

CHILDREN'S ADVOCACY INSTITUTE
2016 ANNUAL REPORT





DEDICATION

The Children's Advocacy Institute dedicates this 2016 Annual Report to the late John Van de Kamp, former California Attorney General, and friend of CAI and its staff.

John was the personification of the phrase
"A gentleman and a scholar."

This annual report covers the activities of the Children's Advocacy Institute (CAI) between January 1, 2016 and December 31, 2016.

CAI is part of the University of San Diego School of Law. Contributions to CAI are tax-deductible to the extent the law allows.

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History & Background

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

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

CAI's academic program is funded by USD and includes the first faculty chair endowment established at the USD School of Law. In 1990, San Diego philanthropists Sol and Helen Price funded the **Price Chair in Public Interest Law**; the first and current holder of the Price Chair is Professor Robert C. Fellmeth, who serves as CAI's Executive Director.

The chair endowment and USD funds committed pursuant to that agreement finance the course and clinic academic programs of both CPIL and CAI.

In 2014, CAI received USD's commitment to establish the **Fellmeth-Peterson Faculty Chair in Child Rights**, which will assure the continuation of CAI as an educational part of USD and, hopefully, as a state, national, and perhaps someday, international, advocate for children. The chair is named in honor of Robert B. Fellmeth (father of CAI Executive Director Robert C. Fellmeth), and Paul Peterson, a longstanding supporter and inspiration for CAI from its beginning 25 years ago. The Chair was fully funded during early 2017, and the USD School of Law is expected to solicit a Chair Professor in Child Rights in that year.

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



Executive Director's Message

We have used this message over the years to sound a warning about the degeneration of our democracy into a system dominated by those who are horizontally organized into associations, or who have extreme wealth.

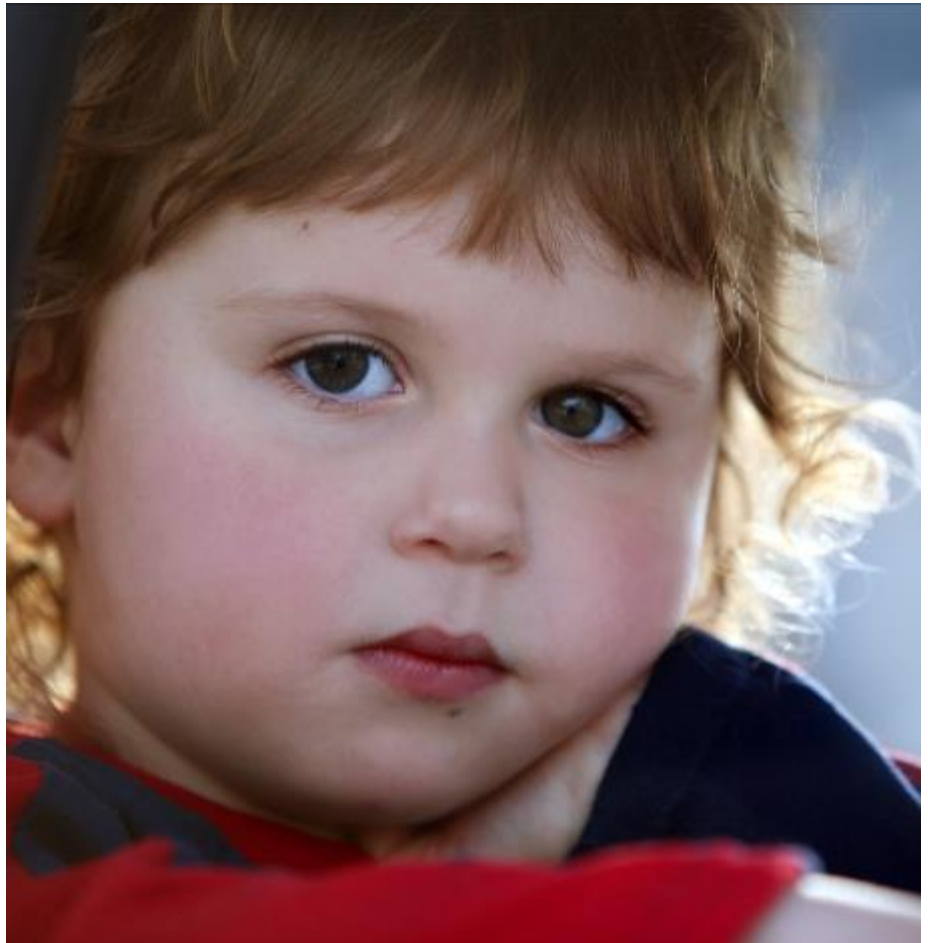
The granting of the same First Amendment rights to corporations that we ascribe to individuals promotes that imbalance. Corporations are state-created “persons” with a particular orientation — their officers have a fiduciary duty to obtain maximum profit for capital provided by stockholders. These entities serve the public interest as they function in dynamic markets responding to consumer preferences. But there is a profound difference between these persons with a particular “maximize profit” mindset, one that is obligatory, and the actual persons who constitute our democracy. The latter are concerned about diffuse and future interests. What is going to happen to our grandchildren and their grandchildren? A corporation and many economic interests tend not to so focus, but rather look to the relatively short-term profit implication.

That difference is profound and its abusive confabulation is exemplified in the U.S. Supreme Court’s dangerous *Citizens’ United* holding, which violates the underlying tenet of democracy: a society governed by the People. Nor does the addition of Justice Gorsuch presage its correction.

Our legislatures are increasingly passive, exacerbated by limited staff and assets and their complex workload. We

now have over 20,000 lobbyists federally, and just under 2,000 in California. They practice job interchange with former elected officials and legislative staff. They engage in private, confidential *ex parte* communications before the Congress and similarly passive state legislatures and agencies. Meanwhile the trade associations of insurers, lenders, brokers, and others, including labor, spend billions on influencing the Congress. One study by our friend Charles Bruner estimates that a single association, the American Association of Retired Persons (AARP) spends \$25 million a year lobbying on behalf of the elderly. That is a trivial amount compared

to Wall Street and the pharmaceutical associations, and at least represents a diffuse grouping. But he also found that all child advocates combined (the Partnership for America’s Children, the Children’s Defense Fund, CAI and others) expend less than \$1 million. Nor is campaign contribution funding any less imbalanced. Despite some promising indication of small contribution generation through the internet, exemptions now allow relatively unlimited and often source-hidden financing of campaigns.



We properly have a lodestar reflected in our favorite saying, from our Native American friends: “I did not inherit this earth from my parents, I am borrowing it from my Grandchildren.” **Such should be the lodestar for our combined citizenry.**

Over the years, as the trends have continued, we acknowledge that public financing of campaigns and the prohibition on *ex parte* contacts, and an end to the deferred bribes of job interchange must be a central part of child advocacy. Even at the regulatory law level, the current unlawful control of most boards and commission by the very groups allegedly regulated by the electorate is endemic, notwithstanding its sitting and continuing violation of federal antitrust law. The federal Sherman Act forbids the capture of state regulatory power by such corruptively constituted entities (see the U.S. Supreme Court’s 2015 holding in *North Carolina Board of Dental Examiners v. FTC*). Its continuation reflects the power of our organized political associations of adults to not just influence, but to actually replace public governance.

The underlying American principle prohibiting the capture of our democracy by those with a conflicting economic interest is central to child advocacy, for children are the most serious victims of this increasing and largely dispositive corruption.

The political world is askew. And it is not just the election of Donald Trump, and it is not just one party. In fact, the proper child-promoting political orientation today is not “non partisan” but “anti partisan.” Most child advocates are political liberals, but the Democratic Party is hardly child friendly. It is sympathetic to government services for children, but they tend to focus on more public spending without accountability, on service provision by public employees. Republicans are not wrong about that. The Democrats argue for more funding for whatever public employees currently do and rarely try to address the underlying causes. Public employee unions understandably want to preserve jobs and increase opportunities. For example, in the child protection area, Democrats tend to propose more “early intervention” by social workers and “wrap around” services. That is their “preventive” shibboleth. And some of their proposals have merit, although there is rarely outcome measurement or accountability or a fair consideration of alternatives that do not involve extending current public employment functions.

Very little is discussed about the actual causes that involve policies beyond current employees: **The abandonment of children by biological fathers, unintended births, child poverty resulting from the above, lack of parenting education in schools, the meth and opioid epidemics — or simply modest respect for marriage and the decision to have a child by two people who not only treasure that arrival, but prepare for it.** For example, CAI’s proposal to replicate the parental role for foster children for whom the state is the parent, is the creation of a trust account (of a similar amount of money most parents spend for their children post-18). The court (now the legal parent of foster children) would be able to confer with the child and others and flexibly provide what is needed for successful adult emancipation — whether it be a car for transportation to work or special classes or an apartment near school. This Transition Life Coach proposal encounters universal resistance from the liberal social worker establishment as allowing judges to intrude on their “territory.” It is not even a pilot anywhere in the nation — despite ten years of our advocacy for it, and in the face of a sociological study confirming our thesis regarding its cost-effectiveness.

