

University of San Diego

Digital USD

CAI Annual Reports

Children's Advocacy Institute

1-1-2014

2014 Annual Report

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

Follow this and additional works at: https://digital.sandiego.edu/law_cai_annual

Digital USD Citation

Children's Advocacy Institute, University of San Diego School of Law, "2014 Annual Report" (2014). *CAI Annual Reports*. 17.

https://digital.sandiego.edu/law_cai_annual/17

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

Children's Advocacy Institute

2014 Annual Report



This annual report covers the activities of the Children's Advocacy Institute between January 1, 2014 and December 31, 2014.

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.

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
1107 9th Street, Suite 880
Sacramento, CA 95814
(916) 844-5646

Washington, D.C. Office
1023 15th Street NW, Suite 401
Washington, DC 20005
(917) 371-5191

info@caichildlaw.org
www.caichildlaw.org

Blog:
<http://caichildlaw.wordpress.com/>

Facebook
www.facebook.com/ChildrensAdvocacyInstitute

Twitter:
[@CAIChildLaw](https://twitter.com/CAIChildLaw)



Table of Contents

About the Children's Advocacy Institute.....	2
I. Our Perspective: The Setting for Child Advocacy in America	3
A. The Political Reality.....	3
B. The Cultural Reality.....	4
C. The Ideal Reality	6
II. Our Response: CAI's Strategies and Activities	7
A. Put Children on the Public Agenda: Research, Reports, and Campaigns	7
1. National Research, Reports, and Campaigns	7
PUBLIC DISCLOSURE OF CHILD ABUSE AND NEGLECT FATALITIES AND NEAR FATALITIES.....	7
A CHILD'S RIGHT TO COUNSEL.....	8
IMPROVING OUTCOMES FOR TRANSITION AGE FOSTER YOUTH.....	9
THE FEDERAL GOVERNMENT'S NEGLECT OF CHILD WELFARE LAWS	9
FEDERAL CHILD WELFARE FINANCE REFORM	10
OVERSIGHT AND REGULATION OF PRIVATE FOR-PROFIT POSTSECONDARY INDUSTRY.....	12
2. State Research, Reports, and Campaigns.....	13
AB 12'S IMPLEMENTATION AND EFFECT	13
CALIFORNIA'S FAILURE TO USE MHSA FUNDS TO BENEFIT TAFY	13
THE UNDERAPPOINTMENT OF MINORS' COUNSEL IN FAMILY COURT PROCEEDING	14
B. Advocate before All Three Branches: Legislative, Executive, and Judicial	14
1. Legislative Advocacy.....	14
CALIFORNIA LEGISLATIVE ADVOCACY	14
FEDERAL LEGISLATIVE ADVOCACY	16
2. Litigation.....	16
PROTECTING THE INTEGRITY OF CALIFORNIA'S CHILD HEALTH AND SAFETY FUND.....	16
PROTECTING MINORS FROM FACEBOOK ABUSES	17
FACILITATING TRANSPARENCY IN DEPENDENCY COURT PROCEEDINGS	17
RECOGNIZING THE INTEGRITY OF EACH CHILD'S FAMILY UNIT.....	18
3. Regulatory Advocacy	18
URGING ACF TO PROPERLY INTERPRET AND ENFORCE FEDERAL CHILD WELFARE LAW.....	18
ADVOCACY BEFORE THE CHILD FATALITY COMMISSION	19
CALIFORNIA REGULATORY ACTIVITY	20
C. Educate Tomorrow's Child Advocates.....	21
1. CAI Classes and Clinics	21
2. Academic Awards.....	22
3. Advocates for Children and Education (ACE).....	22
4. Welcome New Child Advocates.....	22
D. Engage in Leadership and Collaboration.....	23
III. Our Celebration: 25 Years of Child Advocacy and an Endowed Chair in Child Rights	24
IV. Our Gratitude: Thanks to Our Supporters	27
V. Our Team: CAI Council and Staff.....	30
A. CAI Council for Children	30
B. CAI Staff.....	31

Help Us Help Kids.....Back Cover

About the Children's Advocacy Institute

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. CAI engages in the **academic and clinical training of law students** in child advocacy, conducts research into child related issues, and provides public education about the status of children and of the performance of the state to advance their interests. **CAI also engages in direct advocacy before courts, agencies, and legislatures to seek leveraged results for the benefit of children and youth.** All of these functions are carried out from its offices in San Diego, Sacramento, and Washington, D.C. **CAI is the only child advocacy group operating on a campus, in a state capital, and also in our nation's capital.** That presence has grown in importance as organized interests, with a focus on relatively narrow and short-term self-benefit, increasingly dominate public policy.



CAI is advised by the Council for Children, a panel of distinguished community, state, and national leaders who share a vision to improve the quality of life for children. CAI functions under the aegis of the University of San Diego, its Board of Trustees and management, and its School of Law.

CAI's academic program is funded by USD and includes the first faculty chair endowment established at the USD School of Law. In 1990, San Diego philanthropists Sol and Helen Price funded the Price Chair in Public Interest Law; the first and current holder of the Price Chair is Professor Robert C. Fellmeth, who serves as CAI's Executive Director. The chair endowment and USD funds committed pursuant to that agreement finance the course and clinic academic programs of both CPIL and CAI.

In 2014, in conjunction with celebrating its 25th anniversary, **CAI was pleased to announce the creation of the Fellmeth-Peterson Faculty Chair in Child Rights,** which will assure the continuation of CAI as an educational part of USD and, hopefully, as a state, national, and perhaps someday, international, advocate for children. The chair is named in honor of Robert B. Fellmeth (father of CAI

Executive Director Robert C. Fellmeth), and Paul Peterson, a longstanding supporter and inspiration for CAI from its very beginning 25 years ago (see page 24 for more information about the establishment of the Chair).

Although CAI's academic component has established funding sources, **100% of the funding for CAI's advocacy program must be raised each year from external sources** — gifts, grants, attorneys' fees, cy pres awards, etc.

I. Our Perspective: The Setting for Child Advocacy in America

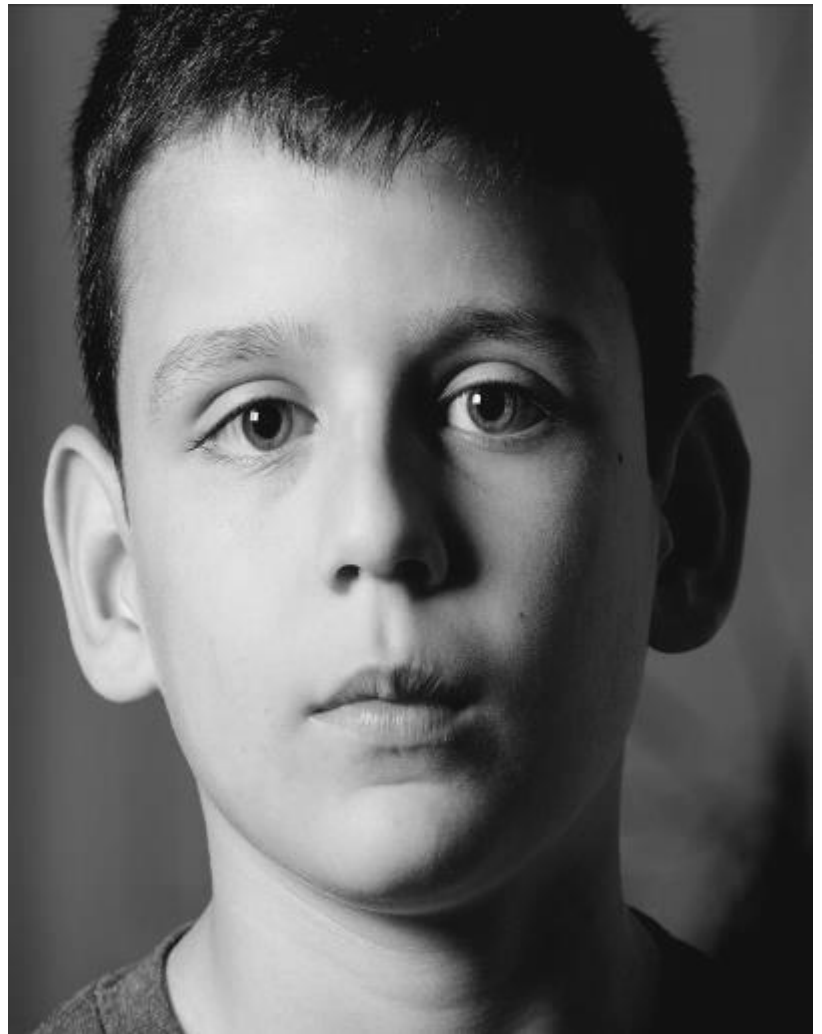
A. The Political Reality

What we confront politically and culturally is formidable. Adult “horizontally organized” groupings dominate our society. Labor, trades and professions, and virtually every industry at every level are organized into trade associations that now dominate campaign contributions and lobbying. Although antitrust law forbids competitor collusion, the First Amendment’s freedom of association allows what has become a broad exemption to petition government for each grouping. They now do so on a scale once unimaginable. As a result, campaign contributions and lobbying are dominated by entities with a relatively narrow and short-term profit (or commercial advantage) perspective.

This challenge to traditional democratic values has been exacerbated by the U.S. Supreme Court’s 2010 holding in *Citizen’s United v. FEC*, giving corporations First Amendment “personhood” status constitutionally. Of course, all corporations are composed of individuals, each one of whom is an effective “person” in our democracy. But the state-created “personhood” for a corporation is granted to an entity that must by law serve the interests of its stockholder investors. That is not offered as a criticism, but is simply the fiduciary obligation of its directors and officers. They must defend the stockholder provided capital investment and extract maximum profit for the owners of the corporation. It does so in the here and now.

Hence, this elevation of short-term and pre-existing, defined economic stake, now increasingly predominates over diffuse and long-run concerns.

The imbalance is now extreme. Even a diffuse interest such as the American Association of Retired Persons spends \$25 million a year in lobbying, compared to a total sum of \$1 million by all of the major child advocacy entities active in D.C. And that disparity is exacerbated by the inherent power of an association of persons at the age dominating campaign contributions, and heavily voting. As we have previously written, **the influence of major industry PACs, whether Wall Street and the banks, real estate, insurance, or hundreds of other groupings, dominate the flow of information to public decisionmakers — and it does so in all three branches.**



The transformation from a democracy to an “organized stakeholder oligarchy” is perhaps most extreme within the executive branches of the states, where most regulatory activity occurs. Every state has ignored a 1943 seminal U.S. Supreme Court decision (*Parker v. Brown*), which acknowledges the supremacy of federal antitrust law and allows states to abrogate it *only* if their decisions are subject to independent “state supervision.” Instead, every state has created boards and commissions dominated by the very trades, professions, and businesses that they purport to regulate on behalf of the citizenry. But in early 2015, a decision that is the antithesis of *Citizen’s United* was issued by a 6 to 3 majority of the same Supreme Court, holding that any state entity controlled by those engaged in the “active practice” of the trade or sector regulated could not be “state action,” and could not qualify for any such exemption (*North Carolina State Board of Dental Examiners v. FTC*). In identifying more than 1,000 state agency “naked kings,” each with control of the “state” regulator by those with a direct profit conflict, the Court now has held in a clear and unambiguous ruling, that they lack sovereign status unless every decision that might restrain trade is reviewed by a state entity lacking that bias. Lacking sovereign status, such state agencies no longer have what is termed “state action” immunity — instead they are in the same posture as they would be were they a naked cartel of competitors colluding. Since much of what these agencies do restrains trade (and benefits current practitioners over possible new entrants — including children who are future entrants), they are all in deserved trouble. It is an earthquake decision that the media has not reported. But given the reality of treble damage liability for antitrust offenses, those days of ignorant, sublime bliss are numbered.



