

Children's Advocacy Institute



Program Overview



Based at the nonprofit University of San Diego (USD) School of Law since 1989, the Children's Advocacy Institute (CAI) is California's premiere academic, research, and advocacy organization seeking to improve the lives of children and youth, with special emphasis on improving the child protection and foster care systems and enhancing resources that are available to youth aging out of foster care and homeless youth. Through its offices in San Diego and Sacramento, and an affiliate office in Washington, D.C., CAI seeks to leverage change for children and youth through impact litigation, regulatory and legislative advocacy, and public education. **Active at the local, state, and federal levels, CAI's efforts are multi-faceted** — comprehensively and successfully embracing all tools of public interest advocacy to improve the lives of children and youth.



EDUCATING LAW STUDENTS AND ATTORNEYS

CAI's academic component trains law students and attorneys to be effective advocates for children throughout their legal careers. Through its Child Advocacy Clinic at the USD School of Law, CAI provides second- and third-year law students with the unique opportunity to represent children in three distinct ways:

- ★ Through its Dependency Clinic, CAI offers law students the opportunity to assist attorneys in the representation of children in the Dependency Court system. Working closely with their assigned attorneys from the Dependency Legal Group of San Diego, CAI students interview their child clients; present evidence during bench trials; prepare briefs and memoranda; participate in settlement conferences; conduct field work with investigators; and make court appearances, as appropriate.
- ★ Through its Delinquency Clinic, CAI offers law students the opportunity to assist attorneys in the representation of youth in the Delinquency Court system, assisting attorneys in the representation of minors charged with various offenses. Under the close supervision of **their assigned attorneys from the Public Defender's Office, CAI students interview their minor clients; prepare briefs and motions; participate in hearings and conferences; coordinate with probation officers, investigators, etc.; and make court appearances, as appropriate.**
- ★ Through its Policy Clinic, CAI offers law students the opportunity to pursue a research, writing, or policy advocacy project on a variety of issues, such as foster care, children's health coverage, juvenile justice, education, etc. Such projects might include petitioning an agency to adopt regulations, drafting model legislation, participating in impact litigation, or researching and drafting an in-depth report.

Additionally, and based on its longstanding leadership in training child advocate lawyers, for the past three years CAI has been selected by the State of California to provide the Dependency Counsel Training Program, training attorneys throughout California who are new to Dependency Court practice. To date CAI has offered six live, three-day training programs, providing hundreds of attorneys with twenty hours of continuing legal education specifically focused on Dependency Court practice.



“Bob Fellmeth and the Children’s Advocacy Institute helped me to realize the power I had to create real change in the lives of people who are often unable to defend themselves because of circumstances beyond their control. I will carry, and always appreciate, the lessons I learned from my work with Bob and CAI for the rest of my career.”

—Kevin Cleveland, 2009 Co-Recipient of the James A. D’Angelo Outstanding Child Advocate Award

“My participation with CAI changed the trajectory of my entire career. It made me realize the extent of suffering of children today and the need for a more holistic approach to healing children’s trauma. As a result, I am now headed into the field of psychology and health to explore the mental, emotional, physical, and spiritual tools necessary for children to fully heal and recover from trauma.”

—Victoria Furman, 2009 Co-Recipient of the James A. D’Angelo Outstanding Child Advocate Award



“Working with CAI was the most rewarding experience I had in law school. There is a direct link between my work for CAI and my current job as a special education attorney. In addition, my time at CAI helped reinforce my desire to be more active in shaping my community and helping others through both charitable work and advocacy.”

—Shelly Kamei, 2009 Co-Recipient of the James A. D’Angelo Outstanding Child Advocate Award

“I deeply value the mentorship of Bob Fellmeth and the entire staff of the Children’s Advocacy Institute. My experience taking Child Rights and Remedies and three semesters of Child Advocacy Clinic has become the important foundation for what I hope to accomplish in the field of child welfare.”

—Becky Wu, 2009 Co-Recipient of the James A. D’Angelo Outstanding Child Advocate Award



“What children need and deserve isn’t always what they get. The seriousness of that disparity was driven home through my CAI experience and that keeps me involved in the fight for the well-being of neglected and abused children. Being a part of an organization that has impacted the lives of so many children was tremendously rewarding and educational. My experience at CAI is the driving force behind my desire to continue to make a difference in the lives of abused and neglected children.”

