



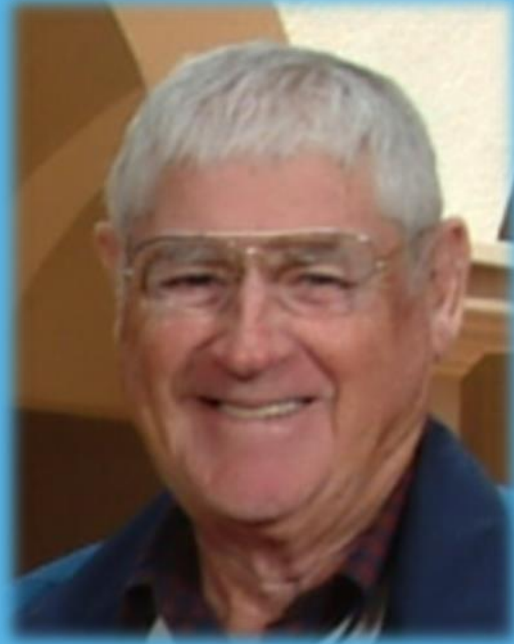
Children's Advocacy Institute
2017 Annual Report



DEDICATION

The Children's Advocacy Institute dedicates this 2017 Annual Report to the memory of Jim McKenna, longtime member of CAP's Council for Children, a friend to CAI and its staff, a leader of Court Appointed Special Advocates (CASAs) in Los Angeles, where he helped to promote and coordinate their important work for foster children, and a true advocate for children and youth.

He will be missed.



This annual report covers the activities of the Children's Advocacy Institute (CAI) between January 1, 2017 and December 31, 2017.

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

San Diego Office
University of San Diego School of Law
5998 Alcalá Park / San Diego, CA 92110-2429
(619) 260-4806 / (619) 260-4753 (fax)

Sacramento Office / (916) 844-5646

Washington, D.C. Office / (917) 371-5191

Email: info@caichildlaw.org

Website: www.caichildlaw.org

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

Facebook: www.facebook.com/ChildrensAdvocacyInstitute

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

Table of Contents

2	History and Background
3	Executive Director's Message
7	CAI Campaigns
7	Eliminating Child Abuse and Neglect Fatalities and Near Fatalities
9	Improving Child-Serving Systems
10	Championing a Child's Right to Counsel
11	Improving Outcomes for Transition Age Foster Youth
14	Improving the Federal Government's Oversight and Enforcement of Child Welfare Laws
15	Calling for Federal Child Welfare Finance Reform
16	Enhancing Academic Outcomes for Postsecondary Students
19	Stopping the Sexual Exploitation of Minors
20	Protecting the Privacy Interests of Children and Youth
21	Leadership and Collaboration
22	Special Projects
23	Academic Program
26	Donors and Funders
30	Council for Children
31	CAI Staff
32	Help CAI Help Kids



History and 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, the USD School of Law established 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 almost 30 years ago. Although the Chair is now fully funded, the School of Law will first engage a Fellmeth-Peterson Professor in Residence in Child Rights, a three-year position that will commence during summer 2018.

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

Our ethical lodestar, one common to religions from Catholicism to Taoism, is the obligation we have to the earth and to those who follow us. Our children are a proxy for that underlying value. It is well captured 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."

Our current political system poses a threat to that value where short-term profit-stake interests become ascendant. The U.S. Supreme Court's Citizens' United opinion manifests that immorality by creating a false equivalency between individuals (who make up a democracy and who have concern for our joint and several future) and corporations (which involve a capital investment that its controllers have a fiduciary duty to protect and use to generate maximum profit). That is not to denigrate the corporate personage, but its inherent definition can often be in conflict with our diffuse but cumulatively profound long-term concerns. For them, the earth's assets that they may possess are to be exploited in the here and now—not preserved for future generations. That tension between "my profit now" and "what we leave behind" is the major subject of political morality in our time.

The Trump Administration and the modern media are both impervious to these seminal issues. The preoccupying issues on television and across the internet concern the sexual proclivities of anyone with celebrity status. That and the issuance of personal insults. Conflict and confrontation, video and tweets. Yes, it would be nice if Jack Kennedy had no affairs and if Bill Clinton resisted having indiscretions with White House staff. And the Lord knows that Trump goes light years beyond these examples. But here is the thing: Why are we so preoccupied with the intimate relations of our elected officials? Assuming they are not violent, unlawful, or injurious, these personal predilections should not be the primary criterion for political office—nor should they dominate our discussion of public officials. Maybe they warrant 5% of our discussion of them, but not 95%.

People who become our public officials have momentous power to shape our laws, ensure their enforcement, and determine how our public funds are expended. They control our military, determine education investment and opportunity, and direct the use and/or protection of our environment resources. In other words, they determine what we leave behind—what will happen to our children and their children. That is more important than how and who they insult, how

large their hands are, or even the extent to which they are admirable gentlemen and ladies. Yes, it would be nice to have as leaders those we personally admire. But the decisions our public officials make that determine our future vis-à-vis our fundamental ethical lodestar are not just more important than the choices they make in their personal lives, they are one million times more important, no—350 million times more important. The media does not get that. Nor, apparently, does our culture.

