

Children's Advocates Roundtable

February 7, 2019

The meeting was called to order by Melanie Delgado of the **Children's Advocacy Institute**. Presentation slides and other reference are available at <http://www.cachildlaw.org/roundtable.htm>

LUNCH: NETWORKING AND INTRODUCTIONS

MEMBER LEGISLATIVE UPDATES AND PRIORITIES

Alliance for Children's Rights

- **AB 337 (Quirk-Silva)** – Would allow students to stay in school of origin with funding to assist with transportation. This program was initially limited to foster youth in approved placements, but this bill would allow funds to be allocated from the time a child is placed, even in emergency situations.
- **AB 150 (Cooper)** – Would require school districts to combine partial credits in the same subject to make it easier for foster youth and other children who change schools to graduate timely.
- **Prospective Legislation** – Additional modifications and enhancements for extended foster care and housing support for transition age youth.

Service Employees International Union (SEIU)

- **Prospective Legislation** – Wrap-around services for foster youth.
- **Budget Proposal** – Creation of a pilot program to support additional nurses to connect at risk families with community services and support.

California School Nurses Association

- **AB 258 (Jones-Sawyer)** – Would create the School-Based Public Support Services Act to add additional school based medical and mental health support for students and their families.

United Way of California

- **Proposed Legislation** – Restoring and modernizing the Healthy Start Program based on legislation in the early 1990s. The objective is to provide better coordination between available services in order to build family resiliency.

Children's Defense Fund of California

- **Proposed Legislation** – Expand coverage of Healthy Start Program to let all transition age youth from 19 – 25 participate if they meet the criteria for Medi-Cal regardless of their immigration status.

California Coalition for Youth

- **AB 307 (Reyes)** – This bill would extend sunset provision for homeless youth and build a “childcare bridge” to help fund child care support for working family members who take in foster children for emergency placements.

Cal Capital Group – Tom Riley

- **Proposed Legislation** – Multiple efforts including expansion of the use of Physicians Assistants in areas that are underserved by the medical professions; additional protections for children under 18 from tanning parlors, improved “trauma informed care” and counseling for cadets at the California Conservation Corps to help emancipated foster youth and other youth who may have experienced trauma prior to joining the CCC.

Children’s Law Center – Brenda Dabney

- **Proposed Legislation** – Various initiative to improve foster placements including:
 - Improving the efficacy of CFTs by providing a neutral facilitator
 - Clarifications related to relative placements
 - Protection of foster youth data related to sensitive issues like gender identity and immigration status
 - Providing foster youth with critical personal documents, like birth certificates, before emancipation age to enable them to apply for college and take other steps to ease transition out of the system
 - Eliminate a lot of the barriers that foster youth encounter in trying to enter the workplace
- **Legislative Concerns – AB 122 (Grayson)** – Creates Multi-Disciplinary Teams for dealing with victims of Human Trafficking, but removes confidentiality provisions for the victims.
- **Budget Proposal** – Additional \$20 million for dependency attorneys and access to Title IV-E funding.

National Center for Youth Law - Jessica Maxwell & Anna Johnson

- **AB 395 (Rubio)** – This bill would require that when there is an allegation of child abuse or neglect that involves a child in foster residing in a community care facility, that the entity doing the investigation coordinate with the appropriate licensing agency, as specified, and notify the Office of the State Foster Care Ombudsperson within 24 hours of receiving the report. The bill would require an investigation to be completed no later than 30 days after the initial report was received.
- **Budget Proposal** – Additional funding for services for youth on probation.

PRESENTATIONS

Insights from the Governor's Office – Richard Figueroa, Deputy Cabinet Secretary, Office of Governor Gavin Newsom

At the current time, there is good news for advocates of children and families. Both the budget picture and the policy picture are much more positive than they have been in past years. The Governor has given high priority to many of the policy and programs that are important to members of the Roundtable. He is very interested in doing some innovative one-time projects, developing new ongoing programs and restoring some of the funding that has been lost in the past. Governor Newsom is interested in doing all he can to keep families health and safe. This theme is prominently reflected in the Governor's Budget Summary.

For the first time since 1886, we have a Democrat to Democrat transition in the Governor's Office. This should reduce a lot of the disruption and administrative change that has occurred with many past transitions, because there is no basic difference in ideology. The Governor is not in a big rush to change department directors and other agency personnel. No decision has been made yet on who will be the Health and Human Services Secretary. The Governor is more interested in focusing on some key initiatives that are important to him and getting them rolling. He has also changed the organization of the Governor's Office to create more of a partnership between the legislative staff and operations staff to promote teamwork. In addition, he will be appointing some special policy advisors on specific issues like early childhood education. Governor Newsom has also appointed the first Surgeon General of California, Dr. Nadine Burke Harris.

