



Children's Advocacy Institute

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July 14, 2008

The Honorable Arnold Schwarzenegger
Governor of California
State Capitol Building
Sacramento, CA 95814

Re: AB 3051 (Jones) – Request for Signature:

Dear Governor Schwarzenegger:

The Children's Advocacy Institute (CAI), founded in 1989 as a part of the University of San Diego School of Law, works to improve the health and well being of children in California through regulatory, legislative, and judicial advocacy, respectfully requests your signature on AB 3051 (Jones), a non-fiscal consent measure codifying a recommendation of a commission which boasts two of your Department of Social Service appointees as members.

As we will explain, AB 3051 will correct a grotesque and longstanding injustice in how we treat abused and neglected children.

There is potentially no power of government so awesome and freighted with moral and practical responsibility than the power of government to remove by force of law a child from the care of their parents.

By definition, therefore, the State – and by natural extension, every Californian – steps into the shoes of the parents found to be unfit. This is true as both a matter of law and a matter of conscience.

It is, bluntly put, unconscionable that we would permit the State to intervene in a family and remove a child from the care of their parents without taking modest steps to ensure that the child whose whole life hinges on the decision is present in court at the hearing. Accused rapists, child molesters, and murderers all have a right to be in court when their lives may be changed by judicial fiat, yet current state law does not offer the same opportunity to innocent, abused, and neglected children.

It is therefore welcome but not surprising news that the Blue Ribbon Commission on Children in Foster Care has recommended that “[a]ll participants in dependency hearings, including children and families, should have an opportunity to be heard in court.”

Notably, both Mr. Lawrence Bolton, Deputy Director and Chief Counsel of your Department of Social Services, and Mr. John Wagner, the Director, sit on the Commission. They are to be applauded for endorsing this common-sense and irrefutably fair position.

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AB 3051 is especially critical because dependency court proceedings are too often too cursory. As the Commission reports, “[t]he median time for a juvenile dependency hearing is just 10-15 minutes, far short of the recommended 30-60 minutes.”

It is worth pausing to reflect on this. There are few judicial proceedings more momentous for your constituents than the dependency hearing. It determines the survival of a family and is as a result a life-sentence of some kind for the child.

Yet under current law and practice, all is devoted is 10-15 minutes, and the child – the one with everything at stake – does not even have to be there.

The good news is that the Legislature correctly keyed this bill as being non-fiscal. Social workers must already be aware of court hearings and are already in constant touch with the children and their placements so informing them and their caretakers of when the hearing is and how to get there will take bare seconds. In the vast majority of instances, it will be the placements or the parents who will be responsible for getting the child to and from the hearings and those costs are already included in their Title IV-E reimbursements.

In conclusion, it is fitting to invoke the voice of an actual foster youth. The Blue Ribbon Commission Report begins with a quote from a former foster youth:

“When I was 12 years old – in a court hearing I was not invited to and that I did not even know about – a decision was made that I was not appropriate for a foster family, but needed to be in group homes. That decision was made in only a few minutes with most of the people in the room having never met me, not knowing my hopes and dreams, only knowing one or two facts that represented 1 percent of the 100 percent child that I was.”

Even in these tough budget times, bills with costs will be signed. Here is something with microscopic cost that will make the lives of these children fairer and remove a stain of injustice upon us. These children – children who we make orphaned by our hand, children who by that stroke become our personal responsibility – will assuredly not see the marked progress they deserve this year because such progress requires significant money. This only reinforces the need to sign measures like AB 3051.

Respectfully submitted:

A handwritten signature in black ink, appearing to read 'Ed Howard', written in a cursive style.

Ed Howard
Senior Counsel

CC: Honorable Dave Jones, Mr. Daniel Zingale