

CHILDREN'S LEGISLATIVE REPORT CARD

LEGISLATIVE SESSION: 2021–22

REPORT CARD TERM: 2022

Dear Californians,

Since 1997, the Children's Advocacy Institute has published the annual Children's Legislative Report Card in order to inform Californians of our legislators' actions on a selection of bills that would have benefited children if enacted.

This *Report Card* reflects the "votes for kids" percentages attributed to California legislators for their votes on child-related legislation during 2022, the second year of the 2021–22 legislative session. The grades you will see reflect each legislator's votes on 47 child-friendly bills that ran through policy and fiscal committees and achieved votes on both the Assembly and Senate floors. This Report Card also includes two additional bills—a bill that was killed in the Suspense File of the Assembly Appropriations Committee, and a bill that was killed in the Suspense File of the Senate Appropriations Committee. For those measures, which were allowed to die without a public vote, all legislators in the house where the bill was killed received "no" votes. We include these bills to symbolize all of the worthy child-related measures that were not given priority status by our legislators. When so many hardships and challenges continue to plague our children and youth every day, we believe no legislator can lay claim to a score of 100%.

Because this *Report Card* cannot tell you all there is to know about your elected officials, we urge you to communicate frequently with them so they know your expectations of them with regard to California's children.

Sincerely,



Robert C. Fellmeth
Executive Director



Ed Howard
Senior Policy Advocate

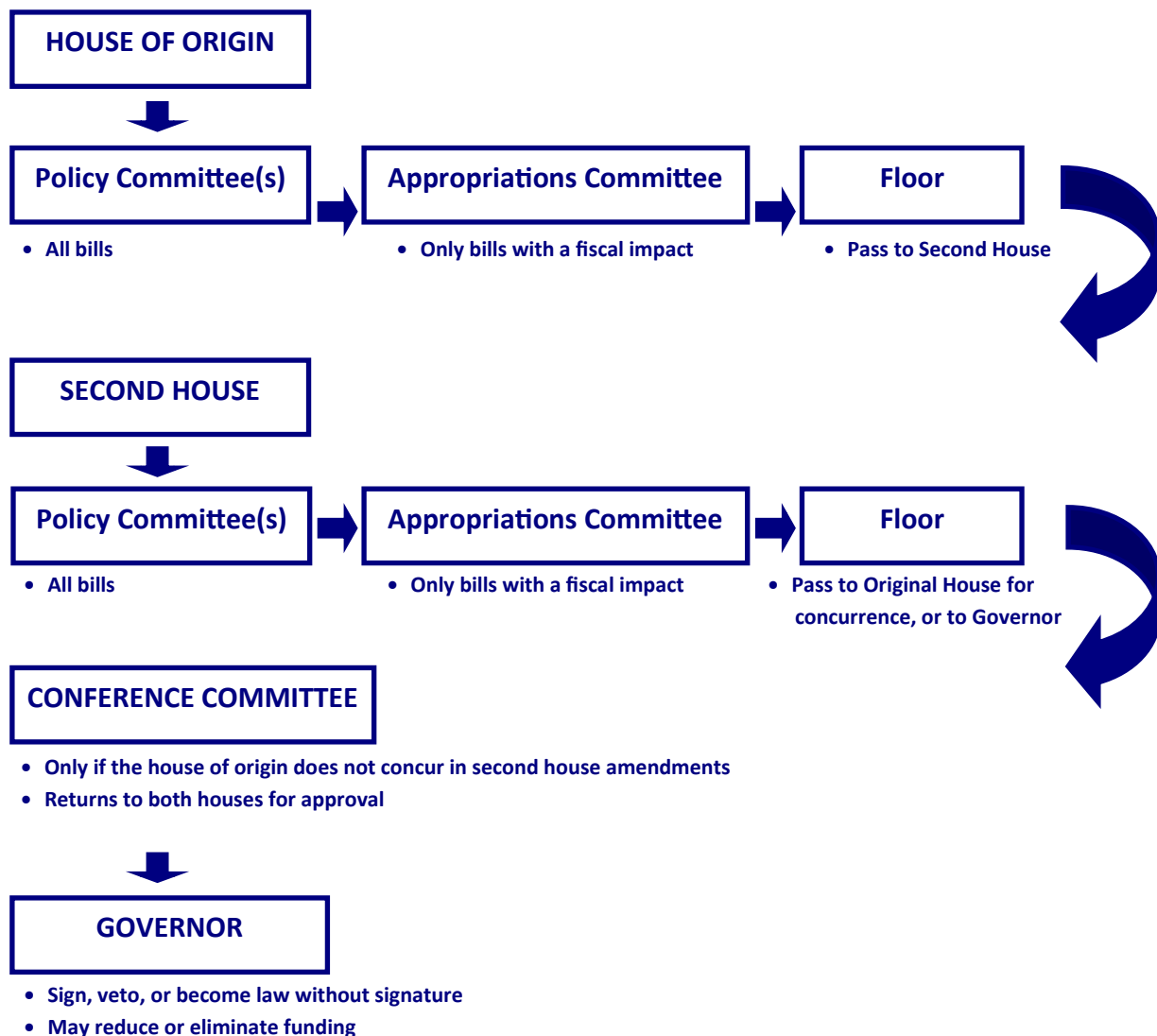


A Primer

THE LEGISLATIVE PROCESS

After introduction by a legislator, a bill is heard in the appropriate policy committee(s), and if it has a fiscal impact is then heard in the Appropriations Committee in the house of origin (either the Assembly or Senate). If a bill passes those committees, it is next voted upon by all members of that house (the “floor vote”). If the bill passes a floor vote in the house of origin, it then goes to the other house and begins the process all over again (policy committee(s), Appropriations Committee, and floor vote). At any of these points, the bill may be changed or “amended.” If the bill is amended in the second house, it must return for a second vote on the floor of the house of origin (the “concurrence vote”).

Once a bill passes both houses of the Legislature (and, if necessary, passes a concurrence vote in the house of origin), the Governor may sign it into law, veto it, or take no action within the constitutionally-prescribed time limit, thereby allowing it to become law without his/her signature. The only change a Governor may make in a bill, without sending it back to the Legislature, is to reduce or eliminate the money allocated in the bill.



A Preface of Thanks

