

CHILDREN'S ADVOCACY INSTITUTE

2003 ANNUAL REPORT





*This annual report covers the activities of the
Children's Advocacy Institute between
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EXECUTIVE DIRECTOR'S MESSAGE

The Children's Advocacy Institute (CAI) is non-partisan politically. Our advocacy has embraced much of the conservative agenda beneficial to children, including aversion to deficits, respect for marriage as indicator of adult commitment to family, the right of children to be intended by two adults, the beneficial role of fathers in the lives of children, child support enforcement, the importance of parental attention and involvement, and the obligation we have to provide education for youth opportunity. CAI also supports prudent and effective public investment in children.

Policymakers in Washington, D.C. have cut taxes to a record low percentage of Gross Domestic Product over the last two generations. Reductions in 2001 and 2003 lowered California's adult annual share of federal taxes (unless some are sunsetted) more than \$37 billion. Children will feel the cuts next year—and for many years to come—in the form of future payroll taxes for older adults, and in higher income taxes to pay

interest on what may exceed a \$4 trillion deficit (from what had been a \$5.6 billion surplus). At the state level, we have cut general fund taxes more than \$6 billion over the past six years, and we now have in place over \$30 billion in "tax expenditures"—deductions and credits that shred the tax base. The implications of these tax expenditures are enormous, as they continue indefinitely unless affirmatively ended—and the state requires a two-thirds vote to end any of them (California is one of only three states with a general two-thirds supermajority for taxes and spending).

One Republican leader in Washington confessed that the single-minded theme of the recent tax reductions was intended to "kill the beast"—government. For some politicians, anything that lessens the power or resources of the state is a priori virtuous. The problem facing CAI is that government is a major vehicle for investment in children through which a society provides safety net protection and educational opportunity for the next generation.

At the state level in 2003, Republican leader Jim Brulte threatened the excommunication of any legislative Republican who voted for any tax increase whatever, under any and all circumstances. He vowed to go to their district and expend party and other funds to assure their electoral defeat. And Governor Schwarzenegger has replicated this basic thesis repeatedly—describing the budget problem in California as entirely one of legislative overspending over the last six years, and categorically rejecting any new revenue (except for tuition hikes affecting youth). As his first act in office, he cut \$4 billion from vehicle license fee revenue.

A review of the basic economic data in the Governor's 2004–05 Budget Summary reveals that in 1979, our parents spent 7.4% of their personal income on general fund spending—with the vast majority going toward K–12 and higher education. That percentage of personal income is a fair indicator of adult commitment, instead of raw number trends that do not measure or reflect population and inflation. The Governor's 2004–05 budget proposes to spend 6.13% of projected personal income for all general fund spending—with a lower percentage of the general fund going toward children's programs, given



the enormous increase in correctional spending over the last 25 years (during which California's prison population grew from 19,000 to 160,000). The percentage of personal income going to the general fund from 2000–01 to the proposed 2004–05 year array chronologically as follows: 7.1%, 6.8%, 6.7%, 6.5%, 6.13%. The “overspending” thesis is not supported by the relevant data.

The normally healthy American skepticism about government, and a preference for private, market-based, and self-regulating mechanisms, is no longer the guiding principle. Rather, a predetermined mindset seems to be ascendant among some public officials in Washington and California.

The difference between the investment made by the adults of one generation ago and that proposed by our new Governor is \$15 billion, not taking into account the \$37 billion in federal tax cuts noted above. And all of this is on top of property tax assessment discrimination in favor of older adults, allowing them to pay one-fifth to one-tenth the sums of younger adults trying, however improbably, to buy a home.

The last eight years have witnessed unprecedented indulgence toward older adults and their pensions, medicines, and tax breaks, and away from our children and their education. We are spending our treasury on ourselves as older adults—a group with one-half the poverty rate of children. We are transferring wealth not to our children, but from them for ourselves—thus breaking a chain long a part of the American ethic.

What is the consequence? We burden our young with our debt. We leave behind impoverished children substantially en masse—especially those who need help the most. The safety net is reduced under the proposed 2004–05 budget to a record low of below 70% of the poverty line. After sixty months of assistance, CalWORKs (welfare) grants for children would be cut beyond the “parents’ share,” commonly to a level where

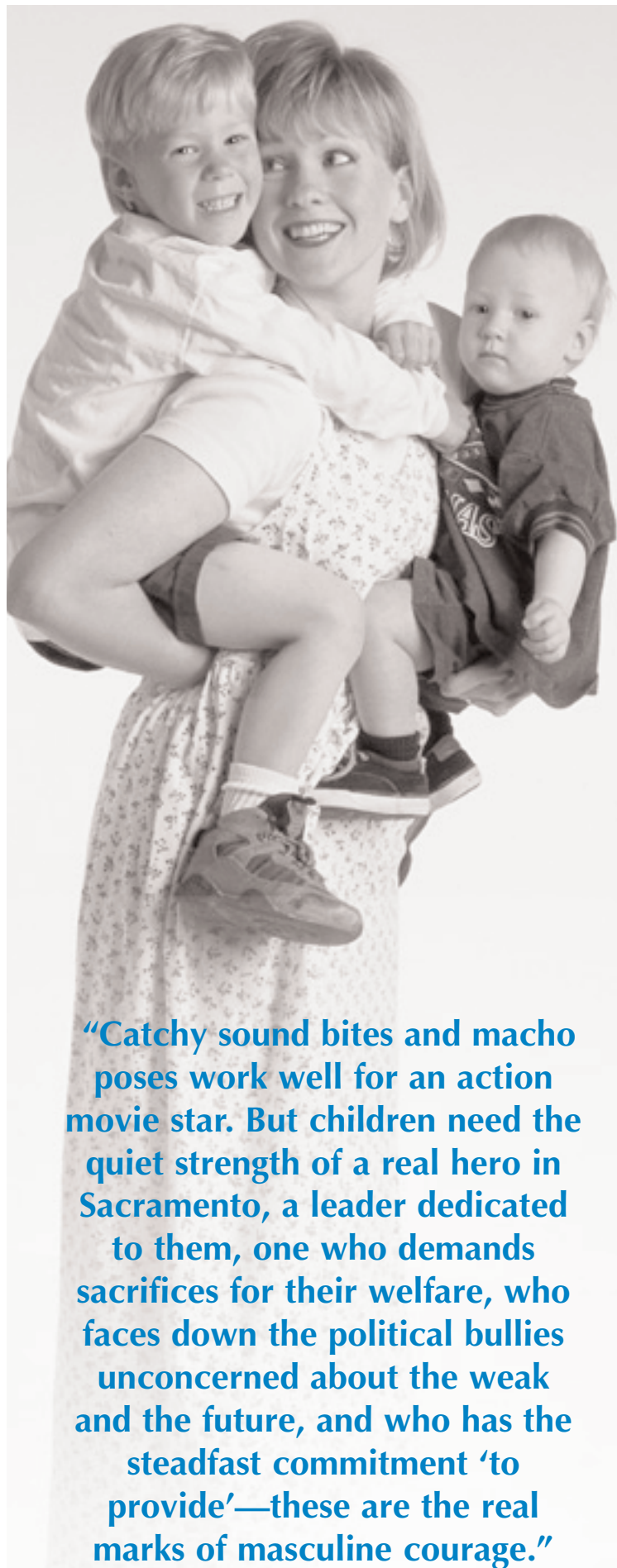


According to Education Week, we now rank 44th in regionally adjusted K–12 spending—between Louisiana and Mississippi. And that survey used 2001 data, before the cuts of this year and as proposed. The ranking is very likely to be 49th by 2005.

total safety net protection—including Food Stamps—reaches only 50% of the poverty line, a point of historical physical endangerment.

We forsake basic medical care for one million of our children. Children cost one-fifth the amount it takes to cover older adults. California receives \$2 in federal money for every \$1 in state funds spent to cover most of those now lacking medical coverage. And yet the Governor's 2004–05 budget will not enroll them, thus failing to take full advantage of the 2–1 federal match. All of this is to avoid new revenue and preserve tax cuts and tax favors. The 2004–05 budget would withdraw an earlier proposal to cut Medi-Cal rates 15% across-the-board. However, it would not rectify rates that already discriminate against doctors treating children. Pediatric specialists are now unlawfully paid less than one-half the rates paid by Medicare for the same procedures for the elderly. Children on Medi-Cal often have to wait months for orthopedic and other treatment.

And perhaps most reprehensible in long-range and total impact is the underfunding of basic education. In the 1950s and 60s, we had the finest public schools in the land, with per pupil investment among the best in the nation. By the 1970s, our free community colleges offered a second-chance road to higher education. According to Education Week, we now rank 44th in



“Catchy sound bites and macho poses work well for an action movie star. But children need the quiet strength of a real hero in Sacramento, a leader dedicated to them, one who demands sacrifices for their welfare, who faces down the political bullies unconcerned about the weak and the future, and who has the steadfast commitment ‘to provide’—these are the real marks of masculine courage.”

regionally adjusted K–12 spending—between Louisiana and Mississippi. And that survey used 2001 data, before the cuts of this year and as proposed. The ranking is very likely to be 49th by 2005. Notwithstanding some class size reduction in the Wilson Administration, we now reside 49th in the nation in students per teacher—well below Louisiana and Mississippi. Our higher education tuition is slated for increases of up to 40% this year, with youth facing unprecedented debt for higher education. Perhaps most troubling, capacity per 18-year-old for public higher education (from community colleges to universities) has not increased since 1991 and is now scheduled for a gross 10% cut to the UC and CSU systems. Further, the Governor is proposing to cut Cal Grants (scholarship help for higher education for youth). It is interesting that our politicians profess interest in “retraining” displaced workers from the export of factory jobs overseas. At the same time, they reduce higher education (from community college to university) opportunity for our youth.

In 1991, California faced a fiscal problem on a smaller scale, and former Governor Wilson proposed \$4 billion in new revenues to make up one-half of the shortfall, softening the blow to children. But thus far, California’s Governor and Legislature have offered nothing, except the subtraction of \$4 billion in revenue through the Vehicle License Fee cut.