The real problem with Trump does not involve his extra-marital relations, his personal emoluments, his disgraceful misogyny, or his fabrication and distortion of events to gratify his ego. The real problem with Trump concerns the decisions he has made while holding public office. Let's review just three areas of such decisionmaking—matters that *should* be constituting 99% of our public discussion of his tenure:

The real problem with Trump does not involve his extra-marital relations, his personal emoluments, his disgraceful misogyny, or his fabrication and distortion of events to gratify his ego. The real problem with Trump concerns the decisions he has made while holding public office. Let's review just three areas of such decisionmaking—matters that *should* be constituting 99% of our public discussion of his tenure:

The real problem with Trump does not involve his extra-marital relations, his personal emoluments, his disgraceful misogyny, or his fabrication and distortion of events to gratify his ego. The real problem with Trump concerns the decisions he has made while holding public office.



- ✘ **Threatening over one million immigrants who as children were brought to the U.S.** (a country consisting almost entirely of the progeny of immigrants). To be sure, we cannot allow any person who wishes to be an American to be given that status merely upon request. We properly have limits and qualification. But law students learn early-on about “estoppel”—the rights that flow from detrimental reliance on the decisions (or non-decisions) of others. We are clearly “estopped” under this basic principle from suddenly deporting those we have allowed to live among us—paying taxes, serving in the military, contributing to our economy—most of their lives. To threaten banishment to a place where they do not know anybody, and possibly do not even speak the language, is immoral in the extreme. To label keeping families together as detrimental “chain migration” rivals that wrong. This is the kind of policy one might expect from Nazi Germany.
- ✘ **Jeopardizing the health of the earth.** The decision to withdraw the U.S. from the Paris accords and deny basic science about global warming contravenes the ethical lodestar discussed above. Stimulating the exhaustion of non-renewable resources, undercutting preservation of natural resources, diminishing protected areas, and engaging in unlimited “profit exploitation” demarks this Administration as the enemy of our legates.
- ✘ **Appointing into critical positions persons who are unqualified and who have conflicts of interest.** An important part of the basic obligation to protect those who follow us is our democratic structure. The People rule. The People are individuals with concern for ethics and for what will happen to their progeny. The most pernicious form of democracy corruption—even beyond allowing Russian messaging against political candidates—is the transfer of power to those with conflicts of interest.* A large number of Trump appointees are unqualified, oppose the sometimes meritorious basis for a department, and/or simply represent organized interests seeking profit. Those appointees now make up most of the Cabinet and a large part of the upper staffs beyond civil service coverage. The only time these appointees and their decisions reach the popular media is when they fly first class or in private jets to meetings and commit petty offenses or minor public waste for personal gratification. Certainly such stories are salacious, but these appointees’ public decisions are immeasurably more important. Take, for example, Education Secretary DeVos’ decision to end gainful employment standards (among other things), thus allowing predatory private, for-profit colleges to waste billions in federal and state funds. The result is not only waste, but tens of thousands of veterans and foster children left without employment—and drowning in student loan debt that leads to personal credit ruination.

The most pernicious form of democracy corruption—even beyond allowing Russian messaging against political candidates—is the transfer of power to those with conflicts of interest....A large number of Trump appointees are unqualified, oppose the sometimes meritorious basis for a department, and/or simply represent organized interests seeking profit.

Of these three aspects of evaluation, the least covered publicly is the third. Arguably, it is also the most important. All three are exacerbated by the increasing passivity of our legislatures. 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 state legislatures and agencies. Meanwhile the trade associations of insurers, lenders, brokers, and others, including labor, spend billions to influence the Congress. One study by our friend Charles Bruner found that a single association (the American Association of Retired Persons or 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.

**Certainly we can appreciate the often legitimate concern about the growth of unnecessary bureaucracy. And, in fact, our Center for Public Interest Law has been a leader in advocating for deregulation where other options may restore the benefits of market efficiency. But rather than “draining the swamp” of excessive regulation, the Trump Administration is infesting it with fetid crocodiles.*

Over the years, as the trends have continued, we acknowledge that public financing of campaigns, the prohibition on ex parte contacts, and the end of deferred bribes/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*). The continuation of such violations reflect the power of our organized political associations to not just influence, but to actually replace public governance.

The blame for the current situation lies on both sides of the aisle. Democrats largely depend upon information and contributions from organized interests. They kick the can down the road for our great grandchildren at a level unprecedented in human history. It is not the federal budget. 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 our grandchildren. The accruing costs here are in the many, many trillions of dollars. That is never discussed or acknowledged by Democrats. Now Republicans, with their 2018 tax cut, have jointed the silent parade. There is now no counterforce whatever.