—Lauren Yip, 2009 Co-Recipient of the James A. D’Angelo Outstanding Child Advocate Award

IMPACT LITIGATION AND AMICUS ACTIVITY

With the assistance of pro bono partners such as Morrison & Foerster, Winston & Strawn and others, CAI identifies and takes a lead role in nationally trend-setting impact litigation. For example, CAI is currently lead counsel in two cases pending in the Ninth Circuit Court of Appeals:

- ★ In *E.T., et al. v. George, et al.*, CAI is alleging that the caseloads shouldered by attorneys for abused and neglected children in Sacramento County — which can reach nearly 400 cases per attorney — violate numerous federal and state laws, including the right of the children to effective assistance of counsel.
- ★ In *California State Foster Parent Association, et al. v. Wagner, et al.*, CAI is alleging that the state’s method of reimbursing foster parents for the expenses they incur caring for abused and neglected children violates federal law by failing to consider and pay for the actual costs of raising foster children.

Also, CAI has participated as *amicus curiae* (friend of the court) in several state and federal proceedings, including ones before the U.S. Supreme Court. For example, in *Troxel v. Granville*, on behalf of the National Association of Counsel for Children, CAI served as counsel of record and helped draft an *amicus curiae* brief to the U.S. Supreme Court, advocating the Court’s first recognition of a child’s constitutional right to a parent, paralleling the oft-recognized adult right to parent.

RESEARCH AND PUBLIC EDUCATION

CAI's research and authorship on the plight of children and youth have resulted in policy changes not only in California but nationally. In addition to its regular release of the *Children's Regulatory Law Reporter* and the *Children's Legislative Report Card*, CAI's recent research projects have resulted in the following publications:

- ★ *Proposition 63: Is the Mental Health Services Act Reaching California's Transition Age Foster Youth?* (Jan. 2010) revealed that California counties failed to use initial Prop. 63 funding to specifically benefit transition age foster youth.
- ★ *A Child's Right to Counsel—A National Report Card on Legal Representation for Abused & Neglected Children* (Oct. 2009) graded each state on the extent to which it provides independent, client-directed counsel to represent abused or neglected children and youth in dependency proceedings.
- ★ *The Health of California's School Children: A Case of State Malpractice* (Jan. 2009) revealed how the lack of appropriately trained and qualified school nursing staff is putting the health and well-being of school children at risk.
- ★ *State Secrecy and Child Deaths in the U.S.: An Evaluation of Public Disclosure Policies about Child Abuse or Neglect Fatalities or Near Fatalities, with State Rankings* (Apr. 2008) graded each state on its public disclosure policy regarding information on child deaths and near deaths arising from abuse or neglect.
- ★ *They Deserve a Family; Higher Foster Family Home Rates Could Lead to Better Outcomes, Including More Adoptions, for California's Foster Children* (May 2007) detailed how providing appropriate rates to foster family homes could lead to better outcomes for foster youth.
- ★ *Expanding Transitional Services for Emancipated Foster Youth: An Investment in California's Tomorrow* (Jan. 2007) included a cost-benefit study showing that increased investment in youth aging out of foster care would result in significant cost savings for the state by enabling these youth to avoid incarceration, reliance on public assistance, etc.

CAI's research and publications put important child-related issues on the public agenda. For example, CAI's 2008 report on states' public disclosure policies regarding child abuse or neglect deaths and near deaths resulted in several hundred news reports nationally, and has been used as a resource by advocates in several states seeking to strengthen their disclosure policies. Many such efforts have been successful to date, and others are still pending.

