

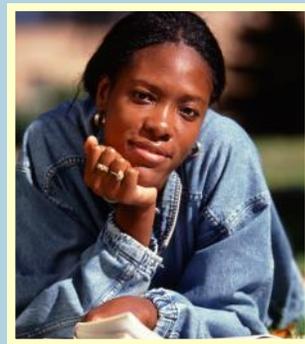
Children's Advocacy Institute



Program Overview



Based at the nonprofit University of San Diego (USD) School of Law since 1989, the Children's Advocacy Institute (CAI) is one of the nation's premiere academic, research, and advocacy organizations, seeking to improve the lives of children and youth, with special emphasis on improving the child protection, dependency court, and foster care systems and enhancing resources that are available to youth aging out of foster care. Through its offices in San Diego, Sacramento, and Washington, D.C., CAI seeks to leverage change for children and youth through impact litigation, regulatory and legislative advocacy, and public education. 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.



IMPACT LITIGATION AND AMICUS ACTIVITY

On its own or 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. Examples of CAI's impact litigation include the following:

- ★ In *California State Foster Parent Association, et al. v. Wagner, et al.*, CAI proved that California was in violation of federal law by failing to pay foster family homes rates that consider and cover the actual costs of raising foster children. Higher rates, which will lead to more family foster home placements, went into effect during 2011.
- ★ In *Butterfield v. Lightbourne*, CAI successfully challenged Department of Social Services regulations implementing SB 39 (Migden) (Chapter 468, Statutes of 2007), CAI-sponsored legislation aimed at improving the state's disclosure of child abuse or neglect fatality information.
- ★ In *K.D. v. Facebook*, CAI represents objectors to a proposed class action settlement stemming from Facebook's use of subscribers' images, names and preferences for its own commercial use—and in the case of child subscribers, it does so without first obtaining affirmative parental consent. CAI believes the proposed settlement is deficient in several significant respects, such as by failing to provide any benefit to the subclass consisting of Facebook subscribers under age 18.

Also, CAI participates 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.

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's interns 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: At Risk Youth Clinic**, CAI's interns assist the Public Defender's Juvenile Unit in advocating on behalf of delinquent youth in order to ensure they receive appropriate services while they are under the jurisdiction of the Juvenile Court. Interns review comprehensive case files of youth, identify areas of need or concern, and advocate on the youth's behalf with regard to issues such as school discipline, special education services, school placement, regional center needs, mental health assessments and services, health care needs, therapeutic services, and mentoring in order to protect the youth's rights and promote the youth's interests.
- ★ Through its **Policy Clinic**, CAI's interns pursue a research, writing, and/or policy advocacy project at the state or federal level 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, CAI has developed the **Dependency Counsel Training Program**, training attorneys throughout California who are new to Dependency Court practice. Over the last few years, CAI has provided hundreds of attorneys with up to twenty hours of continuing legal education specifically focused on Dependency Court practice.



Every time I walk into the Children's Advocacy Institute, I feel like I've arrived home. Meeting and working with Prof. Fellmeth, Elisa Weichel, and other staff members has been a true pleasure. I've learned so much about dependency law, education law, and child advocacy through the dependency clinics, as well as my involvement with the student organization ACE. I look forward to applying the knowledge I learned from CAI once I become an attorney and hope I make a difference in children's lives. —Holly McCord, 2013 Recipient, Joel and Denise Golden Merit Award in Child Advocacy

"My involvement with CAI was the highlight of my law school career. I highly recommend CAI's Dependency Clinic to anyone interested in getting practical experience in a courtroom setting." —Matthew Felder, 2013 Co-Recipient of the James A. D'Angelo Outstanding Child Advocate Award