And beyond their recent financial nonfeasance and their continuing support for the corruption of democracy, Republicans continue to perpetuate the big lie that keeping raw number public spending the same year to year is “revenue neutral.” They have effectively imposed that standard on spending—including child investment and protection. Of course, population, demand, and inflation all change year to year. Cumulatively, the Republicans are a massive boa constrictor squeezing our children into serious harm. They are right to demand outcome measures and efficacy, but they do not make any such demand of expenditures in the form of their beloved tax deductions, exclusions, and credits. Nor do they impose reasonable financial control over the military, particularly new weapons systems having no relation whatever to existing terrorism or other threats.

Our many adult groupings 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 are the one group who must rely 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 mindless obeisance to every organized adult grouping. Never offend the discretion of any part of any of them. And if you add all of them up, voila, you have a majority of voters. That advocacy applies to the world discussed above, one steeped in corruption—and very different than 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 2017 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, as noted above.
- ★ 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.
- ★ Setting a federal court precedent that requires counsel for foster children in every state in the nation, and requiring such counsel to maintain reasonable caseloads.
- ★ Eliminating child deaths from abuse and neglect, working hard to follow up on a federal Commission's work in this area.
- ★ 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. As we have written previously, we are extremely proud of our current and former students. Our conference room features a "Changemakers" wall, displaying photos and descriptions of many of our graduates who are now working on behalf of children and the public interest. Five of our graduates are now judges—one we expect to soon be the Presiding Judge of San Diego County's Juvenile Court. Others are some of the top consumer and child advocates working throughout the nation. We confess that we are more annoying than are most parents in taking credit for the achievements of all of them. They are the most important part of what we leave behind.

Bob Fellmeth

Prof. Robert C. Fellmeth
Price Professor of Public Interest Law
University of San Diego School of Law
Executive Director, Children's Advocacy Institute



CAI Campaigns

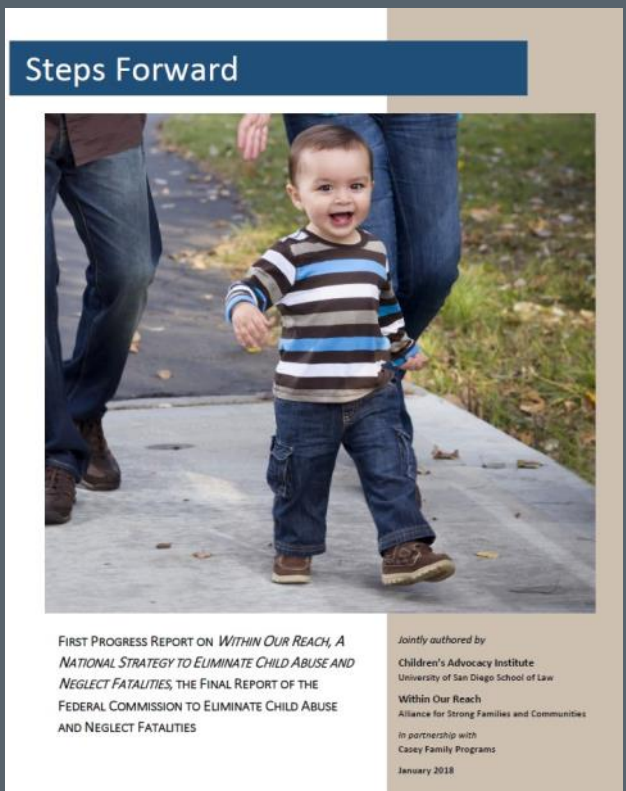
ELIMINATING CHILD ABUSE AND NEGLECT FATALITIES AND NEAR FATALITIES

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. CAI's 2017 highlights, efforts, and accomplishments in this area include the following:

FEDERALLY-MANDATED PUBLIC DISCLOSURE OF ABUSE AND NEGLECT FATALITIES AND NEAR FATALITIES. During 2017, CAI continued to follow up on the 2nd edition of its report, *State Secrecy and Child Deaths in the U.S.*, which analyzed and graded 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.

STEPS FORWARD. Also during 2017, CAI partnered with Casey Family Programs and Within Our Reach (of the Alliance for Strong Families and Communities) to identify and chronicle federal, state, and local efforts to implement recommendations set forth by the federal Commission to Eliminate Child Abuse and Neglect Fatalities (CECANF) in its 2016 final report, *Within Our Reach, A National Strategy to Eliminate Child Abuse and Neglect Fatalities*. CECANF's 170-page report 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 research and findings, which were published in January 2018 in a report entitled *Steps Forward*, revealed a groundswell of recent reforms in child welfare practices across the country, including dozens of changes in policy and law directly reflecting the recommendations put forth by the Commission. "The extent of this impressive wave of activity has illustrated the deep commitment of professionals and policy-makers around the country to prioritize the safety and survival of our nation's most vulnerable children," said CAI's Amy Harfeld. "It's also confirmation that the Commission's strategic recommendations were deemed credible and prudent by states looking for solutions. There is now a wide spectrum of models that can be replicated and built upon by other jurisdictions looking to take action."