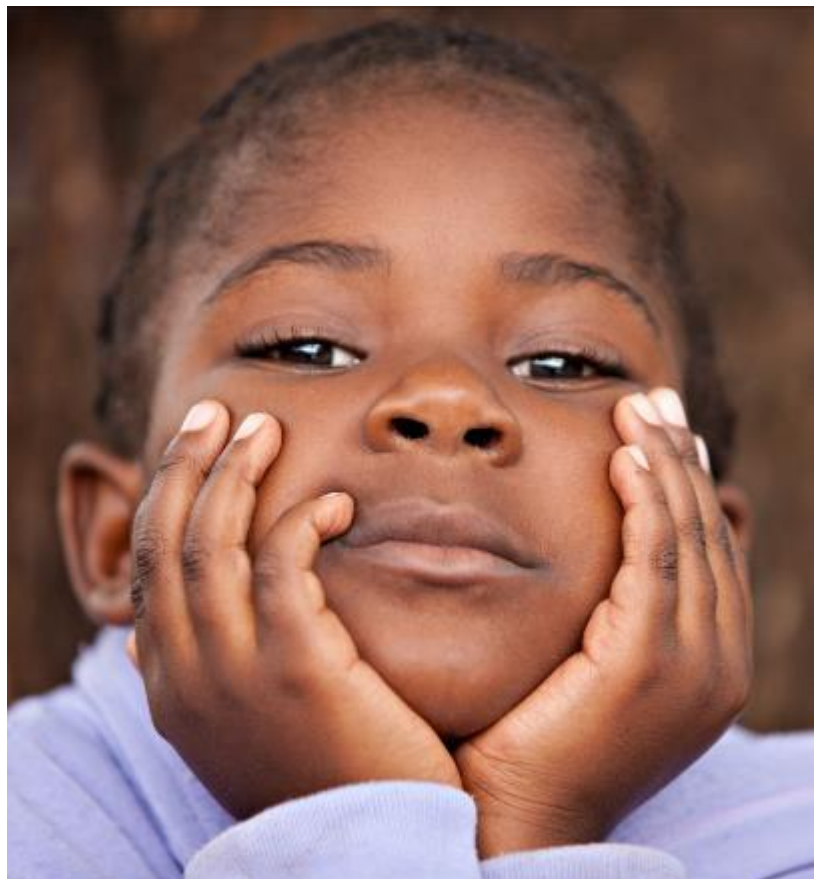


Democrats also flunk 3rd grade math. **They are kicking the can down the road for our great grandchildren at a level unprecedented in human history.** It is not the federal budget that does brook some discussion. Mostly, it is Social Security, Medicare, and public employee pensions and medical coverage. We do not question delivering such benefits, but the generation benefitting should be the payors, not their grandchildren. The accruing costs here are in the many, many trillions of dollars. It is never discussed or acknowledged by Democrats.

For the Republicans, a few of them do challenge this ethical malfeasance, but most do not, especially where it interacts with large scale benefits now relied upon. A challenge to pay for them by the generation benefitting is viewed as an attack on the sacrosanct monies received by millions of older voters, and the elderly vote and contribute monies politically at the highest rate among our age groupings. Moreover, the Republicans have flaws every bit as profound. **They swallow and perpetuate the big lie that keeping raw number public spending the same year to year is “revenue neutral,” and have effectively imposed that standard on spending — including child investment and protection.** Of course, population, demand and inflation all change year to year, and cumulatively the Republicans are a massive boa constrictor squeezing our children into serious harm. They are right to demand outcome measures and efficacy, although they certainly do not make any such demand of expenditures in the form of their much loved tax deductions, exclusions and credits. Nor do they impose reasonable financial control over the military.

Our many adult groupings revered by Democrats and well covered by the media combine into a distorted imbalance. Every such grouping has articulate and aggressive champions within their respective memberships: LGBT, disabled, every racial and religious group, the elderly, women, and so on. **Children comprise the one group that relies on advocates outside of their membership for efficacy.** Ironically, one of the factors preventing liberal discussion of a child’s right to be intended and prepared for is a focus on every organized adult grouping. Each of these groupings has champions from among their own membership, and they are able to wax self-righteous based on the legitimate record of mindless discrimination that has concededly victimized many of them. But that preoccupation has become their mantra. Never offend the discretion of any adult grouping, whether it be adults deciding to have children because “it is my sacred right to have sex when, how and with whom I wish” and as with all of the rights of all of the adult groupings, they supercede any effects on children or the future. The latter do not matter in the modern culture.

If you add the vocal adult groupings together, *voila*, you have a majority of voters. Indeed, that is why all politicians now appeal to the “middle class” — because they know from polling that most voters consider themselves in that grouping. **This world of deference to the loud and to shallow empathy lines is exacerbated by the decline of investigative journalism that can disclose facts of concern to the deep values we all do share as individuals and parents.** Meanwhile, the other source of influence, not as loud, but quietly organized behind the scenes in thousands of lobbyists and organized campaign funding, now steeps our democratic institutions in corruption. The sum total society we face is very different than the one our forefathers envisioned.



This is the setting for CAI's advocacy. We are able to counterpunch, and occasionally accomplish leveraged change. Our reports, litigation, lobbying and other activities detailed below function in this discouraging and difficult setting. Our 2016 advocacy included the following efforts:

- ★ Stopping the predation by many private, for-profit postsecondary schools on foster youth, veterans, and other vulnerable student populations. These schools take huge public subsidies while offering low graduation rates and paltry license exam passage, resulting in limited employment opportunities for those trying to better themselves. Those failing outcomes also accompany debt that often leads to default, cannot be discharged in bankruptcy, and results in credit ruination for many thousands of youth.
- ★ Eliminating the commercial sexual exploitation of children. This form of human trafficking has been growing, with devastating consequences to its victims, many of whom are or spent time in the foster care system. We have some new ideas for preventive measures.
- ★ Requiring the state to provide reasonable caseloads for attorneys representing abused children in Juvenile Dependency court.
- ★ Eliminating child deaths from abuse and neglect, working hard to follow up on a federal Commission's work in this area.
- ★ Engaging and working with state and federal regulators to better address the needs and concerns of the children and youth served by programs they implement and laws they are supposed to be enforcing.
- ★ Promoting the interests of transition age foster youth, and improving the quality and quantity of resources and services available to help them transition smoothly to self-sufficiency after leaving care.

These and other projects, as well as teaching our students and supervising our clinics, will continue, as they have for many years. Speaking of our students, we could not be prouder of the work performed by our interns over the past year; the five students currently participating in our Delinquency Clinic are so outstanding that their supervisors refer to them as “the dream team.” As with so many over the years, we are going to be shamelessly bragging about them. This is the prerogative of all parents and teachers.

As we concluded in last year's message, we are hopeful that we shall accomplish not just better statutes, rules and court precedents, but changes in the political system, the media, and the cultural world around us. **Such change would elevate the fate of our children to a high priority, including gradual trends that do not normally generate attention but which quietly and gradually determine their future.**



Prof. Robert C. Fellmeth
Price Professor of Public Interest Law
USD School of Law
CAI Executive Director



Eliminating Child Abuse and Neglect Fatalities and Near Fatalities

CAI focuses much of its advocacy at eliminating child abuse and neglect fatalities and near fatalities. One of CAI's strategies for this campaign is to improve states' public disclosure of child abuse and neglect death and near death findings and information, such as information about prior reports made about these children or families and the responses taken by child welfare agencies. Such disclosures, which are mandated by the federal Child Abuse Prevention and Treatment Act (CAPTA), give child advocates a rare insight into an otherwise confidential process, which in turn gives them data points and tools to effectively identify and remedy systemic failures in our child protection systems.

Federal Advocacy. During 2016, CAI continued to follow up on its report, “[State Secrecy and Child Deaths in the U.S.](#),” which analyzes and grades the quality and scope of each state's CAPTA-mandated public disclosure policy, by urging the U.S. Department of Health and Human Services' Administration for Children and Families (ACF) to, among other things, engage in more robust oversight, implementation, and enforcement of CAPTA. Among other things, CAI continued to call upon ACF to provide states with more specific guidance, in the form of binding regulations, regarding their public disclosure obligations, and to reverse its 2012 changes to the Child Welfare Policy Manual that purport to give states the ability to avoid disclosure entirely.