The California electorate voted for a gubernatorial candidate running under the banner of “child advocate.” As with the motto “No Child Left Behind,” such a self-proclamation is best not an exercise in Orwellian Newspeak. In an editorial published in early 2004, CAI concluded its condemnation of the proposed 2004–05 budget child disinvestment with the following message to the new administration: “Catchy sound bites and macho poses work well for an action movie star. But children need the quiet strength of a real hero in Sacramento, a leader dedicated to them, one who demands sacrifices for their welfare, who faces down the political bullies unconcerned about the weak and the future, and who has the steadfast commitment ‘to provide’—these are the real marks of masculine courage.”

CAI has worked for the conservative agenda that assists children (including former Governor Wilson’s family and responsibility measures), and it works for the liberal agenda where it assists children. In either case, it does not do so without qualification, eschewing the kind of predetermined position of extremists. Hence, CAI’s California Children’s Budget has criticized imprudent spending for children—for example, former Governor Davis’s \$1,000 “Governor’s Scholarship” rewards for all high school seniors scoring in the upper 10% on statewide tests. This huge expenditure and the presum-

ably grateful receipt of individual checks from the Governor to newly voter-qualified 18-year-olds was hardly a proper high priority for children. In addition, CAI's prior Children's Budgets have advocated subjecting child accounts to independent outcome measurement and the sunset process, even to the point of requiring allocations only for that purpose. And CAI has not reflexively rejected any private or market-based approach where children may benefit. But the evidence is strong that the liberal and conservative agendas have interacted to each substantially cancel the child-friendly elements of the other. The ascendant public contract operating between our political parties is an agreement to sacrifice the interests of children.

Because of the urgency of public disinvestment and CAI's role as convenor of the Children's Advocates Roundtable, a good part of our work in 2003 involved defending the funding of clearly meritorious child public investment, including health, child care, and education spending. That work will continue in 2004, and it will intensify. It takes the form of opinion pieces, coordinating advocacy before the Legislature and regulatory agencies, and preparing for litigation where the opportunity arises. The following is a summary of CAI's 2003 legislative and rulemaking projects, and impact litigation research areas.

LEGISLATION

In 2003, CAI co-sponsored AB 490 (Chapter 862, Statutes of 2003), which addresses a mix of commonly confronted education problems for foster children; many of these problems relate to non public school systems, run by group homes, that cost four times the amount expended in public schools and produce problematical educational results. A substantial number of foster youth do not receive a high school diploma, and many emancipate with elementary school level reading skills; a very small percentage receive any higher education degree or certificate. In order to bring about necessary reform in this area, CAI worked closely with Ana Espana, a graduate of CAI's parent program (the Center for Public Interest Law (CPIL)), who now heads the Public Defender's Office of Child Advocacy, representing abused children in San Diego County. CAI drafted the initial version and assisted Ana and her Los Angeles counterpart in advocating

some twelve substantial new provisions of law governing the education of foster youth.

Among other things, the new statute declares that educational stability must be considered as a factor when making out-of-home placements (often, children are moved between schools for the convenience of local agencies, losing educational continuity, the law requires that proximity to school and educational stability be considered). The measure also includes the following provisions:

- ◆ educational placements must consider the child's best interest and must ensure his/her access to the same resources and activities available to all pupils, and the child must be placed in the "least restrictive" educational program;
- ◆ a removed child has the right to remain in the current school placement for at least the remainder of a pending school year where in his/her best interest, and the proponent of an immediate move has the burden of providing a written explanation establishing such a best interest;
- ◆ where a child is moved to a new school jurisdiction, he/she has a right to immediate enrollment;
- ◆ every school district must appoint an educational liaison for foster children to facilitate their educational continuity, and must address the enrollment delay and credit transfer problems often attending foster child movement between schools;
- ◆ children in foster care are presumptively entitled to be mainstreamed in their public school district unless an IEP (for special needs children)



requires other placement, or a person exercising educational decisionmaking for a child determines an alternative is in the child's best interest;

- ◆ children in emergency homeless shelters may receive educational services;
- ◆ where foster children move between schools, transfer of records for proper enrollment is the responsibility of both the county placing agency and the school district, and the statute specifies

who must do what within tight timeframes (e.g., the receiving school must contact the previous school to obtain records within two business days of the request for enrollment);

- ◆ a foster child's grades may not be lowered due to absences caused by placement change, or due to required court hearing attendance; and
- ◆ school districts must award credit for full or partial coursework satisfactorily completed while attending another school.

AB 490 also clarifies to some extent who can be appointed by the court to make education-related decisions for a foster child.

Also in 2003, CAI was the drafter and main sponsor of AB 1151 (Dymally), the "Duty to Foster Children Reaffirmation Act" (Chapter 847, Statutes of 2003). The statute reverses *County of Los Angeles v. Superior Court (Terrell R., Real Party in Interest)* 102 Cal.App.4th 627 (2002), a regrettable 2002 California appellate court decision which held that virtually all statutory mandates relevant to county foster care placement decisions were entirely within the discretion of county social workers. The terms "discretion" and "duty" are critical in determining whether enacted standards are enforceable. No financial liability can attach under *Terrell R.*, even where damage directly results from the violation of a specific, mandatory duty. Other immunity statutes would insulate counties entirely, since those workers and agencies have no liability for exercise of discretion (where they have no duty to act). Importantly, such discretionary status (notwithstanding explicit mandatory statutory language) deprives juvenile courts of basic jurisdiction over the workers supervising the children who are under the in loco parentis charge of those courts. The holding in essence negated the 38 "shall" commands relevant to foster child placement (see Welfare and Institutions Code section 16501.1). This anomalous decision even declared that the purpose of the relevant child welfare statutes does not encompass protecting children from sexual abuse while in a foster care placement: "the purpose of the statute is to preserve the family relationship, not to prevent sexual abuse." AB 1151 declares legislative intent that nothing in the decision of *Terrell R.* shall be held to change the standards of liability or immunity for injuries to children in protective custody as they existed prior to that decision, and confirms the state's duty to comply with all requirements under federal law that are relevant to the protection and welfare of children in foster care.



AB 1151 confirms the state's duty to comply with all requirements under federal law that are relevant to the protection and welfare of children in foster care.

AB 1151 also provides that where children die while in foster care, their names, dates of birth, and dates of death shall be subject to disclosure by the county child welfare agency pursuant to the California Public Records Act. This modest proposal encountered surprising opposition, allegedly because it would infringe on privacy rights. Since the privacy interests of the deceased were somewhat moot, the opposition argued that siblings or others might be embarrassed by public disclosure of the death of the child. Child advocates argued that such disclosure allowed public scrutiny of a population that is vulnerable and subject to no other extra-agency check, and that the death of a child should dictate examination of a foster child's sibling's placement and condition, rather than the projection of a theoretical privacy concern. And they noted that the information here revealed was nothing more than information commonly posted on tombstones worldwide. Why should these children be relegated to nameless mass graves because of a speculative "privacy right" of a possible third party?

AB 1151 was opposed by the California Welfare Directors Association, the Department of Social Services (DSS), and the Department of Finance (DOF). However, CAI's years of advocacy in Sacramento and the presence in key places of former staff and child-friendly legislators allowed the bill to win enactment—without a single negative vote. Although seemingly an easy task, in fact the measure remained a dubious win even after legislative passage. The former Governor's own DSS and DOF appointees vigorously argued for a gubernatorial veto. CAI met at length with the former Governor's staff, and with the help of CAI policy advocates Joni Pitcl and Lenny Goldberg, obtained a difficult gubernatorial signature. Currently, the measure must be defended against a recommendation in Governor Schwarzenegger's 2004-05 budget to repeal the measure for alleged "cost savings."

RULEMAKING

CAI was also active in agency advocacy; CAI Staff Attorney Debra Back commented on eight rule-making packages during 2003, detailed in the report below. Our presence before these agencies is especially important given the significance of the detailed line drawing often relegated to agency rulemaking. The absence of advocates for children in these technical fora further underlines the importance of this advocacy. In many instances, CAI's recommendations for alteration of the proposed rules were accepted or otherwise had an effect on the final adopted rules.

LITIGATION

In addition to contributing amicus curiae briefs in pending matters, CAI Staff Attorney Debra Back is also researching several areas for possible litigation during 2004. One possible target for such a suit is the unlawfully discriminatory Medi-Cal reimbursement rates for certain pediatric specialists. The state's failure to provide fair and appropriate rates is causing the delay or denial of services to many children.

CAI's clinic work in 2003 uncovered a number of serious problems regarding the inequitable treatment of foster children by counties; these problems might also serve as the basis for future CAI litigation. For example, some counties deny critical independent living resources, including housing, to emancipated foster youth if they move from the county where they emancipated and attempt to access services in another county—regardless of the reason for such movement.

OVERALL GOALS

Our overall goals are to

- ◆ protect children most in need, particularly as the economic downturn increases the numbers of families requiring TANF assistance, just when the surplus TANF funds from prior caseload reduction is depleted, and as over 100,000 children face federal TANF cut-offs;
- ◆ ensure that the state funds the required work obligation and child care system of CalWORKs, as mandated by the federal 1996 Personal Responsibility and Work Opportunity Reconciliation Act, and advocate against requiring single parents to work forty-hour weeks;
- ◆ find a way to stimulate medical coverage for children, continue to push for universal coverage for children (recognizing the fact that only 7% of uninsured children are ineligible for coverage), and advocate to cover all kids;
- ◆ ensure children's access to appropriate and timely health care by increasing Medi-Cal reimbursement rates for pediatric specialists—who currently receive a fraction of what Medicare pays for the same procedures for the elderly;
- ◆ improve child care coverage, a daunting task given proposed major cuts;
- ◆ work for investment in our own foster children, who remain substantially unadopted and in "foster care drift" (moving from placement to placement), by raising family foster care rates, increasing the number of family foster homes,



setting up a certification program for family foster care providers raising special needs children (and providing them with an add-on stipend), and creating a dedicated state office charged with increasing the quality and quantity of family foster care supply and quality at the state level;

- ◆ preserve class size reduction (which test results indicate is succeeding), extend it to grades 4–12, and increase teacher supply and competence; and
- ◆ expand higher education slots, including community colleges and vocational schools, so a higher percentage of youth have a higher education opportunity and realistic employment prospects.