With regard to the state and local level, CAI found that every state has engaged in at least one action or activity that reflects or is consistent with one or more of the Commission's 114 recommendations and together with a number of cities, counties, and regions are developing major innovations. In total, CAI's report identifies approximately 180 child maltreatment fatality prevention efforts now occurring at the state and county levels, each reflecting one or more of the Commission's recommendations. Examples range from a focus on improving child safety, such as adopting predictive analytics models to better identify children at high risk for harm, changes to child protective services screening policies to ensure that all reports involving infants are immediately investigated, and improvements to mandatory reporting, to the development of local and statewide strategic plans that aim to address the root causes of maltreatment and work towards prevention efforts that strengthen families.

At the federal level, CAI found that the U.S. Department of Health and Human Services issued a formal response to the Commission report stating that HHS is working to advance 61% of the recommendations applicable to them, including support for home visiting, addressing disproportionality and leadership in interagency coordination of child maltreatment prevention efforts.

CAI also determined that since the release of *Within Our Reach*, Congress has enacted two pieces of legislation that relate to the CECANF recommendations. The Comprehensive Addiction and Recovery Act (CARA) is the most comprehensive effort yet to address the current opioid epidemic that is taking such a toll on the well-being and safety of children. Adopted within CARA, the Infant Plan of Safe Care Act amends the Child Abuse Prevention and Treatment Act to require states to better comply with federal law and enact certain guidelines for the welfare of children exposed to opioids. And Talia's Law requires mandated reporters within the Department of Defense (DOD) to report known or suspected child maltreatment to state child protective service agencies in addition to the regular federal DOD chain of command, breaking down information silos that were not serving the safety of children.

Steps Forward will also report on efforts underway in numerous national organizations to support implementation of the recommendations to their constituencies and through inter-agency and partnership activities. "The Commission to Eliminate Child Abuse and Neglect Fatalities had a once-in-a-generation opportunity to identify the steps needed to keep children safe and save their lives," said CAI's Robert Fellmeth. "Let us commit to building on these early steps forward and create a future where no more children in this country die from child abuse and neglect."

IMPLEMENTATION OF CALIFORNIA'S NEAR FATALITY PUBLIC DISCLOSURE POLICY. At the state level, one of CAI's goals for the past few years has been to ensure the California Department of Social Services (DSS) adopts a CAPTA-compliant near fatality public disclosure policy. Due in great part to CAI's determined 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 suffering the near fatality 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 2016 enactment of section 10850.45, CAI engaged in regulatory advocacy before DSS to ensure the proper implementation of the near fatality provision. CAI is pleased to report that in early 2017, DSS release an All-County Letter providing 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. CAI’s 2017 highlights, efforts, and accomplishments in this area include the following:

LEGISLATIVE ADVOCACY. During 2017, CAI actively supported several bills aimed at improving child-serving systems. For example, CAI supported **SB 213 (Mitchell)** (Chapter 733, Statutes of 2017), which streamlines the background check process for prospective foster and adoptive parents by establishing a list of non-exemptible crimes, a list of crimes for which an exemption may be granted and a list of crimes for which exemptions must be granted, absent a reasonable belief that the person is not of good character at present. CAI also supported **SB 233 (Beall)** (Chapter 829, Statutes of 2017), which clarifies that caregivers have the right to access their foster child’s current and most recent education records in order to help address their child’s educational needs, monitor their academic progress, and ensure the child is receiving the educational services they need. SB 233 also provides a technical statutory alignment with the Rules of Court, requiring child welfare case plans to include necessary educational contact information in the child’s health and education summary.



COUNSEL FOR CHILDREN IN FAMILY AND PROBATE COURTS. In 2017 the Loyola Law Review published *Doing More for Children with Less: Multidisciplinary Representation of Poor Children in Family Court and Probate Court*, an article co-authored by CAP's Christina Riehl and Robert Jacobs 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. CAP's 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. CAI's 2017 highlights, efforts, and accomplishments in this area include the following:

PROTECTING THE RESOURCES OF TRANSITION AGE FOSTER YOUTH. CAI's national report, *The Fleeing of Foster Children*, documents practices and policies that inhibit foster youth from achieving financial security after leaving care. The original Fleeing report, released in 2011, continued to generate substantial coverage during 2017, 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.

Although SSA indicates that it takes special precautions to protect beneficiaries who are foster care, CAI is concerned that SSA does not take adequate steps to know when a beneficiary is in fact in foster care; appoint the most appropriate representative payee for these children and youth; identify when a child welfare/social services agency has been appointed legal guardian for the child, or whether there is merely a custodial relationship between the agency and child; access relevant court documents to help identify the most appropriate representative payee; or provide advance notice of a potential representative payee appointment to the child's CAPTA-mandated guardian ad litem.

After submitting a Freedom of Information Act request to SSA and engaging in formal follow-up efforts that resulted in little to no useful information, CAI decided to start a dialogue directly with the SSA Associate Commissioner in order to better understand exactly how SSA ensures it is protecting the rights of children in foster care. We identified our concerns to the Associate Commissioner, and expressed our hope that through this dialogue, we can work together toward fulfilling SSA and CAI's mission to improve the lives of children in the foster care system and assure they receive all of the appropriate supports, resources and services that are available to them.