Gavin Newsom sees himself as the Governor for all of California, not just the "blue" urban communities that strongly supported him. So, he is making a concerted effort to get into the rural parts of the state. He likes to get out and talk to people and he will do more traveling than his predecessor. He also has a more holistic approach to problem solving, especially in the areas of health and human services. He is in the process of soliciting ideas from all shareholders on how departments can work better together to serve the public.

A couple of initiatives to look for include:

- Providing greater consistency in the application of age 26 at the upper limit on all state health programs, consistent with the affordable care act.
- Cost of living increase for CalWorks and other programs that have been underfunded in the past due to budget issues

If you have any ideas or input for the Governor on issues of importance to your organization, you can email him at Richard.Figueroa@gov.ca.gov

Panel: The New Vision for Juvenile Justice – The Big Picture

Jennifer Rodriguez, Executive Director, Youth Law Center (Moderator); Sarah Brown, Group Director, Criminal Justice National Conference of State Legislatures, Elizabeth Calvin, Senior Advocate, Children's Rights Division, Human Rights Watch; and Anna Johnson, Senior Policy Associate, Youth Justice, National Center for Youth Law

Jennifer Rodriguez discussed some of the initiatives that the Youth Law Center is focused on regarding children who are impacted by the juvenile justice system. It is not healthy to box or cage children into systems that segregate them from their family and the community. Things that are healthy for children and youth should be available to all children and youth, including those who are in the dependency and delinquency systems.

Sarah Brown's roll at the National Conference of State Legislatures puts her in a unique position to see what is happening in all 50 states. In spite of some of the divisiveness on other policy issues, there seems to be a significant amount of bipartisanship on issues impacting children and youth in the juvenile justice system at both the state and national level. Much of this is due to the extensive research that has been done on adolescent brain development which supports the need to have different approaches to dealing with children than adults. Sometimes the motivations are different, but there is common ground in seeking reforms designed to keep children and youth out of an institutional correctional setting, except in cases involving serious violent crimes.

The key issues at the state level include:

- Distinguishing juvenile from adult offenders and reestablish boundaries between adult and juvenile systems
- Rebalance the approach to dealing with youth offenders to return to more of a rehabilitation model
- Focus on prevention, intervention and diversion
- Treat mental health needs
- Address racial and ethnic disparities
- Let judges have more discretion

The key accomplishment at the national level is the reauthorization of the Juvenile Justice and Delinquency Protection Act (JJDP) through the passage of HR 6964. This act targets efforts at the federal and state level to reduce the number of incarcerated youth. This is the first time the law has been updated since 2002 and it is a five-year authorization. There was strong bipartisan support for this bill which updates core protections, increases funding and accountability.

Participation in the JJDPa is voluntary for the states. In order to participate states must post their plans and explain their evidence-based or promising practices. The bill's funding provides an incentive for juvenile justice reforms. Only the states of Wyoming, Connecticut and Nebraska do not participate.

Anna Johnson state that even though about 80% of the juvenile offender cases are divertible to some form of treatment other than a locked facility, the pattern of segregating youthful offenders continues. One reason for this is that in some communities there are no appropriate treatment services for minors impacted by juvenile justice other than those offered in the local juvenile detention facility. This is very prevalent in some rural areas of the state and among Native American Youth.

The National Institute for Criminal Justice Reform (NICJR) has outlined ten steps that are necessary to successfully transform the current juvenile justice system into one that both protects public safety and improves outcomes for the young people it serves.

1. Strive to keep youth out of the system.
2. Collaborate with youth and family.
3. Build on strengths and address needs.
4. Community based organizations should take the lead.
5. Don't lock youth up.
6. Keep any probation time short.
7. Keep youth in their homes and communities.
8. Incarceration is harmful.
9. Provide exceptional care.
10. Reinvest the savings.

There are several bills that have been passed by the California Legislature or by a citizen initiative that address one or more of these goals.

- The budget bills (AB 1811 & 1812) included some important funding provisions:
 - The Youth Reinvestment Fund - This is a \$37.3 million allocation for programs that will keep young people out of the justice system and divert them to community organizations that are best able to provide guidance and support. The bidder's conference for this grant is on February 14, 2019. And the conference for the Tribal Youth Diversion Grant is on February 13, 2019.
 - Fostering Success Fund – This fund will provide \$7.545 million annually for three years to counties that have a significant problem with foster youth crossing over to the delinquency system. The intend of the funding is to be used to provide training and other resources to de-escalate disciplinary

problems like arguing, shoving, and biting, in order to avoid calls to law enforcement on behavioral issues that should be resolved at a lower level.

