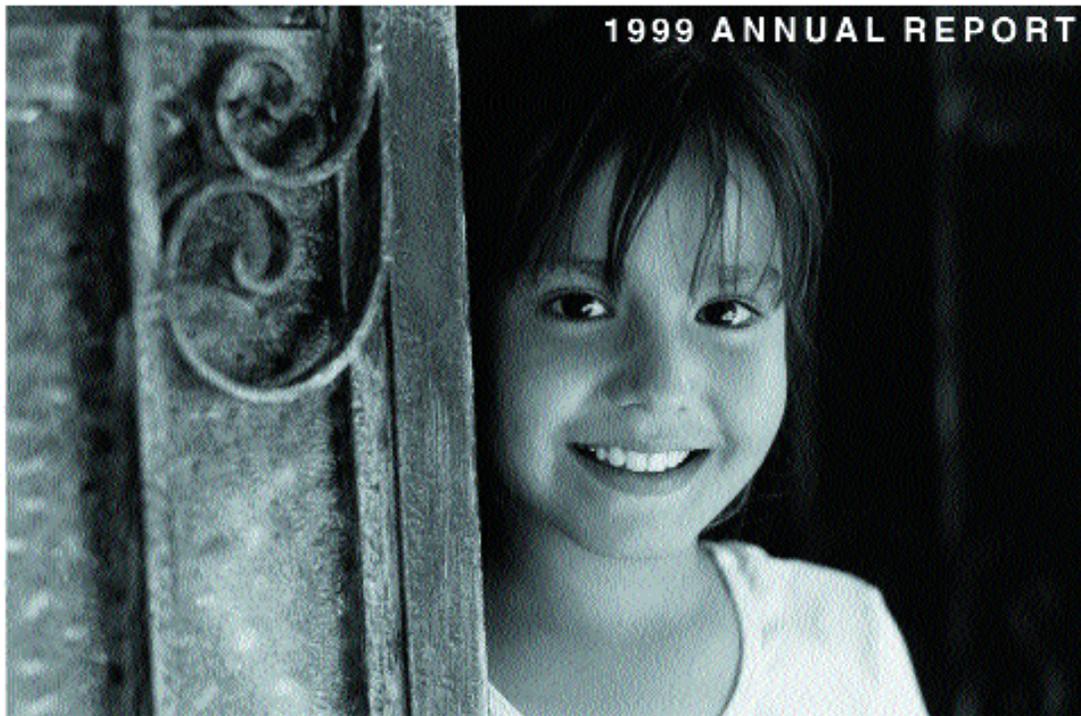


# CHILDREN'S ADVOCACY INSTITUTE

TENTH ANNIVERSARY

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*This annual report covers the activities of the Children's Advocacy Institute  
between January 1, 1999 and December 31, 1999.*

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## Executive Director's MESSAGE

**D**uring 1999, the upswing for children reported two years ago continued, but improvement was marginal, and concentrated in the upper middle class. On the positive side, overall poverty rates declined further, juvenile crime incidence is down for a fifth straight year, school drop-out rates fell, and there were still fewer teen pregnancies. Moreover, the presence of a new administration in Sacramento creates new opportunities for children — particularly impoverished children — to become part of the public agenda.

On the negative side, these up-ticks have been from historical lows, are marginal, and have not reached deeply into California's impoverished children. Importantly, time is passing which is needed to prevent the creation of an intractable underclass of almost one-third of our children as adults, and their children after them. This diminution of the middle class and concentration of public benefits for the wealthy and upper middle class portends the betrayal of the American promise of opportunity for all.

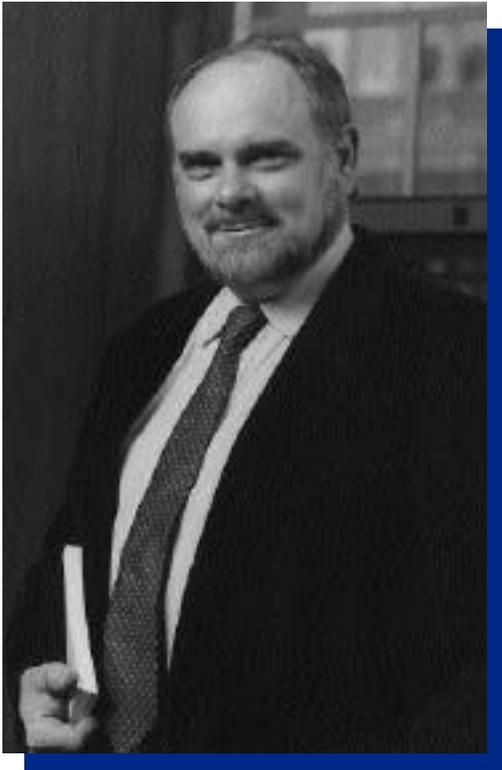
From historical levels of 10%–12%, the overall child poverty rate climbed to 28% four years ago, and has corrected back only to the 25% level — despite an extraordinary seven-year economic recovery.

Further, some of the marginal recent improvement is calculated from welfare role decline as the economic recovery and welfare reform employs more single parents. But data suggests that a large part of the welfare caseload decrease consists of the citizen children of undocumented immigrants who withdraw from aid — not because they are not eligible or not in need, but because of parental fears of deportation or of a legal bar to citizenship if they accept aid for their children. And recent studies confirm that large numbers of welfare families are below the poverty line even when they are

employed, with many more unable to retain steady employment.

Most important, although Temporary Assistance to Needy Families (TANF) payments for children increased in 1998 for the first time in almost a decade, the overall reductions over this period have been momentous. The benchmark family of a mother and two children who received almost \$1,000 per month in current dollars a decade ago now receives just over \$600 in TANF. TANF payments and food stamps combined — our basic safety net for impoverished children — once exceeded the poverty line, but now will pay about 75% of it. As numerous studies have demonstrated, this is not enough to adequately feed and house involved children — especially in a high rent state such as California. Hence, an important fact not reported in poverty rates alone is how far below the poverty line some children have been pushed. An especially desperate group of children are those of immigrant families, including legal immigrants arriving after 1996 and who are barred from all TANF aid categorically. California has the largest share of this population, and it is growing. The state is providing Medi-Cal and state-funded food stamps for this group, but the lack of TANF qualification is devastating to children desperately in need of basic shelter and food.

Of greatest concern to child advocates is the impact of welfare reform when it finally hits with some force in the middle of 2000 — followed by massive cut-offs in January of 2003 and thereafter. The first deadline is momentous because under the California Work Opportunity and Responsibility to Kids (CalWORKs) law, California's implementation of federal welfare reform, almost all parents receiving TANF aid (80%) will have to be employed or in job training or they will suffer cut-downs of "their share." This "parent sanction" characterization is "spinmeister" talk for cutting what was once \$1,000 per month in aid (and is now \$600) to \$400 for the benchmark family. The children in these families will suffer at least the proportionate cuts here imposed — notwithstanding the deceitful "hold children harmless" posturing.



Robert C. Fellmeth,  
Price Professor of Public Interest Law

From historical levels of 10%–12%, the overall child poverty rate climbed to 28% four years ago, and has corrected back only to the 25% level — despite an extraordinary seven-year economic recovery.

## EXECUTIVE DIRECTOR'S MESSAGE

CalWORKs includes over 400,000 parents required to work sometime during 2000. As the law reads, counties will be required to provide parents with "workfare" through which they will earn their existing TANF grants. The law also requires "adequate child care" for all required to work. Child care costs about as much as existing TANF grants for the benchmark family — or slightly more. So somehow counties are to create 400,000 new jobs over a period of one year, pay for supervision and job creation, pay for child care, and pay the TANF grants as workfare. The cost, if there is statutory compliance, will be more than double current TANF expenditures. The current large TANF surplus from temporary caseload reductions will disappear and counties will be in a difficult position. Since "devolution" of services from federal to state to counties has occurred, counties will have the burden of meeting a law without funding.

The alternative vision is to take one-quarter of the total number of affected parents (to better match private job market demand), spend more on them in training, give them real jobs at minimum wage — for which they will also collect the \$3,500 federal earned income tax credit which current plans will leave on the table. The result would be real jobs at \$14,000 per year instead of make-work at \$7,000 per year, with much less government cost and child-related harm. This child-sensitive option is not in prospect.

Part of the problem, as child advocates traditionally argue, has been the collapse of the safety net. Over the past forty years, we have never had so much and given so little to our children in need. But there is one catalyst for this insensitivity to children which child advocates have been unwilling to face, the acceptance of all adult reproductive decisions as beyond reproach or even discussion. Hence, the right of a woman to have a child without a husband or assured father for the child, and without realistic prospect of support, is viewed by many as preeminent over the rights of the children involved. Even the right of fathers to impregnate and abandon has received little approbation outside of increased interest in child support collection. The liberal approach

starts with whomever is born, and then seeks to provide maximum opportunity for advancement, and strong support for a child protective safety net. Rather than interfere with private decisions, the traditional liberals argue for help to the poor through social programs, tax policies, and public investment.

Here is reality to a child advocate: According to our most recent census data, the median U.S. family income for a single parent with two or more children is \$8,000; for a two-parent household with two or more children, it is \$44,000. The correlation of poverty (and absent fathers) to every negative indicator relevant to children is stark. This is not brain surgery. And the problem is not teen pregnancies — less than 2% of TANF families are headed by unwed women under 19, contrary to widespread public perception.

Between the traditional "get government off our backs" conservatives and the mainstay "lift up the poor" liberals — lives the primarily washed middle of American politics. That middle, as it swings between these two traditional contenders, determines American governmental policy. That middle has now

been treated to almost a decade of characterization of the poor from the Jerry Springer/radio talk show milieu, providing them with a distorted view of the poor: combative minority teens seeking a family of five to ten children for a life on the public dole. The reality is quite different. The average age of a TANF single parent is 31, the average number of children is 1.9, a large percentage work, and more would work if child care and a job were available. Minimum wage is now well above TANF assistance levels. Nevertheless, middle America is focused on the 30% unwed birth rate and child support failure by absent fathers. Although oversimplified and not the norm, there is a substantial population which does conform to their negative stereotype.

Liberals have not put reproductive decisions on the table, conservatives have been too frightened of political incorrectness to do it publicly, and so a truce has been worked out. Liberals keep their reproductive license. Conservatives cut off impoverished children. If you don't feed the pigeons, they will not be able to reproduce and the nuisance will go away.



## EXECUTIVE DIRECTOR'S MESSAGE

What is CAI's mission in 2000 and thereafter? To strike a new contract for children. Reproductive responsibility is on the table. Once that is accepted, the middle of the American electorate — who determines this outcome — will assure a strong safety net

al culture, then we may securely predict a real upturn for those we represent.

Those of us who advocate for children have failed, and owe it to our clients to admit that failure and to rethink carefully why we have

failed, and what options remain available to us to restore a once cherished American tradition — sacrifice for our children so that their future is better than ours. In such a rethink, no group must be given a free pass, not the poor who have children knowing they cannot afford their basic sustenance, not the elderly who dominate health care and safety net consumption while children suffer a decade of progressive cuts. Nor should a free pass extend to social-workers, whose solutions consistently

California's heralded class size reduction spending has moved the state from 50th in the nation in class size all the way up to 49th. Perhaps most important, California is not providing the vocational job training and higher education to allow children to secure jobs in the international marketplace of the 21st century. Here, expansion has barely matched population growth, while a quantum leap investment is demanded.

In its *California Children's Budget 1999–2000*, as in the 1998–99 edition, CAI presented detailed alternative budgets, including an \$8 billion fund to invest in our children — about the level of tax burden (money as a percentage of personal income) for children our parents invested in 1981 and years prior. Those funds would work for the needed cultural sea change about the rights and status of children: two parents, intended, paternal responsibility. The *Children's Budget* gave this proposal such priority that it recommended \$500 million per annum, which would be the largest public campaign ever mounted by any public entity in the nation. And it is well warranted. Other accounts would provide parenting education in modules for children from 6th through 12th grades, assure a safety net for all children, reduce class sizes, and begin the real investment in higher education needed to assure jobs for our kids.

So far, virtually none of these proposals have been adopted. In fact, the state's additional spending is less than 10% of the amount we recommended — notwithstanding a new Governor and Legislature. In fact, thus far, the record of the new Governor is disappointing. Governor Gray Davis started from an auspicious inaugural address which sounded all the correct themes, including an eloquently worded core message affirming our obligation to repay our forefathers for the sacrifices they made for us. And he has shown a willingness to lead in education accountability and in child support enforcement. But outside these areas, he has betrayed his promises to a degree which has befuddled his supporters. Although the state collected a \$4 billion surplus beyond projections in May 1999, and appears to have an even higher increase in 2000, he has eschewed addition-



and much investment in the children who are in jeopardy. The key reality is that they are not going to invest in “pulling impoverished parents up” for the welfare of their children if the result is simply more children to come and yet more investment needed. But if the inflow is stemmed, if those who need help are perceived as those who did not seek or abuse public assistance, but rather tried to do it right only to suffer lay-off, illness, hard times, divorce, or a dozen other exigencies, we will get more help for impoverished children — a lot more help.

involve more social work — not as mitigation where the family fails, but as an acceptable substitute. It is mitigation worth providing, but it is no substitute.

Apart from reproductive irresponsibility and the shredding of the safety net, the longer range public disinvestment in education is

**Apart from reproductive irresponsibility and the shredding of the safety net, the longer range public disinvestment in education is another powerful force threatening our children.**

As we stated in our last two annual reports, the most important benefit we can provide for our children is the conservative bromide: children should be born to a married couple who wait, plan, and save for the miracle of creating a child. When that ethic — merely the right of children to be intended by two persons — once again permeates the nation-

another powerful force threatening our children. In an international economy, the job niche of our children requires education. Outside of the menial service sector, there will be few jobs obtainable without specialized training beyond high school. We are a long way from an educational system matching future work availability, and we have not moved significantly toward it.

## EXECUTIVE DIRECTOR'S MESSAGE

al investment in children. He added virtually nothing to K-12 spending beyond what is constitutionally required, keeping California near the bottom in spending and in class size. He vetoed over 10 major bills important to children, ranging from pesticide limitations on school grounds to a change needed to keep federal Child Abuse Prevention and Treatment Act funding for California. His veto here sank two double joined bills important for children, and gave up federal money which would have amounted to more than half the funds needed to comply with basic federal standards for juvenile court representation of abused children. And there are many such examples in areas ranging from health to juvenile delinquency prevention, as the Governor makes decisions based on polls and focus groups and spends his time raising unprecedented levels of campaign money, even in his first year in office. Perhaps most important, the state's budget has not even started the critical ramp-up of higher education slots our children will need for future jobs. Instead, the subsidies have focused on middle class children (tuition reductions at state universities, including medical and law schools, and most recently symbolic scholarships for high performers). These benefits are not means tested, and most will go to the upper and middle classes, not where opportunity enhancement is desperately needed for our children.