We believe that our sustained advocacy before SSA helped prompt some positive changes within the agency. For example, when we initially expressed our concerns about how it handles cases involving foster child beneficiaries, SSA admitted that "we don't have sufficient data in our records to definitively identify a foster care situation." This admission was stunning, as being able to identify foster child beneficiaries is clearly a necessary element of being able to protect the interests of foster youth beneficiaries—which SSA says it does. We addressed this point, and related concerns, in our follow-up inquiries to SSA. In correspondence dated July 14, 2017, SSA informed us that its policies and procedures have since changed: "We recently began keeping a record of when a child is in the custody of a foster parent. We also recently began keeping a record of when a foster parent applies to be payee. When an organization such as a foster care agency applies to be payee, we ask about characteristics of the organization..."

Individually and collectively, these are significant changes in SSA policy and procedure that will help ensure it can better protect the interests of beneficiaries in foster care. However, because CAI believes SSA can do more to ensure Social Security funds are being used in a manner that furthers the best interests of these beneficiaries, we will continue our dialog with SSA in the hopes of impacting other aspects of its policies and procedures.



MONITORING CALIFORNIA'S EXTENDED FOSTER CARE PROGRAM. 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 other innovative options to assist transition age foster youth bridge the gap to self-sufficiency. Among other things, 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.

ADVOCACY FOR IMPLEMENTATION OF TRANSITION LIFE COACH MODEL. CAI 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 young 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 annual proceeds.



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. CAP's 2017 highlights, efforts, and accomplishments in this area include the following:

NATIONAL ADVOCACY TO ENHANCE OVERSIGHT AND ENFORCEMENT. During 2017, 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. Among other things, CAP's Amy Harfeld spoke at the Nov. 30, 2017 People's Filibuster Against the Tax Bill, during which she commented:

“When child welfare advocates come to the Hill seeking help for the most vulnerable Americans, we are told repeatedly, there's no money for that. But that's a lie. There is money. And it's our money, taxpayer money. It has just been used to provide big and now bigger tax breaks for wealthy Americans and corporations. And withheld from the smallest and most vulnerable Americans who are counting on us to care.

It's this simple. On the one hand, we have a CEO of a corporation with thousands of employees upset about his tax rate. (By the way, how do you think his kids are doing?) On the other hand, we have a four-year old girl beaten within an inch of her life by a drug-abusing parent going through withdrawal. Who are you more concerned about? Who should the legislators behind us be more concerned about? Exactly.”

CALLING FOR FEDERAL CHILD WELFARE FINANCE REFORM

The federal child welfare financing system has serious flaws. Take, for example, the irrational vestige of previous years noted above—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 allows the federal government to avoid all financial responsibility for now 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 almost 20 years, and the result is that increasing numbers of children are denied federal financial support while in foster care, heaping the entire financial burden on states—and even more concerning, providing a financial disincentive to remove children from dangerous homes at all. It also means that federal floors that accompany federal support can also be denied to these children. CAI’s 2017 highlights, efforts, and accomplishments in this area include the following:

WHITE PAPER ON CHILD WELFARE FINANCE REFORM. The focal point of CAI’s federal activity in this area during 2017 was Prof. Bob Fellmeth’s continued research and drafting of a comprehensive white paper on child welfare finance reform, which will be released in 2018. 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 policy-makers 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. CAI's 2017 highlights, efforts, and accomplishments in this area include the following:

FAILING U. Realizing the need to implement prevention at the state level given the lack of federal interest, we worked throughout 2017 to arrange for a back-up regime of state floors to protect students nationally. The record of Trump University does not presage likely federal attention to the problem, if not the abandonment of the weak existing protections. Accordingly, CAI's Melanie Delgado completed a comprehensive 800-page report analyzing the statutes and rules currently in place in each of the 50 states, measuring the extent to which they engage in comprehensive and robust oversight and enforcement over private for-profit schools. The report, entitled **Failing U**, will provide guidance on which states warrant attention to improve student protection, and will be published in January 2018. Some of the key findings that the report will reveal include the following:

- No state earned an A; California is the only state to earn a B; no state earned a C; Alaska, Illinois, Ohio, Tennessee, Massachusetts, Texas, and Wisconsin each earned a D, and the remaining 42 states earned the grade of F. Of those 42 failing states, 13 scored lower than 40% in the report's analysis.
- CAI found enormous gaps in state regulatory oversight, leaving loopholes that unscrupulous for-profits easily exploit. Despite intensified attention to for-profit abuses generated by the 2010 Senate HELP Committee report, other investigations, lawsuits, and school closings, states are still failing en masse to put in place laws that would prevent the kinds of abuses that led to failure of Corinthian and others. These protections would include access to enforcement mechanisms; recourse for students who are targeted and fall victim to the abuses of unscrupulous for-profit institutions; and sufficient resources and recourse for students who attend for-profits that shut down, leaving them with high student loan debt, no degree, and bleak employment opportunities.