- **SB 439 (Mitchell)** – Sets the minimum age for the jurisdiction of the juvenile justice system at 12 years old, except in cases of violent crimes, such as murder and forcible rape.
- **SB 1812 (Jones Sawyer)** – Established the Youth Reinvestment Grant.
- **AB 1811 (Gipson)** – Established the Fostering Success Fund.
- **AB 2992 (Daley)** – Requires the Commission on Peace Officer Standards and Training to develop training for law enforcement personnel dealing with children who have been commercially sexually abused or exploited (CSEC).
- **Proposition 57** – The Public Safety and Rehabilitation Act of 2016 – Permits parole for people with nonviolent convictions.
- **SB 1391 (Lala)** – Keeps 14 and 15 year olds out of the adult system.

Elizabeth Calvin's presentation was disrupted because of technical difficulties.

Panel: The New Vision for Juvenile Justice – How Do We Get There? What This Looks Like on the Ground

Jessica Heldmann, Professor in Residence, Children's Advocacy Institute, University of San Diego Law School (Moderator); Meredith Desautels, Staff Attorney, Youth Law Center, Krea Gomez, Director of Advocacy and Organizing, Young Women's Freedom Center, Patricia Lee, Managing Attorney, San Francisco Office of the Public Defender

Krea Gomez was involved in both the dependency and delinquency systems as a young woman. Her experience made her want to advocate for other young women because through political advocacy you can make changes, so she got involved with the *Young Women's Freedom Center*. The mission of the Center, which is now 25 years old, is to end the criminalization of poor women of color. It is a multi-generational organization of impacted women and girls that works uses its *Sister Warriors Freedom Coalition* to promote self-advocacy and healing.

Many poor women of color are stuck in an intergenerational struggle to be free from incarceration and other barriers that keep them poor. Even those who have never been in jail have been impacted in a significant way by the criminal justice system. Three out of five young women of color have siblings who have been incarcerated and over half have a parent who has been incarcerated. Being in the system creates significant barriers to obtaining community services, especially housing. Through political advocacy, Young Women's Freedom Center is seeking to find alternatives to detention for young women and ways to help them to advocate for themselves and obtain the services that they need for themselves and their children.

Meredith DeSautels is also very interested in "movement-based" legal advocacy that has as its primary goal a shift in power. Impact litigation is a core tool to achieving this

shift in power. The Youth Law Center helps to promote this movement through legal research and analysis, advocacy and support. The framework is to challenge and eventually eliminate the criminalization of childhood. Incarceration is always harmful and it unfairly impacts poor children and those of color. One of the primary issues is the fact that young people who are on probation are re-incarcerated for a parole violation. Many of these are minor issues, such as curfew violations or being someplace that is prohibited under the terms of probation. In some counties, Juvenile Probation Departments are very aggressive in enforcing probation violations, sometimes overriding their own criteria to keep kids incarcerated.

Patricia Lee talked about the Pacific Juvenile Defender Center which provides educational support and resources to attorneys who represent juvenile offenders. The goal is to ensure that all youth have competent and assertive representation. While there are training requirements for juvenile defenders and juvenile court judges, there are no training or educational requirements for prosecutors who handle cases in juvenile court. In addition, juvenile court is often used as a training ground for new prosecutors. New juvenile prosecutors tend to overcharge, charge strike offenses, and push cases to trial that would not go to trial in adult court. As a result, young offenders wind up with felony convictions that can impede their ability to get an education, a job, or a place to live. A record can also be grounds to bar them from becoming a citizen. One of the resources that the Pacific Juvenile Defender Center has developed is the Record Sealing "toolkit" which helps young adults and their attorneys to seal their juvenile record so that it is not a barrier to full participation in the workforce and the community.

Based on the success of new police interview procedures implemented by the County of San Francisco, SB 395 (Lara) was signed into law in 2017. It creates a "Juvenile Miranda Bill" that would require that a youth 15 years of age or younger consult with legal counsel in person, by telephone, or by video conference prior to a custodial interrogation and before waiving any of the above-specified rights. San Francisco also requires the presence of a parent or responsible adult before interrogation. Police have actually welcomed the change as it has helped to keep young offenders calm and reduce tension between the police and the community.

ANNOUNCEMENT

Melanie Delgado mentioned a letter that The Children's Advocacy Institute has drafted to the California Legislature urging them to act decisively to protect California's children and their parents from Facebook and its "Friendly Fraud." The letter reveals that Facebook has orchestrated a multiyear effort to dupe children and their parents out of money, hundreds or even thousands of dollars, because it has not implemented any reasonable measures to keep children from making unauthorized or unintended online purchases using a credit card that a parent may have established on a Facebook account. The letter urges that Facebook be required to adopt safeguards such as Apple

has done to require a child to re-enter credit card numbers in order to protect children and their families from being duped into making unwanted online purchases. Any organization interested in signing on to the letter, should contact Melanie – mdelgado@sandiego.edu.

NEXT MEETING

The next meeting of the Children’s Advocacy Roundtable will be held at the California Endowment on May 9, 2019.