Governor Davis has refused, now for two consecutive budgets, to invest significantly in children, particularly in those who need investment. Governor Wilson had the excuse that tax revenues were down. This Governor actually uses the excuse that revenues are up. He does not want to "add to the base." The real fear? He will be pilloried as a "tax-and-spend" liberal if there is a downturn and tax rates are raised. He will meet George Bush's "read my lips" fate, or somehow fall victim to the caricature that became his mentor Jerry Brown. But he underestimates the citizenry and misunderstands the proper burden of leadership.

Substantively, he has thus far failed to appreciate the Swiss cheese raids made upon

the general fund by twenty years of tax loopholes and credits. Once obtained by the 1,600 professional lobbyists circling the capitol, these benefits continue indefinitely



unless affirmatively ended by a two-thirds legislative vote. So they are highly prized. Their accumulation up to what is now over \$28 billion per year accounts for much of the disinvestment in children by us vis-a-vis that which was made by our parents and

In refusing to increase the state's investment in education because it would "add to the base," Governor Davis fails to understand the basic proposition: these children are our base. That principle is not a rhetorical point — their ability to obtain employment and pay taxes will create the tax base he is referring to. They literally are its future base.

grandparents for us. Finally, in refusing to increase the state's investment in education because it would "add to the base," Governor Davis fails to understand the basic proposition: these children are our base. That principle is not a rhetorical point — their ability to obtain employment and pay taxes will create the tax base he is referring to. They literally are its future base. When

you invest in them, you may add to the obligatory base, but you also add to the capacity to pay for that base in the future. Where such an investment will make a difference, it must be made. Where one has the money readily available to make it, not to do so is imprudent and irresponsible.

Blame is not confined to our Governor, but must include a media preoccupied with celebrities, sex, and cute animal stories. The Legislature as well has failed to stand up to the Governor, and must share responsibility; the subordination of loyalty to our children and our legacy to notions of party loyalty provides no justification.

The situation is not much better federally. The President proposes to spend 88% of the federal surplus on the elderly (Social Security general fund subsidy, Medicare, and private pension assistance). The elderly, with an 8%–10% poverty rate, get 88% of the surplus; children, with a 25% poverty rate, get virtually none of it.

### CAI'S STRATEGY FOR 2000

CAI has a small budget, but important assets. Its Council for Children assembles California and national experts in child health, law, education, social services, and welfare — most of whom dedicate their careers to quiet and steady work on behalf of CAI's clients. We also have the growing support of a rising law school and university, a dean and faculty colleagues increasingly available to help and to contribute financially to our work from their private accounts. We have the long run asset of a teaching and clinical education program which is producing thirty to forty potential new trained child advocates each year. Building on our work over the past decade, our 2000 strategy includes the following elements:

#### *Provide a Substitute Fail-Safe Net for Children*

CAI argued for dispensation for children from welfare reform harm during the CalWORKs legislative process, and provid-

## EXECUTIVE DIRECTOR'S MESSAGE

ed the state's only full-time on-the-scene professional advocate representing children and only children. CAI's Kathy Dresslar worked night and day through the negotiation process to strike the best deal she could for children.

CAI proposed and won enactment of a rent and utility voucher back-up fail-safe net. Conservative legislators prefer vouchers to

fer such TANF reductions, after 90 days, shall receive rent and utility vouchers to pay outstanding bills for the period of grant reduction. The provision is mandatory. No other state has enacted such a clear and important fail-safe protection for their children as the two-year deadline begins to approach. Now the battle shifts to the Department of Social Services to make certain adopted rules carry out the law, and to litigation to make certain

vide basic food to the hungry, the language is again mandatory. So stamps are being issued for children well beyond the appropriation limits, and many hungry children are eating.

As our last four annual reports indicated, CAI's other major substantive priority has been to enhance child support collection, including further implementation of our "tax lien status" through Franchise Tax Board authority reform. Collections have increased well over \$100 million, and we have been advocating for additional enforcement efficacy. In 2000 we shall be working for further implementation of the child support assurance concept, which allows custodial parents to essentially assign to the state their rights to collect support in return for secure payment by the state, giving the state the task of collection. And we shall be monitoring California's new Department of Child Support Services, which will be overseeing a new centralized statewide system of child support enforcement and collection.



cash grants — which they feel are commonly abused. The state's apartment owners' associations would support such an option for obvious reasons, and we knew it had appeal from its connection in preventing homelessness. Accordingly, we sponsored Assembly Bill 282 (Torlakson) to provide vouchers for rent and utilities to those "sanctioned" or suffering TANF cut-downs or cut-offs before the five-year overall limit expires. The possible cut-down to half the median rental costs for the many families without jobs and subject to county discretion made this CAI's number one priority.

Although encountering heavy opposition, CAI's advocacy produced CalWORKS' section 143, embodying AB 282. Those who suf-

fer such TANF reductions, after 90 days, shall receive rent and utility vouchers to pay outstanding bills for the period of grant reduction. The provision is mandatory. No other state has enacted such a clear and important fail-safe protection for their children as the two-year deadline begins to approach. Now the battle shifts to the Department of Social Services to make certain adopted rules carry out the law, and to litigation to make certain

Related to basic shelter, CAI worked for a state food stamp program to protect the children of legal immigrants and others suffering federal safety net exclusion. On this issue, CAI took a support role to the state's dedicated advocates for the impoverished. Here our efforts also bore fruit. Although the amount appropriated for food stamps was less than one half the amount needed to pro-

### ***Public Spending Accountability: The California Children's Budget***

CAI will continue its longstanding work in producing an annual *California Children's Budget*. It will again bring together information on the status of children, public spending, and outcomes. Chapters covering poverty, nutrition, health, disability, child care, education, abuse, and delinquency allow for big picture panorama of public spending for children, including recent new programs and statutes, and inflation/population adjusted trends, including federal and almost all local spending on children. The 1999–2000 version was almost 600 pages, with technical discussion and citations in endnotes. It is available in full text on CAI's web page: [www.acusd.edu/childrenissues](http://www.acusd.edu/childrenissues). As with the 1998 and 1999 versions, the *California Children's Budget 2000–01* will include specific recommended spending reductions and additions: an affirmative *Children's Budget*.

### ***Children on the Public Agenda: The Information Clearinghouse on Children***

One of CAI's primary goals is to "put children on the public policy table." We reflect our priorities in the time we spend dis-

## EXECUTIVE DIRECTOR'S MESSAGE

curring and thinking about a subject or problem. The specifics of what you are saying are not as important as the subject you have chosen to talk about. Public policy agendas are increasingly driven by the media. Moreover, the media can be the one card available to child advocates, who lack the vote and money cachet of other interests. Currently, children are acceptable subject matter primarily as actors in emotional mini-dramas. The matters which underlie their fate — cultural self-absorption, paternal abandonment, paternal irresponsibility, poverty, public spending, legal standing — are not easily amenable to sound bite treatment.

CAI's Information Clearinghouse on Children works to put children more on the public agenda. Its work includes placement of op-eds on child issues in the state's major newspapers, publications such as the *Children's Regulatory Law Reporter* and the *Children's Legislative Report Card*, and a website which highlights, among other things, national reports on children's issues. And one of its most important features is its service to journalists, responding to hundreds of information requests from radio, television, magazine, and newspaper journalists. We have provided data, reports, information, and referrals, making a substantive story about children more accurate and more easily put together before deadline.

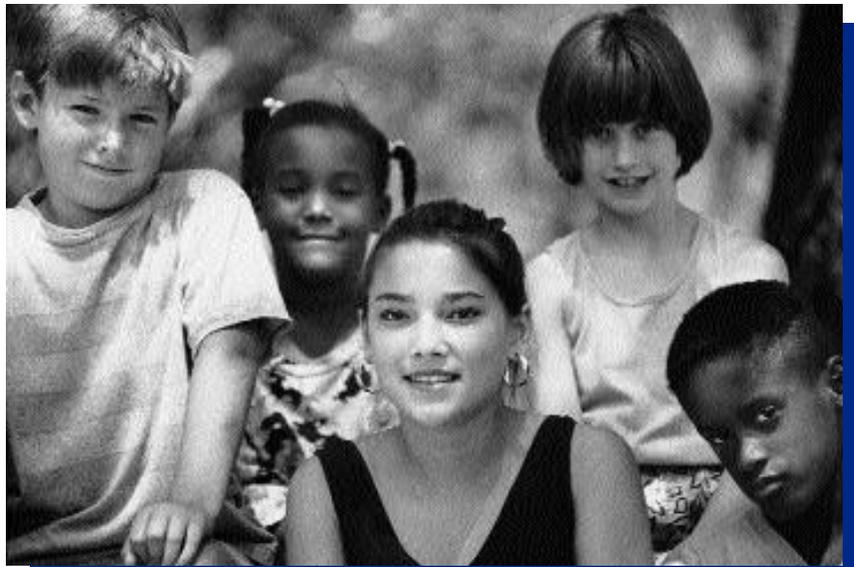
As mentioned above, the ICC produces two publications which bring to light important decisions made by the state's Legislature and administrative agencies. The *Children's Regulatory Law Reporter* reports on the rulemaking of state agencies affecting children — a process in which child advocates have traditionally not participated. The *California Legislative Report Card* grades legislators on their individual voting records on bills pertaining to children. In 1999, CAI held its first "Breakfast of Champions" at the Capitol to issue certificates of commendation to those legislators whose final grades on the *Report Card* put them on the "Children's Honor Roll."

### **Foster Care Children**

We have a special obligation to abused and neglected children, particularly the foster

care population now subject to state-regulated parenting. This group has tripled over the past decade to almost 130,000 children. Their fate is disproportionately prostitution or state prison. Their treatment by the state is sometimes not much better than the abuse which led to state jurisdiction. To end foster care drift, facilitate adoption into stable homes, upgrade foster care, and assist emancipating children, CAI proposed SB 949 (Speier) in 1999. It was put in suspense based on the administration's opposition. However, state senator Jackie Speier

states. States give broad accounts to the counties. The Legislature gives broad authority to agencies. CAI works at the state legislative leverage point, which remains important, to protect children. But child advocacy needs to grow into the new decision making crucibles. CAI's mission statement cites its presence in all four fora: the public, courts, legislature, and agencies. This last forum is growing in importance, and it is the place where CAI and its parent organization, the Center for Public Interest Law, have substantial experience.



has announced that our legislation is her number one priority in 2000; as a veteran legislator, Speier has enormous credibility in Sacramento. We shall be strengthening the measure with some of the recommendations of the Little Hoover Commission Report issued in late 1999, and will carry forward statutory change which promises a real impact on these children. It will provide for substantial increases in family foster care quality and supply, critical elements in the current setting, and provide assistance for emancipating foster youth (the same kind of help expected from any responsible parent).

### **State Agencies and Child Advocacy**

Devolution, along with privatization, was the trendy political panacea in the 90s. The federal government gives block grants to the

## **A CHILDREN'S STRATEGY FOR 2000-01**

As we survey where we need to put additional resources into the 2000-01 period, three priorities commend themselves. They each involve the enhancement of ongoing work where CAI fills a void and where useful results are demonstrated. They each also address the forces which determine the fate of children.

### **Children Front and Center**

At this writing, CAI no longer has grant funds to run its Information Clearinghouse on Children, a venture which would ideally triple in size instead of terminate. Its promise is clear from its three years of work. Many of our media colleagues concede that their pendulum has swung in irresponsible

## EXECUTIVE DIRECTOR'S MESSAGE

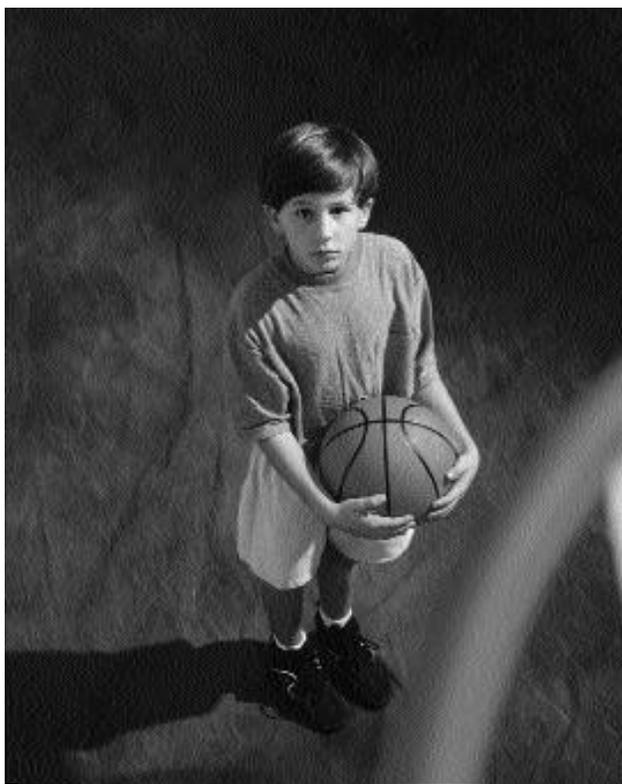
directions, that their story selection criteria is irrational, and may be as much market generating as market driven. We sense a tacit agreement with many of our theses by the increasing numbers of journalists with whom we work. And where we are able to assist, there is clearly more coverage and more substantive treatment. Putting children front and center in public discussion and consciousness tends to lead to the results child advocates seek.

The re-funding and tripling of the ICC resources would allow it to hire three full-time professionals, one to supervise its own informative publications, and two who could focus on increased media coverage of children's issues. Expansion would allow the ICC to help those who report about the conditions of children reach the public with their message. Finding a "media handle" to trigger coverage, knowing which journalists are interested in what subject areas, and summarizing technical findings in appropriate form and language can make a large difference in what the public hears. National sources such as the Tufts School of Nutrition, the Center for Budget Policies and Priorities, and the Packard Foundation's Center for the Future of Children produce wonderful and genuinely newsworthy material about children every year — and get much less coverage than their findings deserve. The valuable research of groups within the state are similarly undercovered. Through its ICC, CAI's efforts clearly proved the value and efficacy of the approach taken — but it needs to be rolled out on a larger scale.

### *A Voice For Children Before the Agencies*

CAI's parent organization, the Center for Public Interest Law (CPIL), has specialized since 1980 in executive branch advocacy. CPIL has published the *California Regulatory Law Reporter*, co-authored the treatise *California Administrative and Antitrust Law* (Fellmeth and Folsom,

Butterworths, 1986), and graduated 650 of its interns as lawyers. It has advocated on behalf of consumers in court, and more often before the state's regulatory agencies. It has helped to draft portions of the state's "sunshine laws" and its Administrative Procedure Act. That expertise is available to CAI and now is the time to use it.