This remarkable restoration of democracy may help at the margins, but will not effectively put children “on the public policy table.” It will, for one aspect of government at one level, allow their possible entry. **But the more potent and generalized counterforce needed for children requires media attention that generates consideration of our oft-stated values, including our ethical obligation to those who follow us.** Accordingly, transparency of government and media attention, as well as reports to bring current data to the public, are part of CAI’s core functioning. It is a difficult task given the transformation of media away from investigative reporting. But the Internet and other assets give us some opportunity. We do not publish reports for placement on the shelves of academia, but to inform the electorate and influence public officials, as discussed below.

B. The Cultural Reality

Culturally, we also face systemic obstacles. As noted, virtually every adult grouping is now organized and poised to counter everything from a loss of public subsidy to a rhetorical insult. Each such grouping — religious, racial, disability, sexual orientation, age (elderly), gender — has champions from among its membership ready to seek “justice” or “advantage,” depending upon one’s perspective. **One could suggest that a laudable human ethical duty is to represent a group one is not in, where the advocacy is based not on self-interest or tribal identification, but on notions of fairness and perhaps to manifest an obligation to those who follow us on this earth.** That is why Morris Dees, a white southerner who took on the KKK and other white southern racists on behalf of a group he was not in, perhaps deserves some credit. Our culture does not prize the Morris Dees as much as it does those who champion their own grouping. Children do not have effective champions from among their own membership — with perhaps a few transitory exceptions. We must speak for them. But one reason CAI is proud to do so involves this duty to survey all groupings and interests, and to perhaps commit to the protection of those warranting that time and attention on the merits. Culturally, that outreach beyond one’s own group does not receive enhanced respect, but diminished regard. We live in a world where decisions are mediated among “stakeholders” — and those groupings and the spokespersons from among each, respectively, garner our attention. That structure is inimical to our obligation to the future.

Exacerbating the cultural elevation of self-interest as a legitimacy enhancement, is the war between the political parties: liberals and conservatives. Liberals, much influenced by focus group results, now choose to be called “progressives.” They are steeped in alleged concern for the poor and value government’s role to provide additional opportunity. They serve their oft-stated allegiance to freedom, democracy and liberty. In actuality, they represent maximum license by any and all adult groupings (except for wealthy white guys). Where is there respect for the principle that one should ideally intend a child? Where is the regard for the right of a child to have parents ready and willing to provide a healthy, loving and productive life? **Contrary to the liberal mantra, it does not “take a village to raise a child.” What village are they talking about? It takes a family. Maybe a village can help, but that focus denigrates the real ethical obligation we have to our children. The liberal orientation here is that supporting such a cultural value denigrates unwed mothers, or even absent fathers, or implicitly insults gays, or whatever. The child grouping is given subordinate value beneath any and all adult groupings.** Of course, to advocate intent, commitment, and marriage does not mean those who have children without these predicates are evil or destined for perdition. But why should that prevent us from articulating a *preference* for commitment, preparation, marriage, respect, and devotion. To the children, the product of a miracle of creation, they are the legacy we shall all leave behind. It is they, not we. Liberals would rather subject a generation to misery than offend, even in the slightest, any adult grouping.

Liberals also identify with labor, with blue collar workers, and especially with government workers. We do not doubt the need for such ground-up organization to counter the organized corporate interests extant. But their empathy lines are so deep that they will countenance secrecy in proceedings involving even child abuse deaths, rather than endure possible blame to organized social workers for failing to protect.

Regrettably, the problem goes beyond such government worker lobbying influence. It also includes benefits sought for public employees in terms of pensions and medical benefits. Those benefits are often well beyond those available to non-public employees, but far more importantly, they are not financed by the present generation. They are millions of cans being kicked down the road to our children and future generations. Those future public employees will not receive such benefits, and the taxpayers of those next generations will have to bear the onerous burden of financing the subsidies for the now ascendant baby boomers. That malefaction is joined by the wider public programs of Social Security and especially Medicare. As to the historic debt imposition from the last, we still leave many children without medical coverage, but every senior has it. It includes everything from new joints to new lenses to new wheelchairs to Viagra. Maybe those benefits are deserved. Maybe they should be enhanced further. But they should not be billed to our grandchildren. The generation benefitting, at whatever level, should be the one paying for it. But our children will be paying for it, not in the billions but in the many trillions — the largest indebtedness visited upon future generations by human beings in recorded history. But it is little discussed. Some conservatives are citing the neutral economic data and complaining about it. But liberals immediately respond with demagoguery that plays upon the wide support (and millions of beneficiaries) of these programs. **The liberal end of the spectrum has apparently internalized the pop song instructing us that we can get “money for nothing.” How appropriate that this lyric comes from a rock group named Dire Straits.**



That critique is not to imply that conservatives have offered a defensible alternative. Even in the public worker, Social Security, and Medicare deficit issues that privately and properly torture them, most lack the courage to address it. If they do acknowledge it, they generally prescribe benefit reductions rather than tax increases to finance more generous payments. While we can all argue about precise benefits, the real issue is paying for whatever level we decide upon. And that may include some revenue enhancements for both the present and the future. That tends to be off their table given a general aversion to government.

Those who call themselves conservatives have brought upon themselves as much deserved shame as the liberals noted above, although, of course, they claim the same cultural worship words of democracy, freedom and liberty. They would die for these concepts. Rarely do those from either party discuss what they actually involve empirically. Their side favors private enterprise and minimum government — except for the military and the police. **Conservatives empathize with their own adult grouping, and act as though they earned everything they have. Their perception of morality sees any expropriation of those rewards as a form of theft from the deserved recipients by and to the hobgoblin (undeserving and even ungrateful) masses. They forget the joint and several investment made in each of them by the rest of us, from public education to roads and water projects, from national defense to parks to the regulation of monopolies that would otherwise unconscionably exploit all of us.**

Private power can also coerce. The trick is to have government intervention to restore self-regulating systems, such as a working market, or to substitute for market flaws that are not so addressable. One of those market flaws is its tendency not to give weight to future consequences. For example, the profit motivation under current market rules tends not to subsume the effect of the exhaustion of a non-renewable asset, foreclosing it to future generations. These and what economists call external costs in general often involve long-term consequences to our children and their children down the line. Government can represent the interests of that future by so adjusting the market (*e.g.*, charging fees where that external cost is implicit) or by otherwise compensating or preventing. But conservatives tend to view the market without government with theistic identity. It is by definition God. In fact, it has many commendable features and, unlike liberals, we agree that it is entitled to presumptive status. But it is a laudatory and efficient mechanism, not God. **God**



would — and we would respectfully argue, does — tell us to forego immediate profit for ourselves in favor of benefitting and protecting our children. A market with rules that internalize external costs that will burden our grandchildren may work properly. One that effectively rewards that betrayal does not.

C. The Ideal Reality

As the somewhat strident opening of this message implies, it would be nice to transform our culture and our political institutions to reflect what is properly our highest ethical aspiration — to leave behind something better than we received, as our forebears did for us. That may require political reform to lessen the undue influence of special interests. **Child advocates are well served where government is transparent and the democracy is not captured by plutocracy with priorities highly disparate from those we all have as parents, grandparents, and citizens.**

II. Our Response: CAI's Strategies and 2014 Activities

A. Put Children on the Public Agenda: Research, Reports, and Campaigns

First, we study and expose issues at both the federal and state levels. At the national level, we continue to issue regular reports in three areas: (1) states' improper and unlawful withholding of child abuse and neglect death and near death information; (2) the unscrupulous and harmful practices by which we undermine the financial security and self-sufficiency of transition age foster youth; and (3) the record of each state in the nation with respect to their provision of adequate due process and legal representation to abused and neglected children—part of our campaign for right to counsel for all children in dependency proceedings.

Each of these areas of inquiry, including the grading of states on their respective compliance with applicable law, or their statutes' similarity to model provisions, is repeated every three to five years. One of these reports is now moving toward its second edition, another toward its third, and the final one to its fourth edition. In other words, **CAI wants policymakers to know that we are in it for the long haul. They will be judged, and re-judged and rejudged. And if they care at all about their legacy and the verdict of the future on their performance, they will respond. And there has been some response, as states do consider movement in positive directions.**

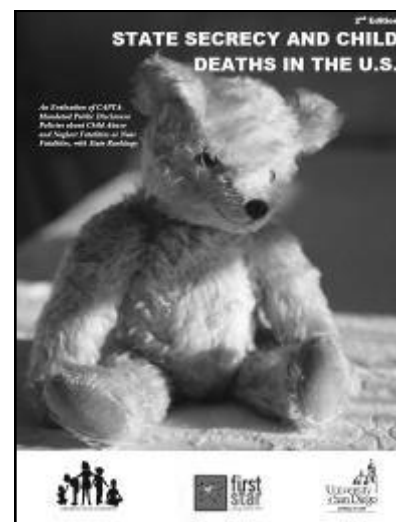
Moving forward, we will add three more national reports to our repertoire, as discussed below. As with our three original national reports, we will re-visit each one to evaluate what — if any — changes have been made that improve the health, well-being, and safety of children and youth. In between releases of each report, we will engage zealously on multiple fronts to advocate for the implementation of the reforms needed to bring about those improvements.

At the state level, our research and reports have covered a wide range of issues such as improving outcomes for transition age foster youth, increasing foster care reimbursement rates, addressing the school nurse shortage, and more. The three most recent state reports, two on transition age foster youth issues and one on minors' counsel in family law proceedings, are discussed below.

1. National Research, Reports, and Campaigns

PUBLIC DISCLOSURE OF CHILD ABUSE AND NEGLECT FATALITIES AND NEAR FATALITIES

As part of its effort to expose states' improper and unlawful withholding of child abuse and neglect death and near death information, CAI has published two editions of its report entitled *State Secrecy and Child Deaths in the U.S.* During 2014, CAI worked on several issues related to this regular national report, which focuses on states' failures to comply with the federal requirement to disclose basic information about child abuse and neglect deaths and near deaths — as is explicitly required by the federal Child Abuse Prevention and Treatment Act (CAPTA). When children are removed from their homes for their protection, we have a multitude of checks — from attorneys appointed for all parents, to a burden on the state and judicial review of every step, to an obligation to undertake “reasonable efforts” to reunify children with their parents. But when children who should have been protected are left in situ, we have no real check. No follow-up review takes place, no attorneys are appointed, no judicial process commences.

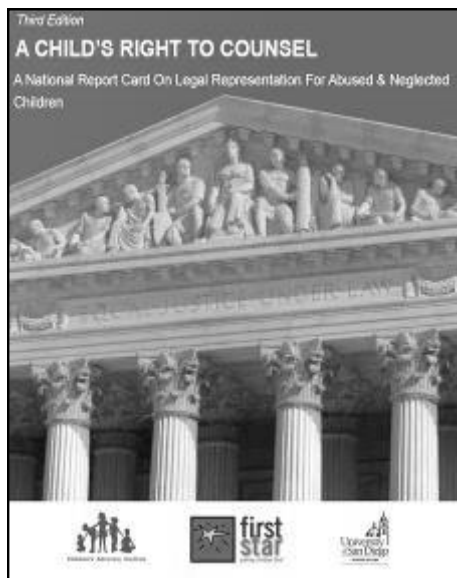


When a tragic death or near death occurs, the public must — at a minimum — be able to know what led up to the incident, in order to determine if there is a systemic flaw in the system that can be remedied. This concern is underlined by CAI’s research and findings that close to 80% of such deaths involve prior reports about those endangered children to child welfare services agencies at the local level.