In March 2016, CAI welcomed the final report of the federal Commission to Eliminate Child Abuse and Neglect Fatalities (CECANF), which contained a national strategy and recommendations for reducing fatalities resulting from child abuse and neglect. CECANF was established by the Protect Our Kids Act of 2012 to develop a national strategy and recommendations for reducing child fatalities resulting from



abuse and neglect. CAI worked alongside other groups to push this federal law over the finish line. The establishment of the Commission followed numerous congressional hearings, a Government Accountability Office report reviewing this issue, as well as reports and exposés from advocacy groups including CAI. Beginning in 2014, twelve Commissioners, appointed by President Obama and Congress, began a two-year process of holding public hearings in 11 jurisdictions to hear from state leaders, local and tribal leaders, child protection and safety staff, advocates, parents, and more. **CAI was the only watchdog group to follow CECANF's activity and progress at nearly every meeting, testifying in person and in writing to the Commission, and maintaining constant pressure and attention as Commissioners dug in to their formidable task.**

CECANF's 170-page report, *Within Our Reach*, incorporates key findings from its meetings across the country, as well as best practices, information and insight from experts from every corner of the field, and a set of bold and far-reaching recommendations spanning from the federal to the local level, all with the aim of preventing child deaths from abuse and neglect.

CAI's National Policy Director, Amy Harfeld, who zealously monitored the Commission's activities, reacted to the report, "We are gratified that the Commission came out with such a bold report, calling for immediate action to stop the crisis of child maltreatment fatalities in America. This diverse and committed group put forward a bold call for major reform encompassing greater investments in child welfare and calling for stronger laws, better coordination, and a greater commitment to transparency and accountability at every level. This will certainly move us towards saving children's lives."

Key findings of the Commission include:

- An estimated four to eight children a day, every day, die from abuse and neglect in the United States.
- Children who die from abuse and neglect are overwhelmingly young; approximately one-half are less than a year old, and 75 percent are under 3 years of age.
- Many states are out of compliance with federal reporting and disclosure mandates, and are not being held accountable for their performance by the federal government.
- Current funding of federal and state child welfare laws is woefully inadequate to effectively serve the families and children the child welfare system is meant to protect.
- A lack of federal and state investments lead to untenably high caseloads, a lack of family support services, and inadequate investigations all which contribute to the high rate of fatalities.

Some of the CECANF's key recommendations include:

- An immediate surge in which states immediately undertake a retrospective review of fatalities from the previous five years to identify systemic weaknesses and flaws, and to identify and reach out to children who may be at immediate risk of fatalities.
- Some Commissioners called for at least a \$1 billion infusion into the Child Abuse Prevention and Treatment Act (CAPTA), currently funded at just \$25 million per year.
- Improve transparency and data collection efforts by creating more uniform definitions and tying state receipt of federal dollars to full and timely disclosure of fatalities.
- Elevate the U.S. Department of Health and Human Services' (HHS) Children's Bureau to report directly to the Secretary of HHS who will report on fatalities regularly to the President.
- A call for Congress to conduct joint committee hearings on child safety, provide financial resources to support states, and encourage innovation to reduce fatalities.
- Convene a standing Interagency Coordinating Council to focus federal efforts to prevent and reduce child abuse and neglect fatalities.
- Establish a Federally Funded Research and Development Center (FFRDC) on Preventing Child Abuse and Neglect Fatalities to collect and share data with the states to inform policy and practice improvements.

"We have waited with great anticipation for this Commission to release its findings and recommendations. We believe that its report offers a once-in-a-generation opportunity—no, make that mandate—for the President and Congress to take swift and decisive action to implement these recommendations. Children's lives are at stake. Literally," reacted CAI's Robert Fellmeth. "We look forward to using this report to help drive critical reforms."

The last time a governmental entity elevated this issue to this stature was over 20 years ago in 1995 when the U.S. Advisory Board on Child Abuse and Neglect released, "A Nation's Shame," its report and recommendations to reduce fatalities. Says Harfeld, "We have a short attention span on policy in this country. The time to act on the critical findings and recommendations of this report is now — before the next horrible headline about a starved baby or beaten child hits the headlines."

Following the release of the Commission's report, CAI has been identifying and monitoring state and local efforts that implement CECANF recommendations or are in keeping with its national strategy. During 2017, CAI will release a progress report describing such implementation efforts to date.

California Advocacy. Over the past few years, CAI Senior Counsel Ed Howard and Senior Staff Attorney Christina Riehl worked extensively with officials at the California Department of Social Services (DSS) to craft a CAPTA-compliant near fatality policy. Although California has a public disclosure policy regarding child abuse and neglect fatalities (resulting from CAI co-sponsored SB 39 (Migden) (Chapter 468, Statutes of 2008), it lacked a public disclosure policy applicable to near fatalities that complies with CAPTA as it has been interpreted by ACF.

Due in great part to CAI's advocacy, in 2016 the California Legislature added new section 10850.45 to the Welfare & Institutions Code to require that within ten business days of learning that a child near fatality that has been determined to have been caused by abuse or neglect has occurred in a county, the custodian of records for the county child welfare agency, upon request, shall release the age and gender of the child; the date of the near fatality; whether the child resided in foster care or in the home of his or her parent or guardian at the time of the near fatality; and whether an investigation is being conducted by a law enforcement agency or the county child welfare agency. Upon completion of the child abuse or neglect investigation into a child's near fatality, the new law requires the release of the following documents from the juvenile case file upon request (subject to specified redactions):

- For cases in which the child's near fatality occurred while living with a parent or guardian, all previous referrals of abuse or neglect of the child while living with that parent or guardian, along with the following documents: the emergency response referral information form and emergency response notice of referral disposition form completed by the county child welfare agency relating to the abuse or neglect that caused the near fatality of the child; any cross reports completed by the county child welfare services agency to law enforcement relating to the child suffering the near fatality; all risk and safety assessments completed by the county child welfare services agency relating to the child suffering the near fatality; and copies of police reports about the person against whom the child abuse or neglect was substantiated.
- For cases in which the child's near fatality occurred while the child was in foster care, the following documents, in addition to those specified above, generated while the child was living in the foster care placement that was the placement at the time of the child's near fatality: records pertaining to the foster parents' initial licensing and renewals and type of license or licenses held if in the case file; all reported licensing violations, including notices of action, if in the case file; and records of the training completed by the foster parents if in the case file.



The new section provides that information and records subject to disclosure shall not include, among other things, information that is not relevant to the near fatality, events or do not have a material bearing on the circumstances that led to the near fatality; however it also provides that information regarding the agency's handling of the case that may indicate a pattern of events or have a material bearing on the circumstances that led to the near fatality is relevant, as is any record of any action or observation of any individual acting in his or her professional capacity.

Following the enactment of section 10850.45, CAI engaged in advocacy before DSS to ensure the proper implementation of the near fatality provision. DSS is expected to release an All-County Letter in early 2017, in order to provide counties with examples of what should be considered relevant or irrelevant to the child near fatality when publicly disclosing documents and information regarding a child near fatality pursuant to section 10850.45.

Improving Child-Serving Systems

Public systems that serve children, such as the child protection, child welfare, foster care, dependency, and juvenile justice systems, are capable of forever impacting a child's life – for better or worse. Too often, children involved with these systems are traumatized by the experience itself, in addition to whatever underlying ordeals brought them into contact with these systems. CAI's work in this regard seeks to ensure these systems have appropriate resources, policies and protocols to bring about positive experiences and outcomes for the children they are serving.

California Advocacy. During 2016, CAI sponsored, co-sponsored, or supported several bills aimed at improving child-serving systems. The following measures were signed into law:

- ★ **AB 1001 (Maienschein)** (Chapter 850, Statutes of 2016) requires that if the Department of Social Services (DSS), as a condition of licensure, requires officials of a foster family agency to attend an orientation, then the orientation shall include specified information about the state's mandated reporter statutes. This bill requires DSS to take action if a supervisor is found to inhibit reporting duties, as specified, and requires it to develop a notice about complaint reporting and require the notice be posted in all foster family agencies, as specified. This bill additionally expands the definition of a mandated reporter to include a board member of a public or private organization whose duties require direct contact and supervision of children, including a foster family agency.
- ★ **SB 1336 (Jackson)** (Chapter 890, Statutes of 2016) requires the juvenile court to make a finding as to whether the social worker exercised due diligence in conducting his or her investigation to identify, locate, and notify the child's relatives, including whether specific actions were taken.
- ★ **AB 1911 (Eggman)** (Chapter 637, Statutes of 2016) requires the development and implementation of standardized definitions and defined goals for youth involved with both the child welfare system and the juvenile justice system. Among other things, this bill requires the Judicial Council to convene a committee of stakeholders serving the needs of dependents and wards of the juvenile court, and requires the committee, by January 1, 2018, to develop and report to the Legislature recommendations to facilitate and enhance comprehensive data and outcome tracking for youth involved in both the child welfare and juvenile justice systems. The bill also requires DSS, by January 1, 2019, to implement a function within the applicable case management system that will allow county child welfare and juvenile justice departments to identify youth involved in both systems and to issue instructions to all counties on how to track completely and consistently the involvement of these youth in both systems.