Any advocate knows that the devil is in the details, and a single phrase in a rule can mean that either ten thousand or a hundred thousand children receive public investment when needed.

As CAI's last few Annual Reports indicated, important new policies affecting children are reflected in statutes which have broad mandates, and which delegate critical details to the rulemaking or administrative decision process of agencies. Healthy Families (one of California's programs for uninsured children) is guided by the regulations of the Managed Risk Medical Insurance Board, and the Department of Health Services is

responsible for promulgating rules implementing the Medi-Cal program. Department of Social Services rules have been important in implementing CalWORKs and child care. And the new Department of Child Support Services has an enormous regulatory task before it in centralizing and unifying child support enforcement practices statewide.

Any advocate knows that the devil is in the details, and a single phrase in a rule can mean that either ten thousand or a hundred thousand children receive public investment when needed. For example, a simple change in a definition applicable to the Victim Restitution Fund before the Board of Control five years ago more than doubled the number of child abuse victims eligible for assistance.

Given the decisions to be made, or which could be made, by agencies on issues of child poverty, health, abuse, and delinquency, children need an experienced advocate before them. No other child advocacy group specializes in agency advocacy. New resources are available, including Proposition 10 funds for young children, tobacco settlement funds, and unspent federal funds (including \$500 million per annum in federal Child Health Insurance Program monies likely to be returned by the state unspent).

Experience has taught us that he who is not at the table does not get served. Those who are present tend to divide the pie at the expense of those who are missing. Children have been historically so missing. The new restrictions on legal aid attorney involvement in class action litigation and broad policy advocacy further enhance the need for CAI's presence — where no such limitations exist. Under CAI's charter, a leveraged result for thousands or millions of children is not an impediment to involvement, but the inducement. We need five to seven full-time professional attorneys representing children before the major regulatory agencies affect-

## EXECUTIVE DIRECTOR'S MESSAGE

ing them — attorneys able to invoke court redress when necessary.

If not through Proposition 10 resources, such an effort warrants endowment support, the creation of a permanent “child advocacy chair” in Sacramento. There is no such chair anywhere in the nation at present. Such a person might serve as a clinical law professor and receive the support of CAI’s local office as well as the students and resources of the University of San Diego. Isn’t leaving a legacy of leveraged advocacy for a cause one believes in, to last forever, more attractive than a 40-year life-span building bearing one’s name? Among the many people deciding what to do with their wealth when they pass on, or while they are still here (a group increasing dramatically with the stock market ascension) creating the “your-name-here Chair in Child Advocacy” has not been attractive, and CAI needs to make it as irresistible as its intrinsic merit warrants.

### *A Traveling College of Citizen/Child Advocacy*

As argued last year, we need funding to start a traveling college of citizen/child advocacy. As discussed above, decisions affecting children are being devolved to agencies, and to local jurisdictions — both local agencies and local legislative bodies (particularly county boards of supervisors). That devolution includes the gamut of social welfare policies, health, mental health, and education (*e.g.*, with the Megaltem appropriation divided up locally). Here is a range of new fora for child-related decisions, settings where child advocates are also generally absent.

In 1993, CPIL received a grant to find all of the community organizations and activist groups in California. We expected to find 2,000. We found 10,000. We then proposed to engage in a series of seminars on “advocacy skills.” We sent invitations to the several thousand organizations focusing on consumer representation and community activism. We designed a program of instruction on advocacy before California local government — covering background statutes (*e.g.*, the Brown Open Meeting Act, the Bagley-Keene Open Meeting Act, the Administrative Procedure Act, and the

Public Records Act), litigation options, agency advocacy, advocacy before a legislative body, and media advocacy. The program consisted of eight hours of lectures and 300 pages of sample and advisory materials. We expected to address a total of 40 to 60

ence in the subject matter. A valuable outcome could be additional confident, informed, and effective advocates before the officials making decisions affecting children. The advocates do not make the decisions, but they provide an otherwise absent voice, giv-



prospective advocates from our mailing in the four events scheduled. We drew 600.

Children have at least as many nascent advocates as do consumers, and the organizations relating to them in our listings outnumber those with a consumer interest. What kind of difference would it make if they were professionally trained and participating in large numbers? What kind of difference can five or six articulate lobbyists, advocates, or media sources make on a local decision? Observe, for example, San Diego’s recent consideration of cutting TANF families from \$565 not to \$350 at the two-year mark, but to \$0. Advocacy, such as that which reversed San Diego’s proposal, can make a difference on decisions affecting children.

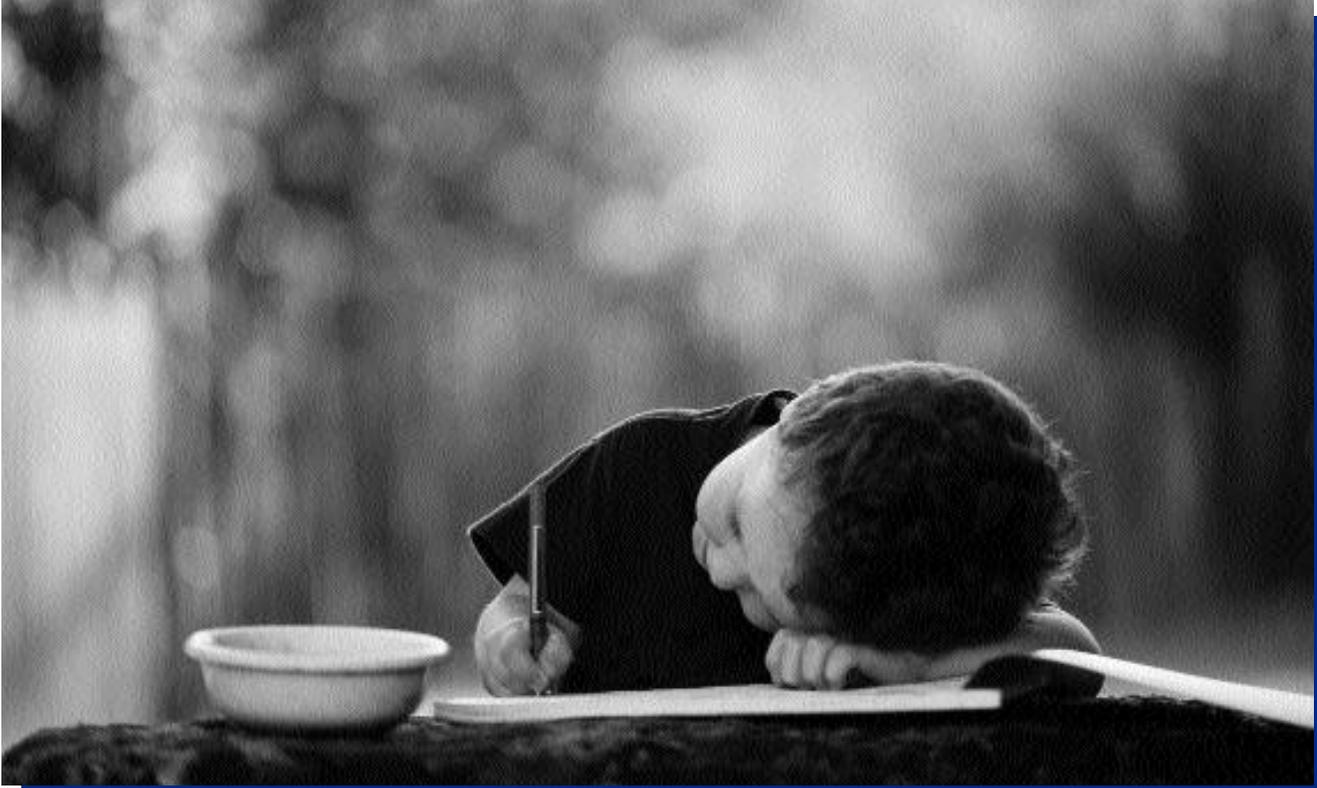
CAI can create a traveling college for child advocacy to do, on a much larger scale, what our consumer advocacy training experiment has already indicated will work. We are educators with academic and practical experi-

ing crucial child-related information to the officials who do make the decisions. This addition not only advances the interests of children, it enriches the entire process.

### *Substantively: Our Four Themes*

The three mechanisms cited above feed four themes CAI will focus on in 2000–01: (1) a cultural sea change on the rights of children to be intended by two adults and on paternal responsibility; (2) a safety net to protect the least child among us from harm, including the implementation of CAI’s rent voucher safety valve and the implementation of child support reform; (3) the fair treatment of abused and neglected children in dependency court and in foster care, including the right to independent competent counsel and the right to have the state act as a responsible parent to the children in its charge; and (4) enhanced public investment in children, particularly in education and higher education so they will have jobs (accountability must join with resources, neither works well without the other). In addition, CAI

## EXECUTIVE DIRECTOR'S MESSAGE



will join with its colleagues to help where issues arise of particular importance to children, such as the coverage of children currently eligible for health insurance, and juvenile delinquency prevention rather than reflexive imposition of adult sanctions.

In order to continue our efforts, CAI depends on the generosity of others. In 1999, CAI received assistance from many persons and organizations, to whom we are most grateful. In addition to Sol and Helen Price — who have provided us with a continuing legacy of support which allows us to function — we thank The California Wellness Foundation, The ConAgra Foundation, the Maximilian E. and Marion O. Hoffman Foundation, Inc., the Mattel Children's Foundation, the National Association of Child Advocates, the Rosenberg Foundation, the Sierra Health Foundation, The Leon Strauss Foundation, and numer-

ous individuals as acknowledged in the Development Report below.

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In the future, CAI needs to expand to a critical mass of eight to ten full-time professionals to take advantage of the new resources and new decisionmakers available to them. It is difficult to coextensively advocate effectively and sell what one does to those able to provide grants. Both are full-time occupations. But that is what we must try to do in

2000. With increased investment in CAI from foundations and individuals, we can provide a voice for children in more places where decisions are made affecting them *en masse*. CAI can leverage public investment in their interests. Such an investment must include recognition of the private responsibilities we all have to reproduce and parent responsibly. CAI is willing to say “no” to both private irresponsibility and public disinvestment — a combination which is a condition precedent for child advancement. And we are uniquely situated to work for children in all three governmental fora — administrative, legislative, and judicial — to assure that investments and policies intended for children in fact reach them.

**Robert C. Fellmeth, Executive Director  
Children's Advocacy Institute  
Price Professor of Public Interest Law**

## History and PURPOSE

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 in our society by representing their interests and their right to a safe, healthy childhood.

CAI represents children — and only children — in the California Legislature, in the courts, before administrative agencies, and through public education programs. CAI strives to educate policymakers about the needs of children — about their needs for economic security, adequate nutrition, health care, education, quality child care, and protection from abuse, neglect, and injury. CAI's mission is to ensure that children's interests are effectively represented whenever and wherever government makes policy and budget decisions that affect them.



Robert C. Fellmeth with Sol and Helen Price

The National Association of Child Advocates recognized that “the Children's Advocacy Institute's work on budget analysis for children remains the most thorough and well-researched document nationwide.”

In its ten years, CAI has emerged as one of California's preeminent child advocacy organizations, and is the only advocate with the capacity to draft and secure passage of bills in the Legislature, litigate in the courts to preserve those laws against challenge, and advocate before administrative agencies to ensure their appropriate implementation. CAI has drafted and successfully advocated the passage of dozens of bills: one overhauled the state's regulation of child care facilities; another requires children to wear helmets when riding bicycles; and yet another series of bills has improved the state's collection of child support

from absent parents. Through litigation, CAI preserved over \$355 million in state funding for critical preschool child care and development programs, and compelled a state agency to adopt mandatory safety standards for public playgrounds to prevent unnecessary injuries to children. CAI annually publishes the *California Children's Budget*, a 500-page analysis of past and proposed state

spending on children's programs; in 1995, the National Association of Child Advocates recognized that “the Children's Advocacy Institute's work on budget analysis for children remains the most thorough and well-researched document nationwide.” And since 1996, CAI's Information Clearinghouse on Children has worked to stimulate more extensive and accurate public discussion of important children's issues.

In 1993, CAI took an important step to ensure the presence of child advocates in the legal profession for many years to come. CAI created the Child Advocacy Clinic at the USD School of Law, which trains future lawyers in the skills and knowledge necessary to represent the interests of children in all governmental fora. In the Clinic, law student interns are given the opportunity to engage in advanced research and advocacy or actual law practice in children's rights — before their graduation from law school. Many graduates of this program have gone on to make child advocacy the centerpiece of their legal careers.

CAI's academic program is funded by the University of San Diego and the first endowment established at the University of San Diego School of Law. In November 1990, San Diego philanthropists Sol and Helen Price contributed almost \$2 million to USD for the establishment of the Price Chair in Public Interest Law. The first holder of the Price Chair is Professor Robert Fellmeth, who also serves as CAI's Executive Director. The chair endowment and USD funds combine to finance the academic programs of both CPIL and CAI; to finance advocacy activities, CAI professional staff raise additional funds through private foundation and government grants, test litigation in which CAI is reimbursed its attorneys' fees, and tax-deductible contributions from individuals and organizations.

The Children's Advocacy Institute is guided by the Council for Children, a panel of professionals and community leaders who share a vision to improve the quality of life for children in California. CAI also functions under the aegis of the University of San Diego, its Board of Trustees and management, and its School of Law.

# 1999 Activities and ACCOMPLISHMENTS

## ACADEMIC PROGRAM

CAI administers a unique, two-course academic program in child advocacy at the University of San Diego School of Law. The coursework and clinical experience combine to provide future lawyers with the knowledge and skills they need in order to represent children effectively in the courts, the Legislature, and before administrative agencies.

### *Child Rights and Remedies.*

Students must complete Professor Robert Fellmeth's three-unit course, *Child Rights and Remedies*, as a prerequisite to registration in the Child Advocacy Clinic. *Child Rights and Remedies* surveys the broad array of child advocacy challenges: the constitutional rights of children, defending children accused of crimes, child abuse and dependency court proceedings, tort remedies and insurance law applicable to children, and child property rights and entitlements.

