and requires every school district to appoint an educational liaison for foster children to facilitate their educational continuity, and to address enrollment delay and credit transfer problems. *AB 490 (Steinberg) [Ch. 862, Stats. of 2003]*

- CAI and seventeen other advocacy groups [rally against the state’s proposed budgetary realignment of child care programs](#), arguing that it would hurt children in subsidized care, increase bureaucracy, and jeopardize federal funding. Governor Gray Davis acquiesces in his May Revise by removing child care from the realignment proposal.
- CAI participates in several [child-related regulatory proceedings](#) initiated by the Department of Social Services (regarding CalWORKs, family reunification child support referral requirements, foster youth personal rights, interim actions that are to take place at licensed facilities where children may be at risk, and transitional programs for youth aging out of foster care) and the Department of Education (both of which pertain to the administration of medication to pupils at school).



2004

- CAI advocacy helps win enactment of a measure allowing a minor who is designated as both a dependent child and a ward of the juvenile court to be known as a [dual status child](#), to allow a more comprehensive handling of the varied issues and concerns involving at-risk youth. *AB 129 (Cohn) [Ch. 468, Stats. of 2004]*
- CAI participates as *amicus curiae* in three consolidated cases involving the [rights of children to support from both parents, even in same-sex relationships](#). CAI urges the California Supreme Court to consider the circumstances from a child's perspective: an adult—no matter what race, age, or gender—who willingly and knowingly participates in the decision to bring a child into this world and takes on a parental role to that child should be held accountable for the attendant duties, including financial responsibilities, that he/she owes to that child. In 2005, the California Supreme Court issues an opinion consistent with CAI's position. [*Elisa B. v. Superior Court*; *K.M. v. E.G.*; *Kristine H. v. Lisa R.*]
- CAI continues its leadership role in [budget advocacy](#), working especially hard to protect programs that impact child health and welfare, and leading the opposition to proposed cuts to the CalWORKs and Food Stamps programs. CAI and the other advocates are successful in staving off the cuts in the final budget, thanks to an approach that combines direct lobbying in the legislature, grassroots approaches (such as rallies), and media campaigns.
- After the November 2004 passage of Proposition 63, the [Mental Health Services Act](#), CAI sets out to ensure that children's interests are fully included in the implementation of the measure, advocating for accountability measures and state-mandated requirements that counties include children and youth in the planning process.
- Under CAI's leadership, the [Children's Advocates' Roundtable presents policymakers with joint advocacy](#) on several issues, such as state budget priorities, opposition to proposed cuts in Medi-Cal provider rates, and opposition to other health care program cuts and changes.



2005

- CAI starts work on a three-year grant from The California Wellness Foundation aimed at **improving outcomes**

for youth who age out of the foster care system. The project will identify ways to give these youth a meaningful opportunity to meet the challenges of adulthood or—in other words—give these youth the tools, training, information, and support that responsible parents give their transition-age children, and which California should be providing to its transition-age foster youth.

- CAI helps win enactment of statutory changes that permit, under limited circumstances, a child whose parents have had their rights terminated to petition the court to have the rights reinstated. This measure resolves the “**legal orphan**” problem that arises

when parental rights are terminated in anticipation of adoption, but the adoption is never completed for some reason. *AB 519 (Leno) [Ch. 634, Stats. of 2005]*

- CAI successfully supports efforts to raise the age limit for receipt of **transitional housing placement** program services by an emancipated foster youth to 24. *AB 824 (Chu) [Ch. 636, Stats. of 2005]*
- CAI starts to gather “**tombstone information**” (name, date of birth, date of death) for children who die while in foster care, as authorized by AB 1151 (Dymally) (see above). The purpose of this inquiry is to counteract bureaucratic reluctance to disclose child deaths that occur in foster care placements, to inform the public about these incidents, and to encourage greater scrutiny of the foster care system.