LEGISLATIVE AND REGULATORY ADVOCACY

CAI maintains a full-time legislative and regulatory advocacy office in Sacramento, and has long been a leader in achieving significant policy changes for children:

- ★ CAI successfully sponsored legislation declaring that each child who is the subject of a dependency proceeding is a party to that proceeding, and as such is entitled to competent counsel.
- ★ CAI was instrumental in the implementation of the **Kids' Plates** personalized license plate program (license plates featuring a heart, star, plus sign, or child's handprint), which raises millions of dollars each year for child health and safety programs.
- ★ CAI helped win enactment of several health and safety measures, including the Swimming Pool Safety Act, requiring residential swimming pools constructed after Jan. 1, 1998 to have one of five specific safeguards; the Bicycle Helmet Law, requiring helmets for kids under 18; the **Children's Firearm Accident Prevention Act**, making a gun owner criminally liable if he/she leaves a loaded firearm in a place accessible by a child, and the child accidentally injures himself/herself or others with the gun; and the Unattended Child in Motor Vehicle Safety Act, making it an infraction for the parent, legal guardian, or other person responsible for a child who is six years of age or younger to leave that child inside a motor vehicle, without being subject to the supervision of a person who is twelve years of age or older, and where there are conditions that present a significant risk to the child's health or safety, or when the vehicle's engine is running or the vehicle's keys are in the ignition, or both.
- ★ In conjunction with litigation, CAI advocacy before the Department of Health Services resulted in the state's adoption of public playground safety regulations, making California the first state in the nation to develop comprehensive minimum standards for playground safety.
- ★ CAI advocacy led to the establishment of a process for the appointment of appellate counsel for children in dependency proceedings.
- ★ CAI helped win enactment of legislation improving California's public disclosure policy governing the release of information regarding cases of child abuse or neglect that result in the death of a child.

LEADERSHIP, COORDINATION AND PUBLIC AWARENESS

For two decades, CAI has convened and chaired monthly meetings of the **Children's Advocates' Roundtable**, an affiliation of over 300 children's policy organizations, to provide a setting for advocates to share resources and information, as well as collaborate and strategize on projects that promote the interests of children and youth.

CAI also operates the Information Clearinghouse on Children, providing research services for journalists and public officials, to help promote and stimulate an accurate public discussion on issues affecting children and youth.

CAI administers the Price Child Health and Welfare Journalism Awards, which have been presented annually since 1992 for excellence in journalism. The Awards recognize in-depth works that bring to light a significant issue impacting the health, welfare and well-being of children and advance the understanding of child health and well-being issues, such as child health, health care reform, child nutrition, child safety, child poverty, child care, education, child abuse, foster care, former foster youth, juvenile justice, and children with special needs.

Also, CAI has authored dozens of opeds that have appeared in publications such as the *Sacramento Bee*, the *San Francisco Chronicle*, the *Los Angeles Daily Journal*, the *Los Angeles Times*, and the *San Diego Union-Tribune*, among others.



DIRECT SERVICES

CAI's Homeless Youth Outreach Project provides advocacy and legal services to homeless youth between the ages of 12–24 — about half of whom are former foster youth. After initially meeting youth on the streets, at outreach centers, or through referrals by other homeless youth service providers, HYOP staff provides them with an array of legal and related advocacy — whatever is necessary to help them bridge the gap of access to available resources, housing, government agencies and benefits, courts, schools and other vital resources and services.

Through its Educational Representative program, CAI recruits, trains, and oversees adults who are interested and eligible to serve as Educational Representatives for children and youth involved in the Juvenile Court system. Appointed by **the Juvenile Court when a child's parent or guardian is not willing or able to** provide appropriate educational advocacy for a child, Educational Representatives represent that child in all aspects of his or her academic life.

INNOVATIVE SOLUTIONS

One of CAI's primary projects is improving outcomes for transition age foster youth, seeking to expand and improve services and resources available to youth who age out of the foster care system. The centerpiece of CAI's efforts is its proposed Transition Life Coach (TLC) plan, which would require the state to replicate as closely as possible the commitment that responsible parents make during the transition of their children to independent adulthood. Youth who opt to participate in the TLC plan would receive a monthly stipend and support services. The stipend is sent to a court-appointed adult TLC, who meets with the youth on a regular basis to **distribute the funds, plan for their use, and verify the youth's** continuing progress toward self-sufficiency. The stipend **would be based on the youth's needs, and would typically decrease as the youth becomes more self-sufficient.** An important element of the TLC plan is the TLC itself; ideally, this person will be someone with a prior relationship with the youth — to accomplish the continuity otherwise lacking for **many of these children. A TLC could be the youth's foster care provider, relative, CASA, or attorney, or some other person who is competent, responsible, cares about the youth and in whom the youth has confidence.**