### *Child Advocacy Clinic*

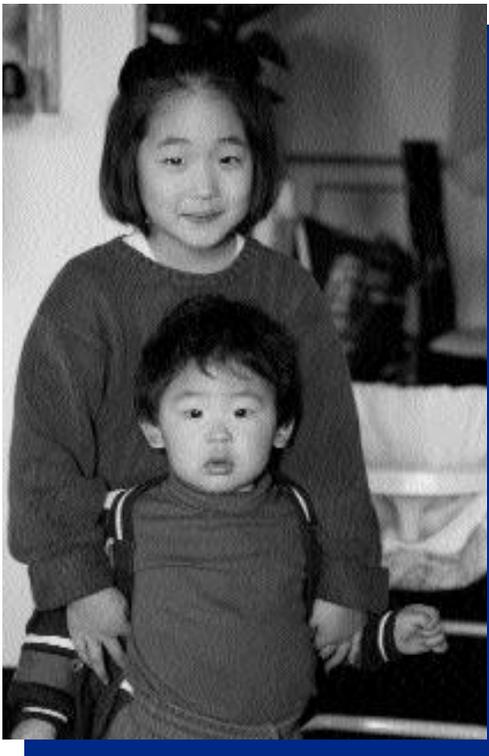
The Child Advocacy Clinic offers law student interns two options: (1) in the dependency court component, they may work with an assigned attorney and social worker from the Dependency Section of the San Diego Office of the Public Defender representing abused or neglected children in dependency court proceedings; or (2) in the policy project component, students may engage in policy work with CAI professional staff involved

in state agency rulemaking, legislation, test litigation, or similar advocacy. In addition to their field or policy work, all Clinic interns attend a weekly seminar class.

During the 1999 spring semester, six law students (Elizabeth Kuchta, Sebastian Holsclaw, Cynthia Jedinak, Charity Paniamogan, Christine Peebles, and Christina Stencil) participated in the dependency section of the CAI Clinic. These students, who worked at the Public

Defender's Office, assisting in the representation of children in dependency court, must be certified to practice law by the State Bar under the supervision of a licensed attorney. They were especially needed, as caseloads have increased and the attorneys have less time to research issues and visit children in the field. Nine additional law students (Lisa Amorino, Charity Paniamogan, Nikki Buracchio, Valerie Jones, Dacy Yee, Jane Babin, Lucy Lin, Kristin Schuler-Hintz, and Sharon Smith) participated in the policy section of the CAI Clinic; under the supervision of Adjunct Professor Margaret Dalton, these students received training in legislative, regulatory, and policy advocacy focusing on current children's issues. In addition to developing their advocacy skills, the students developed expertise in specific areas of interest; the Spring 1999 semester's focus areas included family violence, education, child labor, special needs education, mental health, and emancipated youth. All of the students also assisted with research and writing of the *Children's Regulatory Law Reporter*, Vol. 2, No. 1. One student completed a project monitoring legislation sponsored, supported, or watched by CAI staff.

During the Fall 1999 semester, six law students (Gary Campi, Jila Danesh, Katherine Layton, Maria-Belleza Parlade, Joseph Raskin, and Shannon Scott) participated in the dependency section of the Child Advocacy Clinic; those students worked at the Public Defender's Office and attended weekly classroom sessions conducted by Professor Bob Fellmeth. Six additional students (Margaret Adams, Jane Babin, Jessica Neyman, Sharon Smith, Christina Chillino, and Elizabeth Kuchta) participated in the policy section. In addition to developing their advocacy skills, the students developed expertise in specific areas of interest, such as special education accountability and financing, requirements for offering reunification services to certain parents, and domestic violence within the home. Additionally, students researched the water fluoridation debate and the ergonomic effects of rolling packs (versus backpacks) as used by school children. Another student summarized two national studies on children's health insurance, one on eligibility and another on enrollment patterns.



CAI is very grateful to ADVANTA Mortgage Corp. USA for its support of the Child Advocacy Clinic and its Emancipation Clinic during academic years 1996-97 and 1997-98, to The Streisand Foundation for its support of the Child Advocacy Clinic during 1996-97, and to the Mattel Children's Foundation for its support of the Child Advocacy Clinic during 1996-97, 1997-98, 1998-99, and 1999-2000.

## RESEARCH PROJECTS AND PUBLICATIONS

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### **James A. D’Angelo Outstanding Child Advocate Awards**

On May 28, 1999, the University of San Diego School of Law held its Graduation Awards Ceremony in Shiley Theatre. At that time, CAI had the pleasure of awarding the inaugural James A. D’Angelo Outstanding Child Advocate Awards to three graduating students for their exceptional participation in CAI’s Child Advocacy Clinic.

Lucy Lin was recognized for her participation in the Policy Clinic, where she was an invaluable part of USD’s child advocacy effort for over two years. She was a particular asset in the Information Clearinghouse on Children, where she responded to research requests from the media, public officials, and community organizations. Lucy also contributed her talents as a writer and researcher for three issues of the *Children’s Regulatory Law Reporter*.

Thomas Kritzik was recognized for his exemplary work on behalf of children. Tom had the highest grade in Child Rights and Remedies, and then participated in the Dependency Clinic — effectively representing many abused children. He also volunteered for work in San Diego’s office representing abused children.

John Simon was also recognized for his exemplary work on behalf of children. John worked in CAI’s Emancipation Clinic (which has since been turned over to the Legal Aid Society), representing youth needing emancipation status in order to attend school and receive needed benefits. He then represented abused children in CAI’s Dependency Clinic. During the summer, John volunteered to help with CAI’s

*California Children’s Budget*, scouring the Internet and finding new data sources about child condition indicators.

The award is a tribute to Jim D’Angelo (BA ‘79, JD ‘83), who passed away in April 1996. Funding for the award is made possible by generous donations from several USD School of Law alumni, who were Jim’s teammates on the intramural softball team known as the “Diminished Capacities.” Hal Rosner (JD ‘83) led the effort to create this tribute to commemorate Jim’s love for all children, especially his own children Sydney and Jackson.

### **RESEARCH PROJECTS AND PUBLICATIONS**

#### ***California Children’s Budget 1999–2000***

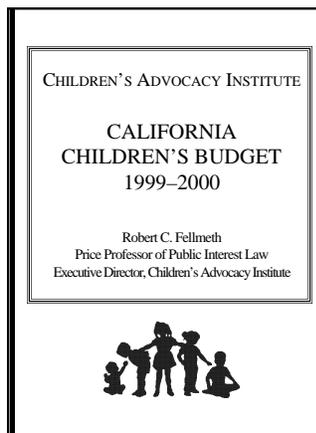
In his election campaign, Governor Gray Davis promised to restore California’s schools and open the way to higher education — and future jobs — for many more youth. He promised to assure medical coverage, and he promised protection from hunger and harm. On June 10, 1999, CAI released the *California Children’s Budget 1999–2000*, which characterizes the Governor’s proposed state budget as “the most disturbing to date — all three promises are broken.” Principal author Robert Fellmeth, CAI Executive Director, commented, “Schools do need to be held accountable, and so does the Governor. On this first and critical assignment, the children give him a ‘D’, with a note: ‘PLEASE SCHEDULE CONFERENCE FOR COUNSELING: BRING LEGISLATURE.’” Fellmeth concluded, “Unless this budget is changed, the 20th century will close for California’s children not with a bang, but a gubernatorial and legislative whimper.”

The 600-page *California Children’s Budget 1999–2000* presents extensive recent data on children in substantive chapters covering poverty, nutrition, health, special needs, child care, education, abuse, and delinquency. Each chapter analyzes recent studies, and tracks outcome measures and changes in the law. Each presents budget accounts, with federal/state/local funding, adjusted for population and inflation from 1989. The purpose of the *California Children’s Budget* is to facilitate the examination of the Governor’s Budget as proposed in January and revised in May, and to illuminate trends in spending for children.

In addition, the *California Children’s Budget* recommends changes, including an alternative “Children’s Budget,” specifying detailed amendments to the Governor’s Budget as revised in May. For 1999–2000,

that recommendation was the addition of a “Child Protection and Advancement Fund,” consisting of a realistically available \$7.6 billion, a 6% augmentation to the budget. The additional money would fund 40 accounts, including (1) a massive public education campaign on the rights of children to be intended by two parents, and on the reality of the child support obligation; (2) parenting education — including information targeted at boys; (3) measures to move the working poor into self-sufficiency — including seamless child care and a state earned income

tax credit; (4) the genuine roll-out to scale of eight effective children’s programs almost always funded at “boutique” public relations levels (e.g., foster care upgrade, adoptions reform, truancy prevention, school technology, and delinquency early intervention); (5) a new “presumptive eligibility” format for Healthy Families coverage to assure success and the use of federal monies; and (6) the beginning of two major investments in education — reducing class size throughout K–12, and increasing enrollment capacity for vocational, community college, and university education necessary for future jobs.



## 1999 ACTIVITIES AND ACCOMPLISHMENTS

According to the *Children's Budget*, the last task mentioned above will take four to five years of concentrated effort, and the Governor's proposed budget fails to seriously begin that process. Instead, the Governor's Budget, as revised in May, although including three meritorious new initiatives, fails to address reprioritization. Rather than invest in children, it largely rearranges existing resources. Overall K-12 proposed spending is only .0025 above the minimum amount required constitutionally. The Governor's recent campaign did not urge: "Elect me and I'll make a difference. To the amount my opponent or the previous Governor would invest in my primary concern — the education of your children — I will add...another one-quarter of 1%."

Similarly, assuring the top 4% in every high school class admission to the University of California system, and reducing the already low tuition of imminent professionals (including law and medical students), will not accomplish what children and youth need: real opportunity, especially for the dangerously growing and potentially intractable underclass. That means dramatic increases in enrollment capacity well beyond population gain for a sustained period to accommodate the additional 20%–30% who must receive higher education — vocational to university — for future meaningful employment. That process is not started in the proposed budget.

According to the report, the budget includes neither cuts to programs benefitting impoverished children nor new tax benefits to business groups or the wealthy — both of which characterized Wilson administration proposals. However, it repeats a longstanding pattern by proposing many fragmented boutique programs (mostly giving grants) which lack both the scale to affect the problem addressed and the independent outcome evaluation required for termination or roll-out decisions.

The report also finds that the Governor's Budget does not address the impending absurdity of CalWORKs, which requires counties to hire over 350,000 Temporary

Assistance to Needy Families (TANF) parents near the end of 1999–2000 for three years of below-minimum-wage work at over double the public cost of welfare (with child care costs), then to fire all of them — also over a short time period — followed by permanent cuts to total safety net assistance for children to extreme poverty levels (one-half or less of the poverty line).

The report concludes that the proposed budget does not chart a new course for California, notwithstanding embarrassingly ample resources, nor does it accomplish (or even put

poverty line. The state has disinvested in poor children since 1989, cutting total safety net assistance (food stamps and TANF) from 89% of the poverty line to 73%. Although TANF rolls have lightened, California's economic recovery is not fully reaching the poor. Youth unemployment remains at three times adult levels. And the child poverty rate is close to three times the level of senior citizen poverty.

◆ **Regressive Tax Policies.** A recent analysis of California's relative tax burden, using 1998 tax law, finds the lowest-income 20% of all taxpayers paying taxes at an 11.2% rate (mostly sales and excise taxes), with tax rates declining steadily as income rises to the top 20%, who pay at an 8.1% rate (the top 1% pay even less). Another study found the bias concentrated among "married, non-elderly taxpayers," with the bottom 20% paying 12.1% of their income in taxes, and the top 20% paying 7.9%.

California spends \$24 billion annually in state and local tax expenditures, mostly benefitting business interests, the middle class, and the wealthy. This spending is favored by special interests because it is unexamined and continues unless affirmatively terminated (which requires a two-thirds vote of the Legislature). The three major exceptions to this "locked-in" status are reduction of the renter's credit by \$400 million; removal of child care breaks; and a new fee on licensed child care providers.

◆ **The Causes of Child Poverty.** In 1999–2000, 2.6 million California children live in poverty. Increases in child poverty have been driven by unemployment, wage depression below self-sufficiency for families, increases in the number of births to unwed mothers and single-parent households, a continued low rate of child support collection, and cuts in the safety net for children. Although three years of economic



Warren Hall, University of San Diego School of Law

the state on the road to accomplishing) the Governor's oft-stated intentions. Specific findings of the *California Children's Budget 1999–2000* include the following:

◆ **Two Californias, and the Rising Divide Between Them.** In terms of distribution of wealth and income, the state is now dividing into three groups: an increasingly wealthy upper 5%, a middle class which has declined from 80% to 60% of the population, and a record 35% underclass. Numerous studies confirm that inequality is increasing fast in California (we have the second fastest rate in the nation), and the major causes of disparity are declining wages and underemployment — both related to lack of vocational and higher education.

The new underclass is young. Children comprise almost half of this impoverished population; 2.6 million children live below the

## RESEARCH PROJECTS AND PUBLICATIONS

recovery have reduced TANF rolls and raised hundreds of thousands of children above the poverty line, much of that reduction is suspect. Strong evidence suggests that a substantial portion reflects the withdrawal of the children of immigrants from safety net protection unrelated to legitimate child needs. Further, surveys indicate that many who have left TANF do not have full-time or regular jobs and their children live in homes further below the poverty line.

◆ **CalWORKs Absurdity.** Under CalWORKs (California's implementation of the federal Personal Responsibility and Work Opportunity Reconciliation Act of 1996 (PRA)), counties are required to somehow arrange community service employment for and supervision of over 350,000 TANF parents shortly after January 1, 2000 (during the last half of the proposed fiscal year). With required child care help, this will cost two to three times the TANF program. While surplus money rolled over to 1999–2000 from two years of TANF roll reductions may cover this cost through the proposed fiscal year (to June 30, 2000), how will the next two and one-half years of required employment/child care be financed? The surplus will be gone, but the required employment must continue. How will it be financed?

Although expensive, the scheme pays only the TANF grant for this makework (typically \$3.90 per hour). Then in January 2003, or shortly thereafter, the same group of 350,000+ will be summarily fired, after which all federal TANF assistance will cease. Even if California follows through with its promise of help for “the children,” family income will commonly sink to extreme poverty at below one-half of the poverty line — even with retention of food stamps.

An alternative strategy is not to employ 80% of the total two years after “registration,” but to focus more attention on the most employ-

able at the rate of 10%–15% per year (which the private sector may absorb). Federal waivers may be necessary, but the result will be (a) a critical mass of training and education which can be applied to a smaller group with better chances; (b) the acquisition of a significant \$3,500 per family per year in federal earned income tax credit money totally foregone under the current scheme; (c) avoidance of wasted child care costs; (d) retained parental attention to their children; and (e) avoidance of public employment supervision costs and paperwork for no measurable purpose or benefit.



◆ **Child Support Collection.** Although child support collection has improved, it remains inadequate and beset with problems. Three new child support collection tactics have been successful: (1) paternal identification on the birth certificate; (2) use of the Franchise Tax Board to collect delinquent accounts, which are given the legal status of tax liens; and (3) a new “child support assurance” concept now in pilot development, in which the state pays the child

support payments due to a custodial parent and then assumes the collection obligation — analogous to selling a promissory note to another who then collects on it.