2006

- CAI advocacy leads to the establishment of a process for the [appointment of appellate counsel](#) for children in dependency proceedings. *AB 2480 (Evans) [Ch. 385, Stats. of 2006]*
- CAI leads efforts to [regulate private child support collectors](#) by, among other things, requiring them to meet basic consumer protections in their dealing with support obligees contracting for the collection of past-due child support, and prohibiting collectors from engaging in any debt collection practices that are prohibited by the Rosenthal Fair Debt Collection Practices Act. *AB 2781 (Leno) [Ch. 797, Stats. of 2006]*
- CAI joins other child advocates in winning approval of a measure that, with regard to adoption and legal guardianship, [allows 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. *AB 2303 (Judiciary Committee) [Ch. 567, Stats. of 2006]*
- With a two-year fellowship from Equal Justice Works, CAI launches the [Homeless Youth Outreach Project](#), which provides legal assistance, referrals to services and resources, and related assistance to homeless youth throughout San Diego County, with the goal of enabling them to transition off the streets and into safer, healthier living situations.
- CAI is asked to participate in a workgroup convened by the Department of Social Services' Community Care Licensing Division to review existing DSS licensing regulations and propose changes to ensure that regulations 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.

2007

icipated Foster Youth: An Investment in California's Tomorrow, at a press conference in the Governor's Press Room at the State Capitol. The report details how state and federal laws and programs fail to provide California's emancipated foster youth with a meaningful opportunity to attain self-sufficiency.



children transition to self-sufficiency. The report also includes the nation's first transitional services cost-benefit analysis, which shows that significant cost savings would be attributable to keeping former foster youth out of prison and off welfare, and helping them become self-sufficient, tax-paying members of society.

- CAI receives the first of three annual grants under the federal Children's Justice Act, administered by the Governor's Office of Emergency Services, to develop a curriculum and train attorneys who are new to dependency court practice. The purpose of these grants is to ensure that attorneys appearing in Dependency Court are properly prepared for the extremely important, unique, and challenging work in which they are engaged.

- CAI releases a landmark report, *Expanding Transitional Services for Emancipated Foster Youth: An Investment in California's Tomorrow*, at a press conference in the Governor's Press Room at the State Capitol. The report details how state and federal laws and programs fail to provide California's emancipated foster youth with a meaningful opportunity to attain self-sufficiency.

The report, which was prepared as part of CAI's grant from The California Wellness Foundation (see above), describes CAI's proposed Transition Guardian Plan (since renamed the Transition Life Coach plan), which calls on the state to replicate as closely as possible the commitment and support provided by average parents while their young adult

- CAI co-sponsors a press conference at the State Capitol to release two reports—one written by CAI and the other by the County Welfare Directors Association and Legal Advocates for Permanent Parenting—detailing California's unprecedented inability to find licensed homes willing to accept the state's nearly 80,000 foster children. CAI's report, entitled *They Deserve a Family*, documents the impact the shortage of homes is having on foster children, and the ways in which an outdated rate structure is limiting the ability of families to care for foster children and youth.

- Recognizing that information regarding child abuse and neglect deaths drives the effort for live-saving reforms, CAI co-sponsors and co-writes landmark legislation improving California's process for disclosing the circumstances of child abuse or neglect that results in the death of a child. *SB 39 (Migden) [Ch. 468, Stats. of 2007]*

- CAI participates as *amicus curiae* before the U.S. Supreme Court in a case concerning the deliberate targeting of children in the marketing and sale of cigarettes. Arguing that the Federal Cigarette Labeling and Advertising Act does not preempt California's Unfair Competition Law, CAI contends that the federal Act did not address addiction issues, nor sales to minors, and the state has a legitimate interest in preventing the marketing of an addictive substance to her children. [*Daniels v. Philip Morris*]

- Litigation filed by CAI against the Orange County Social Services Agency to enforce AB 1151 (Dymally) (see above) results in a settlement, with Orange County providing the requested child fatality data to CAI, as well as \$12,000 in attorneys' fees. [*Children's Advocacy Institute v. Orange County Social Services Agency*]

- CAI expands its Child Advocacy Clinic offerings to include a Delinquency Clinic, giving law students the opportunity to work with an assigned attorney from the Public Defender's Office, representing minors charged with offenses.