CAI’s first two editions garnered substantial coverage in national and local press and other media. Since CAI’s 1st edition was released, several states improved their laws in this area, although many still fail to comply with the spirit and/or letter of the federal mandate. During 2014, CAI continued to monitor and collect news reports of children who died due to abuse and neglect and state efforts to correct the systems that allowed this to happen, while working with advocates and stakeholders who are working to improve the law and performance in various states. We also engaged with the Commission to Eliminate Child Abuse and Neglect Fatalities (which we helped create by promoting the Protect Our Kids Act) by proposing Commissioners, submitting written testimony, and recommending areas for Commission inquiry and action.

A CHILD’S RIGHT TO COUNSEL

CAI and First Star released the 3rd edition of *A Child’s Right to Counsel—A National Report Card on Legal Representation for Abused & Neglected Children* in 2012 and we continue our related work to ensure that every abused and neglected child is represented by a trained, competent client-directed attorney throughout the duration of the child’s dependency proceeding. In the report, CAI and First Star compare each state’s laws regarding child representation to a model law that CAI drafted several years ago, and which itself contributed to the Model Act Governing the Representation of Children in Abuse, Neglect, and Dependency Proceedings adopted by the American Bar Association (ABA) in August 2011.



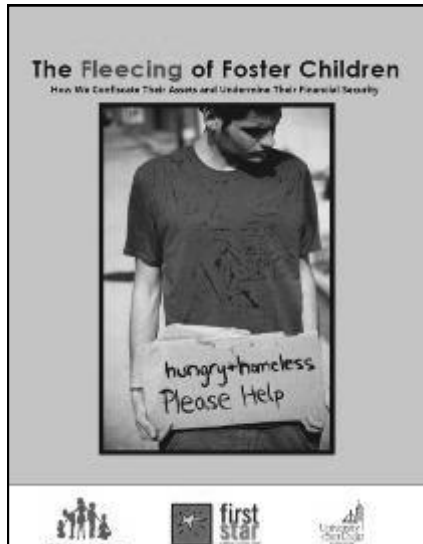
The need for minor’s counsel in these proceedings is basic and compelling. The Dependency Court becomes the legal parent for these children, and it makes critical decisions impacting every aspect of a child’s life — such as where the child will live and with whom, whom the child may see and how often (including siblings), what school the child will attend, et al. The state control here is just as great as for delinquent youth, who are absolutely required to have counsel under the leading U.S. Supreme Court case of *In Re Gault*. Regrettably, however, state custody of dependent children is not universally considered an equal deprivation of liberty, and many states do not appoint counsel at all for abused and neglected children. Many states that do appoint counsel force the attorneys to carry such high caseloads (300–500 children per counsel) that their role becomes largely symbolic. Further, the courts serving as their parents often have caseloads of more than 800, some more than 1,000.

As the most vulnerable person involved in the case, and the least likely to understand the legal process, the child has the greatest need to have her legal rights protected, her needs and interests heard, and her legal position zealously advocated for. Their attorney is the key player here. But the federal statute requiring legal representation for abused and neglected children only requires appointment of a trained guardian ad litem (GAL) and, as noted, in many states that is not an attorney. One federal case (*Kenny A.*) requires that abused and neglected children have a due process right to counsel and sets a maximum caseload of 100 child clients for each attorney — purportedly based on federal and state constitutional command. But it is an Atlanta federal district court decision, and is honored in the breach.

During 2014, CAI remained actively involved with the ABA’s Section of Litigation Children’s Rights Litigation Committee. In addition to participating in monthly strategy planning sessions, CAI helped edit stories that showcase the important role that minor’s counsel have in dependency proceedings, and the benefits of providing such representation for children. Those stories are used on the Committee’s website and in ongoing advocacy efforts to ensure that all abused and neglected children have attorney representation in the proceedings that will determine their fate.

IMPROVING OUTCOMES FOR TRANSITION AGE FOSTER YOUTH

Another area CAI has occupied has to do with federal and state policies that impede youth from attaining self-sufficiency after exiting from the foster care system. CAI's national report, *The Fleeing of Foster Children*, documents practices and policies that inhibit foster youth from achieving financial security and independence after leaving care. The original *Fleeing* report, released in 2011, continued to generate substantial coverage during 2014, and served as the basis for extensive CAI advocacy at the federal level.



One such area of advocacy pertains to the state practice of intercepting funds that belong to foster children in order to pay themselves back for the child's support and maintenance. **When a child is a beneficiary of Social Security disability or survivor benefits, such funds are typically paid to the child's representative payee, who is required by law to properly use or conserve those benefits as appropriate to meet the best interests of the child — such as addressing the child's current disability-related needs or conserving funds for the future use of the child.** That is what a responsible parent would do — not take the child's money to pay for groceries, rent, or any other expenses that the parent (not the child) is legally obligated to cover.

But when it comes to foster children, state foster care agencies routinely apply to serve as representative payees for these children. The federal Social Security Administration (SSA), which is not currently required to notify the court, GAL, or child's attorney of an agency's request to serve as representative payee for a foster child, uniformly approves such requests — and then sends the agencies the child's funds. **The states and counties then almost universally intercept those funds meant for the specific, individualized needs of each child beneficiary and use them to reimburse themselves for the child's foster care costs — expenses that the government is otherwise obligated to provide.**

In 2014, CAI was called upon in Maryland to help draft and to testify on the first state bill to rectify this unjust practice and restore these critical funds to the beneficiaries. Although the bill did not pass, there are ongoing plans to reintroduce it next year. In addition, CAI continued to work to educate members of Congress and their staff about this issue and press for the reintroduction of the Foster Children Self-Support Act, which would curtail this unethical practice and restore a good portion of these funds to the neediest foster children. We will continue to work to secure more champions to press this important federal legislation ahead.

THE FEDERAL GOVERNMENT'S NEGLECT OF CHILD WELFARE LAWS

Our fourth area of national focus is a candid assessment of the underperformance of all three branches of federal government with regard to enacting, implementing, interpreting, and enforcing child welfare laws. In so doing, **the federal government has allowed states to fall below minimum standards or floors with regard to appropriately detecting and protecting children from child abuse and neglect and complying with minimum federal child welfare requirements and outcomes — notwithstanding the fact that states receive nearly \$9 billion in annual federal funding to help them meet those floors.** CAI's report entitled, *Shame on U.S.*, released in January 2015 at the U.S. Capitol, is the result of several years of research on the failures of all three branches of government to address the problems of child abuse and neglect, from causative factors, to removal decisions, to achieving permanence, to measuring outcomes, to compliance with basic federal floors covering foster care reimbursements, child representation, reporting of deaths from abuse and a myriad of other factors.



The report faults the U.S. Department of Health and Human Services (HHS) for infrequently exercising its oversight powers to ensure state compliance with federal mandates — essentially becoming the states’ complicit partner. Too often, HHS takes on a passive monitor role, allowing states to self-certify compliance and set lower standards and performance expectations for themselves — all of which allow glaring inadequacies to go unabated. The other two branches of the federal government also fail to adequately protect and promote the interests of abused and neglected children. Congress has shown little appetite to address these issues or to adequately fund child welfare programs, and federal courts have been reluctant to find that federal laws provide allow aggrieved children and families a private right to sue. The result is a regrettable trifecta of inertia and neglect.

This report holds all three branches accountable, points out their inter-related failures, and emphasizes the critical need to cure the deficiencies in our child welfare system.



CAI’s Senior Staff Attorney Christina Riehl discusses CAI’s *Shame on U.S.* report at a briefing at the U.S. Capitol (also pictured are CAI’s National Policy Director Amy Harfeld, Executive Director Robert Fellmeth., and Administrative Director / Staff Attorney Elisa Weichel).

FEDERAL CHILD WELFARE FINANCE REFORM

A new fifth area of activity, which will culminate in the release of a white paper during 2015, involves child welfare finance reform. We have known for years that the federal child welfare financing system has serious flaws. Take, for example, the irrational vestige of previous years — a provision that bars all federal reimbursements for services provided to a child who was removed from a parent or parents earning more than the federal poverty line as it existed in 1996. **This so-called “lookback” provision allows the federal government to avoid all financial responsibility for what is now over half of all children in foster care, based on a bizarre connection to a poverty level that is both outmoded by inflation and unrelated to any need or justification for the proper care of an abused or neglected child.** Do only poor children need to be protected from abuse and neglect? This baffling provision has not been corrected in almost 20 years, and the result is that increasing numbers of children are denied federal financial support while in foster care, heaping the entire financial burden on states — and even more concerning, providing a financial disincentive to remove children from dangerous homes at all. It also means that federal floors that accompany federal support can also be denied to these children. For example, until recently California

has flatly denied foster care payments to relatives who agree to care for foster children who are ineligible for federal support because of the lookback provision. Although relatives are theoretically entitled to “preference” and federal law precludes denial, our state uses the lack of federal contribution to justify denial of foster care assistance — so only relatives who can bear the full economic burden of providing for their traumatized and needy child relatives can do so. Children of less financially-stable extended family members end up further traumatized in other foster care placements, where their experiences and outcomes often prove to be poorer.



Already knowing that federal child welfare financing was in desperate need for a fix, we were further prompted to take action on this issue when the Annie E. Casey Foundation, known for supporting work in the child welfare arena, proposed a child welfare financing “reform” proposal that would actually remove *all* federal funding for *all* children in foster care after one or three years — based on the assumption that this would stimulate states (then deprived of *all* federal assistance) to aggressively get children out of foster care and secure permanency (*e.g.*, adoptions) more quickly. This proposal has been widely criticized and would have a number of negative dangerous unintended consequences. First, most local jurisdictions already have a financial incentive to achieve adoption or other permanency, as those children are removed from caseworker visit caseloads and from court caseloads. Second, the absence of federal funding for all children who have been in foster care after the allotted amount of time would allow states to lower foster care reimbursement rates for those children to any level desired. Further, those children would no longer be subject to the federal minimum standards that are critical (they were what allowed CAI to prevail in *California Foster Parents Association v. Lightbourne* to force California to raise foster care reimbursement rates by 30%). With no minimum federal standards at play for those children, relatives could be categorically unfunded; compensation could be reduced to a fraction of actual (and federally required) cost; and family foster care supply would be diminished. Indeed, the prospect of a radical reduction in reimbursements to states for the cost of foster care after one or three years would lead large numbers of otherwise willing family foster care providers (and prospective adoptive parents) to eschew providing foster care entirely. No matter how much they want to provide a



home for an abused or neglected child, such a “reform” would make it all but impossible for all but the wealthiest of families to assume that duty. This proposal also fails to consider that although there is near-universal agreement that children should not remain in foster care any longer than absolutely necessary, there are sometimes very compelling reasons for extended stays in care. These circumstances can arise, for example, as the result of a failed adoption, a parent unexpectedly appearing, or a sudden or worsening physical or emotional condition.

