

Children's Advocacy Institute

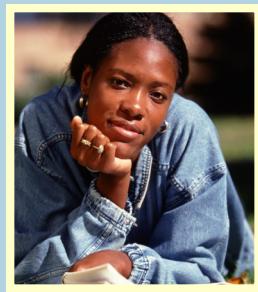


Program Overview



Revised 10/18

Based at the nonprofit University of San Diego (USD) School of Law since 1989, the Children's Advocacy Institute (CAI) is the nation's premiere academic, research, and advocacy organization working to improve the lives of children and youth, with special emphasis on improving the child protection, dependency court, and foster care systems and improving outcomes for youth aging out of foster care and other transition age youth populations. CAI's academic program trains law students to be effective child advocates through substantive courses and clinical opportunities that allow them to represent the interests of children and youth before all branches of government, and to help CAI put important issues on the public agenda. Through its offices in San Diego, Sacramento, and Washington, D.C., CAI's research and advocacy component seeks to leverage change for children and youth through impact litigation, regulatory and legislative advocacy, and public education. Active primarily at the state and federal levels, CAI's efforts are multi-faceted — comprehensively and successfully embracing all tools of public interest advocacy to improve the lives of children and youth.



IMPACT LITIGATION AND AMICUS ACTIVITY

On its own or with the assistance of pro bono partners such as Morrison & Foerster, Winston & Strawn and others, CAI identifies and takes a lead role in nationally trend-setting impact litigation. Examples of CAI's impact litigation include the following:

- ★ In *California State Foster Parent Association, et al. v. Wagner, et al.*, CAI proved that California was in violation of federal law by failing to pay foster family homes rates that consider and cover the actual costs of raising foster children. Higher rates, which will lead to more family foster home placements, went into effect during 2011.
- ★ In *Butterfield v. Lightbourne*, CAI successfully challenged Department of Social Services regulations implementing SB 39 (Migden) (Chapter 468, Statutes of 2007), CAI-sponsored legislation aimed at improving the state's disclosure of child abuse or neglect fatality information.
- ★ In *K.D. v. Facebook*, CAI represented objectors to a proposed class action settlement stemming from Facebook's use of subscribers' images, names and preferences for its own commercial use—and in the case of child subscribers, it does so without first obtaining affirmative parental consent. CAI argued that the proposed settlement was deficient in several significant respects, such as by failing to provide any benefit to the subclass consisting of Facebook subscribers under age 18.

CAI's participation as *amicus curiae* (friend of the court) in state and federal proceedings includes the following:

- ★ In *Ms. L. v. U.S. Immigration and Customs Enforcement*, CAI joined forces with legal service providers and child welfare professionals to challenge the separation of children from their families during immigration and asylum proceedings.
- ★ In *Troxel v. Granville*, on behalf of the National Association of Counsel for Children, CAI served as counsel of record and 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.
- ★ In *Camreta v. Greene / Alford v. Greene*, CAI's February 2011 *amicus curiae* brief to the U.S. Supreme Court was selected by the National Law Journal as the "Brief of the Week." This proceeding involved a Ninth Circuit holding that required parental consent or a warrant (or similar court detention probable cause order), under Fourth Amendment standards, before Child Protective Services social workers can conduct an in-school interview of a suspected child abuse victim. CAI's brief, which was submitted in support of neither party, argued that the Ninth Circuit's ruling imposes a serious barrier that will impede and in some cases cut off child abuse investigations.

PRODUCING THE NEXT GENERATION OF CHILD ADVOCATES

CAI's academic component trains law students and attorneys to be effective advocates for children throughout their legal careers. The centerpiece of CAI's academic program is **Child Rights and Remedies**, a survey course covering the wide range of issues relevant to child advocates. Among other things, students study principles in dependency and delinquency law, tort issues relevant to children, criminal law, and current constitutional issues affecting children's rights. And through its Child Advocacy Clinic at the USD School of Law, CAI provides second- and third-year law students with the unique opportunity to represent children in three distinct ways:

- ★ Through its **Dependency Clinic**, CAI interns assist attorneys in the representation of children and parents in the Dependency Court system.
- ★ Through its **Delinquency: At Risk Youth Clinic**, CAI interns assist the San Diego County Public Defender's Juvenile Division in advocating on behalf of delinquent youth in order to ensure they receive appropriate services while they are under the jurisdiction of the Juvenile Court.
- ★ Through its **Policy Clinic**, CAI interns pursue research, writing, and/or policy advocacy projects at the state or federal level on a variety of issues, such as foster care, children's health coverage, juvenile justice, education, etc. Such projects might include petitioning an agency to adopt regulations, drafting model legislation, participating in impact litigation, or researching and drafting an in-depth report.