BACKGROUND, LEADERSHIP, STAFF AND FUNDING

CAI was founded in 1989 by Robert C. Fellmeth, tenured law professor at the USD School of Law, founder of USD's Center for Public Interest Law, and holder of the Price Chair in Public Interest Law at the School of Law. **One of the original Nader's Raiders, Prof. Fellmeth has devoted his forty-year legal career to championing the causes of diffuse, unorganized, and under-represented interests — primarily consumers and children.** He currently chairs the Board of Directors of the National Association of Counsel for Children, chairs the Board of Directors of Public Citizen Foundation, serves as counsel to the Board of Directors of **Voices for America's Children, and serves on the boards of First Star and the Maternal and Child Health Access Project.** He has served on the boards of Consumers Union and California Common Cause.

CAI is part of the University of San Diego, a 501(c)(3) organization, and more specifically, it is part of the USD School of Law. CAI is advised by the Council for Children, a panel of distinguished professionals and community leaders from throughout California who share a vision to improve the quality of life for children and youth. Council members include Chair Gary Redenbacher, JD; Vice-Chair Gary Richwald, MD, MPH; Robert Black, MD; Louise Horvitz, MSW, PsyD; John Goldenring, MD, MPH, JD; Hon. Leon Kaplan; James McKenna; Prof. Thomas Papageorge; Gloria Perez Samson; Alan Shumacher, MD; and Owen Smith. Emeritus members include Birt Harvey, MD; Paul Peterson, JD; and Blair Sadler, JD.

Prof. Fellmeth serves as CAI's Executive Director. Other team members are Elisa Weichel, Administrative Director/Staff Attorney; Ed Howard, Senior Counsel; Christina Riehl, Senior Staff Attorney; Melanie Delgado, Staff Attorney; Kriste Draper, Staff Attorney; Amy Harfeld, National Law and Policy Consultant; Christina Falcone, Executive Assistant; Aarika Guerrero, Executive Assistant; and Alicia Dienst, Outreach Coordinator.

CAI's entire advocacy budget must be raised each year in the form of grants, donations, cy pres awards, attorney fees, and other funds which CAI must obtain from external sources in order to maintain its current level of operations. As part of the nonprofit University of San Diego, donations to CAI are tax-deductible to the extent the law allows.

HELP CAI HELP KIDS

We need your support in order to continue our work — and here are a few ideas for how you can help us help kids:

- ★ Make a tax-deductible donation to CAI using the attached envelope or by visiting our website at www.caichildlaw.org/support-cai.htm.
- ★ **Make the Children’s Advocacy Institute your charity of choice when using** www.goodsearch.com to conduct Internet searches or www.goodshop.com when shopping online. GoodSearch is a Yahoo-powered search engine that donates about a penny per search to CAI each time you use it to search the Internet. GoodShop is an online shopping mall which donates up to 30% of each purchase to CAI; hundreds of vendors — stores, hotels, airlines, and other goods and service providers — are part of GoodShop, and every time you buy from one of the vendors online, part of your purchase price will be donated directly to CAI.
- ★ Volunteer to serve as an Educational Representative for a child or youth in the Dependency and/or Delinquency Court systems of San Diego County, or ask CAI how to start a similar program in your community.
- ★ For attorneys involved in class actions resulting in a cy pres distribution fund, recommend CAI as a potential recipient of those funds (**Code of Civil Procedure section 384 lists “child advocacy programs” as eligible recipients of cy pres distributions**).
- ★ Join the **Children’s Advocates’ Roundtable** and participate in its monthly meetings and/or follow the Roundtable activities on Facebook.
- ★ Join Lawyers for Kids, which gives attorneys, law students, and others in the legal community the opportunity to use their talents and resources as advocates to promote the health, safety, and well-being of children; **assist CAI’s policy advocacy program; and work with CAI staff on impact litigation or by offering expertise in drafting amicus curiae briefs.**
- ★ Subscribe to receive E-NewsNotes, periodic emails from CAI about important legislative or regulatory proposals, significant litigation, new reports and publications, and other important events that impact the health and well-being of California’s children.
- ★ Purchase a **Kids’ Plate**, a special license plate featuring one of four special symbols: a star, a hand, a plus sign, or a heart. Proceeds support local and statewide programs to prevent child injury and abuse, as well as childcare health and safety programs.

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





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