In other words, the Casey proposal would have potent unintended consequences.¹ Further, it is reflective of the concession made by many child advocates, who accept as a starting point that any child welfare financing change must be “revenue neutral” — one that does not increase public cost. It is true that the Congress currently in force looks unfavorably upon entitlements, and upon any actual or even perceived increases in spending, especially on social programs. It certainly is incredibly challenging to successfully advocate for legislation that calls for increased investments in this environment. But this does not mean that advocates and others in the child welfare community who can appreciate and quantify the unmet needs of this most vulnerable population should lay down their arms and back away from the fight. In point of fact, given the CPI and in-

creasing numbers of children subject to abuse or neglect reports, the results of “revenue neutrality” are real spending per child cuts year after year. **This concession to revenue neutrality is an irresponsible surrender based on a flawed formula that is not at all “neutral.” And the shortfall is exacerbated further by the federal look-back clause noted above that allows increasing numbers of children needing care to be abandoned by the federal jurisdiction every year. For acceptance by any child advocate of the “revenue neutrality” premise underlines the weakness of our cadre and the critical need for fresh and courageous voices in the debate.**

¹Regrettably, the Casey proposal was adopted in part by respected child advocate Representative Jim Langevin (D-R.I.), who put elements of the proposal into HR 4909. However, advocacy during 2014 by CAI and other child advocacy groups prompted the shelving of the measure.

OVERSIGHT AND REGULATION OF PRIVATE FOR-PROFIT POSTSECONDARY INDUSTRY

CAI spent much of 2014 researching and drafting a sixth national report, one that will reveal the extent to which states are providing appropriate regulation, oversight, and enforcement of private for-profit postsecondary institutions — schools have proliferated apace, helped by public subsidies. **Because of their profit maximization charter, some members of the private for-profit postsecondary industry spend a small fraction of revenue on educational services, academic instruction, and related student support services, and instead direct the bulk of their revenue toward misleading marketing, lobbying, and shareholder and CEO profits.** Programs at these schools average four times the cost of degree programs at comparable community colleges. In addition to the higher expense, for-profit schools often lack appropriate support services that are critical to student success, and many students drop out prior to graduating. Those who do graduate rarely find the lucrative careers commonly touted in the schools' ubiquitous advertising. Regardless of whether they drop out or are able to graduate, too many of these young people are saddled with debt that they are unable to climb out from under.

CAI's research has found that former foster youth and non-minor dependents are one of the populations targeted by some members of the for-profit postsecondary industry. The fact that these young adults can access federal Chafee Educational and Training Vouchers and other exclusive federal and state funding streams is not lost on many private, for-profit postsecondary schools. Another targeted population consists of young veterans, who can access GI Bill benefits.

For the past few years, CAI has led the Private For-Private Postsecondary Campaign, a consortium of advocates working to improve the oversight and regulation of the private, for-profit postsecondary industry. With partners such as Public Advocates in California and David Halperin in Washington, D.C., CAI's work

in this area includes legislative advocacy, including the enactment of AB 2099 (Frazier) and SB 1247 (Lieu) in California; regulatory advocacy before the California Bureau of Private Postsecondary Education, the California Department of Veterans' Affairs, the U.S. Department of Education, the Federal Trade Commission, the U.S. Department of Justice, and the Consumer Financial Protection Bureau, among others; and providing assistance in related litigation, including the USD Veterans Clinic's pioneering precedent to conduct an "arbitration class" of student victims, circumventing the difficulty presented for any class action remedy by the U.S. Supreme Court *Concepcion* case.



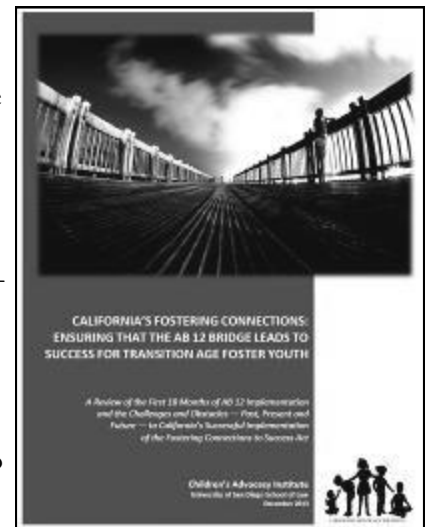
CAI and its partners are calling upon policymakers at the national and state levels to ensure that these schools are properly regulated and meet minimum requirements regarding matters such as graduation rates, mandated disclosures, academic and other support, job placement, default rates, and complaint handling. CAI's report, which will be released in 2015, will evaluate each state's performance in these and other regards.

2. State Research, Reports, and Campaigns

During 2014, CAI followed up on two California-focused reports we released in December 2013, both of which address issues specific to transition age foster youth (TAFY), and engaged in extensive research and drafting on a new state-focused report discussing the appointment of legal counsel for children in family law matters.

AB 12'S IMPLEMENTATION AND EFFECT

CAI's report entitled *California's Fostering Connections: Ensuring that the AB 12 Bridge Leads to Success for Transition Age Foster Youth*, examined the state's performance in executing the Fostering Connections to Success and Increasing Adoptions Act, a 2008 federal statute allowing states to extend foster care coverage until age 21, rather than automatically terminating it at age 18. AB 12 (Beall) (Chapter 559, Statutes of 2010) implemented California's extended foster care program, known as California Fostering Connections. The law, which took effect on January 1, 2012, was enacted to help better prepare California's foster youth to live successful, self-sufficient, independent lives after leaving care and to avoid the negative outcomes now commonly associated with aging out of foster care, such as homelessness, incarceration, unemployment and insufficient educational attainment. California's Fostering Connections is a promising law and if implemented properly could in fact meet those goals. However, there are shortcomings in the law, and obstacles that ultimately threaten its success. These issues came to light throughout the course of researching and writing this report, in CAI's interviews with foster youth, county social workers, dependency attorneys, and other advocates who work closely with nonminor dependents and with AB 12 implementation. CAI's report focused on how implementation of AB 12 was proceeding in ten selected counties, based on research and feedback from those various stakeholders.

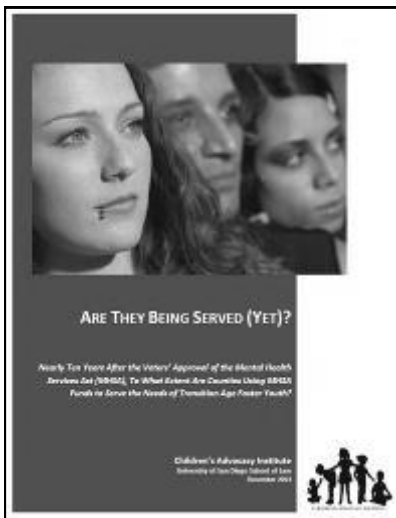


During 2014, CAI followed up on many of the report's recommendations, by encouraging the state and/or counties to create additional innovative options for nonminor dependents and former foster youth — especially to help them bridge the gap from 21 to 25, when most young adults attain self-sufficiency; address caseload issues for attorneys, judges, and social workers; reinstate dual jurisdiction statewide; ensure the adequacy of the Transition Independent Living Case Plan; address issues faced by parenting nonminor dependents; ensure that there is an adequate availability of appropriate placements for nonminor dependents; provide more streamlined, comprehensive education and training for the professionals who work with AB 12 eligible youth; and provide more education about financial self-sufficiency to foster youth and non-minor dependents.

CALIFORNIA'S FAILURE TO USE MHSA FUNDS TO BENEFIT TAFY

Another report we followed up on during 2014, entitled *Are They Being Served—Yet?*, focused on the actualization of Proposition 63, the Mental Health Services Act (MHSA), a 2004 voter-approved measure that collects over \$1 billion annually from the highest income bracket; those funds are supposed to be used to expand and transform the state's mental health system to improve the quality of life for Californians living with or at risk of serious mental illness. CAI's 2013 report was a follow-up to our 2010 investigation into how (or if) counties were using Prop. 63 funds to serve the one population facing obvious mental health challenges and to whom we have a special obligation — our foster children generally, and transition age foster youth in particular.

CAI's research revealed that MHSA funding has not appreciably benefitted this highly deserving and at-risk group of Californians. Some of our findings, which focused on ten specific counties, were that none of those counties had designed an MHSA-funded program exclusively for TAFY; few of them track TAFY participation in their programs; and none of the counties had any longitudinal outcome data related to TAFY who had participated in any of MHSA-funded programs. Further, the report noted that the state's extension of foster care up to age 21 highlights the need for appropriate services for TAFY ages 21–25. These youth face a significant gap when they age out of care; at that point, they no longer have access to resources that were available to them while in care, but many still struggle with various issues, including mental health issues, and are not yet self-sufficient.



CAI's research in this field further supports the implementation of the Transition Life Coach (TLC) option we have promoted over the past decade — an option that mirrors the support and guidance typically offered by parents to their youth adult children. The TLC model involves youth buy-in to his/her plan for transitioning to self-sufficiency and independence, is flexible and personal, involves a mentor or coach to help guide the youth and assist him/her in accessing funds that further the youth's transition, and is overseen by the court (who has served as the legal parent of the child). The TLC model, which could be made available to TAFY ages 21–25, could be implemented statewide using less than 10% of MHS-A proceeds.

During 2014, we continued to advocate for the use of MHS-A funds on behalf of TAFY at the county level, and to fund implementation of the TLC model on a statewide basis. **We also continued to call on state leaders to commence a comprehensive review of the administration and oversight of the MHS-A at both the state and county levels, as any misappropriation of MHS-A funding takes money away from the vulnerable populations that voters intended to help when they approved Prop. 63 in 2004.**

THE UNDERAPPOINTMENT OF MINORS' COUNSEL IN FAMILY COURT PROCEEDINGS

Also during 2014, CAI continued to research and draft a report on the appointment of counsel for children involved in family and probate court proceedings. Often, the same children we see as the subjects of abuse and neglect proceedings find themselves before family or probate courts but with vast differences — they have no social workers mandated to provide services in their best interest and no guarantee that an attorney, or even a guardian ad litem, will be assigned to protect their interests in court. Our research revealed that while appointment of counsel for children in family and probate court is permitted, few courts in California exercise their discretion to permit appointment. This is true even though the children who are the subjects of these custody proceedings have needs mirroring the needs of children appearing in dependency court. CAI will provide suggested solutions for assuring that more children are appointed counsel in family and probate court proceedings.

B. Advocate before All Three Branches: Legislative, Executive, and Judicial

CAI is active before all three branches of government — sponsoring legislation and seeing it through to enactment, then participating in the rulemaking process to ensure its appropriate implementation, and when necessary, bringing litigation to, for example, challenge an agency's inappropriate implementation, enforcement, or oversight of specific statutory mandates. CAI's multi-faceted efforts comprehensively and successfully embrace all tools of public interest advocacy to improve the lives of children and youth.

1. Legislative Advocacy

CALIFORNIA LEGISLATIVE ADVOCACY

During 2014, in addition to actively tracking over 80 bills in the California Legislature, CAI sponsored or co-sponsored several measures, including the following:

★ **AB 2607 (Skinner)** requires that a person be released from juvenile detention upon an out-of-home placement order unless the court determines that a delay in the release from detention is reasonable, as specified, and enumerates specific circumstances where such a delay is not reasonable. This bill was signed by the Governor on September 26, 2014 (Chapter 615, Statutes of 2014).

★ **AB 2632 (Maienschein)** prohibits DSS from providing a criminal record clearance for a person applying for employment in a community care facility, residential care facility for the elderly, and child day care facility with a record of an arrest for a non-exemptible crime prior to the completion of an evaluation of the person's arrest record for employment. This bill was signed by the Governor on September 29, 2014 (Chapter 824, Statutes of 2014).