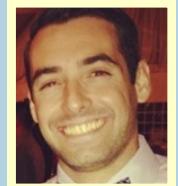
The USD School of Law offers a **Concentration in Child Rights**, and an increasing number of law students are graduating with this distinction, demonstrating their commitment to this educational focus. And the USD School of Law is now home to the **Fellmeth-Peterson Faculty Chair in Child Rights**, which will assure the continuation of CAI as an academic part of USD and as an effective advocate for children.

In addition to training law students to be effective child advocates, CAI has developed the **Dependency Counsel Training Program**, to prepare attorneys throughout California for Dependency Court practice. Over the past several years, CAI has provided hundreds of attorneys with comprehensive continuing legal education specifically focused on Dependency Court practice.



Every time I walk into the Children's Advocacy Institute, I feel like I've arrived home. Meeting and working with Prof. Fellmeth, Elisa Weichel, and other staff members has been a true pleasure. I've learned so much about dependency law, education law, and child advocacy through the dependency clinics, as well as my involvement with the student organization ACE. I look forward to applying the knowledge I learned from CAI once I become an attorney and hope I make a difference in children's lives. —**Holly McCord**, 2013 Recipient, Joel and Denise Golden Merit Award in Child Advocacy

"My involvement with CAI was the highlight of my law school career. I highly recommend CAI's Dependency Clinic to anyone interested in getting practical experience in a courtroom setting." —**Matthew Felder**, 2013 Co-Recipient of the James A. D'Angelo Outstanding Child Advocate Award



"Starting law school at USD, I was most excited about the Child Advocacy Institute at USD. Professor Fellmeth encouraged my interest in juvenile law through his course and by graciously allowing me to pick his brain on international issues relating to juvenile dependency. My participation in the Dependency, Delinquency, and Policy Clinics reinforced my desire to pursue a career in Juvenile Dependency and gave me the perfect platform to apply for jobs and interview in the field. I am glad to say I now represent children in Juvenile Dependency full time, and I owe a big thanks to CAI for getting me here!" —**Sarah Shelly Vaona**, 2012 Recipient of the James A. D'Angelo Outstanding Child Advocate Award

"Participating in the [CAI] clinics taught me a great deal about child advocacy, and has put me in a position to continue advocating for foster youth in the future. I believe directly representing foster youth has given me a foundation in child advocacy law that will allow me to advocate for children at the policy level....through statutory reform, many issues that foster youth face can be addressed before they ever manifest in the life of a child." —**Brenden Shaw**, 2011 Recipient of the James A. D'Angelo Outstanding Child Advocate Award



"I deeply value the mentorship of Bob Fellmeth and the entire staff of the Children's Advocacy Institute. My experience taking Child Rights and Remedies and three semesters of Child Advocacy Clinic has become the important foundation for what I hope to accomplish in the field of child welfare." —**Becky Wu**, 2009 Co-Recipient of the James A. D'Angelo Outstanding Child Advocate Award

RESEARCH AND PUBLIC EDUCATION

C AI's research and authorship on the plight of children and youth have put important child-related issues on the public agenda, and have resulted in policy changes not only in California but nationally. In addition to its release of the *Children's Legislative Report Card* and other regular publications, CAI's research projects have resulted in the following special reports:

- ★ **A White Paper on America's Family Values: The Facts About Child Maltreatment and the Child Welfare Financing System** (Sept. 2018) highlights how Congress is failing to adequately fund programs designed to protect the nation's most vulnerable children.
- ★ **Steps Forward** (Jan. 2018) summarizes progress on state and federal implementation of recommendations made by the federal Commission to Eliminate Child Abuse and Neglect Fatalities.
- ★ **Failing U** (Jan. 2018) analyzes whether states are protecting our veterans and other students from for-profit postsecondary predators.
- ★ **Shame on U.S.** (Jan. 2015) reveals how failings by all three branches of the federal government leave abused and neglected children vulnerable to harm.
- ★ **Are They Being Served—Yet?** (Dec. 2013) gives an update on counties' use of Prop. 63 funds for transition age foster youth.
- ★ **California's Fostering Connections: Ensuring that the AB 12 Bridge Leads to Success for Transition Age Foster Youth** (Dec. 2013) reviews the first 18 months of extended foster care in California and recommends actions to improve outcomes.
- ★ **A Child's Right to Counsel—A National Report Card on Legal Representation for Abused & Neglected Children, 3rd Ed.** (May 2012) grades states on the extent to which they provide independent, client-directed counsel to represent abused or neglected children in dependency proceedings.
- ★ **State Secrecy and Child Deaths in the U.S.: An Evaluation of Public Disclosure Policies about Child Abuse or Neglect Fatalities or Near Fatalities, with State Rankings, 2nd Ed.** (Apr. 2012) grades states' public disclosure policies regarding information on child deaths and near deaths arising from abuse or neglect.
- ★ **The Fleecing of Foster Children: How We Confiscate Their Assets and Undermine Their Financial Security** (Apr. 2011) examines various state and federal laws and practices that inhibit foster youth from attaining financial stability and self-sufficiency.
- ★ **Proposition 63: Is the Mental Health Services Act Reaching California's Transition Age Foster Youth?** (Jan. 2010) reveals that California counties failed to use initial Prop. 63 funding to specifically benefit transition age foster youth.
- ★ **The Health of California's School Children: A Case of State Malpractice** (Jan. 2009) reveals how the lack of appropriately trained and qualified school nursing staff is putting the health and well-being of school children at risk.
- ★ **They Deserve a Family; Higher Foster Family Home Rates Could Lead to Better Outcomes, Including More Adoptions, for California's Foster Children** (May 2007) details how providing appropriate rates to foster family homes leads to better outcomes for foster youth.
- ★ **Expanding Transitional Services for Emancipated Foster Youth: An Investment in California's Tomorrow** (Jan. 2007) discusses how increased investment in youth aging out of foster care would result in significant cost savings for the state.

LEGISLATIVE AND REGULATORY ADVOCACY

C AI maintains full-time legislative and regulatory advocacy offices in Sacramento and Washington, D.C., and has long been a leader in achieving significant policy changes for children:

- ★ CAI successfully sponsored legislation improving California's public disclosure policy governing the release of information regarding cases of child abuse or neglect that result in the death of a child.
- ★ CAI successfully sponsored legislation declaring that each child who is the subject of a dependency proceeding is a party to that proceeding, and as such is entitled to competent counsel, among other things
- ★ CAI was instrumental in the implementation of the **Kids' Plates** personalized license plate program (license plates featuring a heart, star, plus sign, or child's handprint), which raises millions of dollars each year for child health and safety programs.
- ★ CAI helped win enactment of several health and safety measures, including the **Swimming Pool Safety Act**, requiring residential swimming pools constructed after Jan. 1, 1998 to have one of five specific safeguards; the **Bicycle Helmet Law**, requiring helmets for kids under 18; the **Children's Firearm Accident Prevention Act**, making a gun owner criminally liable if he/she leaves a loaded firearm in a place accessible by a child, and the child accidentally injures himself/herself or others with the gun; and the **Unattended Child in Motor Vehicle Safety Act**, making it an infraction for the parent, legal guardian, or other person responsible for a child who is six years of age or younger to leave that child inside a motor vehicle, without being subject to the supervision of a person who is twelve years of age or older, and where there are conditions that present a significant risk to the child's health or safety, or when the vehicle's engine is running or the vehicle's keys are in the ignition, or both.
- ★ CAI successfully sponsored legislation to impose civil penalties for unlawful commercial acts involving child sex trafficking — at 20 times the level otherwise applicable, as well as complete disgorgement of all monies obtained and the application of pre-filing discovery that can accomplish the effective closure of any organized sex trafficking.
- ★ CAI advocacy led to the establishment of a process for the appointment of appellate counsel for children in dependency proceedings.

LEADERSHIP, COORDINATION AND PUBLIC AWARENESS

For almost three decades, CAI has convened and chaired regular meetings of the **Children's Advocates' Roundtable**, an affiliation of over 200 of California's children's policy organizations, to provide a setting for advocates to share resources and information, as well as collaborate and strategize on projects that promote the interests of children and youth.