We shall publish our California's Children's Budget 2004–05 in June 2004. For eleven years, this document has served as a detailed compilation of cen-

sus and other data on the status of children, a discussion of new caselaw and statutes, and a presentation of adjusted spending from 1989 for all state accounts, including local and federal monies, in eight substantive child-related subject areas (poverty, nutrition, health, special needs, child care, education, child protection, and juvenile justice).

We shall continue to publish our Children's Regulatory Law Reporter to make more visible the rulemaking and regulatory decisions made within the executive branch. This is an area where child advocacy is critically needed. Those with a profit stake in these decisions are well represented. Children need to have their own advocates before these important decisionmakers. Thanks to grants from The California Wellness Foundation and generous anonymous donors, we now have resources to participate in agency rulemaking on behalf of children. When necessary, we are also in a position to litigate to ensure agency compliance. A single change in a regulation may determine whether 2,000 or 200,000 children benefit from a public program—as legislatively intended.

We shall continue to publish the Children's Legislative Report Card to highlight important legislative proposals that would help improve the health and well-being of our children, and to present our legislators' public votes on those measures.

The Children's Advocates Roundtable will continue to meet under our sponsorship, to plan joint and common action among the 300 participating advocacy organizations that are concerned about children.

Our academic and clinical programs will continue, including the introductory law course on child rights and two child advocacy clinics, one enabling our students to represent abused and neglected children in San Diego's juvenile dependency court (under the supervision of attorneys from the Public Defender's Office of Child Advocacy), and one providing students with the opportunity to engage in policy advocacy on a statewide level.

NEEDS

Our staff remains skeletal, about one-half its needed critical mass. Our areas of greatest need from 2003 continue, and include:

- ◆ expansion of our Information Clearinghouse for Children, to make it a generator of media stories about the plight of children, to raise public con-

sciousness. We need to increase attention to children beyond school shootings, and find the journalistic handles apparently necessary for public attention. Lacking votes and campaign money, that is our major available asset.

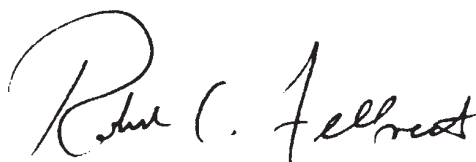
- ◆ funding to conduct research and a comprehensive campaign on the obligations of the male gender to children.
- ◆ funding to launch a self-sustaining “Child Friendly” trademark program. Created as a separate entity, the Child Friendly Foundation would license its trademark for use on qualified products to indicate that the product is safe for children and is not made through exploitive child labor. The Foundation would assist the marketplace, stimulate responsible corporate behavior, and generate licensing fees, the bulk of which would be given to child advocacy organizations.
- ◆ creation of a Masters in Child Advocacy at the University of San Diego School of Law, to increase the quantity and quality of child advocates, and to provide a unique educational experience for a wide range of attorneys—from recent law graduates to veteran practitioners who want to shift priorities in their later years.
- ◆ endow the nation’s first chair in child advocacy. The holder of the chair—which would be named after the generous funder—would be a full-time advocate for children, and would engage in clinical teaching of future child advocates.

In order to continue our efforts, CAI depends on the generosity of others. In 2003, CAI received assistance from many persons and organizations, to whom we are most grateful. This list includes the members of our own Council for Children, whose dedication and support we appreciate. We also thank The ConAgra Foundation, Inc., The California Wellness Foundation, our extremely generous anonymous grantors and donors, and numerous individuals as acknowledged in CAI’s 2003 Development Report. We are also eternally grateful to Sol and Helen Price—who have provided us with a continuing legacy of support which allows us to function.

IN CLOSING

It is important that we not fall prey to the trap of lowered expectations—that we not merely be grateful cuts do not eviscerate all child investment. We have an ethical obligation to our children and to their children. It is not properly compromised because we have decid-

ed to give ourselves billions of dollars in tax cuts or because we are focused on external enemies. Our commitment to our children should be no less than the promises our grandparents and parents fulfilled at much greater sacrifice than we ask of our peers. Couples should plan for the miracle of creating a child. The public sector should provide help for the impoverished: safe and nurturing child care, a decent education and the chance for higher education for a job in the international economy of the 21st century, the chance to own a home and afford children, and an earth that is not befouled nor bereft of its resources. With occasional failings, our great grandparents, grandparents, and parents performed magnificently in providing these things for us. Now it is our turn.



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



HISTORY AND PURPOSE

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

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

CAI's legislative work has included the clarification of the state's duty to protect children in foster care, and declaration that the state assumes an obligation of the highest order to ensure the safety of children in foster care; the improvement of educational outcomes for foster children; the revision of the state's regulation of child care facilities; the requirement that children wear helmets when riding bicycles; a series of laws to improve the state's collection of child support from absent parents; a law assuring counsel for abused children in need of legal representation; a swimming pool safety measure; the

"Kid's Plate" custom license plate to fund children's programs; and others. CAI's litigation work has included intervention on behalf of children's groups to preserve \$355 million in state funding for preschool child care and development programs, and a writ action to compel the Department of Health Services to adopt mandatory safety standards for public playgrounds. CAI annually publishes the California Children's Budget, a 700-page analysis of past and proposed state spending on children's programs. Other CAI publications include the Children's Regulatory Law Reporter, presenting important child-related rulemaking proposals under consideration by state agencies and indicating their potential impact on children, and the Children's Legislative Report Card, highlighting important legislative proposals that would improve the health and well-being of our children, and presenting our legislators' public votes on those measures. Since 1996, CAI's Information Clearinghouse on Children has worked to stimulate more extensive and accurate public discussion of children's issues.

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

CAI's academic program is funded by the University of San Diego and the first endowment established at the University of San Diego School of Law. In November 1990, San Diego philanthropists Sol and Helen Price contributed almost \$2 million to USD for the establishment of the Price Chair in Public Interest Law. The first holder of the Price Chair is Professor Robert Fellmeth, who also serves as CAI's Executive Director. The chair endowment and USD funds combine to finance the academic programs of both CPIL and CAI. To finance advocacy activities, CAI professional staff raise additional funds through private foundation and government grants, test litigation in which CAI may be reimbursed its attorneys' fees, and tax-deductible contributions from individuals and organizations.

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



Robert C. Fellmeth with Sol and Helen Price

2003 ACTIVITIES & ACCOMPLISHMENTS

ACADEMIC PROGRAM

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

Child Rights and Remedies

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

Child Advocacy Clinic

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

During 2003, six law students (Erin Foley, Meredith Ruston, Janis Burnett, Michael Hemker, Alice Holm, and Kelly Kyes) participated in the policy section. Each student worked on semester-long advocacy projects such as analyzing counties' competency standards for attorneys representing children in dependency court; preparing a database of services and programs for emancipating foster youth in San Diego County; analyzing the child-related impact of statewide ballot measures; researching, analyzing, and summarizing recent child-related reports and studies; researching prospective litigation projects; researching and analyzing data supporting family foster care rate increases and other CAI legislative proposals; and researching child-related condition indicators for CAI's California Children's Budget.

Also during 2003, ten law students (Jessica Heldman, Karen Lee, Summer Peterson, Matthew Schultz, Maria Stern, Reena Desai, Bridget Fogarty, Lucia Lopez, Kelli Lydon, and Parnian Toofanian) participated in the Child Advocacy Clinic's dependency section. In addition to working at the Public Defender's Office assisting attorneys in the representation of abused and neglected children in dependency court proceedings, these students attended weekly classroom sessions conducted by Professor Fellmeth.

Other CAI Student Intern Activity

In addition to the interns involved in the Child Advocacy Clinic, several other individuals provided valuable assistance to CAI's professional staff during 2003. The projects on which these individuals worked during 2003 included researching statistical information for the California Children's Budget; analyzing child-related regulatory proposals introduced by state agencies and drafting sections of the Children's Regulatory Law Reporter; researching, analyzing, and summarizing recent child-related reports and studies; and researching the status of dependency court proceeding confidentiality laws across the nation. CAI is especially grateful to the following individuals for their hard work and dedication during 2003: Heather Boxeth, Ted Chadwick, Karen Prosek, Pamela Tahim, and Julie Yang.



Warren Hall, University of San Diego School of Law

James A. D'Angelo Outstanding Child Advocate Awards

On May 23, 2003, the USD School of Law held its Graduation Awards Ceremony. At that time, CAI had the pleasure of awarding the James A. D'Angelo Outstanding Child Advocate Awards to Heather Boxeth and Janis Burnett, two graduating law students, for their exceptional participation in CAI's Child Advocacy Clinic.

Janis Burnett participated in both sections of the Child Advocacy Clinic, and she excelled in both. After serving one semester in our dependency clinic, Janis moved into CAI's policy clinic, where she devoted two semesters to preparing a report analyzing California's progress in establishing standards for competent representation of children in dependency proceedings. Her work product is already being considered by the Judicial Council of the Supreme Court in its related work.

Heather Boxeth was an important part of CAI for two years, working tirelessly as a CAI research assistant on several different policy projects. Whether drafting portions of our Children's Regulatory Law Reporter, researching material for our California Children's Budget, or working on dozens of other projects, Heather's dedication to our cause was greatly appreciated. Even before starting law school, Heather had worked as a child advocate, teaching public school in impoverished areas. She will continue that work now as an attorney, hopefully working in the courts and in the halls of power to leverage the influence of children where they are otherwise absent.