★ **AB 388 (Chesbro)** will help protect children and youth in foster care from being arrested and having charges filed against them due to minor incidents at group homes, and from being needlessly detained in juvenile halls solely due to their foster care status. For example, this bill requires a group home, transitional housing placement provider, community treatment facility, or runaway and homeless youth shelter to report to the Community Care Licensing Division of the Department of Social Services (DSS) upon the occurrence of any incident concerning a child in the facility involving contact with law enforcement, and requires DSS to inspect a facility at least once a year if it determines that a facility has reported a greater than average number of law enforcement contacts involving an alleged violation of specified crimes by a child residing in the facility.

This bill authorizes, if alleged conduct that appears to bring a dependent minor within the description of a ward of the court occurs in, or under the supervision of, a foster home, group home, or other licensed facility that provides residential care for minors, the county probation department and the child welfare services department to consider, in making their determination and recommendation to the court, whether the alleged conduct was within the scope of behaviors to be managed or treated by the facility, as specified. The bill also authorizes, among other things, a requirement for immediate notification of the child welfare service department and the minor's dependency attorney upon referral of a dependent minor to probation, to be included in the protocols developed by the county probation department and the child welfare services department.

This bill requires that the court's decision to detain, if a minor is a dependent of the court, not be based on the minor's status as a dependent of the court or the child welfare services department's inability to provide a placement for the minor. The bill requires, in certain circumstances, the court to order the child welfare services department to place the minor in another licensed or approved placement. This bill was signed by the Governor on September 29, 2014 (Chapter 760, Statutes of 2014).

★ **AB 1978 (Jones-Sawyer)** enacts the Child Welfare Social Worker Empowerment and Foster Child Protection Act which, among other things, requires DSS, in consultation with counties and labor organizations, to establish a process, no later than January 1, 2016, to receive voluntary disclosures from social workers, if a social worker has reasonable cause to believe that a policy, procedure, or practice related to the provision of child welfare services by a county child welfare agency, as defined, endangers the health or well-being of a child or children, as specified; prohibits DSS from disclosing to any person or entity the identity of a social worker making a disclosure pursuant to these provisions, unless the social worker has consented to the disclosure or there is an immediate risk to the health and safety of a child; requires DSS, no later than January 1, 2018, to report to the Legislature, and post on its Internet Web site, the total number of relevant disclosures received and a summary description of the issues raised in those disclosures and of the actions taken by the department in response to those disclosures; and

provides that a county social worker may comment publicly on a child death review if the county child welfare agency comments publicly about the case within the scope of the release of information, as specified. This bill was signed by the Governor on September 29, 2014 (Chapter 768, Statutes of 2014).



CAI's Senior Counsel Ed Howard testifies before the Senate Human Services Committee on CAI-sponsored AB 2632 (Maienschein).

★ **AB 2391 (Calderon)** would have clarified that, after the dispositional hearing for a child in foster care, preferential consideration shall be given, on a case-by-case basis to a relative of a child in foster care for purposes of placement of the child, and would have required the Judicial Council to adopt a rule of court, effective January 1, 2016, to implement this clarification. This bill died in the Senate Judiciary Committee.

FEDERAL LEGISLATIVE ADVOCACY

At the federal level, CAI provided support and advocacy on behalf of several measures, including the Foster Children Opportunity Act, the Preventing Sex Trafficking and Improving Opportunities for Youth in Foster Care Act, the Homeless Children and Youth Act, the Proprietary Education Oversight Coordination Improvement Act, the Protections and Regulations for Our Students Act, and the Supporting At-Risk Children Act. CAI also submitted comments to the Senate Caucus on Foster Care on child welfare financing reform (see related discussion above).

One major federal legislative victory in the sex trafficking area came thanks to Rep. Dave Camp (R-MI) (a 1978 graduate of the USD School of Law who was then serving as Chair of the House Ways and Means Committee), as well as Representatives Sandy Levin (D-MI), Dave Reichert (R-WA), and Lloyd Doggett (D-TX) and Senators Ron Wyden (D-OR) and Orrin Hatch (R-UT). **The Preventing Sex Trafficking and Strengthening Families Act (H.R. 4980), which achieved passage in the last minutes of the 2014 congressional session, has some constructive elements, and includes the elevation of many of the provisions CAI has successfully cosponsored in California law into a federal floor applicable to other states.**



CAI's National Policy Director Amy Harfeld visits with U.S. Rep. Dave Camp (R-MI).

2. Litigation

In addition to conducting research on several new areas of potential litigation (such as challenging the federal lookback provision discussed above, the Social Security Administration's failure to identify and appoint appropriate representative payees for child beneficiaries who are in foster care; and California's refusal to fairly reimburse relatives foster care providers), CAI's litigation activity during 2014 included the following:

PROTECTING THE INTEGRITY OF CALIFORNIA'S CHILD HEALTH AND SAFETY FUND

In 2014, CAI entered into a settlement agreement in *Barrow v. California Department of Public Health*, which CAI filed based on its concerns about the state's handling of the Child Health and Safety Fund, which was created as part of a CAI-sponsored bill enacted in 1992. AB 3087 (Speier) (Chapter 1316, Statutes of 1992) allows California car owners to purchase "Kids Plates" — personalized license plates featuring a heart, hand, star, or plus sign. Proceeds from these plates go into the Child Health and Safety Fund and are supposed to be used for specified child health and safety expenditures aimed at preventing unintentional childhood injuries. However, in 2012 the Bureau of State Audits issued a report documenting various types of misdirected Kids' Plates funds over the last decade, contrary to the language and intent of our statute. For example, **the audit found that the Department of Public Health**

(DPH) (and its predecessor, the Department of Health Services) violated state law by contracting with a San Diego foundation to manage the Kids' Plates program from 2004 to 2010; specifically, the departments did not comply with provisions of state law that prohibit state agencies from contracting with private entities to perform work that state employees could perform.



CAI's litigation against DPH sought to compel compliance with the law, and to require more transparency by DPH regarding the use of Fund proceeds. In October 2014, the court entered judgment pursuant to a settlement agreement that requires DPH to post, maintain, and annually update specified information on its Kids Plates website, such as the amount of appropriations to DPH from the Fund; all expenditures made for the Kids' Plates program; how the expenditures have addressed the relevant statutory requirements; the list of criteria considered by DPH in program planning prior to each funding cycle; the request for applications to be used by prospective grantees; the appeals process for applicants who are denied grant funding; outcome evaluation results for funded projects; and contact information for the staff person responsible for administering the program.

During 2015, CAI will be monitoring DPH's Kids Plates website to ensure that this information is being posted, maintained, and updated.

PROTECTING MINORS FROM FACEBOOK ABUSES

Our major ongoing case is *K.D. v. Facebook*, where we began as objectors to a proposed settlement in a federal class action that would allow the enforcement of a new terms and conditions clause granting to Facebook the unfettered right to expropriate any posting, including photos, of any teen subscriber, rearrange it, and transmit it to whomever it wished in blank check fashion — without prior notice to the teen, and with no notice to or consent from any parent. After the settlement was approved by the U.S. District Court, we filed an appeal to the Ninth Circuit.

Among other things, CAI is contending on appeal that the settlement is not fair, adequate and reasonable for the subclass of ten million American children, as it places them in a position with less protection than they would have without the agreement. In fact, it purports to recruit the federal courts to enter an order that would effectively exempt Facebook from numerous statutes protecting privacy and children.

CAI also argues that, contrary to Facebook's contention, the federal Children's Online Privacy Protection Act (COPPA), which only applies to children under the age of 13, does not preempt or void any common law or state privacy provision as to teens who are over the age of 13.



CAI also points out several reasons why the district court's review of the proposed settlement in this particular proceeding should have been much more robust than it was. For example, the case settled before class certification; Facebook repeatedly threatened the class with millions of dollars to pay its counsel (due to an unusual California "reverse fee shift" provision), creating an unprecedented "forced collusion" contaminant; the settlement was rejected by its own lead class representative; and the settlement was also rejected by some organizations that otherwise would have received *cypres* awards pursuant to the terms of the agreement.

The primary legal contention of Facebook has drawn *amicus* opposition from the Federal Trade Commission and the California Attorney General, as well as from some of the country's most highly respected privacy and child rights institutions. The appeal has been fully briefed and oral argument will be held in September 2015.

FACILITATING TRANSPARENCY OF DEPENDENCY COURT PROCEEDINGS

During 2014, CAI filed an *amicus curiae* letter brief with the California Supreme Court in *In Re A.L.*, defending a blanket order of Los Angeles County Juvenile Court Presiding Judge Michael Nash that sought to facilitate transparency of Dependency Court proceedings. Specifically, the blanket order implemented Welfare and Institutions Code section 346, a statute that governs when and under what circumstances the public and the press may be permitted to attend juvenile dependency proceedings. The Order did this by assembling existing precedent into a single document and aligning those precedents with pre-existing court practice.

In the underlying case, the juvenile court exercised the discretion granted to it by section 346 and prior appellate case law as summarized by the Order to allow representatives of the *Los Angeles Times* to attend a hearing over the objection of minor A.L.’s counsel. Without serving the *Times*, without challenging the disposition of the child, without arguing that the child was in any way harmed by *Times* access, and as part of a County-wide effort by dependency counsel to object to every effort by the *Times* to attend any hearing under the Order, A.L. appealed the trial court’s admittance of the *Times*. After granting the *Times* the status of a real party, the Second District Court of Appeal, Division Eight, reversed the order entitling the *Times* to attend A.L.’s hearings and invalidated the Blanket Order. The *Times* sought the California Supreme Court’s review of that published decision.

In support of the *Times* petition for review, CAI argued that *In Re A.L.* involved four topics of first-tier importance to California: the ability of judges to manage the administration of justice in their courtrooms; the operations of a government program that is entirely responsible for raising abused and neglected children to adulthood; the ability of the press to report on judicial proceedings; and the question of who and under what circumstances a person may appeal an adverse ruling. **CAI noted that while court proceedings may very well warrant confidentiality, particularly where in the best interests of involved children, Supreme Court doctrine holds that a wide presumption of blockage is dubious even where statutorily authorized — if it is not closely connected to its compelling state interest rationale, or is overbroad.** In its filing, CAI explained how the requirements that the appellate court holding imposes on an entity (the press) seeking access to a proceeding results in a wide presumption of blockage, and that any close connection between this blockage and its compelling state interest was entirely absent from the appellate court’s analysis.

In June 2014, the California Supreme Court denied review in this matter. In August 2014, Judge Nash issued a revised blanket order that sets forth an orderly process to allow appropriate access to Dependency Court proceedings, in a manner fully consistent with California statutory and case law.

RECOGNIZING THE INTEGRITY OF EACH CHILD’S FAMILY UNIT

Also during 2014, CAI filed an *amicus curiae* brief with the U.S. Supreme Court in support of a petition for writ of certiorari in *Pierre v. Holder*. In the underlying case, the Second Circuit Court of Appeals’ decision prevents some children from obtaining citizenship solely as a result of the marital status and gender of their caretaker. CAI argued that the decision disrupts the parent-child relationship and places one group of children at greater risk of separation from their families, which can have life-long detrimental effects. The wealth of social science research shows that a stable family unit, no matter what its form, is in the best interest of the child. CAI argued that the importance of preventing the needless separation of children from their families warranted the Court’s review of the decision below. Unfortunately, the Court denied the petition in October 2014.