Championing A Child's Right to Counsel

Each abused and neglected child should be represented by a trained, competent client-directed attorney throughout legal proceedings that will impact every aspect of their lives—such as where the child will live and with whom, whom the child may see and how often (including siblings), what school the child will attend, et al. Regrettably, however, the federal statute requiring representation for abused and neglected children allows the appointment of a non-attorney as the child's guardian ad litem (GAL). Many states do not appoint counsel for these children, and many states that do appoint attorneys (such as California) force them to carry such high caseloads (300–500 children per counsel) that their role becomes largely symbolic.

Federal Advocacy. As part of its continuing follow up on the research and findings contained in CAI and First Star's 3rd edition of **A Child's Right to Counsel—A National Report Card on Legal Representation for Abused & Neglected Children**, CAI continued its efforts to inform policymakers and the public about the need for children and youth to have legal representation in proceedings that will forever change their lives. CAI does not issue a single report, but repeats and updates its critique, including the grading of states on their statutes and rules against a model. The pattern of continuous and known reportage makes it more difficult to ignore findings.

During 2016, CAP's Amy Harfeld and Christina Riehl remained actively involved with the ABA's Section of Litigation Children's Rights Litigation Committee and engaged in substantial public outreach on the need to ensure children have legal representation in dependency proceedings.

Further, **in September 2016 CAI organized a Congressional briefing on Children's Right to Counsel, featuring speakers addressing the extent to which children are represented in proceedings such as child abuse and neglect, immigration and deportation, juvenile delinquency and others.** While children in some of these cases are constitutionally guaranteed an attorney by their side during these confusing and frightening cases, many others go unrepresented as a judge determines their fate. While the U.S. has made considerable progress in the last decades in understanding the unique legal rights and needs of children in these cases, state and federal law still lags behind the community consensus that these youngest and most vulnerable litigants must have their legal rights protected, be provided with zealous representation, and have the opportunity to have their voice heard.

The briefing featured panelists David Kelly of the Administration for Children, Youth and Families; Clark Peters of the University of Missouri; Jennifer Podkul of Kids in Need of Defense; Kim Dvorchak of the National Juvenile Defender Center; Jennifer Renne of the ABA Center on Children and the Law; and former foster youth Derrick Riggins. The event was moderated by Kendall Marlowe of the National Association of Counsel for Children, and featured comments by CAP's Amy Harfeld (pictured below).



Also in 2016, the University of Michigan completed its multiyear Quality Improvement Center research into the best models and practices of counsel for children. Its report found that, “Federal leadership should ensure that all court-involved children are represented by an attorney in child protection proceedings.” The results of this comprehensive research will lend further support of efforts to ensure the right to counsel for dependent children.

California Advocacy. During 2016, CAI’s Ed Howard led CAI’s efforts to decrease caseloads for minors’ counsel in California through a variety of strategies, including budget advocacy, legislative advocacy, and public education. While our efforts have resulted in some additional funding for minors’ counsel throughout California, significantly more funding is needed in order to ensure caseloads that allow for a meaningful attorney-client relationship between abused and neglected children and their counsel.

On the legislative front, CAI co-sponsored SB 316 (Mitchell), which would have prohibited counsel from representing a child or nonminor dependent from having a caseload that exceeds 77 clients unless that counsel has the assistance of a social worker or investigator on a half-time or more than half-time basis, in which case that counsel’s caseload could not

exceed 188 clients. As noted in the Senate Judiciary Committee’s analysis of SB 316, current law does limit the caseload for dependency counsel, leading to counties having lawyers with caseloads exceeding 300 child or nonminor clients; “[t]his leads to counsel not being able to fully represent a child solely due to too many clients and not enough time. The State of California has a responsibility to ensure that every child or minor dependent in our foster care system is fully and adequately represented in dependency court as the child does not have a voice of their own.” Although passing the Senate without receiving a single “no” vote, SB 316 regrettably stalled in the Assembly.



Also during 2016, CAI’s Christina Riehl researched and co-authored an article on the appointment of counsel for children involved in family and probate court proceedings. Often, children who are the subjects of abuse and neglect proceedings find themselves before family or probate

courts but with vast differences—they have no social workers mandated to provide services in their best interest and no guarantee that an attorney, or even a guardian ad litem, to protect their interests in court. Our research revealed that while appointment of counsel for children in family and probate court is permitted, few courts in California exercise their discretion to appoint attorneys. This is true even though the children who are the subjects of these custody proceedings have needs mirroring the needs of children appearing in dependency court. CAI will continue providing advocacy and suggested solutions for assuring that more children are appointed counsel in family and probate court proceedings that follow a multi-disciplinary model of representation.

Improving Outcomes for Transition Age Foster Youth

One of CAI's primary goals is to improve outcomes for transition age foster youth by, among other things, eliminating federal and state policies that impede youth from attaining self-sufficiency after exiting the foster care system, and increasing funding for programs and services that meet the unique needs of this vulnerable population.

Federal Advocacy. CAI's national report, **The Fleecing of Foster Children**, documented practices and policies that inhibit foster youth from achieving financial security after leaving care. The original *Fleecing* report, released in 2011, continued to generate substantial coverage during 2016, and served as the basis for extensive CAI advocacy at the federal level. One such area of CAI's advocacy pertains to the state practice of intercepting funds belonging to foster children in order to pay themselves back for the child's support and maintenance. When a child is a beneficiary of Social Security disability or survivor benefits, such funds are typically paid to the child's representative payee, who is required by law to use or conserve those benefits as appropriate to meet the best interests of the child—such as addressing the child's current disability-related needs or conserving funds for the child's future use. That is what a responsible parent would do—not take the child's money to pay for groceries, rent, or expenses that the parent is legally obligated to cover.

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

During 2016, CAI engaged in regulatory advocacy before the SSA, which claims that “[p]ayments made to children in foster care are among the most sensitive payments SSA makes....it is essential that the Agency do all it can to protect the rights of children who may not be able to rely on their parents to do so.” However, following a Freedom of Information Act request from CAI to SSA, seeking information pertaining to the Agency's procedure for appointing representative payees for children in foster care, among other things, SSA responded that it could not provide a response because it does not have sufficient data in its records to definitely identify a foster care situation. CAI will continue to follow up with SSA to ensure that its internal policies and recordkeeping allow for it to appropriately protect the interests and assets of youth in foster care.



In a related effort, advocacy by CAI's Amy Harfeld helped bring about the introduction of the **Protecting Foster Youth's Resources to Promote Self-Sufficiency Act of 2016**, which would ensure that foster children are able to use their Social Security and Supplemental Security Income benefits to address their needs and improve their lives. H.R.5737 (Davis-II) would prohibit a state or local government agency serving as representative payee for an eligible individual in foster care under state responsibility from using any OASDI or SSI benefits to reimburse the state for foster care maintenance payments, or other payments made by the state or political subdivision of the state to cover any cost or expense for such an individual. The bill would also provide that the state plan for foster care and adoption assistance shall require the state agency to

- develop and implement procedures to ensure that such a child is screened to determine potential eligibility for OASDI and SSI benefits;
- assist a potentially eligible child in applying for, and (if necessary) appealing any decisions made regarding, such benefits;
- apply to become the child's representative payee if there is no other suitable candidate available; and
- develop and implement procedures to ensure that any child potentially eligible for, or receiving, OASDI or SSI benefits, is assisted with applying for such benefits.



The measure would also require that the state plan for foster care and adoption assistance require the state agency, regarding each foster child under state responsibility and on whose behalf the state receives OASDI or SSI benefits, to develop a plan for the child to achieve self-support after leaving foster care, and would provide that under the SSI program, any assets managed on behalf of an eligible foster child under state responsibility shall be excluded in determining the child's resources, and support and maintenance furnished in cash or in kind shall be disregarded in determining the child's income. Upon request, CAI also provided written and live testimony in support of a Maryland bill that would require the preservation of some of these critical benefits for the future use of older foster youth.

California Advocacy. During 2016, CAI's Melanie Delgado continued to monitor and analyze the impact of California's Fostering Connections program, the state's extended foster care program which allows youth to stay in care until age 21 if they meet certain eligibility requirements. The program, which took effect on January 1, 2012, was created to help better prepare foster youth to live successful, self-sufficient, independent lives after leaving care and to avoid the negative outcomes now commonly associated with aging out of foster care, such as homelessness, incarceration, unemployment and insufficient educational attainment. While Fostering Connections is a promising new opportunity, CAI's 2013 report entitled California's Fostering Connections: Ensuring that the AB 12 Bridge Leads to Success for Transition Age Foster Youth, identified shortcomings in the law and its implementation, including obstacles that could ultimately threaten its success. CAI has and will continue to urge policymakers to refine Fostering Connections to ensure that it achieves its goal of improving the transition to self-sufficiency for foster youth aging out of care.