2022 saw the exit of two state lawmakers, one a Senator and one an Assemblymember, one a Democrat and one a Republican, one a physician, one a lawyer — both of whom zealously and effectively advocated for our children in life-and-death matters in the face of opposition that would have daunted and routinely daunts other legislators. We owe them a thank you.

Dr. Richard Pan. It isn't every public servant whose commitment to children endures despite physical assaults, defamatory Internet trolling, and threats of death serious enough to warrant a special security detail.

While the termed out Senator Dr. Richard Pan from Sacramento may, as one news outlet described him, appear as "bespectacled," "brainy," and "studious," when it came to championing the cause of ensuring that California's children obtained life-preserving vaccines, Dr. Pan was Heavyweight Champ Joe Frazier — toughness and grit, personified. As the *Sacramento Bee* rightly observed, Dr. Pan led legislative efforts "to eliminate personal belief exemptions to vaccinations for children attending schools..., to close a loophole in the vaccine mandate...and to keep protesters from obstructing access to vaccine sites...."¹

But Dr. Pan did more than just chiefly author these laws. In a polarized and casually violent political era, he chose to be the public face of these bills. He understood that as a legislator, scientist, and pediatrician, he was the indispensable person at the crossroads moment called to protect vulnerable California children from those who would, on the basis of social media posted half-truths, wild conspiracy myths, and fringe barely-science, deny them the most successful public health offerings since basic sanitation: vaccines.

How many children will not die or needlessly suffer because of Dr. Pan's signature bravery will never be known. Dr. Pan is likely smart enough to calculate how many lives he has saved. Maybe he is even smart enough to calculate the avoided suffering. We are not that smart. We just know it is, well, *a lot*.

We didn't agree with every stance or vote he took as a legislator. We do agree, whole heartedly, with those who call him a hero.

Jordan Cunningham. Continuing the tradition of great Republican public servants such as President Teddy Roosevelt and California Governor Hiram Johnson, Republican Assemblymember Jordan Cunningham has confronted greedy corporate interests that work to accumulate extreme wealth and commanding power at the expense of all others. He successfully authored numerous bills reforming facets of foster care adjudications, championed antitrust reform, led efforts to secure privacy from Amazon's prying Alexa ears, and overturned a risible settlement that permitted Internet companies to ask children if their parents had agreed to terms and conditions. Putting aside all those legacy-securing accomplishments, he will long be admired for serving as chief author of CAI's co-sponsored AB 2408, a bill that simply would have made it expressly unlawful for social media giants, knowingly or negligently, to cause children to become medically addicted to their products.