- The regulatory gaps identified in Failing U leave veterans particularly vulnerable, since these institutions view GI Bill Education Benefits as an attractive and significant source of revenue. Foster youth are also vulnerable to predatory colleges, given their access to federal Chafee Educational and Training Vouchers, a funding stream similarly excluded from current funding formulas applicable to this industry.
- The two areas where states scored the lowest are disclosure requirements and enforcement.
- Many states appear to mistakenly assume that accreditation is sufficient oversight. As a result, they apply more lenient oversight or more exemptions to institutions that are accredited. However, accreditors have potential conflicts of interest that may impact their ability to effectively protect students and taxpayers from abuses. Accreditation is not a sufficient substitute for rigorous state oversight.



COUNTERING THE TRUMP ADMINISTRATION'S ATTEMPTS TO REMOVE STUDENT PROTECTIONS. With the invaluable assistance of consultant David Halperin in Washington, D.C., CAI worked hard during 2017 to address the Trump administration's reversal of several key protections against predatory college misconduct. Among other work, CAI is closely monitoring the Department of Education's negotiated rulemaking process, which is aimed at producing new rules to replace the Obama gainful employment and borrower defense rules. Although our coalition is unlikely to be able to stop the Department from issuing rules that significantly weaken protections, we can work to build an administrative record that will increase the likelihood that federal courts will strike down the new rules, and use the process to communicate to federal and state policymakers, the media, and the public about the blatant handover of policy by the Trump administration to predatory schools and the importance of other actors stepping up to protect students. Also through the efforts of David Halperin, CAI has:

- highlighted many of the troubling Trump administration appointments, highlighting the connections between Trump education policy appointees and the for-profit college industry, in order to inform Congress, state authorities, the media, and the public about the corruption of the system, in hopes of spurring them to advocate against such appointments and push back on policy rollbacks;
- worked to identify and expose some of the most abusive colleges currently engaging in predatory activities, and encouraged state attorneys general and federal agencies to pursue such misconduct, while emphasizing to Congress, the executive branch, and state officials that for-profit college fraud remains widespread, necessitating stronger oversight mechanisms; and
- worked with members of Congress on legislation that would reform the federal 90-10 rule—which requires for-profit colleges to obtain at least 10% of their revenue from non-federal sources—by increasing the non-federal component to 15% and, crucially, counting Department of Defense and Veterans Affairs money as federal.

CSAAVE PETITION FOR RULEMAKING. During 2017, CAI was joined by the Center for Public Interest Law, 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 (CSAAVE), 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 that will 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 2018 and 2019.

FAIL STATE SCREENING. At this writing, CAI is preparing to host a special screening and panel discussion of Fail State, an expansive documentary exposé that investigates the dark side of American higher education, chronicling decades of policy decisions in Washington DC that have given rise to a powerful and highly-predatory for-profit college industry. With echoes of the subprime mortgage crisis, the film lays bare how for-profit colleges exploited millions of low-income and minority students, leaving them with worthless degrees and drowning in student loan debt. The documentary, which was executive produced by news legend Dan Rather, traces the rise, fall, and resurgence of the for-profit college industry, uncovering their Wall Street backing and incestuous relationship with the regulators and lawmakers charged with overseeing them.

CAP's screening, which will be held on March 28, 2018 at the University of San Diego, will be followed by a panel discussion with Alexander Shebanow, Fail State's director, producer and writer; the Hon. Marty Block, former California State Senator and Assembly Member, who authored and championed several pieces of landmark legislation to protect students and taxpayers from predatory private for-profit postsecondary educational institutions; Robert Muth, supervising attorney for the USD School of Law's Veterans Legal Clinic, which represents student veterans in disputes with for-profit institutions over the use of GI Bill funds and predatory lending; and Melanie Delgado, CAI Senior Staff Attorney, Director of CAP's Transition Age Youth Projects, and author of Failing U, CAP's recent report on state regulation of private for-profit postsecondary institutions (discussed above).



STOPPING THE SEXUAL EXPLOITATION OF MINORS

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. CAI's 2017 highlights, efforts, and accomplishments in this area include the following:

LEGISLATIVE EFFORTS. During 2017, CAI sponsored two measures that would have improved outcomes for CSEC victims and helped to reduce the incidence of such victimization.

- CAI pursued legislation that would have taken an innovative approach to addressing the demand that fuels the commercial sexual exploitation of children. **AB 1495 (Maienschein)** would have created 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 also pursued **SB 767 (Atkins)**, which would have required 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; required each county to provide an additional stipend and training to CSEC foster families and other providers and for attorneys and juvenile court judges; authorized counties to create CSEC courts and expressed the intent of the Legislature that counties use the counties of Los Angeles and Alameda as models for CSEC courts; and expressed the intent of the Legislature to enact legislation to fund those CSEC courts.

Unfortunately, neither measure was enacted during 2017. CAI will continue its work on these and other CSEC issues during 2018.

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.

