



## Children's Advocacy Institute

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### California's Legislative Graveyard for Children

by Robert C. Fellmeth

The California Legislature has long had what is called a "suspense" file in each of its appropriations committees, a place where spending bills wait until they can be considered. The governor and Democratic committee chairmen have now turned that file into a killing ground for meritorious bills, a graveyard that allows legislators to avoid a public negative vote and the governor to avoid a public veto.

It works like this: By rule, all fiscal bills costing over \$150,000 are automatically diverted by the appropriations committee of each house to suspense status before a final floor vote. Everything in this file then expires at the session's end unless it is affirmatively released for a vote. Any bill not pulled for vote simply dies without any member having to vote against it.

When bills pass the Legislature, the governor has 30 days to affirmatively and publicly veto them. They become law unless he does so. But with a cooperative Legislature (as when the same party controls both branches), the suspense file procedure allows the governor to veto privately. Through his Department of Finance, he tells the Legislature which bills he wants, and the others die silently. Although approved or favored by the vast majority of legislators, these bills simply disappear into a void, a legislative Gulag.

One group of important bills terminated this way during the 1999-2000 legislative session were a series of important measures to help impoverished children. No fewer than 20 such bills met this fate, many in the final few days of the session. The biggest beating was suffered by abused children in the foster care system.

Take SB 949. Over 110,000 California children are in foster care -- these are abused or neglected children who have been removed from their homes and now suffer the state as their parent. The best hope for many is adoption. That usually occurs through family foster care providers (who adopt about three-quarters of foster children who are adopted).

But the supply of these providers has not increased markedly in a decade, while the number of foster care kids has ballooned. So increasing numbers of kids are assigned to the more impersonal group homes, or left with marginal Uncle Ned. And they are moved from place to place, separated from siblings, and otherwise abused in countless ways.

SB 949 would have increased compensation for family foster care modestly, strengthened state efforts to recruit quality foster parents and created a system for advanced foster parent training and certification. And it would have outlawed the common designation of any child as "unadoptable" and made other improvements.

The cost? Here is the kicker. The compensation of family foster care providers -- who have had little historical lobbying power at the Capitol -- has increased at less than one-half the rate of inflation since 1991; their compensation is well below the out-of-pocket cost of the children they care for. But the group home providers -- who do have lobbyists -- receive \$3,000 to \$5,000 per month per child, about 10 times as much as family foster care providers receive.

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The bill would not only have helped children -- it would have saved money.

Last year marked the third year of effort by child advocates to enact most of the terms of SB 949. In 1999, the bill passed through the Senate policy committee, but was kept in the Senate Appropriations suspense file. It was moved out of suspense in January 2000 as a top priority of its author, Sen. Jackie Speier (D-Daly City) and was passed by the Senate and an Assembly policy committee. The bill received a grand total of one no vote through its 18-month travail.

Then it died again last month, this time in the Assembly Appropriation Committee's suspense trap. The bill had no serious opposition; even the counties and the state's own Department of Social Services realized its merit.

The end of the two-year session having passed, any new effort must start back at step one, and likely awaits the same fate. Does some reason, some explanation, some flaw explain its loss? No. Nobody will tell us who made the decision or why.

SB 949 is not alone. Although Gov. Gray Davis publicly vetoed three foster care bills supported by strong majorities, the suspense file arrangement allowed him to terminate with prejudice 20 additional bills affecting children. Of the 20, 17 had passed through one house and two policy committees, and almost all had bipartisan support.

Some bills get pulled from suspense for a public eye vote. So how are they selected? Three primary criteria emerge for Lazarus status: 1) they generate gratitude among large voting blocks (e.g., large sums given rather indiscriminately to all teachers or to all students who score high on tests, regardless of need); 2) they guarantee a media splash; and 3) they generate campaign money in a state now lacking any campaign contribution limits whatever for statewide or legislative office.

The 20 measures terminated do not represent utopian advances. The more visionary investments needed are squelched early on by the current administration's irrational "do-not-add-to-the-budget-base" mantra. Real investment -- needed to prevent unwed births and discourage adult reproductive irresponsibility, lower class sizes in grades 4 to 12, provide an earned income tax credit so poor parents have a chance to rise above poverty, locate quality child care where the working poor are, medically cover our kids and avoid sending \$2 billion back to Washington and increase higher education capacity so kids have a chance at future jobs -- has not been funded meaningfully despite record budget surpluses. (More scholarship money is welcome, but is of limited help without a large increase in slots and graduation rates.)

Other measures not squelched early on are often watered down to little more than a press release opportunity for its author. And now, as a last barrier for surviving legislative salmon to leap, we have the quiet, lethal suspense file trap, with 20 victims ensnared this year. They were not extreme measures, not as ambitious as the more costly investments listed above, but they mattered to the least among us, to hundreds of thousands of abused children whose interests are not ascendant outside of the usual de rigeur child-kissing rhetoric.

In the current realpolitik these children live in a world of dependency court secrecy, out of sight. The media, already impeded from covering their plight, now have no event handle to report the silent termination of modest public efforts to help them. We have a state led by Democrats who do not believe in democratic values, which must start with public business conducted by public vote. We have a governor and Legislature that properly demand public accountability from our schools, and then use a rigged system to avoid it for themselves.