Delgado also continued to urge policymakers to provide innovative options to assist transition age foster youth bridge the gap to self-sufficiency. CAI followed up on recommendations in its 2013 report, *Are They Being Served—Yet?*, which proposes that such programs be financed through Proposition 63, the Mental Health Services Act (MHSA), proceeds of which are supposed to expand and transform the state’s mental health system to improve the quality of life for Californians living with or at risk of serious mental illness—and which specifically identifies transition age foster youth as one such at risk group. CAI’s research has revealed that MHSA funding has not appreciably benefitted this highly deserving and at-risk population. CAI found that some counties had designed no MHSA-funded programs exclusively for TAFY; few track TAFY participation in their programs; and none had any longitudinal outcome data related to TAFY who had participated in any of their MHSA-funded programs. Further, the report noted that the state’s extension of foster care up to age 21, as discussed above, highlights the need for appropriate services for TAFY ages 21–25. These youth face a significant gap when they age out of care; at that point, they no longer have access to resources that were available to them while in care, but many still struggle with various issues, including mental health issues, and are not yet self-sufficient.

In addition to advocating for the use of MHSA funds on behalf of TAFY at the county level, CAI continued to call on state leaders to commence a comprehensive review of the administration and oversight of the MHSA at both the state and county levels, as any misappropriation of MHSA funding takes money away from the vulnerable populations that voters intended to help when they approved Prop. 63 in 2004.

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

With funding from the Walter S. Johnson Foundation, CAI launched FosteringQualityEducation.org, a new website that provides training, information, and resources for transition age foster youth and their advocates that will empower youth to make fully-informed decisions about their postsecondary options, specifically including information on how to obtain and understand information about private, for-profit educational offerings. This new resource features informational videos and other materials describing what prospective college students need to know before they enroll, and where and how to find information about postsecondary options in general, and private, for-profit postsecondary schools in particular; explain how to interpret, understand, and compare information about schools; identify the questions that should be asked prior to making decisions about postsecondary options, and explain how to decipher schools’ responses; and identify resources available for redress should a youth fall victim to an unscrupulous private, for-profit postsecondary school.



This new resource features five new animated videos created by CAI, each of which imparts information to California's transition age foster youth that will help them avoid some common pitfalls and make fully informed decisions about their postsecondary options. With regard to each video, www.fosteringqualityeducation.org provides links to relevant and useful websites, including ones specifically mentioned in the videos. CAI also developed other useful information for the website, such as a checklist of questions to ask about prospective colleges; a red flags checklist; an enrollment timeline, including key deadlines and target dates by which various actions should be completed when applying to a college; and a list of steps that can be taken if a youth needs help resolving a problem with a California college or university.

Finally, the website includes an interactive feature allowing visitors to tell us their story — allowing young people to share their college-related experiences with those following in their footsteps, such as what they know now that they wish they knew when they were making decisions about which college to attend, how much student loan debt to take on, what career path to follow, etc. Visitors are also encouraged to reach out to us through the website if they have college-related questions to which they cannot find answers.

Also in 2016, [CAI co-sponsored AB 2506 \(Thurmond\) \(Chapter 388, Statutes of 2016\)](#), which requires, commencing with the 2017–18 academic year, the California Student Aid Commission to ensure that postsecondary institutions meet eligibility requirements consistent with the Cal Grant Program in order to participate in the Chafee Educational and Training Voucher Program, which provides education and training vouchers to qualifying current and former foster youth.

Improving the Federal Government's Oversight and Enforcement of Child Welfare Laws

For years, all three branches of federal government have been hugely underperforming with regard to their respective roles in enacting, implementing, interpreting, and enforcing child welfare laws. By failing to comply with their responsibilities vis-à-vis abused and neglected children, all three branches are allowing states to fall below minimum standards with regard to appropriately detecting and protecting children from child abuse and neglect and complying with minimum federal child welfare requirements, notwithstanding the fact that states receive nearly \$9 billion in annual federal funding to help them meet those floors.

Federal Advocacy. During 2016, CAI followed up on discussions that started with the 2015 release of its national report entitled, [Shame on U.S.](#), which documented some of the ways in which all three branches of government had failed to adequately protect children from abuse and neglect. For example, the report:

- criticized the U.S. Department of Health and Human Services (DHHS) for infrequently and inadequately exercising its oversight powers to ensure state compliance with federal mandates, essentially becoming the states' complicit partner in the substandard care of our nation's most vulnerable children. In many areas, DHHS takes on a passive role, allowing states to self-certify compliance and set lower standards and performance expectations for themselves—all of which allow glaring non-compliance with federal law to go unabated, at times going so far as to blatantly flout direct Congressional orders;



- revealed how Congress is weaning the federal government off its duty to financially support foster children (and increasing the burden on states) by not eliminating the “look back” provision, which ties federal reimbursement eligibility to 1996 AFDC eligibility levels with no inflation index; and
- pointed out how federal courts have walked away from their role as a check on the other two branches, finding that federal laws do not give children and families a private right of enforcement — and in effect barring private litigants from pursuing much-needed remedies.

CAI was pleased that the federal Commission to Eliminate Child Abuse and Neglect Fatalities made several findings consistent with our findings and recommendations to improve federal oversight and state accountability with regard to child welfare programs.

Calling for Federal Child Welfare Finance Reform

The federal child welfare financing system has serious flaws. Take, for example, the so-called “look back” provision that bars all federal reimbursements for services provided to abused or neglected children removed from parents earning more than the federal poverty line as it existed in 1996. This archaic law now allows the federal government to avoid all financial responsibility for over half of all children in foster care, based on a bizarre link to a poverty level that is both outmoded by inflation and unrelated to any need or justification for the proper care of an abused or neglected child. Do only extremely poor children need to be protected from abuse and neglect? This baffling provision has not been corrected in 20 years, and the result is that increasing numbers of children are denied federal financial support while in foster care, heaping the entire financial burden on states—and even more concerning, providing a financial disincentive to remove children from dangerous homes at all. It also means that federal floors that accompany federal support can also be denied to these children.

Federal Advocacy. The focal point of CAI’s federal activity in this area during 2016 was Prof. Bob Fellmeth’s continued research and drafting of a comprehensive white paper on child welfare finance reform, which will be released in 2017. **CAI’s advocacy in this area is greatly needed to counterbalance the concession made by many child advocates who accept as a starting point that any child welfare financing change must be “revenue neutral”—one that does not increase public cost.** It is true that the Congress looks unfavorably upon entitlements and any actual or even perceived increases in spending, especially on social programs. It is incredibly challenging to successfully advocate for legislation that calls for increased investments in this environment. But this does not mean that advocates and others in the child welfare community who can appreciate and quantify the unmet needs of this most vulnerable population should lay down their arms and back away from the fight. In point of fact, given the CPI and increasing numbers of children subject to abuse or neglect reports, the results of “revenue neutrality” are real spending per child cuts year after year. As will be noted in the upcoming white paper, this concession to revenue neutrality is an irresponsible surrender based on a flawed formula that is not at all neutral. And the shortfall is exacerbated further by the federal look back clause noted above that allows increasing numbers of foster children to be abandoned by the federal jurisdiction every year. For acceptance by any child advocate of the revenue neutrality premise underlines the weakness of our cadre and the critical need for fresh and courageous voices in the debate.



CAI also weighed in during the vigorous push to move forward the Families First Act in Congress, which would have opened up the only entitlement in child welfare to pay for preventive services for the first time, and made some other important changes as well. Although CAI had concerns with some of the bill's provisions, we were pleased to help push for inclusion of some of our priorities such as a limited delinking of Title IV-E eligibility, and the extension of Chaffee benefits to the age of 23.

Enhancing Academic Outcomes for Postsecondary Students



Because of their profit maximization charter, some private for-profit postsecondary schools spend a small fraction of revenue on educational services, academic instruction, and student support services, and focus instead on marketing, lobbying, and profits for shareholders / CEOs. Programs at these schools average four times the cost of degree programs at comparable community colleges. In addition to the higher expense, for-profit schools often lack appropriate support services that are critical to student success, and many students drop out prior to graduating. Those who do graduate rarely find the lucrative careers commonly touted in the schools' ubiquitous advertising. Regardless of whether they drop out or are able to graduate, too many of these young people are saddled with debt that they are unable to climb out from under.

Since 2012, CAI has led the **Private For-Private Postsecondary Campaign**, a consortium of advocates working to improve the oversight and regulation of the private for-profit postsecondary industry. With key partners such as Public Advocates in California and David Halperin in Washington, D.C., CAI is calling upon policymakers to ensure that these schools are properly regulated and meet minimum requirements regarding matters such as graduation rates, mandated disclosures, academic and other support, job placement, default rates, and complaint handling. CAI's work in this area includes legislative and regulatory advocacy, research, outreach, and public education.