◆ **Hunger Among California's Children.** A 1996 national survey of hunger found that California ranks 49th among the 50 states in alleviating hunger among children under the age of twelve; only Louisiana had a higher percentage of undernourished children. California's incidence projects to 867,600 affected children under twelve years of age.

Six separate studies of child hunger released within the last two years, and all including California in their samples, confirm the measurable lessening of nutrition and growth of hunger for children. A survey of legal immigrants in Los Angeles and San Francisco has confirmed the worst fears: Severe hunger afflicts 40%–50% of legal immigrant families subject to food stamps cut-offs. Federal expansion and California's state-only food stamps will combine to relieve many immigrants in 1999–2000, but those arriving after August 22, 1996, and lawfully here receive no food stamps from any jurisdiction for parents or children for the first five years.

◆ **Welfare Reform Food Stamp Cuts.** The PRA continues the food stamp “entitlement” but reduces the value substantially, with further annual reductions from inflation. One study noted that the reductions are “the equivalent of removing 24 billion pounds of food from low-income households — enough to fill a line of Army convoy trucks stretching to the moon and back, and then more than four times around the earth.” For families with at least one worker, the reduction averaged \$356 per year in 1998, rising to \$466 by 2002. California's share of these reductions from 1997 to 2002 amounts to \$3.987 billion.

◆ **California Children Without Health Coverage.** At the start of 1998, 18.8% of California's children — a record 1.85 million — had no health coverage. One-third of the state's uninsured children are under six years of age. The state ranks 42nd

## 1999 ACTIVITIES AND ACCOMPLISHMENTS

nationally in its percentage of covered children. Of these uncovered children, 89% live in families where at least one parent works. Seventy-three percent of uninsured children come from families living below 200% of the federal poverty line. Latino children are over-represented among the uncovered, with 29% uninsured.

### ◆ 800,000 California Children Are Eligible for Medi-Cal but Remain Unenrolled.



Apart from the children of the working poor, a record 800,000 California children are eligible for Medi-Cal coverage but do not receive it. One reason is lack of outreach and information. Another is the larger number denied TANF or beginning employment and losing regular contact with caseworkers who know how to enroll families. Another has been the “simplified” Medi-Cal/Healthy Families application — which was until recently 28 pages long. And yet another is

the Medi-Cal disenrollment which occurs automatically if participants do not timely file quarterly reports.

### ◆ “Healthy Families” Medical Coverage.

The federal government will contribute \$859 million per year for the next five years to enhance child health care. Instead of expanding Medi-Cal up to 200% of the poverty line and beyond (as Congress allows), California created Healthy Families, yet another “stand-alone” program with a separate regulator. (Six different California agencies regulate medical insurance issues for different populations.) Some parents have children in four different systems, each moving in and out of different programs as time passes and family income changes. More regrettable than the wrong choice for administration is the imposition of gratuitous barriers to medical coverage of children. These include excessive monthly premium obligations (beyond copayments for each visit and prescription) and a six-month “disenrollment” penalty for children if their parent is 61 days late in paying a premium.

Governor Davis has reversed the Wilson administration’s definition of “income” which

barred some eligibles. The application form is being shortened and incentive payments to enroll people have been raised. But these actions miss the point of the child health coverage program: *covering children*. The state’s mindset is “Don’t let beneficiaries take advantage of us” — hence, the focus is on filtering out the unqualified with the burden on the applicant. Another approach is properly applicable to basic medical coverage for children. It has a precedent — the

Salk polio vaccine. We did not fill out forms, bring documents, get ID cards, suffer interviews, or measure family income. Within weeks we were put in lines and poked, every one of us.

The current sorry record is as follows: California has enrolled about 100,000 children into Healthy Families after its first year. Meanwhile, the vast majority of children leaving TANF since 1995 have not been enrolled in Healthy Families or kept on Medi-Cal, and virtually all are eligible for one or the other. We have lost, conservatively, 350,000 children from coverage, while we will add fewer than 150,000. After the first full year with \$859 million in federal funds to insure all California children under 200% of the poverty line, we have a net loss of well over 200,000 kids covered and have spent only \$43 million of the \$859 million allocated for 1998–99. In 1999–2000, the Governor proposes to spend \$137 million on Healthy Families, bringing us to \$180 million invested out of over \$1.7 billion available over that two-year period — just over 10%. The state can roll over unexpended sums for three years after appropriation, but it is likely that over two-thirds of the federal money due California will be sent back to Washington. Under current practice, and as planned by the Davis administration, the state will by 2005 have tendered the largest state-to-federal give back of money in the nation’s history: over \$3 billion.

There is a simple solution. Stop putting the burden on the children. Cancel the deductibles, the premiums, and all other barriers except perhaps a \$5 co-payment. Instead, all children are presumptively eligible unless they have coverage elsewhere. Period. Only 12% of uncovered children are above 300% of the poverty line and only 25% are above 200%. The federal statute allows all but 15%–20% to be covered by federal funding. Simply require parents to sign a statement that their income is not above the applicable line. If they file a false claim, they can be civilly liable or criminally prosecuted. But why should the remote possibility of fraud by 15% keep the state from covering the other 85% when two-thirds of the money has been given to us to do it?

## RESEARCH PROJECTS AND PUBLICATIONS

◆ **SSI/SSP Disability Denials for Children: The PRA in Action.** New guidelines established by the PRA change the definition of disability. Under the old standards, children were eligible for SSI benefits if an impairment existed that prevented them from performing age-appropriate activities. Under the PRA and implementing regulations, only specified disabilities qualify for assistance, and children who qualified under the old criteria must be reevaluated under the new guidelines. The new criteria for children are more restrictive than for adults. In June 1997, the Department of Social Services (DSS) reported that 5,568 of those cases had been reviewed, and 29% resulted in benefits termination. As of August 1997, the child case termination rate had risen to 36.1%; just over 4,000 children were terminated from SSI/SSP. The average payment lost amounts to \$523 per month for medical-related expenses. Adding to the concern over the withdrawal of SSI/SSP is the record of those cases reviewed by independent administrative law judges. As of January 1998, 63% of the terminations nationally have been reversed, about six times the normal rate of hearing or trial court reversal.

◆ **Child Care Demand.** In 1997, over 61% of women in the United States with children under the age of three were working. In California, the child care demand is higher than is the case nationally. The vast majority of women who work do so over 35 hours per week and over 48 weeks per year. Most of the almost four million children who live in a home with a working mother require at least some child care. An additional 352,710 children live with single fathers and most of these also require child care. On top of existing demand, impoverished, single-parent families receiving TANF assistance and now required to work form a new source of demand for child care.

◆ **Child Care Costs.** In 1997, the average cost of full-time child care in a licensed child care center was \$7,000 per year for children under two years old, and just under \$5,000 per year for children aged 2–5. The 1997 annual rate for after-school care at a child care center was \$1,800–\$2,900 per child. A mother working full-time at minimum wage with two children under five will

earn — after Social Security and other deductions — about the same amount as her child care will cost. One infant will cost 75% of the mother's take-home pay; two children over six will leave her with \$3,000 per year in net earned income.

◆ **Child Care Assistance: Woe to the Working Poor.** California's traditional subsidized child care programs — a bewildering mix of programs administered through two different state agencies — have been partly subsumed by a three-stage CalWORKs child care program. Stage One child care is for TANF parents who are starting to train or

economic recovery. But in the last half of proposed 1999–2000, many thousands of TANF parents are theoretically required to be placed in public employment. Hence, they must get child care. But even with this regrettable form of savings, the rolled-over child care surplus (and CalWORKs surplus generally) is likely to be dissipated in the last part of the proposed fiscal year, and certainly early in the 2000–01 fiscal year. The time bomb's clock is ticking.

◆ **Quality of Care: Uneven at Best.** Increasingly, children are being cared for in small family day care homes and commer-



work; this program is administered by the state Department of Social Services (whose priority is to remove parents from TANF rolls, not provide quality child care). Stage Two child care is for families who have obtained stable employment or who are transitioning off aid, limited to two years after employment and TANF departure (“transition” child care). The Davis administration has allocated \$1.2 billion for these two stages. Much of that money is previous TANF-related money which was unspent and rolled over to 1999–2000. It is unspent because there are not enough jobs available to require it. To this point, the vast majority who have left TANF rolls have done so for immigration bar reasons or because of the

cial child care facilities. Child care can be a warehousing of children so parents can work and TANF costs go down, or — with a modest investment — it can be a source of enrichment for children. One study of child care center quality found that only 14% could be rated as high in quality. The Packard Foundation's Center for the Future of Children concluded that “(1) the quality of services is mediocre, on average; (2) the cost of full-time care is high; (3) at the present time, the cost of increasing quality from mediocre to good is not great, about 10%; [and] (4) good child care is dependent on professionally approved staffing ratios, well-educated staff, low staff turnover....”

## 1999 ACTIVITIES AND ACCOMPLISHMENTS

The Governor has proposed some modest spending initiatives directly or indirectly relevant to quantity and quality of child care. They warrant support, but will have only marginal effect given the pay and incentives extant.

◆ **The Challenge.** Currently, 35% of the children in California public schools do not speak English as their first language; the national average is 13%. Over 1.3 million children have “limited English proficiency” (LEP). Nevertheless, California’s students are seeking advanced placement courses and Scholastic Aptitude Test (SAT) participation at high levels, with 55% taking the SAT as opposed to 31% nationally. Despite a much higher minority and language difficulty profile, they nearly match national scores. However, closer examination reveals cause for concern. The 45% not

problem goes beyond the LEP population. For example, removing their scores shows a collapse in all three major test areas for 10th and 11th graders ranging from 36%–49%. A large non-LEP population is headed toward underclass status, with dubious employment prospects.

◆ **Class Size.** Problems remain from the disorganized implementation of California’s K–3 class size reduction effort: 10% of the state’s teachers are “emergency” credentialed and some teacher quality is a concern; many of the new classrooms are mobile buildings or — of greater concern — inadequately partitioned single classrooms with two teachers. The mechanical requirement of 20 students and not a single add-on — upon pain of loss of subsidy for all 21, plus loss of subsidy for all higher priority grades — has led to irrational, bureaucratic

Meaningful class size reduction needs to proceed over three to five years, with \$2 billion added in 1999–2000, and \$2 billion added in 2000–01 and 2001–02, respectively. That pacing, although fast, allows teacher and facility addition without quality sacrifice or undue disruption, respectively. That is the investment recommended in this *California Children’s Budget*. In contrast, the Governor’s Budget offers 12% of that amount — half of it federal. It took 20 years to drive California from the best public schools in the nation to among the worst, and it will take some time and great effort to bring her back. Regrettably, the Governor’s proposal does not even start that process — pushing back for yet another year its beginning.

◆ **K–12 Spending.** California remains near the bottom of the nation in public education investment per enrolled child. Proposed spending for 1999–2000 (after the May Revision) increases spending by 3.4% as adjusted, with one-third of the increase from the federal jurisdiction. The Governor proposes to spend only \$100 million over the constitutionally required minimum, which amounts to .0025 of the education budget.

◆ **Boutique Programs.** The proposed budget has a facially impressive list of new programs, and most have strong merit as stated. But problems exist: (1) The new initiatives do not all involve new funds, but simply rearrange existing money — the total real spending increase for K–12 is 3.4%. (2) Funds for new programs are rarely at a scale which matches their optimistically framed goals, a pattern former Governor Wilson developed into an art, even running out of catchy new titles (*e.g.*, Healthy Start, New Beginnings, Healthy Beginnings, Healthy Families). (3) Programs tend to involve many grants to local officials or the social service establishment, each requiring prodigious paperwork, and too small for substantial critical mass impact outside the grantees. (4) Programs lack independent evaluation for elimination, refinement, or generalization where effective.

◆ **Higher Education Enrollment and Financial Aid.** The expensive private college option is taken by only 8.7% of high school seniors, while 34.8% of them are completing a course sequence for admission to the



seeking college entrance may be a smaller proportion than in other states, but their educational status and prospects are far bleaker. Nationally, 70% are not seeking college, but are doing well otherwise — they will graduate from high school, obtain vocational training or a community college degree, and have developed language skills. In contrast, California’s 45% not taking the SAT are in trouble. The recent STAR test results exposes the dichotomy, with LEP students scoring at the 8%–19% level in reading and 21%–28% in math. But the

machinations damaging to involved children (such as the transfer of the 21st child to another district). Moreover, California’s class size deficit is so great that implementation of the reform has moved the state all the way from 50th in the nation...to 49th. The two high school class size reduction initiatives realistically cover only one or two classes and lack the teacher training and facility support that are necessary. Although constructive and welcome, they are not likely to move California’s overall class size average significantly.

## RESEARCH PROJECTS AND PUBLICATIONS

University of California or California State University systems. However, the state has not invested in enrollment expansion, even to match population gain, with higher education slots decreasing from a population-adjusted 1.5 million in 1990 to 1.38 million currently and 1.4 million as proposed. California needs to move *above* population increase to change the proportion of youth afforded advanced education opportunity, given future job supply.

◆ **Child Abuse Reports and Investigations Increase.** In 1997, 480,443 child abuse reports were serious enough to be referred to investigations for “emergency response” (ER) — up from 396,100 in 1995. The 1997 in-person investigations yielded 174,170 cases deemed “substantiated,” double the 78,512 substantiated cases in 1990 — the second highest rate of increase in the nation. Those cases divide into major categories of neglect to point of endangerment (46%), physical abuse (usually beatings with injury or torture) (32%), and sexual molestation (16%).

◆ **Reunification and “Foster Care Drift.”** Children removed from their homes because of abuse or neglect become dependents of the juvenile court and are placed in foster care — with relatives, in family foster care, or in group homes. The previous 18-month normal reunification period has been reduced in federal and state law over the last two years to 12 months, with earlier termination of parental rights possible. The average time in foster care for those who *leave* it is 20 months. However, the average length of stay in foster care is 39.7 months. About one-half of foster children are reunified with their families. About 20% of those reunited will be removed again, usually after independent reports of further abuse. Of those not returning home, the 46% placed in foster care with relatives have less movement between caregivers, but one-half of the remainder will be moved through three or more separate placements within six years.

◆ **Foster Care Supply/Costs.** The number of children in foster care has increased from 25,573 in 1980 to 103,722 today; the number in 1999–2000 is projected at 108,446.

