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March 22, 2011

Assemblymember Nathan Fletcher
State Capitol, Room 2111
Sacramento, CA 95814

RE: Support for and sponsorship of AB 1111 (Fletcher)

Dear Assemblymember Fletcher:

The Children's Advocacy Institute ("CAI"), which for over 20 years has worked to improve the well being of children in California through regulatory, legislative, and judicial advocacy, is pleased to support and sponsor your AB 1111, an important and common sense bill that would ensure that we do not lock homelessness youth into a cycle of homelessness and make our streets less safe as well.

Californians younger than 21 are only homeless involuntarily and because of what adults do to them. They are homeless because they are either (i) former foster youth, uniformly abused and neglected, who we by state policy frequently kick out to the streets to fend for themselves on or around their 18th birthdays; (ii) runaways who have fled home to remove themselves from a dangerous or abusive home life; or (iii) youth who have been forcibly evicted from their homes by their parents.

Sometimes, these homeless youth are ticketed for infractions that are the consequence of their involuntary homelessness. Such offenses include vagrancy, loitering, and the like. **To reiterate: ticketing homeless youth cannot dissuade them from being homeless. It is like ticketing someone for being tall.** They do not choose to be homeless – living dangerously on the streets. The danger and precariousness of their every nighttime is a far greater disincentive to engage in the offending conduct than a ticket.

Even so, they are given tickets not because of their own choices but because of the policies or conduct of adults. This is bad enough. Worse, as documented by the California Research Bureau¹, is that when these young people fail to show up for their hearings and pay the fine -- how can they? – sometimes the tickets will be turned over to collections.

And, collections will sometimes garnish their wages or bank accounts making it far harder for homeless youth to end their homelessness by the sweat of their own brow; making it far more

¹ *Voices From The Street*, Bernstein, N., Foster, L. California Research Bureau, (2008)
<http://www.library.ca.gov/crb/08/08-004.pdf>

likely that the offense the tickets are supposed to dissuade will re-occur. Indeed, according to the Bureau's study, 43% of homeless youth surveyed were trying to earn money through employment, temporary work, or odd jobs. The number of youth who reported obtaining money through employment exceeded the number of youth obtaining money through public assistance.

²

As the Research Bureau documents:

"The great majority [of homeless youth] said they did not pay these tickets because were not able to. According to the Campaign to End Homelessness, warrants issued due to inability to pay fines can impede homeless people from obtaining a driver's license, getting a job, and securing housing. 'These cycles of arrests create escalating legal barriers for homeless people that all too often impede their ability to overcome homelessness.'²⁴ This was true for the young people in our study, who reported that failure to pay led to problems including having their wages garnished and having warrants issued for their arrest, complicating subsequent cases involving the custody of their children and going to jail."³

This, quite simply, is grotesque; a terrible reflection of our values. It also is self-defeating. The tickets are issued to dissuade the offense. But, where involuntarily homeless youth are concerned, the garnishment of their wages makes it far harder for the youth to find a place to live thus making it **even more likely that the offense will be repeated**. Worse, such garnishments signal to homeless youth that the only way that can reliably earn their way out of homelessness is through illegitimate employment.

Moreover, a recent study demonstrated that garnishing wages and bank accounts is expensive and cost-ineffective for this homeless population.

Your bill is a measured one. It does not prohibit tickets from issuing. It also does not exculpate the youth of the offense. It does not even excuse the obligation of the youth to pay the fines. Rather, your bill narrowly and simply presses a temporary a pause button on the ability of the courts to garnish wages and bank accounts of homeless youth until their 25th birthday to give them the space to be able to pull themselves up by their bootstraps through legitimate, tax-paying employment.

We thank you for authoring this common sense, compassionate measure to help California's homeless youth end their own homelessness by their own initiative.

Sincerely,



Ed Howard
Senior Counsel,
Children's Advocacy Institute

² *Id.* at p. 47

³ *Id.*, at p. 57