CAI is also a **leader at the federal level**. CAI Executive Director Bob Fellmeth served on the Board of Directors of the National Association of Counsel for Children (NACC) for 26 years, including a two-year term as Board President. He currently serves as Treasurer of Partnership for America's Children and on the Board of Directors of First Star. He has served on the Board of Directors of Public Citizen since 1995. CAI's National Policy Director Amy Harfeld currently sits on the NACC Board of Directors, and actively participates in several national coalitions such as the National Foster Care Coalition, the Child Welfare and Mental Health Coalition, and the Children's Rights Committee of the ABA's Section of Litigation.

CAI operates the **Information Clearinghouse on Children**, providing research services for journalists and public officials, to help promote and stimulate an accurate public discussion on issues affecting children and youth.

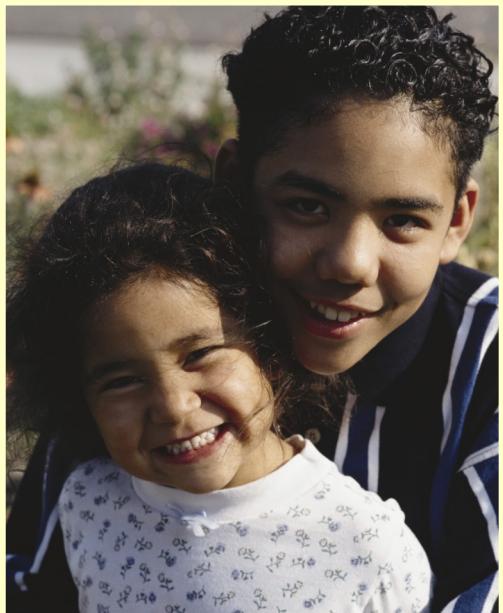
CAI administers the **Price Child Health and Welfare Journalism Awards**, which have been presented annually since 1992 for excellence in journalism. The Awards recognize in-depth works that bring to light a significant issue impacting the health, welfare and well-being of children and advance the understanding of child health and well-being issues, such as child health, health care reform, child nutrition, child safety, child poverty, child care, education, child abuse, foster care, former foster youth, juvenile justice, and children with special needs.

CAI has authored dozens of opeds that have appeared in publications such as the *Los Angeles Times*, *Sacramento Bee*, *San Francisco Chronicle*, *Los Angeles Daily Journal*, *Huffington Post*, *The Hill*, and *San Diego Union-Tribune*, among others.



INNOVATIVE SOLUTIONS

One of CAI's primary projects is improving outcomes for transition age foster youth, seeking to expand and improve services and resources available to youth who age out of the foster care system. The centerpiece of CAI's efforts is its proposed **Transition Life Coach (TLC)** plan, which would require the state to replicate as closely as possible the commitment that responsible parents make during the transition of their children to independent adulthood. Youth who opt to participate in the TLC plan would receive a monthly stipend and support services. The stipend is sent to a court-appointed adult TLC, who meets with the youth on a regular basis to distribute the funds, plan for their use, and verify the youth's continuing progress toward self-sufficiency. The stipend would be based on the youth's needs, and would typically decrease as the youth becomes more self-sufficient. An important element of the TLC plan is the TLC itself; ideally, this person will be someone with a prior relationship with the youth — to accomplish the continuity otherwise lacking for many of these children. A TLC could be the youth's foster care provider, relative, CASA, or attorney, or some other person who is competent, responsible, cares about the youth and in whom the youth has confidence.



BACKGROUND, LEADERSHIP, STAFF, AND FUNDING

CAI was founded in 1989 by **Robert C. Fellmeth**, tenured law professor at the USD School of Law, founder of USD's Center for Public Interest Law, and holder of the Price Chair in Public Interest Law at the School of Law. One of the original Nader's Raiders, Prof. Fellmeth has devoted his forty-year legal career to championing the causes of diffuse, unorganized, and under-represented interests — primarily consumers and children. He currently serves on the boards of Partnership for America's Children, First Star, and the Maternal and Child Health Access Project. In the past, he served on the boards of the National Association of Counsel for Children (including two years as President), Public Citizen Foundation, Consumers Union, and California Common Cause, and was counsel to the Board of Directors of Voices for America's Children.