PROTECTING THE PRIVACY INTERESTS OF CHILDREN AND YOUTH

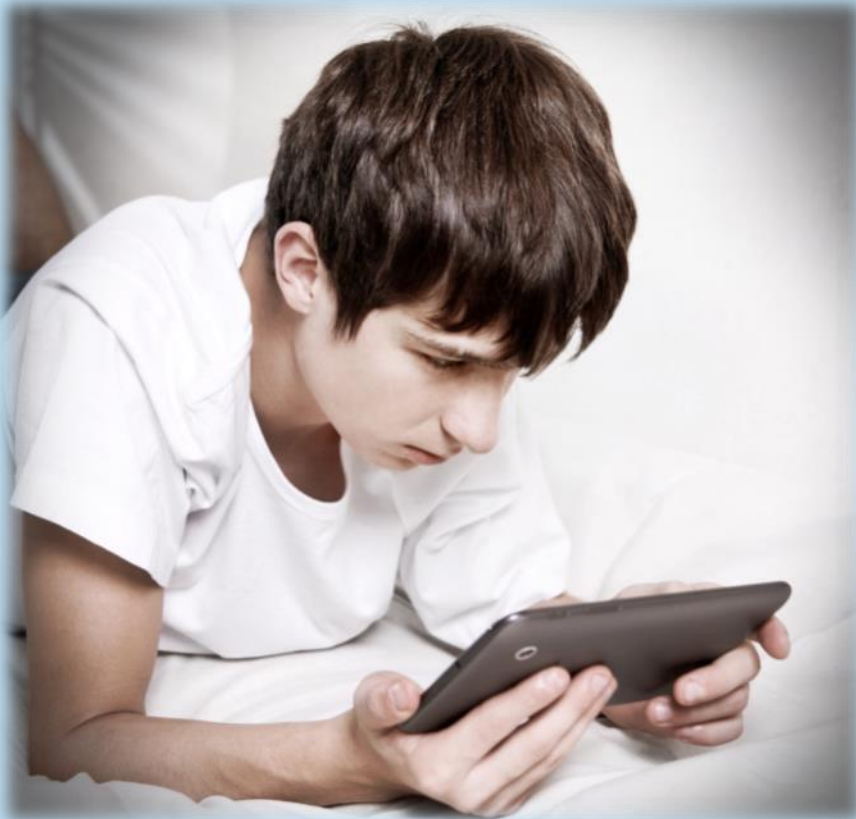
Privacy laws have not kept pace with technological advances and societal trends and innovations. CAI's work in this area seeks to protect the rights of children and youth, and the right of parents to make decisions as to the use and dissemination of their children's images, information, postings, et al. CAI's 2017 highlights, efforts, and accomplishments in this area include the following:

PROPOSED LEGISLATION TO PROTECT CHILDREN'S ONLINE PRIVACY RIGHTS. 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. CAI's Petition for Writ of Certiorari to the U.S. Supreme Court was denied in October 2016.

During 2017, CAI continued to address this issue by drafting legislation to ensure California law protects the privacy interests of minors online regardless of the Facebook settlement terms. CAI also began researching and drafting a model federal statute and model state statutes protecting youth privacy rights in all forms of electronic media; preparing to conduct public education to inform parents, teens, and others about the dangers and risks of posting information and images online; and drafting issue reports detailing how states are using their authority to prevent privacy incursions.





Leadership and Collaboration

CAI participates in state and federal collegial education and advocacy, and is part of several national coalitions such as the National Foster Care Coalition, the National Child Abuse Coalition, the Children's Leadership Council, the Coalition on Human Needs, 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 served on the NACC Board for over 20 years, including a tenure as President. During 2017, Professor Fellmeth stepped down from the NACC Board, and CAI's Amy Harfeld accepted NACC's invitation to join the Board.
- 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 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. CAI is also continuing to work with First Star Institute on various joint national reports.
- The Partnership for America's Children (PAC) is 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 Professor Fellmeth serves as counsel to the PAC Board of Directors and as its Treasurer.

CAI continued to organize, convene and chair the **Children's Advocates Roundtable** in Sacramento, as we have for 27 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. Chaired 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 impacting children and youth. During 2017, presentations focused on issues such as the federal budget and its potential impact on child welfare and child healthcare; the state budget and its impact on child care and early education; LGBTQ issues with regard to health, juvenile justice, homelessness, education, and foster care; protecting the rights of undocumented immigrant students; and immigration issues relevant to children's healthcare.



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 align California's Foster Youth Services program with the Local Control Funding Formula.

Special Projects

During 2017, 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).

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 and Remedies, 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. Although the Chair is now fully funded, the School of Law will first engage a Fellmeth-Peterson Professor in Residence in Child Rights, a three-year position that will commence during summer 2018.

The centerpiece of CAI's academic program is **Child Rights and Remedies**, a one-semester course taught in a modified Socratic method with students assigned various roles (child attorneys, parent attorneys, feminist advocates, fathers' rights advocates, fundamental religious, civil liberties advocates, Attorney General, et al.). The course, which uses Professor Fellmeth's text, *Child Rights and Remedies* (Clarity Press, 3rd Ed. 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 2017, the following USD School of Law students participated in one or more of CAI's clinical opportunities or otherwise assisted in CAI's work: Ashley Choy, Crystal Gamache, Danielle Gigli, Amanda Gilleland, Maureen Gregory, Nareene Karakashian, Rachel Pence, Oliver Rodriguez, Jovanna Solis, Hanna Tavill, and Nancy Tran.