2008

- Litigation filed by CAI and Morrison & Foerster, LLP, on behalf of state-licensed foster parents, asserts that California's assistance rates fail to adequately reimburse foster parents for the cost of providing necessities to foster children, as required by federal law. The U.S. District Court for the Northern District of California agrees that the state's method of reimbursing foster parents for the expenses they incur caring for abused and neglected children is illegal, **ruling that the reimbursements fail to consider and pay for the actual costs of raising foster children.** [*California State Foster Parent Ass'n v. Wagner*]
- CAI helps change state law to give **foster children a greater opportunity to attend and participate in their court hearings.** The measure also clarifies that existing law allows the juvenile court to issue orders or make appointments necessary to **ensure the appropriate administration of funds for the benefit of a child,** and those orders and assignments may continue even after the court's jurisdiction over the child is terminated. *AB 3051 (Jones) [Ch. 166, Stats. of 2008]*
- CAI and First Star jointly release *State Secrecy and Child Deaths in the U.S.*, a major report revealing that the majority of states fail to comply with the federal Child Abuse Prevention and Treatment Act (CAPTA), which requires states to have public disclosure policies regarding the release of information and findings regarding fatal and near-fatal child abuse and neglect cases. The report, which issues letter grades based on an analysis of each state's public disclosure laws, receives tremendous national and local media attention, which in turn sparks discussions in many states regarding ways to improve their policies.
- In collaboration with the San Diego County Superior Court, Juvenile Division, and the San Diego County Public Defender's Office, CAI launches a new program to recruit, train, and oversee law students and other adults willing to serve as **Educational Representatives** for children and youth involved in dependency or delinquency court proceedings. The Educational Representatives will make decisions on behalf of these children to help ensure that they receive a free, appropriate public education.
- CAI continues its longstanding association with the leading national child advocacy organizations, with CAI Executive Director Robert Fellmeth serving as Vice-Chair of the Board of Directors of **National Association of Counsel for Children**; counsel to the Board of Directors for **Voices for America's Children** (formerly the National Association of Child Advocates); and on the Board of Directors for **First Star**.
- CAI leads the Children's Advocates' Roundtable in **extensive budget advocacy efforts**, including the creation of a Web site—www.childrendutyfuture.org—that documents the impact that proposed budget cuts have on children and families, provides access to issue papers on budget-related issues, and lets the public know how to reach their representatives to voice opposition to the proposed budget cuts. This effort contributes to the protection of foster care funding from cuts during the annual budget negotiations.



2009 and beyond

- As part of its effort to improve outcomes for youth aging out of the foster care system, CAI releases a report revealing how funds from Proposition 63, the Mental Health Services Act, is currently being used by counties, and urging policymakers to specifically [allocate a portion of Prop. 63 funding to meet the needs of transition age foster youth](#), who have a high incidence of mental health issues.
- CAI defends on appeal the favorable ruling issued by the U.S. District Court in its litigation challeng-

ing California's assistance rates as being in violation of federal law, for [failing to adequately reimburse foster parents for the cost of providing necessities to foster children](#), as required by federal law. [*California State Foster Parent Ass'n v. Wagner*]

- CAI commences litigation [challenging excessive caseloads imposed upon attorneys representing children in dependency court proceedings](#).
- CAI sponsors legislation to require probation departments to make every effort to [ensure that access to foster care services and supports is retained for dual status children](#) (youth who are involved with both the dependency and delinquency court processes), and to [help independent foster care adolescents retain their enrollment in the Medi-Cal program](#).

- CAI releases a report on the state of [school nursing and provision of health care services in California public schools](#), including results of an extensive survey of California school nurses, administrators, teachers, and others.
- CAI collaborates with First Star on the research, drafting, and release of two major reports—a follow-up to First Star's 2007 report critiquing [how states provide legal representation for abused and neglected children](#), and a report that examines [to what extent states take funds away from foster children in order to reimburse themselves for the cost of providing foster care benefits on the children's behalf](#).
- CAI Executive Director Robert Fellmeth is installed as Chair of the Board of Directors of the [National Association of Counsel for Children](#).