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



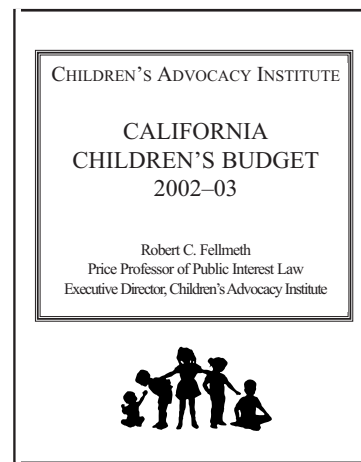
RESEARCH PROJECTS AND PUBLICATIONS

Budget Advocacy / California Children's Budget

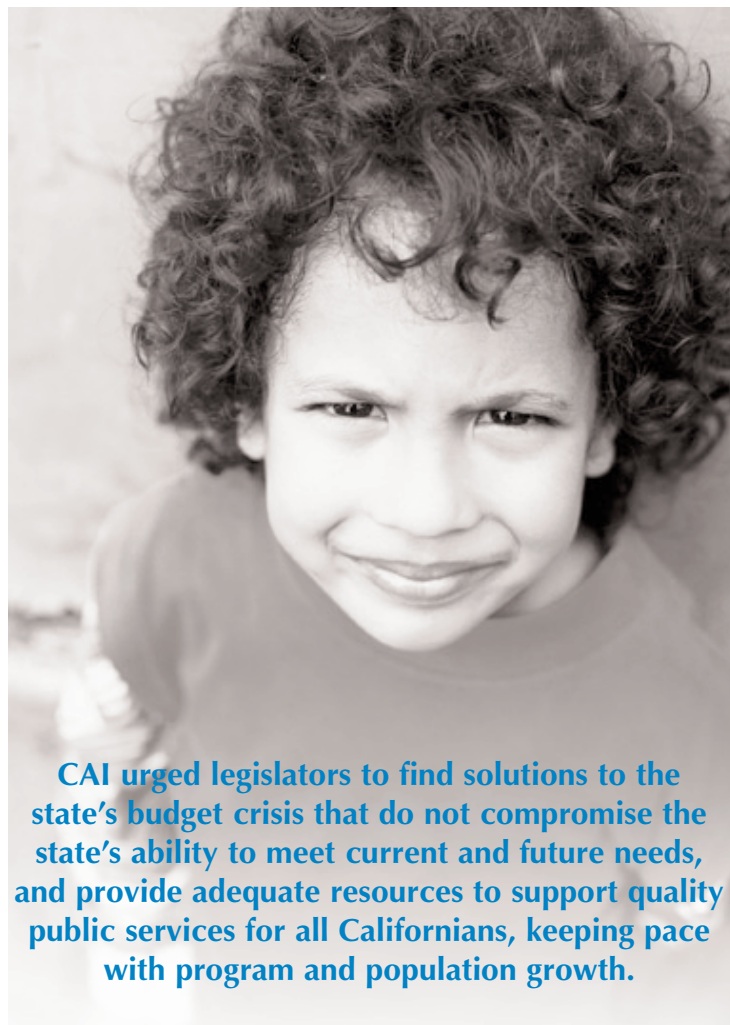
The failure of the 2002–03 budget to increase revenue (and instead enacting new tax deductions and credits), combined with its pushing forward of debt, led to the largest projected state budget deficit in U.S. history—a 2003–04 projected deficit of \$38 billion. That deficit and the resulting mid-year reductions and frequent and competing budget proposals precluded any meaningful analysis of the overall budget for children; as a result, CAI did not publish a California Children's Budget in 2003. Instead, CAI engaged in a substantial amount of budget advocacy, urging policymakers to make decisions that promote the long-term interests of our children. Among other things, CAI urged legislators to find solutions to the state's budget crisis that do not compromise the state's ability to meet current and future needs, and provide adequate resources to support quality public services for all Californians, keeping pace with program and population growth.

CAI's budget proposals specific to certain child-related areas included the following:

- ◆ Regarding health care, CAI urged policymakers to maximize the use of federal funds; give top priority to increasing access to care for children and removing barriers to health care access for children; and protect preventive education programs for health problems.
- ◆ In the child care area, CAI opposed the proposed realignment of child care; advocated for available high quality child care and subsidies for all low-income working families, including Stages 1, 2, and 3 welfare-to-work programs; sought to preserve the child care infrastructure, including child care licensing at adequate funding levels within the Department of Social Services (DSS), preservation of the California Child Development Policy Advisory Committee, and adequate training for child care providers; and supported the educational and school readiness (developmentally appropriate) purpose of child development programs for all children.
- ◆ Regarding child protection, CAI argued that the child welfare system must include accountability at the state level in order to meet federal standards and to continue receiving federal funding; sought to separate funding for mandated entitle-



ment programs from discretionary local funds, particularly in the case of realignment of foster care funds; and advocated for more youth involvement in the decisionmaking process.



CAI urged legislators to find solutions to the state's budget crisis that do not compromise the state's ability to meet current and future needs, and provide adequate resources to support quality public services for all Californians, keeping pace with program and population growth.



For each regulatory proposal discussed, the Children's Reporter includes both an explanation of the proposed action and an analysis of its impact on children.

- ◆ For children in poverty, CAI urged policymakers to ensure that public benefits are maintained at current funding levels, meaning that cost-of-living adjustments (COLA) are necessary to keep pace with inflation. CAI also opposed the proposed realignment of Food Stamp benefits and sought to maintain funding for those who qualify for state programs such as the Cash Assistance Program for Immigrants.

Children's Regulatory Law Reporter

Another of CAI's unique publications is the Children's Regulatory Law Reporter, which focuses on an often ignored but very critical area of law: regulations adopted by government agencies. For each regulatory proposal discussed, the Children's Reporter includes both an explanation of the proposed action and an analysis of its impact on children. The publication is tar-

geted to policymakers, child advocates, community organizations, and others who need to keep informed regarding the actions of these agencies.

In 2003, CAI released the seventh and eighth issues of the Children's Reporter (Vol. 4, No. 1 and Vol. 4, No. 2). Regulatory actions featured in those issues included the following:

- ◆ the Department of Social Services' (DSS) proposed CalWORKs regulations implementing California's state-funded "safety net" for children of an adult whose sixty-month TANF time limit has expired;
- ◆ DSS' regulatory changes implementing the Food Stamp Reauthorization Act of 2002, restoring Food Stamp eligibility to all legal immigrant children;
- ◆ the State Board of Education's regulations regarding how school districts administer medications to students while at school;
- ◆ the Department of Health Services' (DHS) regulatory changes to increase the Newborn Screening Program fee over 42% in six months;
- ◆ DSS' regulations requiring child care licensees to inform parents of their right to criminal record exemption information about adults associated with their child care facility;
- ◆ DSS' regulations to implement the new Supportive Transitional Emancipation Program for emancipating foster youth;
- ◆ DSS' regulatory changes reducing the availability of assistance for minor parents living with adult parents;
- ◆ DSS' regulatory proposal to require a child care licensee to cease operation or remove an individual from a facility pending DSS' investigation of arrest information for specified crimes;
- ◆ the Board of Education's regulations implementing the teacher qualification requirements pursuant to the federal No Child Left Behind Act; and
- ◆ DSS' rulemaking proposals to establish guidelines for emancipating foster youth transitional aid and housing programs.

The current and back issues of the Children's Reporter are available on CAI's website at www.caichildlaw.org.

Children's Legislative Report Card

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

In November, CAI published the 2003 edition of its Children's Legislative Report Card, which included a narrative description of the major child-related issues considered by the Legislature in 2003, as well as detailed descriptions of 23 child-friendly bills in the areas of economic security, health and safety, child care, education, and child abuse prevention and intervention.

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

CAI is pleased to announce that the following 34 legislators received 100% marks for the 23 bills graded in the 2003 term: Senators Burton, Chesbro, Karnette, Kuehl, Romero, and Speier, and Assemblymembers Berg, Bermudez, Chavez, Chu, Cohn, Corbett, Dutra, Hancock, Kehoe, Laird, Leno, Levine, Lieber, Longville, Lowenthal, Montanez, Mullin, Nation, Nunez, Pavley,

Ridley-Thomas, Salinas, Steinberg, Vargas, Wesson, Wiggins, Wolk, and Yee.

Previous issues of the Report Card have discussed the difficulty in commanding accountability in the legislative process because of the use of the "suspense" file. Instead of allowing committee members to debate the fiscal merits of each measure, bills die in the suspense file because the Senate and Assembly Appropriations Committees refuse to pull them out for a public vote. Many significant bills for the most vulnerable children failed to make the priority list for release from the suspense files. Further, many of the bills killed in suspense files passed on bipartisan votes with wide margins in policy committees and in prior floor votes. Although the practice of setting aside policy items with major cost implications until the Budget Act is passed and revenues are accounted for is fiscally sound, suspense file decisions should ultimately be made in a public forum with public votes to ensure accountability.

The current and back issues of the Children's Legislative Report Card are available on CAI's website at www.caichildlaw.org.



In the Legislature

Overview. California's 2003 legislative session will be remembered for political turmoil that took the state into uncharted territory. Interestingly, the ground-breaking event of 2003 was not the staggering budget deficit; although the deficit presented an enormous challenge, it was not unprecedented—California managed to produce a balanced budget while facing record deficits as recently as 1991–92. Even with term limits, the current Legislature includes members who weathered the last budget storm. Instead, the extraordinary event of 2003 was the California electorate's recall of its Governor for the first time in the state's history; in fact, Gray Davis was only the second governor in the history of the nation to be removed from office. The truncated recall campaign created an unpredictable political landscape, even to the most seasoned political veterans.

Combined, the deficit and recall created significant uncertainty and confusion in the state's deliberative body, and contributed to a legislative session marked by both paralysis and frenetic action.



State Capitol, Sacramento, CA

State Budget Activities. As discussed above, the sheer size of the deficit for the 2003–04 budget year—\$38 billion—was mind-boggling for Californians and politicians alike. Bigger than the deficits of all the other states combined, it loomed ominously even before the Legislature reconvened for work in January. Even during the regular legislative session, the state's fiscal woes influenced the development of bill ideas and strategies, with bills crafted to avoid costs or create revenue, with fee-increasing bills especially popular.

Then-Governor Davis' January budget proposal made waves in both camps because of his ambitious proposal to realign (i.e., transfer from the state to the counties) the responsibility for administering mental health and substance abuse, child care, child welfare services, adoption assistance, foster care, various health and social service programs, and long-term care programs. The proposal was based on an earlier realignment that took place in 1991. At that time, the Wilson Administration shifted responsibility for certain mental health, public health, and indigent health programs to the counties, and the state-county cost-sharing ratios for the programs were changed to reflect that shift. As part of the 1991 realignment, increased sales taxes and the vehicle license fee (VLF) helped offset the counties' costs for the new responsibilities.

In keeping with the Wilson Administration's precedent, the Davis Administration's 2003–04 budget proposal sought to raise sales taxes to help offset the counties' new responsibilities. The Governor proposed to raise additional revenues by adding a new tax bracket at the top of the personal income tax scheme and increasing "sin taxes" on cigarettes and other tobacco products. However, Republican legislators held their ground in opposing any new taxes.