California has licensed capacity for less than 21,891 children in family foster care homes (up to six children per home), 14,409 slots in “foster family agency” (FFA) homes (a variant of a group home), and 11,624 slots in other group homes. The supply of foster care placements for children is lower than it was in 1985. Family foster care is especially in short supply — although the most personal type and the most likely to lead to adoption (over three-fourths of all adoptions come



from family foster care placements). Family foster care compensation pays for less than one-half of the cost of the children cared for. Since 1991, there had been no increase in family foster care compensation until the 6% raise granted by AB 1391 (Goldsmith) in 1997, which leaves providers with an adjusted 20% decline in compensation from 1991. Because of the shortage of family foster care, increasing numbers of children are put into group homes — which cost four to five times as much per child.

◆ **Adoption.** Children entering foster care as infants are clearly more likely to be adopted within four years than are older children, and very few children who enter

foster care when they are older than five are adopted. Older children exit from the foster care system in one of three ways: 20% run away, 17% achieve legal emancipation by the court (usually after having run away as well), and the remainder reach 18 while still in the foster care system, exiting by age. A highly disproportionate percentage suffer criminal arrests and incarceration as adults.

California officials publicly advocate facilitating the adoption of children over foster care drift. However, in 1994–95, only 2,799 children were placed in adoptive homes by county agencies. Since 1994, adoptions from foster care have amounted to 2,122 in 1995, 2,141 in 1996, and 2,281 in 1997. Adoptions appear to be down even further in 1998. Over 20,000 foster children warrant immediate adoption, and another 30,000 would benefit from it. California is providing real parents to only about 5%–10% per year of those who should have permanent homes.

◆ **Juvenile Crime Incidence.** Nationally, from 1980–1996, juvenile arrest rates were essentially level, and 20%–25% lower than in the 1970s. However, the proportion of violent crimes committed by juveniles among those arrests increased during the 1970s to early 1980s, leveling to 1990, and declining since, particularly in the last five years. California has generally followed these national trends. Currently, youths 13 to 18 do not commit a majority of any crime except arson. Of the six major violent crimes, they represent 17% or less of arrests as to all but robbery (30%). Children are the victim of violence from adults more than five times more often than the converse.

To emphasize the point given current hysteria: California’s juvenile felony arrest rate was 3.20 in 1980; 2.90 in 1990; 2.39 in 1996; and 2.16 in 1997. California juvenile homicide arrests in raw numbers have declined every year since 1991 and are now at half 1991’s number. This is the juvenile crime wave that has brought us 14-year-olds tried as adults, the sentencing of youth as adults, and three strikes for juvenile offenses.

## 1999 ACTIVITIES AND ACCOMPLISHMENTS

Statistically, schools appear to be the safest place for a child — with extremely low crime and violence incidence. However, responding to the Columbine drum beat, the budget of Governor Davis adds a fourth major priority in the May Revision, a well funded “school safety” account, replete with metal detector references, *et al.*

The *California Children's Budget 1999–2000* was distributed to every member of the California Legislature and, as with previous *Children's Budgets*, became a valuable resource document for state budget negotiations. With the generous support of The ConAgra Foundation, CAI has begun work on the *California Children's Budget 2000–01*, scheduled for release in May 2000.

### **Children's Regulatory Law Reporter**

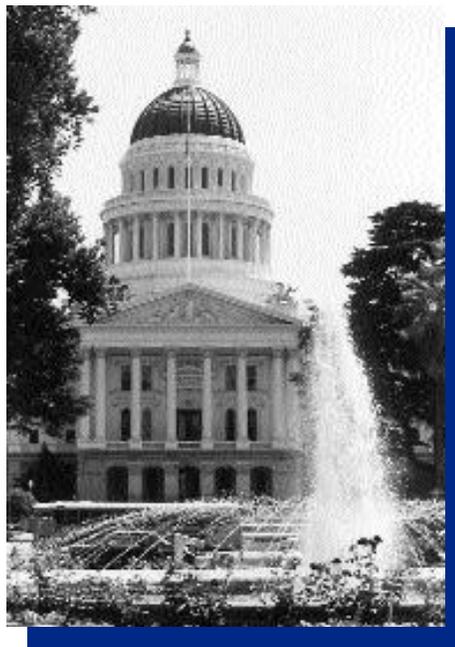
With grants from The California Wellness Foundation and the Maximilian E. & Marion O. Hoffman Foundation, Inc., CAI's Information Clearinghouse on Children began publication of the *Children's Regulatory Law Reporter*, a publication focusing on an often ignored but very critical area of law: regulations adopted by government agencies. For each regulatory proposal discussed, the *Children's Reporter* includes both an explanation of the proposed action and an analysis of its impact on children. The publication is targeted to policymakers, child advocates, community organizations, and others who need to keep informed of the actions of these agencies.

In 1999, CAI released the third issue of the *Children's Reporter* (Vol. 2, No. 1), which discussed over 50 proposed and pending California regulatory changes which affect children. Among other things, the issue discussed pending rulemaking proposals on playground safety, Healthy Families, adoption reform, foster care reform, and class size reduction.

The current and back issues of the *Children's Reporter* are available on CAI's website at [www.acusd.edu/childreissues](http://www.acusd.edu/childreissues).

### **Children's Legislative Report Card**

Grants from The California Wellness Foundation and the Maximilian E. & Marion O. Hoffman Foundation, Inc. also enabled CAI's Information Clearinghouse on Children to launch the *Children's Legislative Report Card*, an annual document which analyzes California legislators' votes on child-friendly bills.



State Capitol, Sacramento, CA

In November, CAI published the 1999 edition of its *Children's Legislative Report Card*, which describes 28 child-friendly bills and indicates how each state legislator voted on those measures. CAI is pleased to announce that the following 25 legislators scored a perfect 100% on the 1999 Report Card: Senators Dede Alpert, John Burton, Betty Karnette, and Hilda Solis, and Assemblymembers Elaine Alquist, Ellen Corbett, John Dutra, Marco Firebaugh, Martin Gallegos, Robert Hertzberg, Hannah-Beth Jackson, Wally Knox, Sheila Kuehl, John Longville, Alan Lowenthal, Kerry Mazzoni, Jack Scott, Kevin Shelley, Darrell Steinberg, Virginia Strom-Martin, Helen Thomson, Tom Torlakson, Antonio Villaraigosa, Edward Vincent, and Scott Wildman. An additional 29 legislators scored in the ninetieth percentile.

The current and back issues of the *Children's Legislative Report Card* are available on CAI's website at [www.acusd.edu/childreissues](http://www.acusd.edu/childreissues).

### **ADVOCACY**

#### ***In the Legislature***

**L**ed by Senior Policy Advocate Kathryn Dresslar, CAI is continuing its vigilant representation of children in the California Legislature. The following summarizes many of the legislative victories CAI achieved in 1999.

**Child Support.** CAI supported AB 196, which completely restructures California's child support program, creating a new Department of Child Support Services to oversee a centralized statewide system of child support enforcement and collection, with uniform forms and procedures at local county child support offices — no longer under local district attorney jurisdiction. Case information will be readily available across county lines, eliminating the need to start the process all over again when a family moves, and decreasing the likelihood of active evasion of child support responsibilities by simply moving to another county. Collection of child support arrearages more than 60 days old would be handled by the state's Franchise Tax Board. AB 196 was passed by the Legislature and signed into law by Governor Davis.

CAI sponsored AB 472 (Aroner), which creates a Child Support Consumer Complaint Fair Hearings Process for both custodial and noncustodial problems, that will exist outside of the more cumbersome and time-consuming court process. The bill expands and makes modest changes in the Child Support Assurance pilot programs that were authorized as part of California's welfare reform law. AB 472 was passed by the Legislature and signed into law by Governor Davis.

CAI also supported AB 150 (Aroner), which requires the Franchise Tax Board to take over the creation and implementation of a single automated computer system for California's new centralized child support

program, abandoning the “consortia” linkage of four separate computer systems — a plan the federal government rejected. This bill also appropriates \$95.5 million to pay the federal penalties that counties face for failure to move to a single automated system. AB 150 was passed by the Legislature and signed into law by Governor Davis.

**General Health/Access to Health Care.** CAI supported SB 25 (Escutia), which requires the reevaluation of state air quality standards to ensure protection of infants and children. The bill also requires air monitoring around schools and child care centers in non-attainment areas of the state. SB 25 was passed by the Legislature and signed into law by Governor Davis

**Injury Prevention.** CAI supported AB 850 (Torlakson), which creates a state inspection, employee training, and accident reporting program for permanent amusement parks, similar to the state’s longtime regulation of traveling amusement parks and carnivals. AB 850 was passed by the Legislature and signed into law by Governor Davis.

CAI sponsored AB 1055 (Villaraigosa), the Playground Safety and Recycling Act of 1999, which establishes a grant program to assist public agencies in upgrading and repairing local playgrounds to minimum safety standards required by 1990 legislation, and encourages the use of recycled materials in those efforts. AB 1055 was passed by the Legislature and signed into law by Governor Davis.

CAI supported AB 1475 (Soto), which designates a portion of federal transportation safety funding apportioned to the state under the federal Hazard Elimination/Safety (HES) program to be used by local governments to improve school area safety by installing new crosswalks, building bicycle paths, bicycle lanes, and sidewalks where none exist, and implementing traffic calming programs in neighborhoods around schools. AB 1475 was passed by the Legislature and signed into law by Governor Davis.

In the area of gun safety, CAI supported AB 106 (Scott) and SB 15 (Polanco). AB 106

requires the Attorney General of California to develop and adopt minimum safety standards for firearms safety devices, such as trigger-lock mechanisms and gun safes. This bill also requires that, effective January 1, 2002, all firearms manufactured in California or sold or transferred by firearms dealers include or be accompanied by an approved firearms safety device and a safety warning label. AB 106 was passed by the Legislature and signed into law by Governor Davis. SB 15 (Polanco) bans the sale and manufacture in California of “Saturday Night Specials” — the small, easily concealable, poorly constructed gun of choice of juveniles and criminals who carry guns. SB 15 was passed by the Legislature and signed into law by Governor Davis.

**Child Care.** CAI supported AB 109 (Knox), which requires all public or private employers that provide sick leave benefits to their employees to allow employees to use up to one-half of their allotted sick leave to care for their ill children. AB 109 was passed by the Legislature and signed into law by Governor Davis.

**Education.** CAI supported AB 537 (Kuehl), which adds “real or perceived sexual orientation” to the list of traits protected from discrimination at schools and in school-sponsored programs. AB 427 was passed by the Legislature and signed into law by Governor Davis.

CAI also supported SB 434 (Johnston), which requires charter schools to offer at least the same number of instructional minutes per year as non-charter schools; requires charter schools to maintain student attendance records, available for audit; requires certification that students at charter schools have participated in the same state testing programs as pupils attending public schools; requires charter schools to comply

with existing laws and regulations regarding independent study; and subjects charter schools to the statutory requirement that community school and independent study average daily attendance can be claimed only for pupils who are residents of the county in which the apportionment claim is reported or an immediately adjacent county. SB 434 was passed by the Legislature and signed into law by Governor Davis.



**Child Protection.** CAI supported SB 433 (Johnson), which requires the Judicial Council, by January 1, 2002, to establish requirements for the education, experience, and training of all child custody evaluators, both private and court-connected. This bill also requires that, by January 1, 2005, every child custody evaluator shall be a board-certified psychiatrist, licensed psychologist, licensed marriage and family therapist, or licensed clinical social worker, or a court-connected evaluator who meets all Judicial Council criteria, with limited exceptions. SB 433 was passed by the Legislature and signed into law by Governor Davis.

## 1999 ACTIVITIES AND ACCOMPLISHMENTS

CAI also supported SB 1226 (Johannessen), which requires status review hearings for foster children (to determine if they should be returned to the custody of their parent or legal guardian) to occur at six months after the initial dispositional hearing — no later. The bill further requires parents of children placed in foster care to make substantive progress in court-ordered treatment programs to correct parental deficiencies — not just “participate” by showing up. This bill

National Association of Counsel for Children (NACC). During 1999, committee members approved filings in several cases likely to test existing laws.

For example, in *Troxel v. Granville* (United States Supreme Court Case No. 99-138), CAI, as counsel of record for NACC, helped draft an *amicus curiae* brief to the U.S. Supreme Court, advocating the Court’s first recognition of a child’s constitutional right to

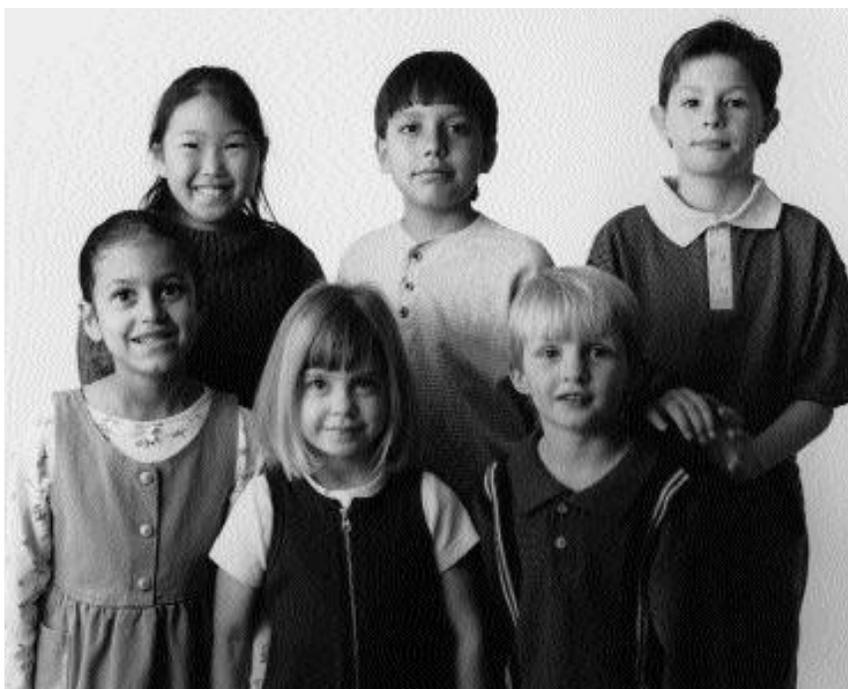
tion is an unconstitutional incursion on the fundamental rights of children and their parents to family privacy and autonomy under the due process clause of the 14th Amendment. Although agreeing that the statute is overly broad and unconstitutional, CAI and NACC argued that the Washington Supreme Court decision delineating parental rights is overly broad in the opposite direction. According to CAI and NACC, the Washington Supreme Court decision imposes a superseding parental rights constitutional concept which would categorically bar the visitation rights of non-parents — including those who have historically performed as parents and who are regarded as such by affected children. Such a simplistic definition ignores the legitimate compelling state interests which can justify state intervention in parent-child relations; completely ignores the constitutional rights of children; denigrates the child’s right to associate with those to whom he or she has bonded; and precludes a proper, balanced role of the state to protect legitimate child interests. CAI and NACC further argued that a pendulum shift from “anyone can invoke the courts to visit a child,” to “no one except a parent can do so,” would bar court intervention where many states properly allow it, and would be as harmful to the affected children as the challenged statute. The brief further notes:

[T]he Court well understands the bond of a parent for a child: “...a parent’s desire for and right to ‘the companionship, care, custody, and management of his or her children’ is an important interest that ‘undeniably warrants deference and, absent a powerful countervailing interest, protection.’”...Is a child’s “desire for and right to ‘the companionship, care, custody, and management’ by his or her parent” any less deserving of constitutional recognition? On what basis? Any distinction one might conjure in comparing the adult right commends more strongly acknowledgment of the child’s counterpart right...