In May 2017, CAI honored four graduating law students for their exceptional work on behalf of children and youth. CAI presented the **2017 James A. D'Angelo Outstanding Child Advocate Award** to Patrice Darlin, Alexa Katz, Lauren Harris, and Rachel Pence. 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 2017, CAI presented the **2017 Joel and Denise Golden Merit Award in Child Advocacy** to Hanna Tavill. 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)**, for which CAI Executive Director Robert Fellmeth serves as Faculty Advisor. 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.





Donors and 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, 2017, and December 31, 2017, or in response to CAI's 2017 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.

John & Jacqueline Adler

Prof. Larry Alexander

Travis & Lara Anderson

Anonymous

Anonymous *in memory of Raul Cadena*

Maureen Arrigo

Association of the Open Mind and Spirit Inc.

Shay Barnes

Bob & Margaret Bavasi

S. Bernstein Fund of the Jewish Community Foundation

Robert L. Black, MD

Norm & Diane Blumenthal

Roger & Pamela Boss *in memory of David Durkin*

Cheryl B. Brierton



Prof. Roy Brooks *in memory of Penny Brooks*
Alan & Susan Brubaker *in memory of James A. D'Angelo*
Dana Bunnett
Michael Butler
California Community Foundation
Paul P. Cannariato
Carlos Carriedo *in memory of Margaret Carriedo*
Candace M. Carroll & Leonard B. Simon
Shannon K. Castellani
Collette Cavallier
Center for Science in the Public Interest
Prof. Laurence Claus
Tim Cohelan
Philip Meyer Cohen
Jim Conran
Margaret Dalton
Nancy D'Angelo *in memory of James A. D'Angelo*
Steven Davis
Craig D. Dingwall
Clifford P. Dobrin *in honor of Michala M. Dobrin and in memory of Joann F. Dobrin*
Dave Durkin's Family & Friends *in memory of David X. Durkin*
Richard P. Edwards *in memory of Ellen Hunter*
Gene Erbin & Donna Freeman
Suzanne Evans
Brian & Nancy Fellmeth
Prof. Robert C. Fellmeth
Dave & Julie Forstadt *in memory of James A. D'Angelo*
Anne E. Fragasso, Esq.
Hon. Ronald F. Frazier
Donna Freeman & Gene Erbin
Beth Givens
Dr. John Goldenring
Goodshop
Jim & Patti Goodwin *in memory of James A. D'Angelo*
Susan Gorelick
Carolyn Griesemer
Amy Harfield
Kara K. Hatfield
Walt Heiser
Jessica & Noah Heldman
Virginia M. Henkels
Adrienne Hirt & Jeffrey Rodman



Louise & Herb Horvitz Charitable Fund
Kirk & Julie Hulett
Ted Hurwitz
Blaise Jackson
Jason James
Hon. Leon S. Kaplan
Rob Kelter
Josephine A. Kiernan
Ann E. Kinsey
David Knobler
Prof. William Lawrence
Prof. Bert & Jane Lazerow
Lynnae Lee
Michael Liuzzi
William D. Lynch Foundation for Children
Janet Madden
John C. Malugen
Deborah T. Mancuso
Mike Marrinan & Sue Finlay
Hugh McNeely
Manfred Muecke
John B. & Betsy D. Myer *in memory of James A. D'Angelo*
Mustapha Parekh
Marc Peters
Paul & Barbara Peterson
Gary Redenbacher & Renae Fish
Stephanie Reighley
Donald G. Rez
Dr. Gary Richwald & Sue Bayley Foundation
Harvey Rosenfield
Rosner, Barry & Babbitt, LLP
Ron Russo
Gloria & Tony Samson
Hon. H. Lee & Marjorie Sarokin
Kathy Self
Alan & Harriet Shumacher
Jo-Ann Shyloski
Alan Sieroty
The Simon-Strauss Foundation
Cynthia Simpson & David Pugh
Prof. Thomas A. Smith
Owen Smith
Allen Snyder & Lynne Lasry
Ryan Sparks
Catherine Stephenson
Alisha Stine



John D. Thelan
Stephen M. Tillery
Prof. Edmund Ursin
U.S. Children’s Museum on the 19th Century
Nancy Vaughan
Carrie and Wayne Wilson
Allison C. Worden-De Bow
Brian & Laurel Zemil
Marjorie & Ya-Ping Zhou

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:

Bill Bentley
Child Advocate

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

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

Ann Segal
Consultant

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:

Robert Black, M.D.

Pediatrician

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

James B. McKenna[†]

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

[†]Deceased

CAI Staff

During 2017 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

Senior 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 (through 2/2017)

Fulbright Visiting Scholar

Christina Riehl (through 5/2017)

Senior Staff Attorney^{ceased}

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 Juvenile Court-involved student.
- ★ For attorneys involved in class actions that result in a **cy pres distribution**, identify CAI as a potential recipient.
- ★ 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.