3. Regulatory Advocacy

CAI engages in advocacy before state and federal agencies that implement programs designed to serve children and youth. During 2014, some of CAI’s regulatory advocacy included the following:

URGING ACF TO PROPERLY INTERPRET AND ENFORCE FEDERAL CHILD WELFARE LAW

During 2014, CAI continued to engage the U.S. Department of Health and Human Services’ Administration for Children and Families (ACF) on a number of issues. For example, CAI urged ACF to adopt binding regulations (as ACF was Congressionally directed to do) that provide states with clear and enforceable instructions with regard to complying with CAPTA’s public disclosure mandate, which requires states to have policies allowing for public disclosure of findings and information about child abuse and neglect fatalities and near fatalities.

CAI also continued to urge ACF to rescind its 2012 changes to the Child Welfare Policy Manual that provide states with loopholes and broad exceptions that can be used to avoid disclosure of child abuse or neglect fatalities or near fatalities. For example, the prior version of the CWPM correctly emphasized that states have no option or discretion when it comes to releasing such information — even if a state claimed that disclosure would be contrary to the best interests of the child, the child’s siblings, or other children in the household; this stance reflected the fact that Congress had already weighed the pros and cons of disclosure and determined that with respect to



child abuse and neglect fatalities and near fatalities, the benefits of public disclosure outweigh any potential harm that disclosure might cause. With no corresponding change in CAPTA that would justify a reversal in its position, ACF revised the CWPM in 2012 to explicitly permit states to withhold information based on privacy-related criteria that gives states a tremendous amount of discretion. ACF’s elevation of privacy interests over revelation of the circumstances of a child’s death or near death may effectively cancel the statutory intent.

Despite CAI’s advocacy throughout 2014, ACF refused to correct the improper, *ultra vires*, and devastating loopholes it created. Into and through 2015, CAI shall continue to argue for the agency’s correction of the CWPM provisions and its adoption of competent and faithful regulations that implement Congressional intent.

CAI also submitted comments to ACF and its Children’s Bureau (CB) on the Children and Family Services Review (CFSR) process, which is the monitoring tool CB uses to ensure states are in conformity with federal child welfare requirements. CAI raised several concerns about the efficacy of the CFSR process, in light of the fact that after two full rounds of the CFSR, no state has ever been found to be in substantial conformity with all of the outcomes and factors evaluated as part of the process. Among other things, CAI also expressed concern that through the CFSR process, the CB does not require states to demonstrate conformity with all federal child welfare requirements — and it instead limits its review to states’ performance in a few selected areas. CAI noted that without a major overhaul, the CFSR process is not going to ensure states’ conformity with federal child welfare requirements in the third CFSR round any more than it did in the first two rounds.

ADVOCACY BEFORE THE CHILD FATALITY COMMISSION

CAI’s work at the federal level also included advocacy before the federal Commission to Eliminate Child Abuse and Neglect Fatalities, a twelve-member body charged with developing a national strategy and recommendations for eliminating fatalities and near-fatalities across the country resulting from child abuse and neglect. In June 2014, CAI provided the Commission with a list of issues and questions that it urged the Commission to investigate, grapple with, and propose solutions.

For example CAI explained how the current checks and balances in our child protective system are imbalanced and ineffective. When a child is removed from his/her parent’s care, there are many procedural checks that will determine whether the child’s removal was appropriate. But what about the flip side? When social services intervene but the child is not removed, there is no check. The case is often closed and no further monitoring is conducted. The public’s ability to review cases of fatalities and near fatalities provides the only check on the adequacy of our child protection system. Such a check comes too late to serve the child involved but is critical in identifying and addressing systemic flaws in order to protect other children in the same household as well as children in danger systemwide. Thus, CAI urged the Commission to utilize its considerable voice and muscle to press for critical reforms to CAPTA as it pertains to state’s public disclosure requirements. Congress must significantly strengthen and clarify statutory language, and must explicitly enumerate its expectations for much more robust oversight and enforcement by ACF.

Also, CAI noted that because it is imperative that states provide accurate, timely, and consistently-reported data about child abuse and neglect fatalities and near fatalities, CAPTA properly requires the U.S. Department of Health and Human Services (DHHS) Secretary to develop a federal data system that includes standardized data on, among other things, the number of deaths due to child abuse and neglect. DHHS responded by creating the National Child Abuse and Neglect Data System (NCANDS) — but instead of mandating states to provide standardized data, DHHS made NCANDS a voluntary data collection system. Nor does NCANDS require states to use standardized definitions of critical terms. Such a situation allows for chronic underreporting by states of child maltreatment, which in turn misleadingly minimizes the severity of the problem in the eyes of policymakers and the public.

For purposes of identifying and addressing systemic failures in our child welfare system, CAI noted that the most useful type of information regarding a child fatality or near fatality is any and all information concerning previous contacts or referrals regarding that child, his/her family, and anybody involved in the fatality or near fatality. Such disclosure must include information about referrals or reports that were deemed “unsubstantiated” or “screened out” by the child welfare agency. The agency’s method of processing or evaluating those referrals or reports can reveal systemic flaws in the system and must be made available for disclosure in the case of a child fatality or near fatality. Thus, CAI encouraged the Commission to look into requirements that certain referrals or reports to child welfare systems be expunged after a certain period of time.

During 2014, the Commission held public meetings in Texas, Florida, Michigan, Colorado, and Vermont. CAI attended nearly all of these meetings, establishing a presence as a consistent and formidable watchdog who will keep public pressure and scrutiny on the Commission to ensure it carries out its critical mission in the most effective manner. The Commission is expected to hold several more meetings in various locations during 2015. CAI plans on attending most of these meetings and will continue to carefully monitor the Commission’s activities, submit recommendations, and make itself available to present live testimony as requested.

CALIFORNIA REGULATORY ACTIVITY

Also during 2014, CAI worked closely with officials from the Department of Social Services on a number of topics, such as California’s need to adopt a CAPTA-mandated policy regarding the public disclosure of child abuse and neglect near fatalities, as well as CAI’s work on the Step Up Coalition (see p. 23). CAI also engaged state regulators relevant to its work on the Private For-Profit Postsecondary Campaign (see p. 12).



C. Educate Tomorrow's Child Advocates

CAI works to educate those interested in child welfare through conferences and presentations, as described below. However, one of our primary responsibilities is to educate advocates of the future. That includes both a core course in Child Rights and Remedies using our text, and associated clinics representing children in court and engaging in policy research. The USD School of Law now offers a Concentration in Child Rights, and an increasing number of law students are graduating with this educational focus.

Importantly, CAI is in the process of creating the Fellmeth-Peterson Endowed Faculty Chair in Child Rights, named in honor of Robert B. Fellmeth (father of CAI Founder and Executive Director Robert C. Fellmeth) and Paul Peterson, a longstanding supporter and inspiration for CAI from its very beginning 25 years ago. The Endowed Faculty Chair will assure the continuation of CAI as an educational part of USD and, hopefully, as a state, national and perhaps someday, international advocate for children.

1. CAI Classes and Clinics

The centerpiece of CAI's academic program is *Child Rights and Remedies*, a one-semester course taught in a modified Socratic method with students assigned various roles (child attorneys, parent attorneys, feminist advocates, fathers' rights advocates, fundamental religious, civil liberties advocates, Attorney General, *et al.*). The course, which uses Professor Fellmeth's text, *CHILD RIGHTS AND REMEDIES* (Clarity Press, 3rd Edition, 2011), is a prerequisite to participation in CAI's three clinics — the Dependency Clinic, the Delinquency/At-Risk Youth Clinic, and the Policy Clinic.

During 2014, several students participated in one or more of CAI's clinical opportunities and/or otherwise participated in CAI's academic component. Five students (David Binsacca, Gregory Catangay, Kelsey Hathaway, Natalie Rodriguez, and Jessica Underwood) represented children or parents in CAI's Dependency Clinic. This clinical opportunity is unusual; the students are certified by the State Bar's Practical Training of Law Students program and, working under the guidance of Professor Fellmeth and other CAI professional staff, as well as the assigned attorneys for the youth involved, they have substantial roles in the legal proceedings. They interview the children and other parties, handle calendars, file motions, examine witnesses, and conduct trials. It is not merely a briefcase carrying or memo writing function.

Five students (Jessica Kiley, Ashley Lafargue, Alyssa Ruiz de Esparza, Maryam Rastegar, and Jessica Underwood) also participated in CAI's Policy Clinic, where they helped CAI's attorneys with litigation, national and state reports, and legislative and regulatory advocacy programs.

During 2014, the following USD Law students authored articles under Prof. Fellmeth's supervision, many of which were published or are currently scheduled or being considered for publication:

- ◆ Kathryn Brown, *Maximizing the GI Bill: The Need for State Approving Agencies to Hold For-Profit Schools to a Higher Standard*
- ◆ Lauren Crosby, *Protecting Student Consumers from For-Profit Abuses: The Restoration of Civil Justice and Class Action Remedies*
- ◆ Greg Catangay, *Towards Uniform Application of Special Immigrant Juvenile Status*
- ◆ Komal Patel, *Where Did You Send My Mommy? Family Values and U.S. Immigration Policy*
- ◆ Chandra Zdenek, *The United States Versus Japan as a Lesson Commending International Mediation to Secure Hague Abduction Convention Compliance*
- ◆ Ashley LaFargue, *Undocumented Unattended Entry Minors and Available Remedies*
- ◆ Natida Sribhibhiadh, *Former Foster Youth of Orange County: Identifying and Eliminating Legal Barriers for a Successful Transition to Adulthood*
- ◆ Natalie Rodriguez, *Criminal Waivers for Placement and the Judicial Role*
- ◆ Jessica Kiley, *The Optimum Protocol for AB-12 Inclusion of Dependency/Delinquents*
- ◆ Alyssa Ruiz De Esparza, *A Study of State Statutes and Rules Pertaining to Private For-Profit School Regulation*
- ◆ Maryam Rastegar, *New Statutes Regarding the Education of Foster Youth*
- ◆ Yurika Tulen and Heath Watanabe, *International Child Abduction in Japan*

2. Academic Awards

In May 2014, CAI honored six graduating law students for their exceptional work on behalf of children and youth. CAI presented the **2014 James A. D'Angelo Outstanding Child Advocate Award** to Amanda Edmonson, Jazmine Gregory, Ann Kinsey, Yangkyoung Lee, Holly McCord, and Michelle Peña. These students participated in the policy, dependency and/or delinquency sections of the Child Advocacy Clinic over multiple semesters, advancing the rights and interests of countless children and youth.

Also in May 2014, CAI presented the **2014 Joel and Denise Golden Merit Award in Child Advocacy**, awarded annually to a 2nd year law student who has already started to use his/her developing legal skills to benefit foster children, to Maryam Rastegar. In addition to her exemplary work with CAI, Maryam also assumed a leadership role with the Advocates for Children and Education (see below).

3. Advocates for Children and Education (ACE)

In addition to participating in CAI's academic offerings, USD School of Law students have also created a child advocacy-focused student organization, Advocates for Child and Education (ACE). Founded in 2012 by CAI student Lisa Charukul, ACE seeks to promote the welfare of children by providing USD law students with opportunities to work with children in the local community. ACE provides volunteer opportunities in the areas of juvenile delinquency, special education, and general mentoring and advocacy. Additionally, ACE provides resources and information about careers in child advocacy and education law.

During 2014, CAI students Jazmine Gregory and Maryam Rastegar played leadership roles in ACE, for which CAI Executive Director Robert Fellmeth serves as Faculty Advisor.