Democrats had other concerns with the Governor's proposal, such as the gaping omissions regarding the details of the realignment's implementation. Additionally, Democrats were concerned that the counties would receive monies for the realigned programs based on current year spending ratios for only the first year; after that, counties would receive a block grant for all realigned programs to be used at the counties discretion. Although the Governor suggested that this arrangement would provide local flexibility and would improve local incentive to control costs, Democrats (and child advocates) worried that important services could be shortchanged with such a formula.

The opposition to the child care component of the realignment proposal was especially intense. Eighteen advocacy groups, including the Children's Advocacy Institute, rallied against the proposed realign-

ment for child care programs, arguing that it would hurt children in subsidized care, increase bureaucracy, and jeopardize federal funding. Then-Governor Davis acquiesced in his May Revise by removing child care from the realignment proposal—for the time being. To the chagrin of child advocates, he suggested that the proposed realignment of child care services would be revisited next year, and he maintained the proposed realignment of foster care, child welfare services, and CalWORKs programs.

The Legislature passed the budget on July 29, 2003—once again failing to meet the constitutional deadline, but not breaking any impasse records. The final push required the Assembly to engage in a 27-hour lockdown session, and the final Assembly vote (56–22) included 11 Republicans (well over the six Republican votes needed for two-thirds approval).

The Republican support was strong because the compromise incorporated many of the primary Republican demands. Namely, the budget includes no new taxes. However, it did rely on the reinstatement of the vehicle license fee (VLF), which during the budget surplus of 2000 had been reduced by two-thirds of its original level. The VLF legislation included a trigger that allows the Governor to reinstate the fee to its original level when state general fund revenues decline; in light of the \$38 billion general fund deficit, then-Governor Davis pulled that trigger in June 2003. Other increased fees also figured prominently in the 2003–04 budget.

Many of the 2003–04 budget provisions will directly impact children’s wellbeing. For example, the Legislature rejected all of the Governor’s realignment proposals; as a result, foster care and adoption services, as well as several other child-related programs, were kept whole. Unfortunately, Community Care Licensing—the Department of Social Services’ division charged with monitoring the safety of foster placements, child care facilities, and adult residential facilities—suffered a 28% cut to its budget. Prior to this reduction, each licensed facility was inspected on an annual basis; after this reduction, a random sample of 10% of all licensed facilities will receive unannounced visits each year. This cut will reverberate in both the foster care and child care communities, as health and safety infractions will go undetected for longer periods of time.

In previous years, former Governor Davis rallied to “reform” the child care system to provide more equity between former welfare recipients and working poor families who have never received cash aid. Some of the Governor’s previous proposals included



lowering the provider rate to the 75th percentile, lowering the income eligibility to receive subsidies, and charging all families fees for child care. In the past, child advocates and the Women’s Legislative Caucus successfully fought to ensure a family-friendly system. That success continued this year, despite the fact that the budget situation provided the perfect justification for the Governor’s ongoing attempt to alter the system.

Former Governor Davis’ first threat to child care during the budget process was his realignment proposal. Under that plan, the future of subsidized child care in California was completely uncertain. As noted above, the May Revise removed child care realignment from the table. Instead, however, the Governor proposed eliminating subsidies for 13-year-olds, eliminating services to families with income above eligibility limits who had been grandfathered into the program through welfare, lowering the reimbursement rate to providers who only care for subsidized children, lowering the regional market rate for reimbursements from the 93rd percentile to the 80th percentile, and charging families a child care “co-payment.”



The 2003–04 education budget, like the mid-year reductions, relied heavily on deferrals. Few direct programmatic cuts to programs were made, but this strategy is not sustainable; future budgets will bear the burden of these temporary deferrals.

The child care community understood that it would be impossible to weather the 2003 budget deficit without any cuts. However, some of the proposals were too draconian to be accepted, and advocates strenuously opposed their implementation. The final compromise minimized the effects on children while still resulting in some budget reductions. Among the changes to child care in the 2003–04 budget are the elimination of subsidies for 13-year-olds; the elimination of subsidies to “grandfathered” families; lowering the provider rate to the 85th percentile; and lowering the Alternative Payment administrative rates by one percent.

The budget eliminated the Child Development Policy Advisory Committee (CDPAC), a statutorily-created body that was a valuable and respected clearing-house for legislative deliberations on child development. In the past, CDPAC had often provided a forum for advocates to voice opposition to the Governor’s attempts to reform child care.

Beyond child care, other child-related programs were impacted by the budget. For example, CalWORKs recipients will not receive a cost of living adjustment in 2003, making it more difficult for a family to keep up with the ever-increasing costs of living in California, and potentially contributing to additional child poverty. Education funding was cut by \$800 million from the enacted 2002–03 budget, but slightly increased from the post-mid-year reduction 2002–03 spending levels. The 2003–04 education budget, like the mid-year reductions, relied heavily on deferrals. Few direct programmatic cuts to programs were made, but this strategy is not sustainable; future budgets will bear the burden of these temporary deferrals.

Medi-Cal payment rates to providers were reduced by 5%, reduced from the original proposal of 15%. The 2000 Budget Act included the first provider rate increases for over ten years. Governor Davis rationalized that a 5% cut to the provider rates today would still maintain an increase over pre-2000 rates. However, despite the increases, a 2001 California Medical Association survey of California doctors found that 91% of those surveyed felt the reimbursement rates negatively impact the quality and availability of medical care in California. Additionally, the increases in 2000 did not even raise rates to match Medicare rates. The 5% cut will certainly have a negative effect on access to providers under the Medi-Cal system for adults and children alike.

Reimbursement rates for the California Children’s Services program, which serves children under 21 with certain special needs and whose families earn below \$40,000 per year or spend 20% of their income on health care, will also suffer the 5% reduction. However, the Legislature rejected the Governor’s proposal to eliminate the optional benefits available under Medi-Cal; some of these “optional” benefits included prosthetics, hearing aids, and durable medical equipment.

Recall Madness. Once the budget was passed, the state—and the nation—turned its attention to California’s gubernatorial recall race. The historic opportunity and the relatively low threshold to qualify as a replacement candidate resulted in a ballot listing 135 contenders, including an adult film star, a former child actor, a pornography publisher, a comedian, and many, many unknowns.

Film star Arnold Schwarzenegger’s candidacy turned politics as usual on its head. After announcing his intent to run on the “Tonight Show with Jay Leno,” Schwarzenegger quickly became a favorite among California residents and added the theatrical flair that

drew national and international attention to the recall. The other leading replacement candidates included Lieutenant Governor Cruz Bustamante, State Senator Tom McClintock, political commentator Ariana Huffington, and financial consultant Peter Camejo.

Lawsuits added to the madness. A three-member panel of the Ninth U.S. Circuit Court of Appeals decided to postpone the recall until obsolete punch card ballot machines could be replaced with newer technology, so voters using the less reliable machines would not be disenfranchised. An eleven-member panel of the same Court of Appeals later reversed that decision. In the interim, however, voters and candidates were unsure whether the election would be held on October 7 as originally scheduled. The decision allowing the recall vote to take place as planned was made only two weeks before election day.

The usual end of session “gutting and amending” of bills, or the process of amending completely new language into an existing bill that has partially advanced through the legislative process, was influenced by the ever-growing possibility that the Democratic Legislature might soon lose the ability to send bills to a Democratic Governor.

The campaign season was fast and furious, with little time or attention focused on actual issues. The debates, which usually included the top four or five candidates, only provided time for prepared sound bites. In-depth discussions of the issues, especially children’s issues, did not happen.

In the end, over 55% of the eight million Californians who went to the polls on October 7 voted to recall Governor Davis. On the question of who should succeed Governor Davis should he be recalled, Arnold Schwarzenegger was the winner with 49% of the votes.

Child-Related Legislation. In general, bills specifically addressing children’s issues in 2003 were very specific in nature, often making small technical changes to existing programs. For example, several bills—such as AB 408 (Steinberg), AB 490 (Steinberg), AB 1151 (Dymally), SB 182 (Scott), and SB 591 (Scott)—were introduced to reform specific parts of the child welfare system. However, there was little political will to take a holistic look at the child welfare system. Nonetheless, real gains were made for children in the foster care system, such as AB 1151 (Dymally), which specifically iterates the state’s obligation to pro-



tect children in foster care. This seemingly obvious responsibility was refuted in a court decision last year. AB 1151 will ensure that the state upholds this basic responsibility to protect the children in its care.

Other significant child-related measures enacted during 2003 include the following:

- ◆ **AB 231 (Steinberg)** reforms the Food Stamp Program to increase participation and improve nutritional outcomes for low-income families by allowing the Department of Social Services to ease the vehicle exemption when determining recipient eligibility. In effect, a family will no longer be deemed ineligible for food stamps if it owns a decent car. This access to transportation facilitates access to jobs and the related services that help a family transition off aid.
- ◆ **AB 739 (Jackson)** creates the Child Support Payment Trust Fund, to be administered by the Department of Child Support Services, and establishes the necessary funding structure and banking considerations for the collection and distribution of millions of dollars of child support payments. These provisions will streamline the child support payment process, increasing both collections and timely payments to families.
- ◆ **SB 677 (Ortiz)** enacts the California Childhood Obesity Prevention Act, prohibiting the sale of carbonated beverages on elementary school campuses starting July 1, 2004. The bill limits the allowable beverages for elementary and middle school sale to water, milk, 100% fruit juices, and fruit-based drinks with at least 50% fruit juice and no added sweeteners. The bill will help reinforce healthy diet options for children at school and support the ongoing battle against childhood obesity.
- ◆ **AB 1286 (Frommer)** revises and expands existing “continuity of care” laws under which a health plan is required, under certain circumstances, to allow an enrollee to continue to see a health care provider who is no longer contracting with the plan. Care of a newborn between birth and 36 months is one of the circumstances that triggers the bill’s continued care provisions. This bill ensures that a child’s health is not compromised by contract disputes between providers and insurers.
- ◆ **AB 1697 (Pavley)** requires that all children under the age of six or who weigh less than 60 pounds be secured in a child passenger restraint system located in the rear seat, except under specified circumstances. The requirement becomes effective January 1, 2005. The new requirements, which are based on recommendations by the National Highway Traffic Safety Administration, will further protect children traveling in vehicles.
- ◆ **SB 24 (Figueroa)** creates the Prenatal Gateway and the Newborn Hospital Gateway to simplify enrollment of prenatal women and certain newborn infants into the Medi-Cal program. This bill expedites access to preventive care for pregnant women and infants, saving lives and preventing disabilities.
- ◆ **AB 305 (Mullin)** requires a city or county to grant an additional density bonus, concession, or incentive to a housing developer if that developer includes a child care facility in a housing development. The bill also has provisions to ensure that children from low and moderate income families have access to slots in these facilities. Cities and counties may waive providing the incentive if it is found that there is already adequate child care in the area. AB 305 will create an incentive for developers to include child care facilities in new housing developments, making new communities more livable for families.
- ◆ **SB 892 (Murray)** requires schools to ensure that restrooms are open during school hours and regularly maintained, clean, and fully operational. Additionally, it requires that restrooms be stocked with toilet paper, soap, and paper towels or hand dryers. After thirty days, schools with uncorrected violations will be ineligible for school facilities money. This will ensure that children have the ability to take care of the most basic of needs while at school.
- ◆ **AB 353 (Montanez)** expands the definition of the term “sibling” to include relationships by affinity through a common legal parent. The bill allows courts to consider a parent’s sexual abuse of one of his/her biological or foster children as legal grounds for denying reunification services regarding the parent’s other children, regardless of whether those children are biological siblings of the abused child.
- ◆ **AB 408 (Steinberg)** makes several changes in dependency law to help achieve permanency for older foster youth. Among other things, the bill requires the court to determine whether a minor of at least ten years was properly notified of his/her right to attend his/her juvenile court hearing when the minor was not present at that hearing; requires, at various points in the dependency process for children ten or older who are placed in group homes, that the social study, evaluation, or supplemental