The *amicus* brief was filed with the U.S. Supreme Court in December 1999; oral argument is scheduled for January 2000.

### *In Administrative Agencies*

One of the few child advocacy organizations



also allows the dependency court to terminate family reunification services and begin the process of terminating parental rights when reunification services previously provided to a sibling or half-sibling of the child failed or were terminated. SB 1226 was passed by the Legislature and signed into law by Governor Davis.

CAI, as counsel of record for NACC, helped draft an *amicus curiae* brief to the U.S. Supreme Court, advocating the Court’s first recognition of a child’s constitutional right to a parent, paralleling the oft-recognized adult right to parent.

a parent, paralleling the oft-recognized adult right to parent. *Troxel* deals with the constitutionality of a Washington law which allows “any person” to seek visitation with a child, without a preliminary inquiry into the nature of the person’s relationship to the child or any finding that the child will be otherwise seriously disadvantaged. The Washington Supreme Court held that the statute at ques-

### *In the Courts*

In addition to its successful litigation to compel the Department of Health Services to adopt public playground safety standards (see below), CAI has been active in numerous national *amicus curiae* filings. CAI Executive Director Robert Fellmeth chairs the *amicus* review committee of the

with expertise in the regulatory forum, CAI represented children before various administrative agencies during 1999. Of special note was CAI's continued advocacy before the Department of Health Services (DHS), concerning CAI's crusade to have DHS adopt mandatory public playground safety regulations; CAI is pleased to report that its efforts successfully concluded in December 1999, when the Office of Administrative Law (OAL) approved DHS' long-awaited standards.

Although mandated by a 1990 law to adopt minimum public playground safety regulations by January 1, 1992, DHS did not do so. In 1994, CAI brought suit against the Department and in 1995 won a court order requiring compliance with the statute. But despite the legislative mandate and the 1995 court order, DHS still failed to adopt — or even propose — public playground safety standards. In 1998, CAI filed a motion to enforce the earlier court order in Sacramento County Superior Court, seeking a mandatory timeline within which DHS must publish and adopt the regulations. The court granted CAI's motion and imposed a timeline for DHS' adoption of the rules. Although OAL disapproved DHS' first set of proposed regulations, the Department made revisions and, in November 1999, resubmitted the rulemaking package to OAL for review and approval; on December 22, 1999, OAL approved the regulations, which took effect on January 1, 2000.

prehensive minimum standards for playground safety. These new regulations are based on (1) the [Consumer Product Safety Commission] playground safety guidelines, and (2) performance standards developed by the American Society for Testing and Materials..., which were designed to encourage manufacturers to produce safer playground equipment and products. Unlike the federal Consumer Product Safety Commission safety guidelines, which are

child support payments to participating clients, and to make clients eligible for additional services in the CalWORKs program (such as transportation, health care, and subsidized child care).

***In the Public Forum:  
The Information  
Clearinghouse on Children***

On October 1, 1996, CAI instituted the "Information Clearinghouse on Children" (ICC) with a three-year grant from The California Wellness Foundation (TCWF). Created in 1992 as a private and independent foundation, TCWF's mission is to improve the health of the people of California through proactive support of health promotion and disease prevention programs. In 1997 and 1998, the Maximilian E. & Marion O. Hoffman Foundation, Inc. contributed additional grants toward the operation of the ICC.

The mission of the ICC was to stimulate more extensive and accurate public discussion on a range of critical issues affecting the well-being, health, and safety of children. Supervised by Project Director Margaret Dalton, the ICC accomplished its mission through a variety of outreach and education efforts during 1999, including the following:

◆ ***Research and Referral Service.***

The ICC provided a research and referral service for journalists, public officials, and community organizations interested in accurate information and data on emerging children's issues. The ICC developed an extensive mailing list of media outlets, public officials, and children's advocacy organizations, and distributed copies of reports, publications, and press releases to members of the list, as appropriate.

During 1999, the ICC received and responded to over 600 press inquiries from media outlets across the nation. Additionally, CAI professionals appeared in radio or television interviews 28 times during the year, and



In general, the regulations require operators of outdoor playgrounds that are open to the public to have their playgrounds inspected; require operators to comply with new safety standards which address the design, assembly, installation, maintenance, and supervision of playgrounds and playground equipment and the training of personnel; and establish a minimum educational curriculum for qualified playground inspectors. As the Department of Health Services now acknowledges on its website, "California is the first state in the nation to develop com-

not mandatory and do not have the force of regulations, California's new Playground Safety Regulations also require initial safety inspections of all playgrounds open to the public."

Also during 1999, CAI advocated before the Department of Social Services regarding the implementation of child support assurance in California. Among other things, CAI articulated the need for necessary federal waivers; CAI also supported counties' efforts to distribute more of the collected

## 1999 ACTIVITIES AND ACCOMPLISHMENTS

opinion pieces written by CAI Executive Director Robert Fellmeth appeared in several major California newspapers during 1999 (see below).

◆ **Major Publications.** In its grant, The California Wellness Foundation required CAI to continue the publication of its annual *California Children's Budget*, an exhaustive compilation and analysis of past and proposed funding for children's programs in California. As discussed above, on June 10, 1999, CAI Executive Director Robert Fellmeth released the *California Children's Budget 1999-2000* — the seventh annual installment of the *Children's Budget* series — at a Capitol press conference hosted by Assemblymember Susan Davis. The ICC helped publicize the key findings and recommendations of the *Children's Budget* to the media and circulated the press release and other requested materials to its customized mailing list.

The Wellness and Hoffman grants also enable the ICC to publish two publications described above — the *Children's Regulatory Law Reporter*, a periodical highlighting the regulatory decisions of California administrative agencies which affect children, and the *Children's Legislative Report Card*, which analyzes and publicizes the votes of California legislators on child-friendly bills. During 1999, the ICC published one issue of the *Reporter* and one issue of its *Report Card*.

Additionally, CAI Executive Director Robert Fellmeth drafted several opinion pieces which were published in major California newspapers during 1999. On July 12, 1999, the *Los Angeles Times* published an op-ed by Robert Fellmeth entitled "Remove Hurdles to Sick Kids' Care," in which CAI's Executive Director urged the state to simplify entry procedures in order to provide health coverage to more children. On July 29, 1999, *The San Diego Union-*

*Tribune* published an op-ed by Robert Fellmeth entitled "What We're Not Getting From the 'Education Governor,'" in which CAI's Executive Director criticizes the administration and Legislature for failing to make the necessary investment in education. On September 12, 1999, the *Los Angeles Times* published an op-ed entitled "Perspective on Education; Capacity of Colleges Is Getting Short Shrift; Jobs Now Require More Than a High School Diploma, But We're Not Investing in Providing College Slots," written by Robert Fellmeth. On October 3, 1999, *The Sacramento Bee* published an editorial by Robert Fellmeth, entitled "The Road Not Taken — Our Children." This op-ed was also published by *The Press-Enterprise* on October 10, 1999.

their support of the Information Clearinghouse on Children.

### COLLABORATION AND LEADERSHIP

**C**hildren's Advocates' Roundtable. During 1999, CAI was able to continue to coordinate the Children's Advocates' Roundtable monthly meetings in Sacramento, thanks to the generous support of the Sierra Health Foundation. In addition to the grant, Sierra Health Foundation lends its Sacramento facilities and — when the legislative season heats up — rents facilities close to the Capitol for the monthly confab.

The Children's Advocates' Roundtable, established in 1990, is an affiliation of roughly 150 statewide and regional children's policy organizations, representing over twenty issue disciplines (e.g., child abuse prevention, child care, education, poverty, housing, juvenile justice). The Roundtable is co-convened by the Children's Advocacy Institute and the Sierra Health Foundation, and is committed to providing the following:



◆ **Proactive Public Education and Collaboration.** During 1999, the ICC engaged in a number of proactive public education efforts. For example, in September 1999, the ICC published an issue alert on the topic of children and inhalant abuse. Also, the ICC's website continued to be popular, averaging 3,000 hits per quarter.

CAI is very grateful to The California Wellness Foundation and the Maximilian E. & Marion O. Hoffman Foundation, Inc. for

◆ a setting where statewide and locally-based children's advocates gather with advocates from other children's issue disciplines to share resources, information, and knowledge, and strategize on behalf of children;

◆ an opportunity to educate each other about the variety of issues and legislation that affect children and youth — facilitating prioritization of issues and minimizing infighting over limited state resources historically budgeted for children's programs;

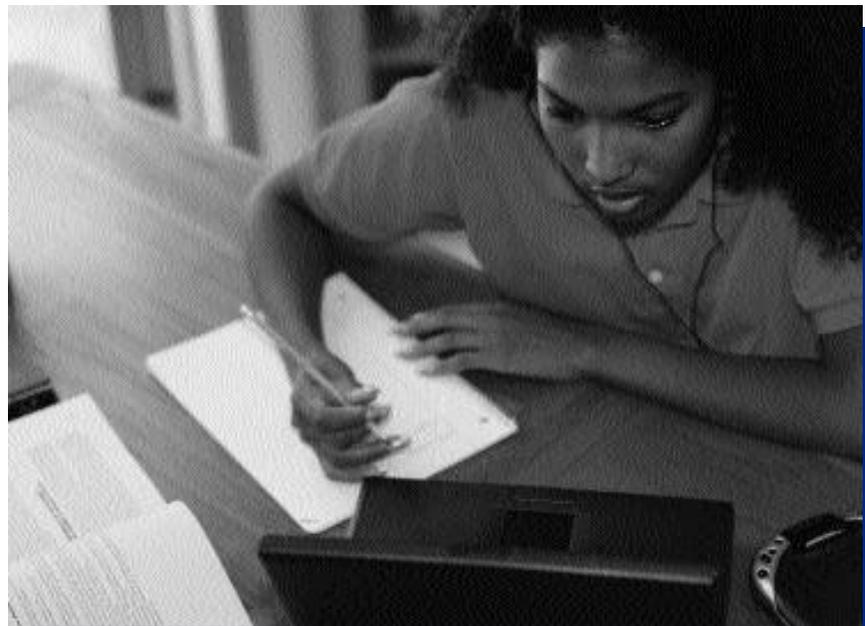
- ◆ an opportunity to collaborate on joint projects that promote the interests of children and families; and
- ◆ a setting to foster a children's political movement, committed to ensuring that every child in California is economically secure, gets a good education, has access to health care, and lives in a safe environment.

Although many Roundtable members cannot attend each monthly meeting, CAI keeps them up-to-date on Capitol policy-making and what they can do to help through "Roundtable FAXblasts" of meeting minutes and e-mail updates. Roundtable members, anxious to make inroads on the new Administration and Legislature, adopted an ambitious to-do list at their last meeting. Roundtable members will be sending a letter to all legislators and key administrative and agency appointments (as they are made), introducing them to the membership and scope of interest of the Children's Advocates' Roundtable, and inviting them to utilize our pool of expertise in drafting and soliciting support for policy changes affecting children and families. Roundtable members are also preparing a schedule of "meet and greet" visits to legislators and Administration leaders, and inviting those officials to address the Roundtable members at upcoming meetings.

The Roundtable maintains an updated directory of California children's advocacy organizations and is exploring other joint projects, such as a dedicated page in the statewide children's newspaper, the Children's ADVOCATE. Unlike many collaborations which seem to winnow away with age, the Children's Advocates' Roundtable has grown in membership and influence with policymakers each year. CAI is grateful to the Sierra Health Foundation for its continued support of this worthwhile effort.

**Child Support Assurance Pilot Projects.** During 1999, CAI continued its leadership role in promoting the implementation of quality child support assurance (CSA) programs, as authorized in AB 1542 (Chapter

270, Statutes of 1997), California's welfare reform law, and as expanded in CAI-sponsored AB 472 (Chapter 803, Statutes of 1999). County child support assurance programs guarantee payment of a minimum level of child support for each child with an established child support order, which is assigned to the county. One model suggested in the law sets the monthly child support assurance payment as follows: \$250 for the first eligible child, \$125 for the second eligible child, and \$65 for each subsequent eli-



gible child, but counties are permitted to set different payment schedules. That way, if a child support payment is not forthcoming from the noncustodial parent, the county takes the hit, not the child. If child support is collected in excess of the guaranteed level of support, that money is also passed through to the custodial parent. This assures custodial parents employed in low-wage jobs of regular monthly child support payments to make ends meet without resorting to welfare.

CAI is extremely grateful to the Rosenberg Foundation for providing the necessary funding to enable CAI to continue to make significant improvements in the area of child support assurance.

During 1999, CAI and the Center for Law and Social Policy worked on a joint grant from the Rosenberg Foundation, which enabled CAI to continue to provide technical support and assistance to California counties implementing pilot child support assurance projects and counties considering such projects, and to advocate for the expansion of child support assurance in California. Particularly as low-income single-parent families are facing time-limited welfare benefits, child support assurance is an important

alternative that promises to move families not just into work, but out of poverty, while promoting the role of noncustodial parents in their children's lives.

CAI is extremely grateful to the Rosenberg Foundation for providing the necessary funding to enable CAI to continue to make significant improvements in the area of child support assurance.

**Healthy Families.** During 1999, CAI — along with Children Now and Kids in Common: A Children & Families

## 1999 ACTIVITIES AND ACCOMPLISHMENTS

Collaborative — worked on a grant funded by the National Association of Child Advocates (NACA) to develop and implement a common agenda for expanding California children's health coverage. CAI's focus was to build consensus around and generate action to support public policy measures to strengthen Healthy Families and Medi-Cal. Among other things, the grant enabled CAI to co-host a statewide gathering of child advocates and health professionals interested in getting more chil-

dren enrolled in the new Healthy Families and Medi-Cal programs.

***Interaction with National Child Advocacy Organizations.*** CAI remains actively involved in major national child advocacy organizations. As mentioned above, CAI Executive Director Robert Fellmeth chairs the *amicus* committee of the National Association of Counsel for Children (NACC), and actively participates as a member of the NACC Board of Directors.