4. Welcome New Child Advocates

CAI is honored to have worked with all of the students noted above, and we are delighted that many of them will be making child advocacy the focal point of their legal careers. We humbly share some of their comments about their experiences with CAI:



"Participating in the Delinquency Clinic was the epitome of my law school experience...Bob's passion in advancing children's rights inspires me, and through the CAI, I have found my lifetime passion in representing teenagers in criminal proceedings pro bono." — Yangkyoung Lee, *2014 Co-Recipient of the James A. D'Angelo Outstanding Child Advocate Award*

"Some of my most rewarding and enlightening experiences in law school happened in my classes at CAI. Not only did I learn invaluable lessons about seminal cases and policies affecting children and youth, but also about how to best approach the challenges faced by child advocates in the courtroom and at the Capitol." — Michelle Peña, *2014 Co-Recipient of the James A. D'Angelo Outstanding Child Advocate Award*



"Thank you to Professor Bob Fellmeth and the Children's Advocacy Institute for allowing me the opportunity to explore legal issues relating to children. They gave me the freedom to pursue my interests and provided me with guidance. Because of this freedom, I felt like an attorney before I was one! Bob Fellmeth's passion and that of everyone at the Children's Advocacy Institute is contagious." — Annie Kinsey, *2014 Co-Recipient of the James A. D'Angelo Outstanding Child Advocate Award*



“Every time I walk into CAI, I feel like I’ve arrived home....I’ve learned so much about dependency law, education law, and child advocacy through the dependency clinics,...I look forward to applying the knowledge I learned from CAI once I become an attorney and hope I make a difference in children’s lives.” — Holly McCord, *2013 Recipient of the Joel and Denise Golden Merit Award in Child Advocacy, 2014 Co-Recipient of the James A. D’Angelo Outstanding Child Advocate Award*

“My experience in Professor Fellmeth’s Child Rights class was my first introduction to the child advocacy legal field. I later worked with the...Policy Clinic, researching the effects and outcomes of the long-term foster care system and soon discovered my passion within the special education legal field. I have been working at a special education law firm for over two years, representing children’s educational rights.” — Jazmine Gregory, *2014 Co-Recipient of the James A. D’Angelo Outstanding Child Advocate Award*



D. Engage in Leadership and Collaboration

CAI participates in state and federal collegial education and advocacy, and is part of several national coalitions such as the National Foster Care Coalition, the National Child Abuse Coalition, the Children’s Leadership Council, the Coalition on Human Needs, and the Child Welfare and Mental Health Coalition. We are involved in the governance of the National Association of Counsel for Children (an organization with membership consisting of 2,500 of the nation’s attorneys who represent children in court) and the Partnership for America’s Children (an umbrella organization bringing together child advocacy organizations from 42 states). CAI also participates in the governance of the Maternal and Child Health Access Foundation in Los Angeles and First Star in Washington, D.C. and Los Angeles. We are on the Board of Directors of these four entities, as well as the D.C.-based public interest organization Public Citizen.

We continue to organize and convene the Children’s Advocates Roundtable in Sacramento, as we have for 25 years now. We are now joined in that effort by Children Now, and we are expanding the Roundtable’s influence and the number of organizations participating. Roundtables feature presentations by state and national experts, policymakers, legislative and executive branch staff, and others on major issues impacting children and youth. During 2014, presentations focused on issues such as unaccompanied immigrant children, commercially sexually exploited children, mental health issues and concerns, dependency counsel caseloads, relative placement of foster youth, health care, education, and federal child welfare law and policy.



Also during 2014, CAI was an active participant in California’s Step Up Coalition, which is working to remove the barriers that prevent relatives foster care providers from receiving reimbursements equal to the basic foster care rate, as well as providing specialized care system support to relatives caring for children with heightened needs. Historically in California, relative foster parents received federal foster care benefits only if the child meets the federal rules — but because of the antiquated lookback provision discussed above, at least a third of California foster children are not federally eligible. Thanks to the work of the Step Up Coalition, now non-federally eligible children placed with relatives can receive Approved Relative Caretaker (ARC) benefits equal to the basic foster care rate, if the county has opted into the program. For children placed through counties that have not opted into ARC, the child is only eligible for CalWORKs benefits, which provides just a fraction of the amount available through ARC. During 2015, CAI will continue its involvement with this Coalition’s effort to move California toward a truly child-centered foster care rate system that provides support to children based on their needs.

CAI also led the effort of the Private For-Profit Postsecondary Campaign (discussed above), and participated in other coalitions and consortiums, such as an effort to align California’s Foster Youth Services program with the Local Control Funding Formula. Additionally, CAI staff coordinates conference calls, webinars, and presentations for these groups and at events throughout the year.

III. Our Celebration: 25 Years of Child Advocacy and an Endowed Chair in Child Rights

Our Children's Advocacy Institute has now passed its 25th year, marked by a November 2014 celebration where we were joined by many of our alumni, supporters, and friends to rededicate ourselves. It was good to take a moment to reflect on our past work and accomplishments, though never forgetting how much work remains to be done.

As part of its celebration, CAI was extremely pleased to honor three individuals whose exemplary work is advancing the interests of children and youth in our society: CAI/USD alumna Jessica Heldman '04 (JD), Garrett Therolf of the *Los Angeles Times*, and U.S. Congresswoman Susan Davis.

Also as part of our celebration, CAI announced the creation of the **Fellmeth-Peterson Faculty Chair in Child Rights**, which will assure the continuation of CAI as an educational part of USD and, hopefully, as a state, national and perhaps someday, international, advocate for children. The chair is named in honor of Robert B. Fellmeth (father of CAI Executive Director Robert C. Fellmeth), and Paul Peterson, a longstanding supporter and inspiration for CAI from its very beginning 25 years ago. **CAI is tremendously grateful for the generosity of the following donors, whose combined gifts will perpetually support the new Chair:**



Donors to the Fellmeth-Peterson Faculty Chair in Child Rights

(alphabetical order)

Anonymous

Anthony R. Carr

David S. Casey, Jr.

Prof. Robert and Julianne D'Angelo Fellmeth

Dr. Louise Horvitz

James McKenna

Ralph and Jeanne Miller

Rudolph P. Murillo

The Peterson Family

Price Philanthropies Foundation (Robert and Allison Price)

John and Lynne Thelan

Byron and Gail White

Also at the event, CAI was the surprise recipient of a Resolution from the California Legislature. Presented to CAI Executive Director Robert Fellmeth by Andrew Hayes, District Representative for Senator Joel Anderson, the Resolution states in part:

WHEREAS, The Children's Advocacy Institute (CAI) is celebrating its twenty-fifth anniversary on November 15, 2014, and it is appropriate at this time to highlight its many achievements and underscore the positive impact it has made in the lives of children and youth throughout the State of California and beyond; and

WHEREAS, Founded in 1989 at the nonprofit University of San Diego School of Law, CAI holds distinction as one of the nation's leading academic, research, and advocacy organizations working to improve the lives of children and youth, with special emphasis on refining the child protection and foster care systems and enhancing resources available to youth aging out of foster care; and

WHEREAS, The efforts of CAI comprise two distinct strategies of support: through its academic component, which encompasses the Child Advocacy and Dependency Counsel Training Program, the Institute trains law students and attorneys to serve as effective child advocates throughout their legal careers; in its research and advocacy component, conducted through its offices in San Diego, Sacramento, and Washington, D.C., CAI seeks to leverage change for children and youth through impact litigation, regulatory and legislative advocacy, and public education; and

WHEREAS, Primarily active at the federal and state levels, CAI strives to embrace all tools of public interest advocacy to further improve the lives of children and youth, and its most notable achievements include challenging the state to better reimburse foster parents as greater incentive to care for abused and neglected children; drafting landmark legislation that allows for public scrutiny of state and county child protective services; and helping to secure for foster children aging out of the juvenile justice system the same program eligibility assistance as those aging out of the dependency system, among myriad other vital contributions; and

WHEREAS, The Children's Advocacy Institute has evolved into a leading youth advocacy organization, a dynamic force striving to improve the quality of service and support for neglected and abused children and youth; now, there, be it

RESOLVED BY SENATORS MARTY BLOCK, JOEL ANDERSON, BEN HUESO, AND MARK WYLAND, SPEAKER OF THE ASSEMBLY TONI G. ATKINS, AND ASSEMBLY MEMBERS ROCKY J. CHAVEZ, LORENA GONZALEZ, BRIAN MAIENSCHIN, AND MARIE WALDRON, That the Children's Advocacy Institute be commended on the celebration of its twenty-fifth anniversary and on the vital role it has played in improving the quality of life for countless children and youth throughout the State of California and beyond, and extended best wishes for continued success in the future.



Andrew Hayes, District Representative for Senator Joel Anderson, presents Robert Fellmeth with a Resolution from the California Legislature commemorating CAI's 25th anniversary

We are very thankful to all those who joined us in celebrating our 25th anniversary, as well as to all the individuals and entities that have supported us along the way. CAI extends a special thank you to the law firms and businesses that sponsored our celebration as Champions for Children (\$5,000 sponsorships) and Shining Stars (\$2,500 sponsorships), as shown on the inside back cover of this report.



1. CAI's Amy Harfeld, Christina Riehl '01 (JD), and Melanie Delgado '06 (JD)
2. USD's Timothy O'Malley and Stephanie Reighley with former CAI attorney Rusty Nichols '93 (JD)
3. Renae Fish and Gary Redenbacher, Chair of the CAI Council for Children, with Bob and Julie D'Angelo Fellmeth '83 (JD)
4. Dr. Gary Richwald of the CAI Council for Children presents the Price Journalism Award to Garrett Therolf of the *Los Angeles Times*
5. Rep. Susan Davis receives an award from CAI's Bob Fellmeth
6. CAI's Bob Fellmeth and Maryam Rastegar '15 (JD)
7. USD School of Law Dean Stephen P. Ferruolo
8. Dr. Kathleen Edwards, CAI's Melanie Delgado '06 (JD), Korah Loyd, and Dave Walton
9. Steve and Nancy Gannon Hornberger
10. Mercedes Alcoser and Will Evans
11. Johner and Christina Riehl '01 (JD)
12. Guests enjoy the reception and silent auction
13. Jessica Heldman '04 (JD) receives an award from Bob Fellmeth
14. CAI's Ed Howard
15. Melanie Delgado '06 (JD), Nancy D'Angelo, Julie D'Angelo Fellmeth '83 (JD), and Meredith D'Angelo '09 (JD)

IV. Our Gratitude: Thanks to Our Supporters

We thank all those who make our work possible, and in particular, the late Sol and Helen Price; Robert and Allison Price, and the Price family; the Paul Peterson family; and Louise Horvitz. Their vision of what we should be remains our charted course. We are also grateful to our present and past Council for Children, and to our Dean and our colleagues on the faculty, many of whom contribute to CAI from their own pockets. And I am also grateful to another group — the staff of CAI. They work hard, all of them. They believe in what they are doing. I am fortunate to have them as colleagues.

We are also thankful for the generous grants and gifts contributed by the following individuals and organizations between January 1, 2014, and December 31, 2014, and/or in response to CAI's 2014 holiday solicitation. CAI is fortunate to have the personal backing of many highly respected individuals. One point of special pride is the contribution for CAI's work by a majority of the faculty at the USD law school from their own pockets. We are honored to receive such a level of support from within our own community.