report used by the court include a discussion of whether the child has relationships with individuals other than the child's siblings that are important to the child; requires the social worker to ask a child who is ten years old or older who is placed in a group home to identify any such individuals, consistent with the child's best interest, and permits the social worker to ask a child younger than ten, as appropriate; requires the social worker to make efforts to identify other individuals who are important to the child; and creates new requirements for efforts to be made to maintain such relationships, and for the court to review information on such efforts at various points in the dependency process. All of these provisions will help older children in foster care achieve permanency by helping reduce their reliance on the foster care system.

- ◆ **AB 458 (Chu)** establishes the right for foster children and others in the foster care community to be free from discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or human immunodeficiency virus (HIV) status. Additionally, it requires training for administrators, licensing personnel, licensed foster parents, and relative caretakers to include training about these rights.
- ◆ **AB 490 (Steinberg)**, co-sponsored by CAI, will improve educational outcomes for foster youth by, among other things, declaring the Legislature's intent to ensure that pupils in foster care and those who are homeless, as defined, have a meaningful opportunity to meet the academic achievement standards to which all pupils are held, are placed in the least restrictive educational programs, and have access to the academic resources, services, and extracurricular and enrichment activities as all other pupils. This bill requires that pupils placed in licensed children's institutions or foster family homes attend programs operated by the local educational agency, under specified circumstances.
- ◆ **SB 591 (Scott)** directs child protective service agencies to provide the caregivers of foster children with specific personal information relating to the child and the child's case, with in a specified time frame. The required information will help caregivers better know and meet their foster children's needs.
- ◆ **AB 945 (Nunez)** permits the detention of minors in jail for adults or other secure adult



In 2003, CAI Senior Policy Advocate Alecia Sanchez presented the first annual Legislator of the Year and Children First Awards to Assemblymember Darrell Steinberg (D-Sacramento) and Assemblymember Bonnie Garcia (R-Cathedral City), respectively.

facilities only if the court makes its findings on the record and it finds that the minor poses a danger to the staff, other minors in the juvenile facility, or the public. The bill will ensure that minors are kept, except in extreme circumstances, in the detention facilities better equipped to serve their needs.

Legislator of the Year Awards. In 2003, CAI Senior Policy Advocate Alecia Sanchez presented the first annual Legislator of the Year and Children First Awards to Assemblymember Darrell Steinberg (D-Sacramento) and Assemblymember Bonnie Garcia (R-Cathedral City), respectively.



CAI awards Legislator of the Year to a legislator who has consistently fought for children's well-being and has been an exemplary leader on behalf of California's children. A legislator's score on CAI's annual Children's Legislative Report Card, the content of his/her bill package, and other acts of support outside the voting process are contributing factors in the decision. Assemblymember Steinberg was named Legislator of the Year in recognition of his true leadership for children throughout his tenure in the Assembly. His score on CAI's Report Card has been impeccable—consistently 100%. He has led the charge on foster care reform, improving access to food stamps, and mental health. He ably protected children's interests as the Chair of Assembly Appropriations.

The Children First Award recognizes a legislator for who went against the status quo or resists political expediency to support children's issues. Assemblymember Garcia's Report Card score of 83% stood in stark contrast to those of her Republican colleagues—the mean Republican score was 42%. Additionally, Garcia has received the highest Republican score since CAI began compiling its Report Card.

In the Courts

Funding from generous grantors and donors enabled CAI to create a staff attorney position, filled by Debra Back, who performs litigation and regulatory advocacy. In 2003, Debra engaged in extensive research into several issues where litigation might be necessary in order to protect children. For example, CAI is currently looking into possible litigation regarding timely and appropriate access to medical care for children covered by Medi-Cal; the state's implementation of the rent and utility voucher safety net assurance for children affected by TANF sanctions to their families; housing assistance for former foster youth participating in independent living programs; the state's use of federal adoption incentive monies; and the implementation of the state's zero tolerance expulsion laws by school districts and school administrators, and the resulting disproportionate impact on culturally-diverse children.

Under CAI's litigation criteria, the following criteria must be met:

- ◆ If successful, the case will have a major beneficial impact on California children (including both the number of children affected and the type and degree of impact).
- ◆ The litigation subject matter is relevant to the jurisdiction of the legislative, executive or judicial branches within California and/or the United States, and is consistent with the mission statement of CAI.
- ◆ The subject matter of the litigation must be important to the health, safety, security, rights, or opportunities of children.

- ◆ If successful, the case will change policy to leverage an advantage for children beyond the interests of the named parties.
- ◆ Sufficient and available resources exist to pursue the litigation, including staff time and costs, taking into account discovery, expert witness and other litigation expenses, and potential recompense for costs.

Further, the following criteria must be considered:

- ◆ If successful, the case will assist impoverished children or another disadvantaged child population.
- ◆ Other organizations may contribute resources to the litigation.
- ◆ The likelihood of success is substantial—both by itself and in comparison with other means of challenging the issue (e.g., legislation, rule-making, media coverage)—or the litigation will substantially enhance those other means of influence.
- ◆ Another person/entity is unlikely to bring the litigation, unlikely to bring the litigation in a timely manner, or, if so brought, it may not be litigated with the requisite skill or intent to provide an advantageous outcome for children.
- ◆ The litigation effort may generate fees and/or other compensation to finance continued litigation and other non-profit, charitable projects related to the CAI mission.

Unlike a client-driven civil practice, litigation at CAI often comes through untapped channels: we hear of problems that occur across counties and local areas, or we hear similar complaints from children or youth being serviced through the public system. Due to the nature of the litigation CAI seeks to be involved in, our Staff Attorney makes frequent contact with other attorneys for public agencies, non-profit and advocacy groups, and private attorneys in order to stay abreast of changes in current law and policy, as well as to identify and pursue projects when issues or opportunities arise. With numerous contacts at the local, state, and federal level, CAI can better navigate the issues children face and determine where best to utilize its expertise.

In Administrative Agencies

One of the few child advocacy organizations with expertise in the regulatory forum, CAI represented

children's interests before various administrative agencies during 2003. Grants from The California Wellness Foundation (TCWF) and anonymous donors have enabled CAI to greatly expand its ability to research and monitor proposed regulatory actions affecting children's health and safety.

CAI utilizes a rulemaking tracking system to identify new regulatory proposals affecting children. Information regarding each such proposal is added weekly to a master spreadsheet; this information identifies the agency commencing the action and includes a brief description of the proposed rulemaking, the deadline for written public comments, the date and location of the scheduled hearing (if any), the deadline to request a public hearing, and references the portion of the California Children's Budget discussing the subject matter of the regulation. This information is also added to the regulatory advocacy portion of the CAI website (www.caichildlaw.org), along with links to the actual regulatory proposals and related documentation on the agency websites.

CAI staff also obtains and reviews all relevant materials regarding each proposed regulatory action affecting children's health and safety; these materials typically include the agency's notice of proposed rule-making, initial statement of reasons, and proposed text of the regulatory changes. Based on a careful review and analysis of those materials, CAI staff determines if written comments/testimony are warranted.

During 2003, CAI Staff Attorney Debra Back submitted public comments/testimony on several proposed regulatory actions, including the following:

- ◆ On January 13, 2003, CAI submitted a written comment to the California Department of Education regarding proposed regulations on the administration of medication to pupils at school. Although CAI generally agrees there should be a system for the administration of medication to pupils at school, CAI expressed specific concerns regarding the language contained in the proposed regulations.