Federal and State Advocacy. The predatory practices of many private-for profit schools are abhorrent. They particularly target two groups with substantial public funds support — foster children

and veterans. The latter represent a population disproportionately including foster children, who often find military service to be a viable option given their lack of family and other resources. And those veterans receive Title 38 “GI Bill” compensation, including tuition without the low limits of other programs, as well as living expenses. That makes them a target population for heavy marketing. And foster youth, now covered to age 21 by many states, also represent a college-age marketing target.

The results have been stark, as the federal Harkin reports and other sources have documented. Those talked into these schools suffer low graduation rates, poor job placement results, and burdensome debt. Although the public monies provided are substantial, the schools arrange additional loans—both publicly subsidized and private. Those loans are too often not repaid, resulting in debt ruination for tens of thousands. Education debts are not dischargeable, even in bankruptcy. The trend over the past decade in abuse has been remarkable, with some schools such as Corinthian, ITT Tech and others, each receiving tuition from hundreds of thousands of alleged students. A number of these schools have more "attendees" than does the entire California university system of many institutions. They now consume over one-third of the public subsidy from many of the most important public funds for student support. More recently, the schools have begun to be exposed, and to suffer bankruptcy and closure with little forewarning, leaving hundreds of thousands of students with debt and not even the chance of graduation and success. Indeed, Corinthian and ITT Tech have each so closed, to the detriment of students relying on them. Many others remain, advertising on television and engaging in marketing that rewards those who "sign up" students with incentives assuring misleading promises.



CAI has been working hard to implement quality control to prevent these continued abuses, including preventing the sunset of the California Bureau for Private Postsecondary Education (BPPE) and adding to its powers, including a student complaint mechanism and other strengthening provisions beyond the new required disclosures. CAI has helped to convene a weekly conference call of major public interest groups with interest in this problem to coordinate advocacy, including several major efforts through 2016 to strengthen the BPPE and extend its sunset date. Several of the members of the BPPE's Advisory Committee, established to monitor and advise the Bureau, clearly advance the concerns of CAI and our allies. CAI's other activities in this area include the following:

- ★ We have been working to combat the spread of State Authorization of Reciprocity Agreements (SARA), a dangerous system where states delegate distance education (internet) course approval to a regional entity lacking serious consumer controls and avoiding consumer protections — even for the students residing in states that would or do provide it. Regrettably, SARA has taken hold in most states, with regrettable support from public and non-profit college associations, which have been disgracefully expropriated by the for-profits into following a “joint and several” combined system that allows their influence to knowingly further the unconscionable abuses of the for-profit sector. California is the major hold-out, joined by Florida and Massachusetts.
- ★ CAI has continued its efforts to protect students affected by school closures, including Corinthian, ITT Tech, Kaplan and many others. These efforts include proposals for bond posting by schools, and for a Student Tuition Repayment Fund to provide at least some limited relief to abandoned students.
- ★ The last year has seen an increasing attack on federal efforts to control abuses and protect students. The major regulation at issue from the federal Department of Education (its “gainful employment rule”) has been attacked in court by some schools. Although its defense, including *amicus* briefs joined in by CAI and our allies, has upheld the rule, the change in federal administrations could pose a roll-back problem. CAI is working to create state backup standards that will apply in lieu of the federal regulation, in the event it is canceled. In addition, CAI is working to protect the federal Bureau of Consumer Financial Protection, which defends the rights of loan-borrowing students, from intended dissolution.
- ★ CAI, together with our parent Center for Public Interest Law (CPIL), is facilitating state and federal unfair competition enforcement against offending schools. During 2016, we submitted packets of evidence to some of the public offices engaged in such suits, and have assisted the Federal Trade Commission in its investigation of several major offenders.

★ Realizing the probable need to implement prevention at the state level given the lack of federal interest, we worked throughout 2016 to arrange for a back-up regime of state floors to protect students nationally. The record of Trump University presages no likely federal attention to the problem, and perhaps the abandonment of weak existing protections. Accordingly, our Melanie Delgado worked throughout 2016 to compile a comprehensive 800-page report of the statutes and rules currently in place in each of the 50 states, measuring them against a state model and hoping to encourage their upgrading. The report will provide guidance on which states warrant attention to improve student protection, and will be published in 2017.

★ Also during 2016, CAI's Amy Harfeld continued to press policymakers to engage in more robust oversight and regulation of private for-profit schools. Her ongoing work in this regard has included advocacy before federal agencies such as the Department of Education, the Federal Trade Commission, the Department of Justice, and the Consumer Financial Protection Bureau, as well as members of Congress and their staff.

★ CAI and CPIL have been joined by Consumers Union, the Century Foundation, the Veterans' Student Loan Relief Fund, the USD School of Law's Veterans Legal Clinic, and Veterans Education Success, in a petition to the California State Approving Agency for Veterans Education, which approves schools for Title 38 qualification. Federal law devolves to these state veterans affairs agencies the power to so approve schools and the proposed rules represent a major and comprehensive set of conditions to preserve schools that perform at a minimum level of success while ending the regrettably prevalent record of abuses. Most of the offending schools now receive most of their revenue from public sources and most of that revenue from Title 38 sources. The rules will require a minimum graduation rate, job qualification rate, and place a ceiling on what is called a "cohort default rate" — reflecting graduates whose lack of qualification means they cannot pay the debts directly accrued from their schooling. The rules would require that a majority of funds be expended on instruction, not on million dollar executive salaries or marketing. And it will waive the *Concepcion* bar to class actions, allowing abused students to effectively sue as a group to vindicate wrongs against them. If adopted in California, CAI hopes facilitate its adoption in other states during 2017 and 2018.



Protecting the Privacy Interests of Children and Youth

Privacy laws have not kept pace with technological advances and societal trends and innovations. CAI works to protect the rights of children and youth, and to ensure the parental right to make decisions as to the use and dissemination of images, information, postings, et al.

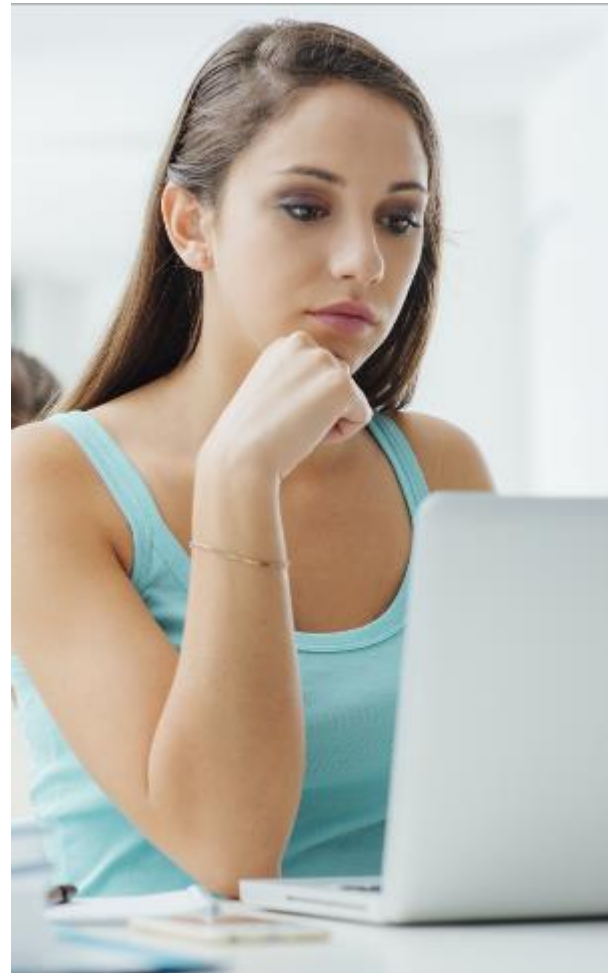
Federal Advocacy. CAI's major case in this area was *K.D. v. Facebook*, where we began as attorneys for objectors to a proposed settlement in a federal class action that would allow the enforcement of a new terms and conditions clause granting to Facebook the unfettered right to expropriate any posting, including photos, of any teen subscriber, rearrange it, and transmit it to whomever it wished in blank check fashion — **without prior notice to the teen and with no notice to or consent from a parent.**

After the District Court approved the settlement, CAI appealed to the Ninth Circuit, which held oral argument on the matter in September 2015. Among other things, CAI contended that the settlement is not fair, adequate and reasonable for the subclass of ten million American children, as it places them in a position with less protection than they would have without the agreement. It purports to recruit the federal courts to enter an order that would effectively exempt Facebook from statutes protecting privacy and children. And, contrary to Facebook's contention, the federal Children's Online Privacy Protection Act, which only applies to children under the age of 13, does not preempt or void any common law or state privacy provision as to teens who are over the age of 13.