Prof. Larry Alexander
Travis Anderson
Maureen Arrigo
Prof. Carl A. Auerbach
Auto Fraud Legal Center
Stephen Balcomb
Robert and Margaret Bavasi
William M. Benjamin
Aparajit Bhowmik
Vickie Bibro
Robert L. Black, M.D.
Blumenthal, Nordrehaug & Bhowmik
June Brashares
Jennifer A. Brobst
Kenneth W. Brooks
Prof. Roy Brooks *in memory of Penny Brooks*
Dana Bunnett
Paul P. Cannariato
Anthony R. Carr
David S. Casey, Jr.
Casey, Gerry, Schenk, Francavilla, Blatt & Penfield
Shannon Castellani *in honor of Pat and Matt*
Robin Champlin
Gordon & Judy Churchill
Laurence Clause
Prof. Laurence Claus
Joan Buckler Claybrook
Lisa Cobble
Timothy Cohelan

Margaret and Rex Dalton
Ann D'Angelo *in memory of Peter T. and James A. D'Angelo*
Joyce D'Angelo *in memory of Peter T. and James A. D'Angelo*
Meredith D'Angelo and Mark Bryant
Nancy D'Angelo *in memory of Peter T. and James A. D'Angelo*
Steven B. Davis
Dependency Legal Group of San Diego
Joy D. Eden
Gary Edwards
Dr. Kathleen Edwards
Rich Edwards & Ellen Hunter
Gene Erbin & Donna Freeman
The Hon. Ana Espana
Suzanne Evans
Brian and Nancy Fellmeth
Prof. Robert and Julianne D'Angelo Fellmeth
Dean Stephen C. Ferruolo
Thomas Fisher
Dave and Julie Forstadt *in memory of James A. D'Angelo*
Anne E. Fragasso, Esq.
The Hon. Ronald F. Frazier
Jennifer Foster Gaylord
Hon. Charles Gill
Samir Ginde
Beth Givens
Jennifer A. Glaser
Gerard F. Glynn
Joel and Denise Golden
Dr. John Goldenring

David Goldin
 The Hon. Jan and the Hon. Christine Goldsmith
 Aaron Gonzalez
 Goodshop
 James & Patricia Goodwin *in memory of James A. D'Angelo*
 Betsy & Sree Gopinath
 Suzanne Gorelick
 Susan Gorelick
 Carolyn Griesemer
 Chris Gualtieri
 Andrew Hamilton
 Catherine A. Hanna-Blentzas
 Kara Hatfield
 Josh Hedaya
 Prof. Walt Heiser
 Adrienne Hirt & Jeff Rodman
 Steve and Nancy Gannon Hornberger
 Louise & Herbert Horvitz Charitable Fund
 Hulett Harper Stewart LLP
 Kirk Hulett
 Ted Hurwitz
 Betsy Imholz
 Junior League of San Diego, Inc.
 Joseph W. Kaatz
 Hon. Leon Kaplan (Ret.)
 Steve Keane
 Helena Kelly
 Rob Kelter
 Josephine Kiernan
 Paula King
 Adam Klarer
 Kathryn Krug *in memory of James A. D'Angelo*
 Lauren Blakley Kutz
 Michelle R. Lautanen
 Chris and Nanette Herbuveaux Lawler
 Lynnae Lee
 John and Joanne Higgins Leslie
 Erin P. Leventhal
 Ruth Levor
 Michael Liuzzi
 Tate Lounsbery
 Janet Madden
 John C. Malugen
 Kendall Marlowe
 John P. Massucco
 John and Maria McClurg
 Jim McKenna
 McKenna Long & Aldridge Foundation

Jonathan McSherry
 MDM San Diego
 David M. Meyers
 Ralph and Jeanne Miller
 The Morrison & Foerster Foundation
 Morrison & Foerster
 Marley Mueller
 Piya Mukhejee
 Rudolph P. Murillo
 John & Betsy Myer *in memory of James A. D'Angelo / JAD Award*
 Ralph Nader
 Randy and Susan Nielsen
 Kyle R. Nordrehaug
 The Hon. Uley M. Norris
 Meagan Nunez
 Dr. Mary M. O'Connor, DDS, Inc.
 Timothy O'Malley
 Kim Parks
 Mari Parlade
 Marc D. Peters
 Andrew and Carla Peterson
 James and Frances Peterson
 Matthew and Heidi Peterson
 Paul and Barbara Peterson
 Julia R. Pettit
 Theresa Player
 Maryam Rastegar
 Gary Redenbacher
 Stephanie Reighley
 Donald Rez
 Gary Richwald and Sue Bayley
 Christina and John Riehl
 Robinson Calcagnie Robinson Shapiro Davis
 Harvey Rosenfield
 Hal Rosner
 Rosner, Barry & Babbitt LLP
 Jules Ruggles
 Ron Russo
 Luke P. Ryan
 Blair Sadler
 Gloria and Tony Samson
 San Diego Police Foundation
 Mark Saxon
 Prof. Alan Schulman
 Christopher Seaman
 Kathleen Self
 Gary & Joyce Sernaker

Shinnick & Ryan LLP
Alan & Harriet Shumacher
Alan Sieroty Charitable Fund
Len Simon & Candace Carroll
The Simon-Strauss Foundation
Prof. Thomas A. Smith
Prof. Allen Snyder and Lynne Lasry
Social Advocates for Youth
Danielle Stroud
Sullivan Hill Lewin Rez & Engel
Howard Susman
John and Lynne Thelan
Steven Tietsworth
Prof. Edmund Ursin

John Van de Kamp
Prof. Jorge and Linda Vargas
Kathryn & Don Vaughn
Law Offices of Vaughn & Vaughn
Ryan Waterman
Howard Wayne
Elisa & Tim Weichel *in memory of Peter T. and James A. D'Angelo*
Byron and Gail White
Tom and Christine D'Angelo Wilson
Carrie Wilson
Marianne M. Winkler
Michael Zarconi
Marjorie & Ya-Ping Zhou *in honor of the D'Angelo Family*
Anonymous Donors

While every effort has been made to ensure accuracy, we apologize for any mistakes or omissions.

A final note about Sol and Helen Price, that we have repeated each year, and which we shall continue to repeat. Their gift of the Price Chair Endowment ensures consistent funding for the academic program of the Center for Public Interest Law and the Children's Advocacy Institute. Their passing will never diminish our duty to represent their ideals for child representation — we strive to be an important part of their legacy. All of us at CAI feel their presence, and what they would want us to do is our guiding lodestar.



Robert C. Fellmeth

Price Professor of Public Interest Law

Executive Director, Children's Advocacy Institute



V. Our Team: CAI Council and Staff

A. CAI Council for Children

CAI is guided by the Council for Children, an advisory body that meets periodically to review policy decisions and recommend action priorities. Its members are professionals and community leaders who share a vision to improve the quality of life for children in California. CAI is also honored to have former Council members who served for many years remain a part of the Council as emeritus members. Accordingly, the CAI Council for Children includes the following:

Council Chair: **Gary F. Redenbacher, J.D.**
attorney at law (Santa Cruz)

Council Vice-Chair: **Gary Richwald, M.D., M.P.H.**
Consultant Medical Director, California Cryobank (Los Angeles)

Council Members: **Robert Black, M.D.**
pediatrician (Monterey)

Denise Moreno Ducheny
Attorney, Former State Senator (San Diego)

Anne E. Fragasso, Esq.
California Appellate Project, Staff Attorney (Leucadia)

John M. Goldenring, M.D., M.P.H., J.D.
Medical Director, Riverside Physician's Network (San Diego)

Hon. Leon S. Kaplan (Ret.)
Retired Judge, Los Angeles Superior Court (Los Angeles)

James B. McKenna
President, Am Cal Realty, Inc. (Studio City)

David M. Meyers
Chief Operating Officer, Dependency Legal Services (Sacramento)

Thomas A. Papageorge, J.D.
Special Prosecutor, Economic Crimes Division, San Diego District Attorney's Office (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)

Emeritus Members: **Birt Harvey, M.D.**
Professor of Pediatrics Emeritus, Stanford University (Palo Alto)

Louise Horvitz, M.S.W., Psy.D.
Licensed clinical social worker, individual and family psychotherapist (Los Angeles)

Paul A. Peterson, J.D.
of Counsel to Peterson and Price, Lawyers (San Diego)

Blair L. Sadler, J.D.
Past President and Chief Executive Officer, Children's Hospital and Health Center (San Diego)

Owen Smith
Past President, Anzalone & Associates (Sylmar)

B. CAI Staff

During 2014, CAI was extremely fortunate to have the following passionate and dedicated team of employees, all of whom contributed greatly to the work CAI did — and the achievements CAI made on behalf of children and youth across the state and nation:

Robert C. Fellmeth

Executive Director

Elisa Weichel

Administrative Director/Staff Attorney

Mercedes Alcoser

Executive Assistant

Brianna Blanchard

Executive Assistant

Melanie Delgado

Staff Attorney / Director of Transition Age Youth Projects

Amy Harfeld

National Policy Director / Senior Staff Attorney

Ed Howard

Senior Counsel

Christina Riehl

Senior Staff Attorney



Help Us Help Kids!

We greatly appreciate your continued support of CAI's work. Here are a few different ideas for how you can help us help kids:

- ★ Make a tax-deductible donation to CAI using the attached envelope or online at law.sandiego.edu/caigift.
- ★ Review the list of CAI's legislative priorities currently pending at the state and federal levels (see www.caichildlaw.org) and express support to your elected officials.
- ★ Make the Children's Advocacy Institute your charity of choice when using www.goodsearch.com to conduct Internet searches or www.goodshop.com when shopping online. GoodSearch is a Yahoo-powered search engine that donates about a penny per search to CAI each time you use it to search the Internet. GoodShop is an online shopping mall which donates up to 30% of each purchase to CAI. Hundreds of vendors — stores, hotels, airlines, and other goods and service providers — are part of GoodShop, and every time you place an order, part of your purchase price will go directly to CAI!
- ★ Volunteer to serve as an **Educational Representative** for a youth under the jurisdiction of San Diego County's Juvenile Court.
- ★ For attorneys involved in class actions resulting in a **cy pres distribution fund**, identify CAI as a potential recipient of those funds.
- ★ Join **Lawyers for Kids**, which gives attorneys, law students, and others in the legal community the opportunity to use their talents and resources as advocates to promote the health, safety, and well-being of children; assist CAI's policy advocacy program; and work with CAI staff on impact litigation or by offering expertise in drafting amicus curiae briefs.
- ★ Subscribe to receive **E-NewsNotes**, periodic emails from CAI about important legislative or regulatory proposals, significant litigation, new reports and publications, and other important events that impact the health and well-being of California's children.
- ★ Participate in the monthly meetings of the **Children's Advocates' Roundtable** and/or follow the Roundtable activities on Facebook.
- ★ Purchase a **Kids' Plate**, a special license plate featuring one of four special symbols: a star, a hand, a plus sign, or a heart. Proceeds support local and statewide programs to prevent child injury and abuse, as well as childcare health and safety programs.



For information on all of these opportunities, please visit CAI's website at www.caichildlaw.org, call us at (619) 260-4806, or email us at info@caichildlaw.org.

Champions for Children

(\$5,000 sponsorships for CAI's 25th Anniversary Event)



CaseyGerry

CASEY GERRY SCHENK FRANCAVILLA BLATT & PENFIELD LLP

Shining Stars

(\$2,500 sponsorships for CAI's 25th Anniversary Event)

HULETT HARPER STEWART

LLP



**LAW OFFICES OF
VAUGHN & VAUGHN**



MDM San Diego

Accounting, Payroll and Financial Services
Specializing in Medical and Dental Offices