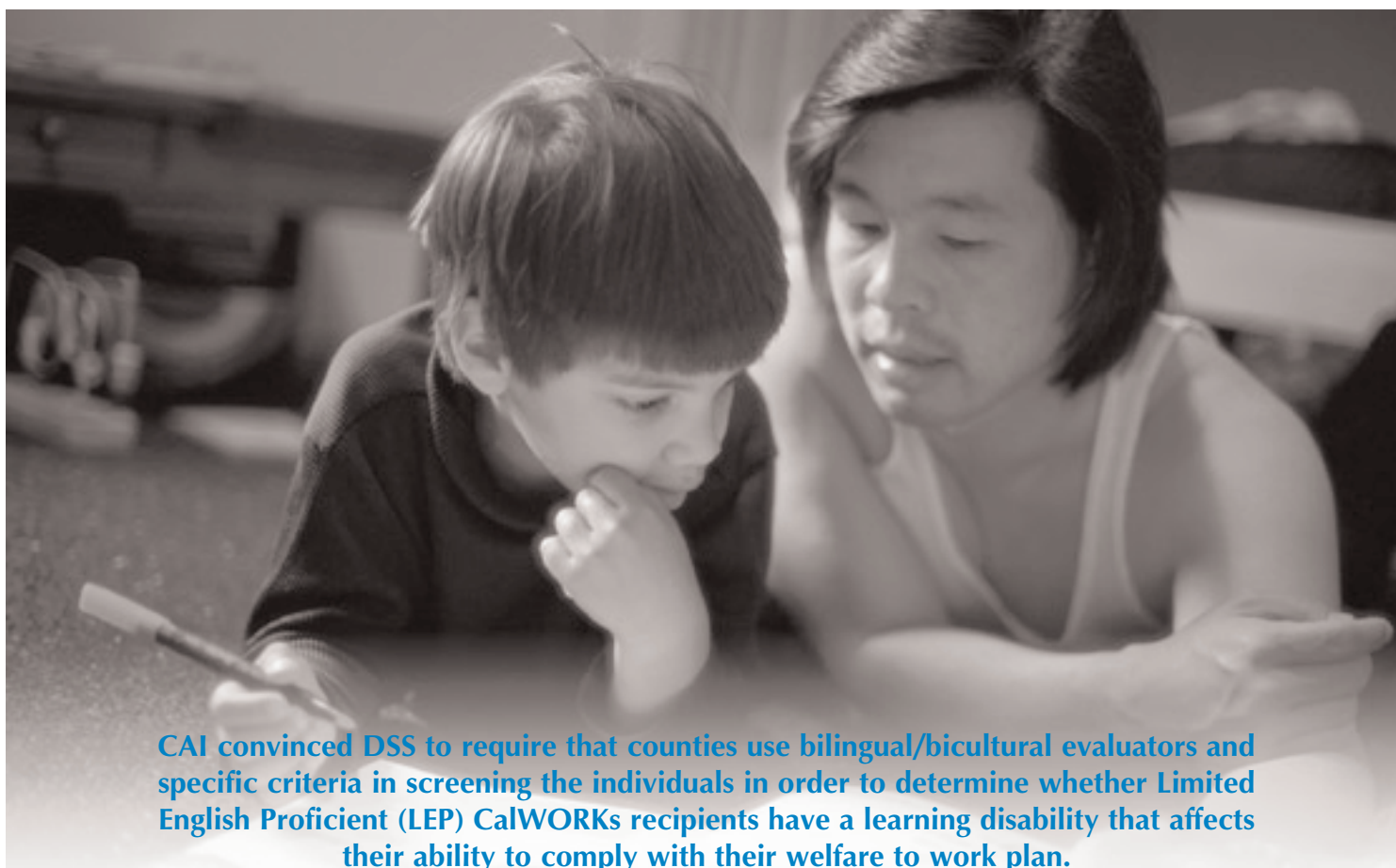
- ◆ On August 5, 2003, CAI submitted a written comment to the California Department of Education regarding its revised proposed regulations on the administration of medication to pupils at school. CAI was gratified to see that CDE had made several revisions to its proposal as requested by CAI in its January 2003 comments (see above). However, CAI still had concerns regarding some of the proposed language. Specifically,

CAI's comments pertained to (1) proposed language pertaining to the administration of over-the-counter medications and (2) provisions that appear to shift the responsibility for implementing rules and regulations regarding the administration of medication at schools from CDE to local educational agencies. In response to CAI's August comments, CDE responded by clarifying that only over-the-counter medications prescribed by a physician could be regulated by the school, and not merely over-the-counter medicines, e.g., aspirin. Hopefully, this added provision will assist local districts in properly applying zero tolerance drug policies, as the applicable state statutes only allow regulation of those medications prescribed by a physician.

◆ On August 20, 2003, CAI submitted comments to the Department of Social Services (DSS) regarding its CalWORKs learning disabilities rulemaking package. Among other things, CAI pointed out several provisions that will result in disparities to certain populations, are inconsistent with existing law, and could be construed arbitrarily by counties if not corrected. In late January 2004, DSS released a modified version of this regulatory proposal; the revised language reflected changes made in response to each of CAI's remarks. Of particular importance was that CAI convinced DSS to require that counties use bilingual/bicultural evaluators

and specific criteria in screening the individuals in order to determine whether Limited English Proficient (LEP) CalWORKs recipients have a learning disability that affects their ability to comply with their welfare to work plan. This is a huge improvement from the initial regulations, which would have resulted in great disparities between the way English and LEP recipients were evaluated and judged. This shows how litigation can be avoided by carefully following the implementation of regulations.

Also as suggested by CAI's comments, the DSS regulations now mandate that counties describe the screening and evaluation process to CalWORKs participants in a manner that helps them understand the benefits of having the disability identified and what reasonable accommodations could be made so that the individual is not sanctioned. Further, the revised regulations require counties to determine whether to offer accommodations to the recipient based upon the professional evaluator's opinion, whereas in the initial language the county was permitted to find that the learning disability did not effect the recipient's ability to perform their work. The revised regulations improve accountability so that counties must provide necessary accommodations based upon a professional evaluator's opinion of the applicant's disability.



CAI convinced DSS to require that counties use bilingual/bicultural evaluators and specific criteria in screening the individuals in order to determine whether Limited English Proficient (LEP) CalWORKs recipients have a learning disability that affects their ability to comply with their welfare to work plan.

◆ On September 16, 2003, CAI submitted a written comment to DSS regarding its proposed family reunification child support referral requirements. Among other things, CAI noted that the regulations are merely a recitation of the statutory section with seemingly little consideration for issues raised by the Legislature. The small amount of implementing language that DSS added impermissibly limited the applicable scope of the regulations to only those cases where a child is currently receiving family reunification services, in contradiction to the language and intent of the implementing legislation. Further, one goal of the implementing legislation was to ensure uniformity of application among counties. However, CAI noted that the proposed regulations leave discretion with the counties to determine what circumstances constitute "the best interests of the child," and therefore, will not ensure any uniformity statewide. CAI urged DSS to define those circumstances in which it is not in the best interests of the child to refer the case to the local child support agency, as required by law, and impose a requirement that the social worker/county welfare agency department be required to document how the determination of whether to refer a case is made after each court hearing.

◆ On September 17, 2003, CAI submitted a comment to DSS regarding its foster youth personal rights rulemaking proposal. In the comments, CAI pointed out several areas where the proposed regulations were not consistent with the implementing legislation and other statutory provisions; specifically, CAI noted several instances where the initially proposed regulations unnecessarily limited the statutory rights as they were enacted into law. DSS subsequently revised much of its proposed language in response to CAI's comments.

◆ On October 13, 2003, CAI submitted a written comment to DSS regarding its proposed regulations governing interim actions that are to take place at licensed facilities where children may be at risk. Specifically, the regulations were aimed at temporarily closing a facility or removing an employee from a facility pending DSS' investigation into the arrest for specified crimes of a person at that facility. Among other things, CAI's comments urged DSS to make its regulatory language mandatory instead of discretionary. The regulations pertain to crimes for which, if convicted, an individual would not be eligible for an exemption to work at a DSS-licensed facility; these are significant crimes such as murder and attempted murder, kidnapping, sexual battery, rape, aggravated assault of a child,

willful cruelty to a child, and sexual abuse. CAI contends that if an individual working in a licensed facility is arrested for one of these specified crimes, DSS must make that person's removal from the facility, or the facility's closure, mandatory pending the investigation into the details of the arrest.

◆ On November 12, 2003, CAI submitted a comment to DSS on proposed regulatory changes to the Transitional Housing Placement Program (THPP). Among other things, CAI noted that it is important that DSS maintain a distinction between the youth in and out of foster care, as the THPP is designed to provide youth the opportunity to develop independent living and employment skills, and the greatest amount of freedom possible in order to prepare for self-sufficiency. However, the proposed regulations did not appear to implement these legislative requirements; it remains unclear how DSS will fulfill the statutory requirement for separate program rules and designs for these distinct sectors of the youth population.

◆ On December 17, 2003, CAI submitted comments to DSS on its rulemaking package pertaining to the Independent Living Program, Transitional Independent Living Program, Transitional Housing Placement Program, and Transitional Housing Program-Plus, several programs for emancipated and current foster youth. CAI pointed out several areas where the regulations do not appear to implement these programs in a fair and equitable manner, as required by federal law.

Also in 2003, CAI produced two issues of its Children's Regulatory Law Reporter, which describes child-related rulemaking proposals by state agencies and analyzes the resulting impact on children.

In the Public Forum

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

COLLABORATION AND LEADERSHIP

Children's Advocates' Roundtable

During 2003, CAI continued to coordinate and convene the Children's Advocates' Roundtable monthly meetings in Sacramento. The Roundtable, established in 1990, is an affiliation of over 300 statewide and regional children's policy organizations, representing over twenty issue disciplines (e.g., child abuse prevention, child care, education, poverty, housing, juvenile justice). The Roundtable is committed to providing the following:

- ◆ a setting where statewide and locally-based children's advocates gather with advocates from other children's issue disciplines to share resources, information, and knowledge, and strategize on behalf of children;
- ◆ an opportunity to educate each other about the variety of issues and legislation that affect children and youth—facilitating prioritization of issues and minimizing infighting over limited state resources historically budgeted for children's programs;
- ◆ an opportunity to collaborate on joint projects that promote the interests of children and families; and
- ◆ a setting to foster a children's political movement, committed to ensuring that every child in California is economically secure, gets a good

education, has access to health care, and lives in a safe environment.

Although many Roundtable members cannot attend each monthly meeting, CAI keeps them up-to-date on Capitol policymaking and what they can do to help through e-mail updates; the Roundtable also maintains an updated directory of California children's advocacy organizations. Unlike many collaborations which seem to winnow away with age, the Children's Advocates' Roundtable has grown in membership and influence with policymakers each year.

Interaction with National Child Advocacy Organizations

CAI remains actively involved in major national child advocacy organizations. As mentioned above, CAI Executive Director Robert Fellmeth serves on the Development and Bylaws committees of the National Association of Counsel for Children (NACC), and actively participates as a member of the NACC Board of Directors.

Professor Fellmeth also serves as counsel to the Board of Directors of the National Association of Child Advocates, with chapters of advocates now in more than forty states. He is on the Board of Foundation of America: Youth in Action, and chairs the Board of the Maternal and Child Health Access Project Foundation, which advocates for the health of infants and pregnant women among the impoverished of Los Angeles.