CAI also pointed out why the District Court’s review of the proposed settlement should have been much more robust than it was: the case settled before class certification; Facebook repeatedly threatened the class with millions of dollars in attorney fees (due to an unusual reverse fee shift provision), creating an unprecedented forced collusion contaminant; and the settlement was rejected by some organizations that otherwise would have received cy pres awards pursuant to the terms of the agreement.

Regrettably, the Ninth Circuit affirmed the District Court’s approval of the settlement agreement—despite the fact that Facebook’s legal contentions drew amicus opposition from the Federal Trade Commission, the California Attorney General, and some of the country’s most highly respected privacy and child rights institutions—and CAI’s Petition for Writ of Certiorari to the U.S. Supreme Court was denied in October 2016.

CAI plans on continuing its work in this area in 2017 and beyond. Among other things, **we hope to develop a model federal statute and model state statutes protecting youth privacy rights in all forms of electronic media; conduct public education to inform parents, teens, and others about the dangers and risks of posting information and images online; and issue reports detailing how states are using their authority to prevent privacy incursions.**



Stopping the Sexual Exploitation of Minors

The Children’s Advocacy Institute (CAI) is working on several fronts to eliminate the commercial sexual exploitation of children (CSEC) and improve outcomes for CSEC victims. As a preliminary matter, CAI is working to inform the public, child advocates, and policymakers about the scope and extent of this issue, working to dispel the myth that this is only happening in other parts of the world. A recent study found that in San Diego County alone, the underground sex trafficking economy generates over \$800 million a year. Many victims start out as minors; the average age of a victim entering the industry is 16, with recruitment commonly taking place on high school and middle school campuses and in group homes serving foster children.

California Advocacy. As part of our effort to increase awareness around this issue, CAI’s Melanie Delgado produced a report examining California’s past legislative efforts to address the commercial sexual exploitation of children. The report informed the following legislative efforts that CAI started to pursue during 2016:

- ★ CAI is pursuing legislation that will take an innovative approach to addressing the demand that fuels the commercial sexual exploitation of children. The legislation, introduced in 2017 as **AB 1495 (Maienschein)**, would create a civil action in equity and allow public prosecutors (e.g., the Attorney General, district attorneys, qualified city attorneys) to bring an action against buyers and traffickers of sex with minors. In so doing, it would give public prosecutors a powerful tool to use to combat demand. The bill would provide that 80% of the civil penalties collected pursuant to the civil action be deposited into a special fund to help child victims of commercial sexual exploitation, and the remaining 20% would go to the office of the public prosecutor who brought the action, to help fund continued efforts.

- ★ CAI is also pursuing legislation, introduced in 2017 as **SB 767 (Atkins)**, which would require each county to create a specialized foster family placement protocol for commercially sexually exploited children to provide these victims with safety, treatment, and appropriate services; require each county to provide an additional stipend and training to CSEC foster families and other providers and for attorneys and juvenile court judges, as specified; authorize counties to create CSEC courts and express the intent of the Legislature that counties use the counties of Los Angeles and Alameda as models for CSEC courts; and express the intent of the Legislature to enact legislation to fund those CSEC courts.

CAI is grateful to the **William D. Lynch Foundation for Children**, which is supporting and assisting with much of CAI's outreach, advocacy and related efforts to eliminate the commercial sexual exploitation of children.

Leadership & Collaboration

CAI participates in state and federal collegial education and advocacy, and is part of several national coalitions such as the National Foster Care Coalition, the National Child Abuse Coalition, the Children's Leadership Council, the Coalition on Human Needs, the Children's Budget Coalition, and the Child Welfare and Mental Health Coalition. We are also actively involved in the governance of the following organizations:

- ★ The **National Association of Counsel for Children** (NACC), the nation's major association of attorneys who represent children in court, juvenile, family and other venues. Professor Fellmeth has served on the NACC Board for over 20 years, including a tenure as President; he's also served on its Nominating and Policy committees.
- ★ The **Maternal and Child Health Access Foundation** was started at CAI and is now based in Los Angeles. It is now a major provider of services and expert advice on pregnant women and infants.
- ★ **First Star Foundation**, which historically joined CAI in some of our national reports and now focuses on starting foster youth "academies" located on college campuses. Its early success indicates that giving foster children direct experience with college campuses facilitates major increases in college entry for these vulnerable children. During 2017, First Star expects to have campus programs for foster children operating in 15 universities throughout the nation.
- ★ The **Partnership for America's Children** (PAC) recently emerged as the successor organization for Voices for America's Children, which itself was formerly known as National Association of Child Advocates. CAI has been part of the governing board of all three of these entities. PAC includes child advocates operating in 42 state capitals currently. CAI's Elisa Weichel helped with the formation of PAC, and Professor Fellmeth serves as counsel to the Board and as its Treasurer.



CAI continued to organize, convene and chair the **Children's Advocates Roundtable** in Sacramento, as we have for 26 years. We are now joined in that effort by Children Now, and are working to expand the Roundtable's influence and the number of organizations participating. Led by CAI's Melanie Delgado, the Roundtable meetings feature presentations by state and national experts, policymakers, legislative and executive branch staff, and others on major issues im-



pacting children and youth. During 2016, presentations focused on issues such as federal finance reform; federal legislation; the work of the new Bureau of Children's Justice within the Attorney General's Office; the California budget; bridging the child care gap for California's foster children; unintentional injury prevention; children's health; trauma and AB 1644; commercially sexually exploited children; the local control funding formula; the Every Student Succeeds Act; statewide initiatives on the 2016 ballot; implications of the 2016 election; and childhood trauma, its impact on children's health and education, and its intersection with child welfare.

Also during 2016, CAI continued to be an active participant in **California's Step Up Coalition**, which is working to remove the barriers that prevent relatives foster care providers from receiving reimbursements equal to the basic foster care rate, as well as providing specialized care system support to relatives caring for children with heightened needs. Historically in California, relative foster parents received federal foster care benefits only if the child meets the federal rules — but because of the antiquated look back provision discussed above, at least a third of California foster children are not federally eligible. Thanks to the

work of the Step Up Coalition, now non-federally eligible children placed with relatives can receive Approved Relative Caretaker (ARC) benefits equal to the basic foster care rate, if the county has opted into the program. For children placed through counties that have not opted into ARC, the child is only eligible for CalWORKs benefits, which provides just a fraction of the amount available through ARC. During 2016, CAI continued its involvement with this Coalition's efforts to shape the implantation of California's Continuum of Care Reform



(CCR) to assure that relatives continue to be a prioritized resource for placement of children in foster care—not only in policy but in implemented practice through equal supports in services as well, and to move California toward a truly child-centered foster care rate system that provides support to children based on their needs.

CAI also led the effort of the **Private For-Profit Postsecondary Campaign** (see above), and participated in other coalitions and consortiums, such as an effort to alignment California's Foster Youth Services program with the Local Control Funding Formula.

Special Projects

During 2016, CAI continued to staff the **Price Child Health and Welfare Journalism Awards**, which have been presented annually since 1992 to recognize excellence in journalism, and specifically to recognize significant stories, series, or bodies of work that advance the understanding of, and enhance public discourse on, child health and well-being issues (e.g., health, nutrition, safety, poverty, child care, education, child abuse, foster care, former foster youth, juvenile justice, children with special needs). The 2016 Price Child Health and Journalism Award was presented to **Laurel Rosenhall of Calmatters.org** for her reporting on child- and youth-related subjects such as health care; juvenile justice; child abuse; public education; and environmental health.

Also during 2016, CAI continued to participate in the **Educational Rights Holder Program** (ERHP). This collaborative effort with the County Office of Education, the San Diego Volunteer Lawyer Program, Advocates for Children and Education and others, seeks to recruit, train, and oversee eligible adult volunteers who are willing to make educationally-related decisions on behalf of students in foster care. In addition to its work on ERHP, CAI plans on researching how other jurisdictions ensure that appropriate educational rights holders are recruited, trained, and appointed for students in foster care, and will be developing a set of best practices for dissemination on a national basis.

CAI's **Lawyers for Kids** program offers attorneys and law students the opportunity to serve as pro bono 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 have the opportunity to assist CAI's advocacy programs by responding to legislative alerts issued by CAI staff and by providing pro bono legal representation, either independently or with CAI serving as co-counsel.



Academic Program

In addition to educating those interested in child welfare through conferences and presentations, one of CAI's primary responsibilities is to educate the child advocates of the future. That includes a core course in child rights, as well as three clinics representing children in court and engaging in policy research and advocacy at the state and federal levels. The USD School of Law now offers a **Concentration in Child Rights**, and an increasing number of law students are graduating with this distinction, demonstrated their commitment to this educational focus. And the USD School of Law is now home to the **Fellmeth-Peterson Faculty Chair in Child Rights** which will assure the continuation of CAI as an educational part of USD and as an effective advocate for children. The chair is named in honor of Robert B. Fellmeth (father of CAI Executive Director Robert C. Fellmeth), and Paul Peterson, a longstanding supporter and inspiration for CAI from its beginning 25 years ago. The Chair was fully funded during early 2017, and the USD School of Law is expected to start soliciting candidates to fill the Chair that year.