"Starting law school at USD, I was most excited about the Child Advocacy Institute at USD. Professor Fellmeth encouraged my interest in juvenile law through his course and by graciously allowing me to pick his brain on international issues relating to juvenile dependency. My participation in the Dependency, Delinquency, and Policy Clinics reinforced my desire to pursue a career in Juvenile Dependency and gave me the perfect platform to apply for jobs and interview in the field. I am glad to say I now represent children in Juvenile Dependency full time, and I owe a big thanks to CAI for getting me here!" —Sarah Shelvy Vaona, 2012 Recipient of the James A. D'Angelo Outstanding Child Advocate Award

"Participating in the [CAI] clinics taught me a great deal about child advocacy, and has put me in a position to continue advocating for foster youth in the future. I believe directly representing foster youth has given me a foundation in child advocacy law that will allow me to advocate for children at the policy level....through statutory reform, many issues that foster youth face can be addressed before they ever manifest in the life of a child." —Brenden Shaw, 2011 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

RESEARCH AND PUBLIC EDUCATION

CAI's research and authorship on the plight of children and youth have put important child-related issues on the public agenda, and 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:

- ★ ***Shame on U.S.*** (Oct. 2014) reveals how failings by all three branches of the federal government leave abused and neglected children vulnerable to harm
- ★ ***Are They Being Served—Yet?*** (Dec. 2013) gives an update on counties' use of Prop. 63 funds for transition age foster youth
- ★ ***California's Fostering Connections: Ensuring that the AB 12 Bridge Leads to Success for Transition Age Foster Youth*** (Dec. 2013) reviews the first 18 months of extended foster care in California and recommends actions to improve outcomes
- ★ ***A Child's Right to Counsel—A National Report Card on Legal Representation for Abused & Neglected Children, 3rd Ed.*** (May 2012) graded states on the extent to which they provide independent, client-directed counsel to represent abused or neglected children in dependency proceedings.
- ★ ***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, 2nd Ed.*** (Apr. 2012) graded each state on its public disclosure policy regarding information on child deaths and near deaths arising from abuse or neglect.
- ★ ***The Fleecing of Foster Children: How We Confiscate Their Assets and Undermine Their Financial Security*** (Apr. 2011) examined various state and federal laws and practices that inhibit foster youth from attaining financial stability and self-sufficiency.
- ★ ***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.
- ★ ***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.
- ★ ***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) discusses how increased investment in youth aging out of foster care would result in significant cost savings for the state.

LEGISLATIVE AND REGULATORY ADVOCACY

CAI maintains full-time legislative and regulatory advocacy offices in Sacramento and Washington, D.C., 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**, among other things
- ★ 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

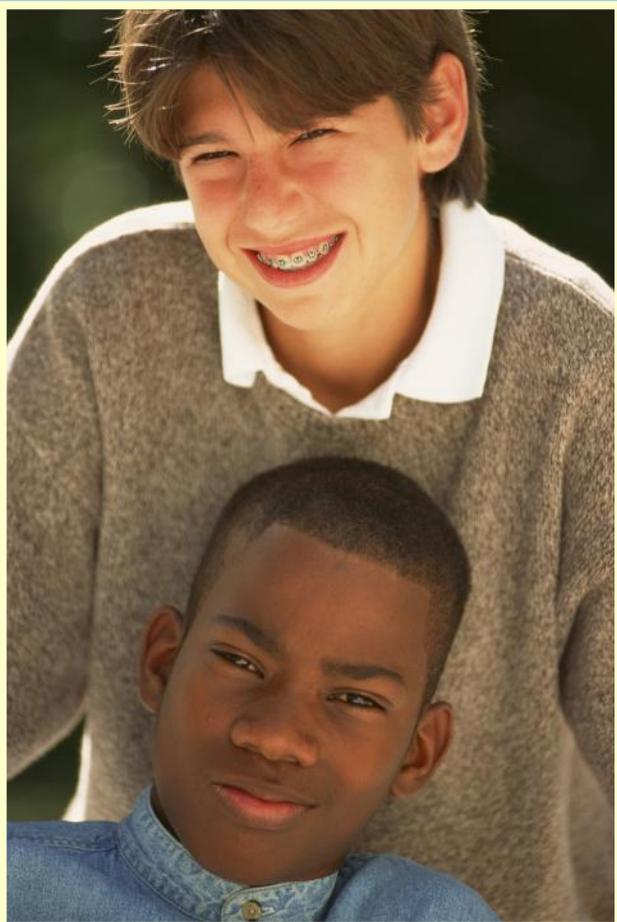
For over two decades, CAI has convened and chaired monthly meetings of the **Children's Advocates' Roundtable**, an affiliation of over 300 of California's children's policy organizations, to provide a setting for advocates to share resources and information, as well as collaborate and strategize on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