He also serves as counsel to the Board of Directors of the National Association of Child Advocates and is on the Board of Foundation of America: Youth in Action. CAI Senior Policy Advocate Kathy Dresslar also worked extensively with several national advocacy organizations, such as the Center for Law and Social Policy and the National Center for Youth Law.



## Special PROJECTS

**L***awyers for Kids.* Started by in 1996, Lawyers for Kids offers attorneys the opportunity to use their talents and resources as 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 by offering expertise in drafting *amicus curiae* briefs. Among other things, Lawyers for Kids members stand ready to assist CAI's advocacy programs by responding to legislative alerts issued by CAI staff.

**Price Child Health and Welfare Scholarship and Journalism Awards.** In 1991, CAI created a nonprofit charitable corporation to administer the Price Child Health and Welfare Scholarship and Journalism Awards. These awards are presented annual-

ly for excellence in journalism for a story or series of stories that make a significant impact on the welfare and well-being of children in California and advance the understanding of child health and welfare issues in this state.

In 1999, the first place award was given to the *Los Angeles Times* for its series entitled "Failure to Provide: Los Angeles County's Child Support Crisis." The series, which detailed the failure of the Los Angeles County district attorney's office to collect child support on behalf of thousands of children, was written by staff writers Greg Krikorian and Nicholas Riccardi.

The second place award was given to *The Fresno Bee* for a series of special reports on the death of Dustin Haaland, a four-year-old Fresno boy. The articles, which were written by reporter Michael Krikorian, brought attention to serious problems and gaps in the child welfare system.

The third place award was given to the *Los Angeles Times* for editorials entitled "A Health Gain for Kids" and "Lagging Health Insurance Effort," written by editorial writer Alex Raksin.

CAI gratefully acknowledges the dedication of this year's selection committee who reviewed numerous submissions from California daily newspaper editors: Chair Gary Richwald, M.D., M.P.H.; Louise Horvitz, M.S.W.; Lynn Kersey; Alan Shumacher, M.D., F.A.A.P.; and Susan Uretzky, M.A., M.P.H. CAI also thanks the accounting firm of Ernst & Young for its professional *pro bono* assistance.



# 1999 Development REPORT

CAI is grateful to Sol and Helen Price for their gift of the Price Chair Endowment, which has helped to stabilize CAI's academic program within the USD School of Law curriculum; to the Weingart Foundation for its 1992 grant enabling CAI to undertake a professional development program; and for generous grants and gifts contributed by the following individuals and organizations between January 1, 1999 and December 31, 1999:



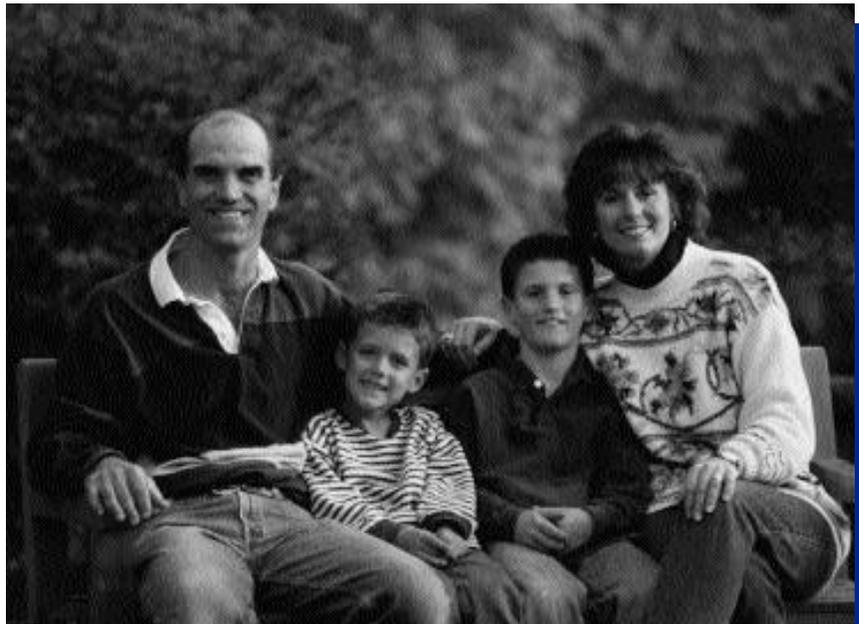
- ◆ Consumers First, LLC
- ◆ Elizabeth Corpora
- ◆ Ann D'Angelo Dau, in memory of James A. D'Angelo
- ◆ Prof. Joseph J. Darby
- ◆ Dr. Helen M. DuPlessis and Mr. David W. Taylor
- ◆ Janice M. Dunn
- ◆ David X. Durkin
- ◆ Garold and Joyce Faber
- ◆ Patrick M. Ford, in memory of James A. D'Angelo
- ◆ David H. Forstadt, in memory of James A. D'Angelo
- ◆ Fountain Valley Pediatrics
- ◆ Dr. and Mrs. George M. Gill
- ◆ David Goldin
- ◆ James Goodwin, in memory of James A. D'Angelo
- ◆ Adrienne Hirt
- ◆ Maximilian E. & Marion O. Hoffman Foundation, Inc.
- ◆ Theodore P. Hurwitz
- ◆ Karen L. Gleason Huss
- ◆ Inland Properties, in memory of James A. D'Angelo
- ◆ Dorothy and Allan K. Jonas
- ◆ Dennis N. Jones, in memory of James A. D'Angelo
- ◆ Dr. Quynh Kieu
- ◆ John H. Abbott and Vickie Lynn Bibro
- ◆ Deirdre and Michael Alfred
- ◆ Mr. and Mrs. Victor N. Allstead
- ◆ Anzalone & Associates, Inc.
- ◆ Maureen J. Arrigo
- ◆ Alan R. Block
- ◆ Prof. Roy L. Brooks
- ◆ Alan and Susan Brubaker, in memory of James A. D'Angelo
- ◆ The California Wellness Foundation
- ◆ Candace M. Carroll
- ◆ Gordon S. Churchill
- ◆ The ConAgra Foundation, Inc.

## 1999 DEVELOPMENT REPORT

- ◆ Kathryn E. Krug
- ◆ Douglas D. Law, in memory of James A. D'Angelo
- ◆ Prof. Herbert Lazerow
- ◆ Prof. Cynthia Lee
- ◆ Harvey R. Levine
- ◆ LEXIS Law Publishing
- ◆ Michele and Rupert Linley
- ◆ John C. Malugen
- ◆ Ned Mansour
- ◆ Mattel Children's Foundation
- ◆ Mr. and Mrs. Edwin L. Miller, Jr.
- ◆ Kelli D. Morton
- ◆ John B. Myer, in memory of James A. D'Angelo
- ◆ Mary M. O'Connor, D.D.S.
- ◆ Mr. and Mrs. Paul A. Peterson
- ◆ David Pugh and Cindy Simpson
- ◆ Prof. Richard C. Pugh
- ◆ Renae and Gary Redenbacher
- ◆ Margaret M. Reynolds
- ◆ Rosenberg Foundation
- ◆ Hallen D. Rosner, in memory of James A. D'Angelo
- ◆ Rosner & Law, in memory of James A. D'Angelo
- ◆ Ron Russo
- ◆ Blair L. Sadler
- ◆ Dorian L. Sailer
- ◆ Gloria and Tony Samson
- ◆ The San Diego Foundation Weingart-Price Fund
- ◆ David J. Shapiro, in memory of James A. D'Angelo
- ◆ Donald and Darlene Shiley
- ◆ Sierra Health Foundation
- ◆ Mr. & Mrs. Owen Smith
- ◆ Prof. Allen C. Snyder and Lynne R. Lasry
- ◆ Soroptimist International of Coronado
- ◆ St. Joseph Health System
- ◆ The Leon Strauss Foundation
- ◆ Howard E. Susman
- ◆ Caroline F. Tobias
- ◆ Vance & Blair, in memory of James A. D'Angelo
- ◆ Prof. Mary Jo Wiggins
- ◆ Anonymous Donors to the Children's Advocacy Institute

The Development Report includes all contributions received from January 1, 1999 through December 31, 1999. While every effort has been made to ensure accuracy, we ask readers to notify us of any errors and apologize for any omissions.

— The Editors



## CAI 1999 STAFF

**Robert C. Fellmeth** is CAI's Executive Director; he is also a tenured professor and holder of the Price Chair in Public Interest Law at the University of San Diego School of Law. He founded USD's Center for Public Interest Law in 1980 and the Children's Advocacy Institute in 1989. In the children's rights area, he teaches Child Rights and Remedies, and supervises the dependency court component of the Child Advocacy Clinic.

Professor Fellmeth has almost 30 years of experience as a public interest law litigator, teacher, and scholar. He has authored or co-authored 14 books and treatises, and is currently completing a law text entitled *Child Rights and Remedies*. He serves as a mem-



ber of the Board of Directors of the National Association of Counsel for Children; he is counsel to the board of the National Association of Child Advocates; and he chairs the Board of Directors of the Maternal and Child Health Access Project Foundation in Los Angeles.

**Kathryn R. Dresslar** is CAI's Senior Policy Advocate in Sacramento. She co-chairs the statewide Children's Advocates' Roundtable and the Legislative Committee of the California Coalition for Children's Safety and Health. She is also a member of the Executive Committee and Chair of the Public Policy Development Committee for the California Coalition for Children's Immunizations, and serves on the Children's Dental Health Advisory Committee. Prior to her employment at CAI, Dresslar worked for eight years as a legislative consultant to some of the most respected members of the California Legislature. While a legislative staffer, she worked in support of several important bills relevant to child well-being, including the Children's Firearm Accident Prevention Act, the Childhood Lead Poisoning Prevention Act, and bills which curb tobacco advertising aimed at teens and fund poison control centers.

**Elisa D'Angelo Weichel** is CAI's Administrative Director and staff attorney. She is responsible for all administrative functions of CAI, oversees all of CAI's programs and grant projects, serves as Editor-in-Chief of CAI's California Children's Budget, and performs legal research and advocacy. Weichel, a graduate of the USD School of Law (J.D., 1990), was 1989's Outstanding Contributor to the Center for Public Interest Law's *California Regulatory Law Reporter*. Before taking her current position with CAI, Weichel served for several years as staff attorney for CAI's parent organization, the Center for Public Interest Law, where she often contributed her legal research and advocacy skills to assist CAI staff on a variety of subjects.

**Margaret Dalton** was Project Director of CAI's Information Clearinghouse on Children through October 1999 and supervised the policy project component of the Child Advocacy Clinic as an adjunct professor at the University of San Diego School of Law. Dalton is a graduate of the USD School of Law (J.D., 1994) and a former intern in the Child Advocacy Clinic. She was a contributor to the Center for Public

Interest Law's *California Regulatory Law Reporter* in 1992-93, and served as a judicial extern at the Fourth District Court of Appeal in 1993. Dalton has also served as a legal research and policy consultant; her projects included drafting model legislation for a patient protection act and authoring California's first comprehensive report on domestic violence. Dalton received national recognition from the Public Relations Society of America for a community relations project for pregnant working women.



**Julianne D'Angelo Fellmeth** is the Administrative Director of CAI's parent organization, the Center for Public Interest Law (CPIL). She is responsible for all administrative functions of CPIL and all of its programs and grant projects. In addition to managing the master budget of CPIL/CAI (which exceeds \$500,000 annually), she team-teaches regulatory law courses with Professor Robert Fellmeth at the USD School of Law and coordinates CPIL's academic program. D'Angelo Fellmeth is a 1983 cum laude graduate of the University of San Diego School of Law, and served as editor-in-chief of the *San Diego Law Review* in 1982-83.

**Kimberly A. Parks** is CAI's office manager in San Diego. She provides support services for Professor Fellmeth and for CAI's academic and advocacy programs (including CAI student interns); and provides sole staff support to the Information Clearinghouse on Children, including the formatting and distribution of the *Children's Regulatory Law Reporter*. Parks is a longtime USD employee, and has worked for CAI since its founding in 1989.

**Stephanie Reighley** performs bookkeeping and donor relations responsibilities in CAI's San Diego office. She tracks revenue and expenses in over 20 CAI accounts, provides staff support services for CAI fundraising activities, and is responsible for all gift processing. She also staffs the quarterly meetings of CAI's Council for Children. Reighley has worked for CAI since 1994.

**Louise Jones** is CAI's office manager in Sacramento, where she tracks legislation, monitors Sacramento office expenditures, and maintains communication with the San Diego office. She also staffs the monthly meetings of the Children's Advocates' Roundtable. Jones joined CAI in 1996.

# CAI Council for CHILDREN

**C**AI is guided by the Council for Children, which meets quarterly to review policy decisions and establish action priorities. Its members are professionals and community leaders who share a vision to improve the quality of life for children in California. The Council for Children includes the following members:

**Thomas A. Papageorge, J.D., Council Chair**, Head Deputy District Attorney, Consumer Protection Division, Los Angeles District Attorney's Office (Los Angeles)

**Martin D. Fern, J.D.**, Partner, Luce, Forward, Hamilton & Scripps, LLP (Los Angeles)

**Birt Harvey, M.D.**, Professor of Pediatrics Emeritus, Stanford University (Palo Alto)

**Louise Horvitz, M.S.W.**, licensed clinical social worker, individual and family psychotherapist (Los Angeles)

**Honorable Leon Kaplan, J.D.**, Los Angeles County Superior Court (Los Angeles)

**Harvey Levine, J.D.**, partner, Levine, Steinberg & Miller (San Diego)

**Paul A. Peterson, J.D.**, of counsel to Peterson & Price; founding Chair of the CAI Board of Advisors (San Diego)

**Gary F. Redenbacher, J.D.**, attorney at law (Santa Cruz)

**Gary A. Richwald, M.D., M.P.H.**, Director and Chief Physician, STD Program, Los Angeles County Department of Health Services (Los Angeles)

**Blair L. Sadler**, President and Chief Executive Officer, Children's Hospital and Health Center (San Diego)

**Gloria Perez Samson**, Principal, Castle Park High School (Chula Vista)

**Alan Shumacher, M.D.**, retired neonatologist; Past President of the Medical Board of California; President, Federation of State Medical Boards of the U.S. (San Diego)

**Owen Smith**, President, Anzalone & Associates (Sylmar)



The CAI Council for Children: (back, left to right) Dr. Gary Richwald, Dr. Alan Shumacher, Gary Redenbacher, Robert Fellmeth (Executive Director), Paul Peterson; (seated, left to right) Blair Sadler, Martin Fern, Gloria Perez Samson, Council Chair Tom Papageorge, Hon. Leon Kaplan. Not pictured: Dr. Birt Harvey, Louise Horvitz, Owen Smith, Harvey Levine.