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

During 2016, the following USD School of Law students participated in one or more of CAI's clinical opportunities or otherwise assisted in CAI's work: Hala Alskaf, Gregory Catangay, Ashley Choy, Patrice Darlin, Crystal Gamache, Amanda Gilleland, Ryan Goulet, Maureen Gregory, Lauren Harris, Nareen Karakashian, Alexa Katz, Matthew La Terza, Rachel Pence, Amanda Purcell, Kelsey Solberg, Geoffrey Sorkin, and Douglas Winter.

In May 2016, CAI honored three graduating law students for their exceptional work on behalf of children and youth. **CAI presented the 2016 James A. D'Angelo Outstanding Child Advocate Award to Hala Alskaf, Gregory Catangay, and Ashley Kaye.** These students participated in the policy, dependency and/or delinquency sections of the Child Advocacy Clinic over multiple semesters, advancing the rights and interests of countless children and youth.

Also in May 2016, CAI presented the 2016 Joel and Denise Golden Merit Award in Child Advocacy to Alexa Katz. This award is presented annually to a second year law student who has already started to use his/her developing legal skills to benefit foster children. Even prior to starting her third year of law school, Alexa made considerable contributions to the field of child advocacy in general, and on behalf of children in foster care specifically.

In addition to participating in CAI's academic offerings, USD School of Law students have also created a child advocacy-focused student organization, **Advocates for Children and Education (ACE)**. Founded in 2012 by CAI student Lisa Charukul, ACE seeks to promote the welfare of children by providing USD law students with opportunities to work with children in the local community. ACE provides volunteer opportunities in the areas of juvenile delinquency, special education, and general mentoring and advocacy. Additionally, ACE provides resources and information about careers in child advocacy and education law. During 2016, CAI student Patrice Darlin played a leadership role in ACE, for which CAI Executive Director Robert Fellmeth serves as Faculty Advisor.



Donors & Funders

We thank those who make our work possible, and in particular, the late Sol and Helen Price; Robert and Allison Price and their family; the Paul A. Peterson family; and Louise Horvitz. Their vision of what we should be remains our charted course. We are also grateful to our Council for Children and our Dean and colleagues on the faculty, many of whom contribute to CAI.

We are also thankful for the generous grants, gifts and other funding contributed or directed to CAI by the following individuals and organizations between January 1, 2016, and December 31, 2016, or in response to CAI's 2016 holiday solicitation. CAI is fortunate to have the personal backing of many highly respected individuals. Together, these funds support CAI's advocacy, outreach, and public education efforts at the local, state and federal levels; without them — without you — CAI would not be able to do what we do.

Prof. Larry Alexander

American Endowment Foundation

Travis & Lara Anderson

Anonymous

Anonymous *in memory of Raul Cadena*

Anonymous Fund of the Jewish Community Foundation

Scott Anders

Anzalone & Associates

Maureen Arrigo

Association of the Open Mind and Spirit Inc.

Prof. Carl Auerbach[†]

Bob & Margaret Bavasi

Norm & Diane Blumenthal

Blumenthal, Nordrehaug & Bhowmik

Prof. Roy Brooks *in memory of Penny Brooks*

Alan & Susan Brubaker

Dana Bunnett

Michael Butler

Paul P. Cannariato

Carlos Carriedo

Collette Cavalier

Ruth Childers

Molly and David Clark Charitable Fund

Prof. Laurence P. Claus

Joan Claybrook

Philip M. Cohen



Margaret & Rex Dalton

Ann D'Angelo *in memory of the Hon. Peter T. and James A. D'Angelo*

Nancy D'Angelo *in memory of James A. D'Angelo*

Steve Davis

Craig D. Dingwall

Clifford Dobrin *in honor of Michala Morris and in memory of Joann (Joey) Dobrin*

Marian Dodson & Stuart Rees *in honor of Christina Riehl*

Melody J. Donnelly

Joy D. Eden

Richard Edwards

Suzanne Evans

Brian & Nancy Fellmeth

Prof. Robert C. Fellmeth

Dave & Julie Forstadt *in memory of James A. D'Angelo*

Lisa Foster & Alan Bersin

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Hon. Ronald F. Frazier

Donna Freeman & Gene Erbin

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Joel Golden

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James & Patti Goodwin *in memory of James A. D'Angelo*

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Kara Hatfield

Prof. Walter Heiser

Nanette Herbuveaux & Chris Lawler

Adrienne Hirt & Jeff Rodman

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James B. McKenna

The Morrison & Foerster Foundation

Janice Mulligan & Harvey Berger

John B. Myer *in memory of James A. D'Angelo*

Ralph Nader

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James Peterson

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Gary Redenbacher & Renae Fish



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Gary Richwald & Sue Bayley
Nicholas C. Rini
Harvey Rosenfield
Ron Russo
Gloria Samson
Peter Samuelson *in honor of Robert Fellmeth*
Tanna Rapp Schoene
Barbara Seaman
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Alan & Harriet Shumacher
Alan Sieroty
Leonard B. Simon & Candace M. Carroll
The Simon-Strauss Foundation
Owen Smith
Prof. Thomas A. Smith
Laura Stevens
Howard Susman
Stephen M. Tillery
U.S. Children's Museum on the 19th Century
Prof. Edmond Ursin
John Van de Kamp[†]
Nancy Vaughan
Howard Wayne
Timmy & Elisa Weichel
Marjorie & Ya-Ping Zhou

[†]Deceased



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

A final note about Sol and Helen Price, that we have repeated each year, and which we shall continue to repeat. Their passing will never diminish our duty to represent their ideals for child representation — we strive to be an important part of their legacy. All of us at CAI feel their presence, and what they would want us to do is our guiding lodestar.

Council for Children

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

Council Chair:

Gary F. Redenbacher, J.D.
Attorney at law

Council Vice-Chair:

Gary Richwald, M.D., M.P.H.
Consultant Medical Director, California Cryobank

Council Members:

Robert Black, M.D.
Pediatrician

Denise Moreno Ducheny
Attorney, Former State Senator

Anne E. Fragasso, Esq.
California Appellate Project, Staff Attorney

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

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

James B. McKenna
President, Am Cal Realty, Inc.

David M. Meyers
Chief Operating Officer, Dependency Legal Services

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

Gloria Perez Samson
Retired school administrator

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

Emeritus Members:

Birt Harvey, M.D.
Professor of Pediatrics Emeritus, Stanford University

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

Paul A. Peterson, J.D.
Of Counsel to Peterson and Price, Lawyers

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

Owen Smith
Past President, Anzalone & Associates

CAI Staff

During 2016 CAI was extremely fortunate to have the following passionate and dedicated team of employees, all of whom contributed greatly to the work CAI did — and the achievements CAI made on behalf of children and youth across the state and nation:

Executive Director:

Robert C. Fellmeth
Price Professor of Public Interest Law

Administrative Director:

Elisa Weichel
Senior Staff Attorney

Staff:

Tina Calvert
Executive Assistant

Melanie Delgado
Staff Attorney / Director of Transition Age Youth Projects

Amy Harfeld
National Policy Director / Senior Staff Attorney

Ed Howard
Senior Counsel / Senior Policy Advocate

Aliz Nagyvaradi
Fulbright Visiting Scholar

Christina Riehl
Senior Staff Attorney



In 2016, CAI's Melanie Delgado was honored by the Hon. Toni G. Atkins, Speaker Emeritus of the California State Assembly, as Woman of the Year for the 78th Assembly District. Congratulations Melanie!

Help CAI Help Kids!

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

- ★ Make a tax-deductible donation to CAI using the attached envelope or online at law.sandiego.edu/caigift.
- ★ Participate in meetings of the [Children's Advocates' Roundtable](#) and/or follow the Roundtable activities on Facebook.
- ★ Volunteer to serve as an [Educational Rights Holder](#) for a San Diego County student in foster care.
- ★ For attorneys involved in class actions that result in a [cy pres distribution fund](#), identify CAI as a potential recipient of those funds.
- ★ Subscribe to [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.
- ★ 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.
- ★ Make the Children's Advocacy Institute your charity of choice when using www.goodsearch.com to conduct online searches or www.goodshop.com when shopping online. GoodSearch is a Yahoo-powered search engine that donates about a penny per search to CAI each time you use it to search the Internet. GoodShop is an online shopping mall which donates up to 30% of each purchase to CAI. Hundreds of vendors — stores, hotels, airlines, and other goods and service providers — are part of GoodShop, and every time you place an order, part of your purchase price will go directly to CAI!
- ★ Purchase a [California 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.
- ★ Review the list of CAI's legislative priorities currently pending at the state and federal levels (see www.caichildlaw.org) and express support to your elected officials.

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