CAI Trailblazers

Thanks to its academic program, one of the most unique contributions that CAI makes to the field of child advocacy is a legion of highly educated, well-trained, and passionate attorneys who dedicate their careers to advocating on behalf of children in need. To date, over 600 law students have participated in CAI's academic program, with approximately half of those going on to do in-depth work in CAI's clinics. The following are but a few of the many graduates of CAI's academic program whose work promotes the interests of children and youth:

- **Courtney Bolin Nash** — Attorney, Legal Aid Society of San Diego
- **Jack Dailey** — Attorney, Legal Aid Society of San Diego
- **Matt DeCarolis** — Attorney, Bet Tzedek Legal Services
- **Melanie Delgado** — Staff Attorney, Children's Advocacy Institute
- **Kriste Draper** — Staff Attorney, Children's Advocacy Institute
- **Jessica Heldman** — Attorney, Children's Rights
- **Tom Kritzik** — Attorney, San Diego Volunteer Lawyer Program
- **Karen McCready** — Attorney, San Diego Public Defender's Office
- **Nan Murphy** — Attorney, Children's Law Center of Los Angeles
- **Jessica Neyman** — Special Education Attorney, Oregon
- **Erin Palacios** — Attorney, Brooklyn Legal Aid Society, Juvenile Rights Practice
- **Jessica Paulson** — Attorney, Children's Law Center of Los Angeles
- **Emily Reinig** — Consultant, Children's League of Massachusetts
- **Christina Riehl** — Staff Attorney, Children's Advocacy Institute
- **Summer Stech** — Attorney, Children and Youth Advocacy Project
- **Eddie Tsang** — Attorney, Children's Law Center of Los Angeles
- **Kirsten Widner** — Postgraduate Fellow in Law, Barton Child Law and Policy Clinic, Emory University School of Law

CAI Council for Children

Over the past 20 years, CAI has been honored to have had the following people serve on its advisory board, the CAI Council for Children, either as Council Members or Special Consultants. This list includes luminaries in the fields of law, medicine, education, mental health, and business, who all share our passion to improve the health and well-being of our children.

- Frank Alessio
- Dr. Robert Black*
- Nancy Daly
- Martin D. Fern
- Robert D. Frandzel
- Jan I. Goldsmith*
- Dr. John M. Goldenring*
- Dr. Birt Harvey**
- Dr. Louise Horvitz*
- Theodore P. Hurwitz
- Ralph Jonas
- Hon. Leon Kaplan (Ret.)*
- Dr. Quynh Kieu
- Harvey Levine
- James B. McKenna*
- Dr. Mary O'Connor
- Thomas A. Papageorge*
- Paul A. Peterson**
- Robert Presley
- Sol Price
- Gary F. Redenbacher*
- Dr. Gary A. Richwald*
- Blair L. Sadler**
- Gloria Perez Samson*
- Dr. Alan Shumacher*
- Owen Smith*
- W. Willard Wirtz, J.D.

* Current members of the CAI Council for Children

** Emeritus members of the CAI Council for Children

CAI Staff

Over the past 20 years, CAI has been blessed to have had the following people work on our team. It takes dedicated and caring people to work in the field of child advocacy, and we are tremendously grateful to these individuals for foregoing more lucrative employment opportunities in order to work on behalf of children and youth.

- Lupe Alonzo-Diaz
- Steve C. Barrow
- June Brashares
- Collette Cavalier
- Margarita Chavez
- Lillian Clark
- Terry A. Coble
- Leanne Cotham
- Margaret Dalton
- Cindy Dana
- Melanie Delgado*
- Alicia Dienst*
- Kriste Draper*
- Kathryn R. Dresslar
- Christina Falcone*
- Robert C. Fellmeth*
- Julianne D'Angelo Fellmeth*
- Carolyn Flaughter
- Cheryl Forbes
- Rosa Garza
- Aarika Guerrero*
- Dr. Inez Hope
- Ed Howard*
- Louise Jones
- Sharon Kalemkiarian
- Lynn Kersey
- Joy Kolender
- Rebecca Licavoli
- Barbara London
- Kathleen Murphy Mallinger
- Debra Back Marley
- Marissa Martinez
- Mark McWilliams
- Rusty Nichols
- Michelle Nicolay
- Carl Oshiro
- Kimberly A. Parks
- Kathleen A. Quinn
- Stephanie Reighley
- Dr. Randy Reiter
- Christina Riehl*
- Diana Roberts
- S.Alecia Sanchez
- Kathy Self
- Elisa Weichel*
- James R. Wheaton
- Ellen Widess