CAI is also a **leader at the federal level**, with CAI Executive Director Bob Fellmeth having served as President of the National Association of Counsel for Children and counsel to the Board of Voices for America's Children, and currently serving as Secretary of Partnership for America's Children and on the Board of First Star. CAI actively participates in several national coalitions such as the National Foster Care Coalition, the Child Welfare and Mental Health Coalition, and the Children's Rights Committee of the ABA's Section of Litigation.

CAI 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.

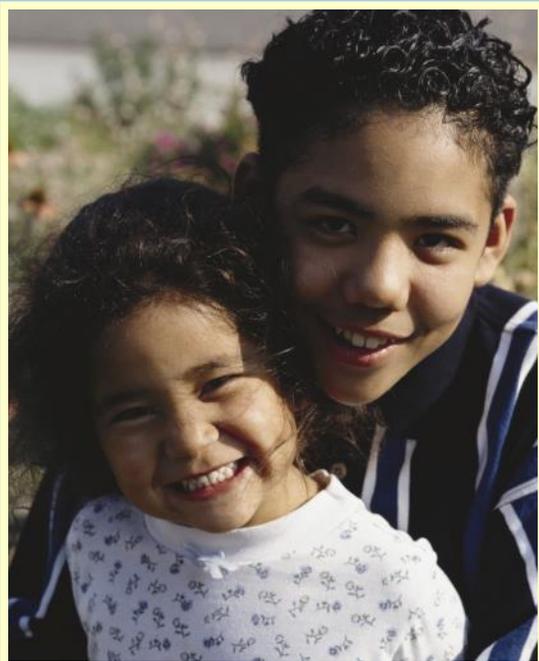
CAI administers the **Price Child Health and Welfare Journalism Awards**, which have been presented annually since 1992 for excellence in journalism. The Awards recognize in-depth works that bring to light a significant issue impacting the health, welfare and well-being of children and advance the understanding 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 *Los Angeles Times*, *Sacramento Bee*, *San Francisco Chronicle*, *Los Angeles Daily Journal*, and *San Diego Union-Tribune*, among others.



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 recently chaired the Board of Directors of the National Association of Counsel for Children, serves on the Board of Directors of Public Citizen Foundation, served 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
- ★ Denise Moreno Ducheny
- ★ Anne E. Fragasso, Esq.
- ★ John Goldenring, MD, MPH, JD
- ★ Hon. Leon Kaplan
- ★ James McKenna
- ★ David M. Meyers
- ★ Thomas Papageorge
- ★ Gloria Perez Samson
- ★ Alan Shumacher, MD

Emeritus members include Birt Harvey, MD; Louise Horvitz, MSW, PsyD; Paul Peterson, JD; Blair Sadler, JD; and Owen Smith.

Prof. Fellmeth serves as CAI's Executive Director. Other team members include Elisa Weichel, Administrative Director/Staff Attorney; Ed Howard, Senior Counsel; Christina Riehl, Senior Staff Attorney; Melanie Delgado, Staff Attorney; Amy Harfeld, National Law and Policy Director; and Tina Calvert, Executive Assistant. CAI is also assisted each year by law student interns participating in CAI's academic program or working as research assistants, as well as by volunteers.

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. To donate to CAI, please visit law.sandiego.edu/caigift.

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 online at law.sandiego.edu/caigift.
- ★ 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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Donations to CAI are tax-deductible to the extent the law allows.*