CAI is part of the University of San Diego, a 501(c)(3) organization, and more specifically, it is part of the USD School of Law. CAI is advised by the **Council for Children**, a panel of distinguished professionals and community leaders who share a vision to improve the quality of life for children and youth. Council members include

- ★ Bill Bentley
- ★ Denise Moreno Ducheny
- ★ Anne E. Fragasso, Esq.
- ★ John Goldenring, MD, MPH, JD
- ★ Hon. Leon Kaplan
- ★ David M. Meyers
- ★ Thomas Papageorge
- ★ Gary Redenbacher, JD (Chair)
- ★ Gary Richwald, MD, MPH (Vice-Chair)
- ★ Gloria Perez Samson
- ★ Ann Segal
- ★ John Thelan

Emeritus members include Robert Black, MD; Birt Harvey, MD; Louise Horvitz, MSW, PsyD; James McKenna[†]; Paul Peterson, JD; Blair Sadler, JD; Alan Shumacher, and Owen Smith.

Prof. Fellmeth serves as CAI's Executive Director. Other staff members include Jessica Heldman, Fellmeth-Peterson Professor in Residence in Child Rights; Elisa Weichel, Administrative Director/Senior Staff Attorney; Ed Howard, Senior Counsel; Melanie Delgado, Senior Staff Attorney/Director of Transition Age Youth Projects; Amy Harfeld, National Law and Policy Director/Senior Staff Attorney; Katie Gonzalez, Assistant Director, Public Interest Law Communications; and Tina Calvert, Executive Assistant. CAI is also assisted each year by several law student interns participating in CAI's academic program or working as research assistants, and by pre-law interns and volunteers.

CAI's entire advocacy budget must be raised each year in the form of grants, donations, cy pres awards, attorney fees, and other funds which CAI must obtain from external sources in order to maintain its current level of operations. As part of the nonprofit University of San Diego, donations to CAI are tax-deductible to the extent the law allows.

To donate to CAI, please visit law.sandiego.edu/caigift.

[†]Deceased

HELP CAI HELP KIDS

We need your support in order to continue our work — and here are a few ideas for how you can help us help kids:

- ★ Make a **tax-deductible donation** to CAI using the attached envelope or online at law.sandiego.edu/caigift.
- ★ Make the Children's Advocacy Institute your charity of choice when using www.goodsearch.com to conduct Internet searches or www.goodshop.com when shopping online. GoodSearch is a Yahoo-powered search engine that donates about a penny per search to CAI each time you use it to search the Internet. GoodShop is an online shopping mall which donates up to 30% of each purchase to CAI; hundreds of vendors — stores, hotels, airlines, and other goods and service providers — are part of GoodShop, and every time you buy from one of the vendors online, part of your purchase price will be donated directly to CAI.
- ★ Volunteer to serve as an **Educational Representative** for a child or youth in the Dependency and/or Delinquency Court systems of San Diego County, or ask CAI how to start a similar program in your community.
- ★ For attorneys involved in class actions resulting in a **cy pres distribution fund**, recommend CAI as a potential recipient of those funds (Code of Civil Procedure section 384 lists "child advocacy programs" as eligible recipients of cy pres distributions).
- ★ Join the **Children's Advocates' Roundtable** and participate in its monthly meetings and/or follow the Roundtable activities on Facebook.
- ★ Join **Lawyers for Kids**, which gives attorneys, law students, and others in the legal community the opportunity to use their talents and resources as advocates to promote the health, safety, and well-being of children; assist CAI's policy advocacy program; and work with CAI staff on impact litigation or by offering expertise in drafting amicus curiae briefs.
- ★ Subscribe to receive **E-NewsNotes**, periodic emails from CAI about important legislative or regulatory proposals, significant litigation, new reports and publications, and other important events that impact the health and well-being of California's children.
- ★ Purchase a **Kids' Plate**, a special license plate featuring one of four special symbols: a star, a hand, a plus sign, or a heart. Proceeds support local and statewide programs to prevent child injury and abuse, as well as childcare health and safety programs.

For information on all of these opportunities, please visit CAI's website at www.caichildlaw.org, call us at (619) 260-4806, or email us at info@caichildlaw.org.





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Twitter: @CAIChildLaw



*The Children's Advocacy Institute is part of the
University of San Diego, a 501(c)3 nonprofit institution.
Donations to CAI are tax-deductible to the extent the law allows.*