* Current members of the CAI Staff



CAI's Ongoing Programs

- Academic program for USD School of Law students, featuring the substantive Child Rights & Remedies course and the Child Advocacy Clinic's three unique opportunities (Dependency Clinic, Delinquency Clinic, and Policy Clinic). In furtherance of a new partnership with USD's Joan B. Kroc School of Peace Studies, Child Rights & Remedies will now feature an enhanced discussion of child rights from an international perspective. CAI will also continue efforts to establish a Masters of Law in Child Advocacy.
- Impact litigation seeking to compel California to comply with federal law regarding reimbursement rates for foster family homes, and to assure a reasonable caseload for minors' attorneys in Dependency Court proceedings. Possible litigation regarding Mental Health Services Act supplantation and the over-detention of foster youth in juvenile justice facilities.
- Legislative and regulatory advocacy aimed at improving the quality and delivery of programs and services to children and youth.
- Budget advocacy to protect and increase funding for child-related programs, including continuation of www.childrendutyfuture.org, a website chronicling the impact that budget cuts have on children and families.
- Advocacy in support of CAI's Transition Life Coach proposal, which would require the state to replicate, on behalf of former foster youth, the support that responsible parents provide to their young adult children as they transition toward self-sufficiency, as well as other efforts to improve outcomes for youth transitioning out of the foster care system, using funding from the Mental Health Services Act and other funding streams.
- Analysis and publication of a report detailing to what extent California counties' use Mental Health Services Act funds to benefit transition age foster youth.
- In conjunction with First Star, research and publication of two reports—an updated national report card on legal representation for children in Dependency Court proceedings, and a report examining to what extent states use foster children's SSI and Social Security benefits to reimburse themselves for the cost of providing foster care benefits.
- Advocacy in support of true presumptive eligibility for child health coverage.
- Publication of the *Children's Legislative Report Card* and the *Children's Regulatory Law Reporter*, as well as plans to reintroduce the *California Children's Budget*.
- Convening the Children's Advocates Roundtable, an affiliation of over 300 statewide, regional, and local children's policy organizations, representing over twenty issue disciplines, which meets monthly under CAI's leadership to provide a setting for child advocates to share resources and information and develop strategies for coordinated advocacy on behalf of children.
- Homeless Youth Outreach Project, providing homeless youth with a legal clinic where they can receive legal assistance necessary to secure services to which they are entitled, as well as referrals to other relevant services and resources.
- Educational Representative Program, in which CAI recruits, trains, and oversees adults willing to serve as educational representatives for children and youth involved in the Juvenile Court system.
- Dependency Counsel Training Program, providing two 20-hour MCLE sessions for California attorneys new to dependency court practice, and featuring a multidisciplinary team of leading experts in child welfare, dependency law, child development, and other related disciplines.
- Coordination and leadership with leading child advocacy and public interest organizations, including the National Association of Counsel for Children, First Star, Voices for America's Children, Public Citizen, and Maternal and Child Health Access, including the possible opening of a collaborative office in Washington, D.C.
- Presentations at national conferences of the American Bar Association's Center on Children and the Law and the National Association of Counsel for Children, among others.
- Information Clearinghouse on Children, providing a research service for journalists, scholars, and public officials, in order to stimulate more extensive and accurate public discussion on a range of issues affecting the health and well-being of California's children
- Lawyers for Kids, CAI's network of attorneys, law students, and others in the legal community who use their talents and resources as advocates to assist CAI's policy advocacy program and work with CAI staff on impact litigation by offering expertise in drafting amicus curiae briefs.
- Annual selection and presentation of the
- Price Child Health and Welfare Journalism Award, recognizing outstanding work by journalists throughout California on significant child-related issues;
- James A. D'Angelo Outstanding Child Advocate Award, presented to USD School of Law graduates who excelled in CAI's Child Advocacy Clinic; and the
- Joel and Denise Golden Merit Award in Child Advocacy, presented to an outstanding second year USD School of Law student who is working on behalf of foster children.
- Legislator of the Year, Children First, and Legislative Staff Member of the Year Awards, recognizing outstanding efforts by legislators and legislative staff on behalf of children and youth.

Your financial support of these programs and activities would be greatly appreciated.

Donations to the Children's Advocacy Institute are tax-deductible to the extent the law allows.



CAI'S FIRST 20 YEARS

1989 - 2009