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SPECIAL PROJECTS

Lawyers for Kids

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

Price Child Health and Welfare Journalism Awards

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

At a special luncheon on September 20, 2003, CAI honored the 2003 Award recipients. The first place award winner was the The Oakland Tribune for a series of articles published in June 2003 entitled "Separate And Unequal," written by Jill Tucker, Robert Gammon, Michelle Maitre (reporters) and Nick Lammers (photographer).

Cheryl Romo received second place honors for two articles published in the Los Angeles Daily Journal during 2003. "Misty, Who Got No Breaks" and "A Child-Suicide in Foster Care" both shed light on critical flaws in the foster care system.

CAI gratefully acknowledges the dedication of the members of the selection committee who reviewed numerous submissions from California daily newspaper editors: Chair Gary Richwald, M.D., M.P.H.; Louise Horvitz, M.S.W., Psy.D.; Dana C. Hughes, M.P.H., M.S.; Lynn Kersey; Alan Shumacher, M.D., F.A.A.P.; and Dr. Robert Valdez, Ph.D.

Child Friendly Foundation

At the suggestion of former CAI Council for Children member Martin Fern, CAI staff created the Child Friendly Foundation, a separate and stand-alone nonprofit organization not affiliated with CAI or the

University of San Diego. The goals of the Foundation are to (1) promote child friendly products in the marketplace by licensing a trademark for use on qualified products to indicate that the product is safe for children and is not made through exploitive child labor; and (2) distribute the proceeds of its licensing program to child advocacy organizations throughout the country. Thus, the Foundation will assist the marketplace, stimulate responsible corporate behavior, and provide much-needed funding for groups focusing on substantive child-related issues. CAI appreciates the commitment and contributions of all of the members of Child Friendly's Board of Directors: Martin Fern, Esq.; Gary Redenbacher, Esq.; Tony Samson, Esq.; Marvin Ventrell, Esq.; Gary Richwald, M.D., M.P.H.; and Professor Robert Fellmeth.



2003 DEVELOPMENT REPORT

CAI is grateful to Sol and Helen Price for their gift of the Price Chair Endowment, which has helped to stabilize the academic program of CPIL and CAI within the USD School of Law curriculum; to the Weingart Foundation for its 1992 grant enabling CAI to undertake a professional development program; and for generous grants and gifts contributed by the following individuals and organizations between January 1, 2003, and December 31, 2003, and/or in response to CAI's 2003 holiday solicitation:

Abbott Laboratories

John S. and Jacqueline B. Adler

Annette Aguirre

Alan Sieroty Charitable Directed Fund

Prof. Larry Alexander

Mr. and Mrs. Victor N. Allstead

Anzalone & Associates, Inc.

Maureen J. Arrigo

Ken and Terry Baker

William M. Benjamin

Alan D. Bersin

Vickie Lynn Bibro and John H. Abbott

Carol O. and Frank J. Biondi, Jr.

Robert and Lucinda Brashares

Paula Braveman, MD, MPH.

Penny and Roy Brooks

Linda M. Brown (on behalf of Parisa Farokhi)

Alan and Susan Brubaker

Linda Burden

Carlos Carriedo

Candace Carroll and Len Simon

Nancy Carol Carter

Prof. Laurence P. Claus

Joan B. Claybrook

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Consumers First, Inc. (Jim Conran)

Consumers Union

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Lynne L. Dallas

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Donald and Darlene Shiley
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Howard E. Susman
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Roy M. Ulrich
Prof. Jorge A. Vargas
Tony and Katie Ward
Prof. Richard J. Wharton
Carrie and Wayne Wilson
Prof. Fred Zacharias
Marjorie S. and Ya-Ping Zhou
Anonymous

While every effort has been made to ensure accuracy, we ask readers to notify us of any errors and apologize for any omissions.

—The Editors

CAI STAFF

ROBERT C. FELLMETH

Robert C. Fellmeth is CAI's Executive Director; he is also a tenured professor and holder of the Price Chair in Public Interest Law at the University of San Diego School of Law. He founded USD's Center for Public Interest Law in 1980 and the Children's Advocacy Institute in 1989. In the children's rights area, he teaches Child Rights and Remedies and supervises the Child Advocacy Clinic. Professor Fellmeth has over 30 years of experience as a public interest law litigator, teacher, and scholar. He has authored or co-authored 14 books and treatises, including a law text entitled Child Rights and Remedies. He serves as a member of the Board of Directors of the National Association of Counsel for Children, the Maternal and Child Health Access Project Foundation, and Foundation of America: Youth in Action, and he is counsel to the board of the National Association of Child Advocates.

ELISA WEICHEL

Elisa Weichel is CAI's Administrative Director and staff attorney. Among other things, Weichel directs all of CAI's administrative functions, including fundraising, development, and outreach; oversees all of CAI's programs and grant projects; serves as Editor-in-Chief of CAI's California Children's Budget; coordinates the drafting and production of the Children's Legislative Report Card, CAI Annual Report, Children's Regulatory Law Reporter, and CAI NewsNotes; staffs CAI's Information Clearinghouse on Children, responding to requests for information from government officials, journalists, and the general public; collaborates with and assists other child advocacy and public interest organizations; serves as webmaster for the CPIL and CAI websites; and performs legal research, litigation, and advocacy. Weichel, a graduate of the USD School of Law (J.D., 1990), was 1989's Outstanding Contributor to the Center for Public Interest Law's California Regulatory Law Reporter. Before taking her current position with CAI, Weichel served for several years as staff attorney for CPIL.

JULIANNE D'ANGELO FELLMETH

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

DEBRA BACK

Debra Back, CPIL/CAI Staff Attorney, serves as CAI's primary litigator in state and federal court impact litigation on behalf of children and consumers in all phases from development through trial, appeal, and attorney fee application. Additionally, Back advocates before administrative agencies and the legislature on issues impacting children's welfare, health, and safety, as well as consumer protection, and is chief author of CAI's Children's Regulatory Law Reporter. Back participated in CPIL's academic program while studying at the USD School of Law, and was honored by CPIL as 1999's Outstanding Contributor to the California Regulatory Law Reporter. Following graduation, Back worked as Associate Attorney with the Law Office of Marc O. Stern, where she honed her skills as a civil litigator in cases ranging from consumer litigation to professional negligence, medical malpractice, toxic torts, and investment fraud. Back joined CPIL/CAI in August 2002.

COLLETTE GALVEZ

Collette Galvez serves as CPIL/CAI Staff Attorney and Associate Editor of the California Regulatory Law Reporter. Among other things, Galvez edits law student reports for publication in the Reporter and engages in legislative and regulatory advocacy on occupational licensing and/or consumer protection issues. Galvez graduated magna cum laude from the USD School of Law in 1997 and received her L.L.M. cum laude in 2001.

While studying at USD, Galvez participated in the academic programs of both CPIL and CAI, and in 1997 was honored by CPIL as Outstanding Public Interest Advocate and by CAI as Outstanding Child Advocate. Before joining CPIL/CAI, Galvez worked as a Staff Attorney for the YWCA Legal Advocacy Program, and as a Volunteer Attorney for the Legal Aid Society of Hawaii. Galvez joined CPIL/CAI in July 2002.

S. ALECIA SANCHEZ

S. Alecia Sanchez is CPIL/CAI's Senior Policy Advocate. In addition to conducting CAI's legislative and policy advocacy, Sanchez chairs the Children's Advocates Roundtable, a network of 300 California child advocacy organizations representing over twenty issue disciplines (e.g., child abuse prevention, child care, education, child health and safety, poverty, housing, nutrition, juvenile justice, and special needs). Sanchez previously served as legislative aide to Assemblymembers Marco Antonio Firebaugh and Virginia Strom-Martin, and has substantial experience in the state budget and legislative process. Sanchez, who graduated cum laude from Claremont McKenna College, joined CPIL/CAI in October 2003.

KATHY SELF

Kathy Self performs bookkeeping and donor relations responsibilities in CAI's San Diego office. She tracks revenue and expenses, processes grant and fundraising activities, and provides support services to CAI professional staff, the CAI Council for Children, and the CAI academic and advocacy programs. Self joined CAI in February 2003.

MARISSA MARTINEZ

Marissa Martinez is CAI's office manager in San Diego. She provides support services for Professor Fellmeth and for CAI's academic and advocacy programs (including CAI student interns). Martinez joined CAI in August 2003.



CAI COUNCIL FOR CHILDREN

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

Thomas A. Papageorge, J.D., Council Chair, Head Deputy District Attorney, Consumer Protection Division, Los Angeles District Attorney's Office (Los Angeles)

Martin D. Fern, J.D.,* Attorney at Law (Los Angeles)

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

Louise Horvitz, M.S.W., Psy.D. (Los Angeles)

Honorable Leon S. Kaplan, Los Angeles Superior Court (Los Angeles)

James B. McKenna,** Managing Director; Chief Investment Officer, American Realty Advisors (Glendale)

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

Gary F. Redenbacher, J.D., attorney at law (Santa Cruz)

Gary A. Richwald, M.D., M.P.H. (Los Angeles)

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

Gloria Perez Samson, Principal, Castle Park High School (Chula Vista)

Alan E. Shumacher, M.D., F.A.A.P., retired neonatologist; Past President of the Medical Board of California; President, Federation of State Medical Boards of the United States (San Diego)

Owen Smith, President, Anzalone & Associates (Sylmar)

*Resigned from the Council for Children in October 2003.

**Joined the Council for Children in April 2004.



CAI Council for Children and Staff

Front row, from left to right: Hon. Leon Kaplan (Council); James McKenna (Council); Debra Back (staff); Dr. Birt Harvey (Council); Gloria Perez Samson (Council); Dr. Louise Horvitz (Council); Dr. Gary Richwald (Council); and Kathy Self (staff). Back row (on stairs), from left to right: Paul Peterson (Council); Alecia Sanchez (staff); Dr. Alan Shumacher (Council); Tom Papageorge (Council); Robert Fellmeth (staff); and Gary Redenbacher (Council). Council members not pictured: Owen Smith and Blair Sadler. CAI staff members not pictured: Elisa Weichel, Julie D'Angelo Fellmeth, Collette Galvez, and Marissa Martinez.