While the grotesque amorality of social media giants that are knowingly causing record numbers of children — girls especially — to kill themselves, become anorexic or medically depressed, die from fentanyl overdoses, and be sexually trafficked is self-evident, the existence of a legislator who would bravely step forward into the center of the ring, plant his feet, and raise his fists to fight them on behalf of our children was not.

Enter Jordan Cunningham. Rarely have we seen such resourcefulness, skill, integrity, hard work, and passion wrapped up into one legislator and one legislative effort. Add to that the fact he was a Republican who championed children in the face of Big Business opposition, and cynicism about politicians must in his case yield to admiration.

As is discussed below, this bill was not enacted; however, the success it did have in the Legislature, and its success in keeping the immoral abuses of these companies in the public's irises, are owed in significant measure to Jordan Cunningham.

Children's Advocacy Institute's 2022 Legislative Awards

2022 Senate Legacy Award: The Hon. Richard Pan

For his resourcefulness, skill, integrity, hard work, and passion; for heroically championing the cause of ensuring that California's children obtain life-preserving vaccines; for understanding that as a legislator, scientist, and pediatrician, he was the indispensable person at the crossroads moment called to protect vulnerable children from those who would, on the basis of social media posted half-truths, wild conspiracy myths, and fringe barely-science, deny them the most successful public health offerings since basic sanitation—vaccines; and in so doing, for saving countless children from death or needless suffering.

2022 Assembly Legacy Award: The Hon. Jordan Cunningham

For his resourcefulness, skill, integrity, hard work, and passion; for successfully authoring legislation to reform facets of foster care adjudications, to require Internet companies to obtain parental consent from the parent—not the child, and to authorize civil penalties on hotel and motel owners if they knew or should have known that trafficking was taking place on the premises and did not contact law enforcement; for successfully co-authoring the first-in-the-nation “Age Appropriate Design Code” law, which requires that online products accessible by children be designed with child safety and protection features; and for serving as chief author and champion of legislation—vehemently opposed by big business—that would have simply made it expressly unlawful for social media giants, knowingly or negligently, to cause children to become medically addicted to their products.

2022 Legislator of the Year Award: The Hon. Buffy Wicks (co-recipient)

For her resourcefulness, skill, integrity, hard work, and passion; for successfully co-authoring the first-in-the-nation “Age Appropriate Design Code” law, which requires that online products accessible by children be designed with child safety and protection features; and for serving as co-author of legislation—vehemently opposed by big business—that would have simply made it expressly unlawful for social media giants, knowingly or negligently, to cause children to become medically addicted to their products.

2022 Legislator of the Year Award: The Hon. Laurie Davies (co-recipient)

For her resourcefulness, skill, integrity, hard work, and passion; and for her bold and tireless advocacy for veterans targeted by unscrupulous for-profit education businesses, resulting in the enactment of ABs 1730 and 1731. (Presented jointly by the University of San Diego School of Law's Veterans Legal Clinic, Consumer Protection Policy Center, and Children's Advocacy Institute.)

2022

THE YEAR IN REVIEW

A BRIEF RECAP

In 2022, many good child-related bills were enacted, some of which are highlighted in this Report Card. Governor Newsom continues his run as being the most child-friendly Governor in more than a generation, even if his priorities are sometimes inscrutable to us. Same, overall, and again when it comes to the Legislature.

CAI succeeded in securing enactment of many worthwhile, prioritized bills ranging from preventing foster children from being unfairly suspended and expelled from school, to expanding the use of restraining orders in sexual trafficking cases, to making suits against predatory for-profit education businesses more attractive.

CAI also succeeded in putting a bill on Governor Newsom's desk that would have kick-started long moribund state and local child death review teams. Citing costs, the Governor vetoed it — a baffling decision given its miniscule price tag and other far more expensive but funded priorities. It was a veto trenchantly and rightly criticized by the *Sacramento Bee*.²

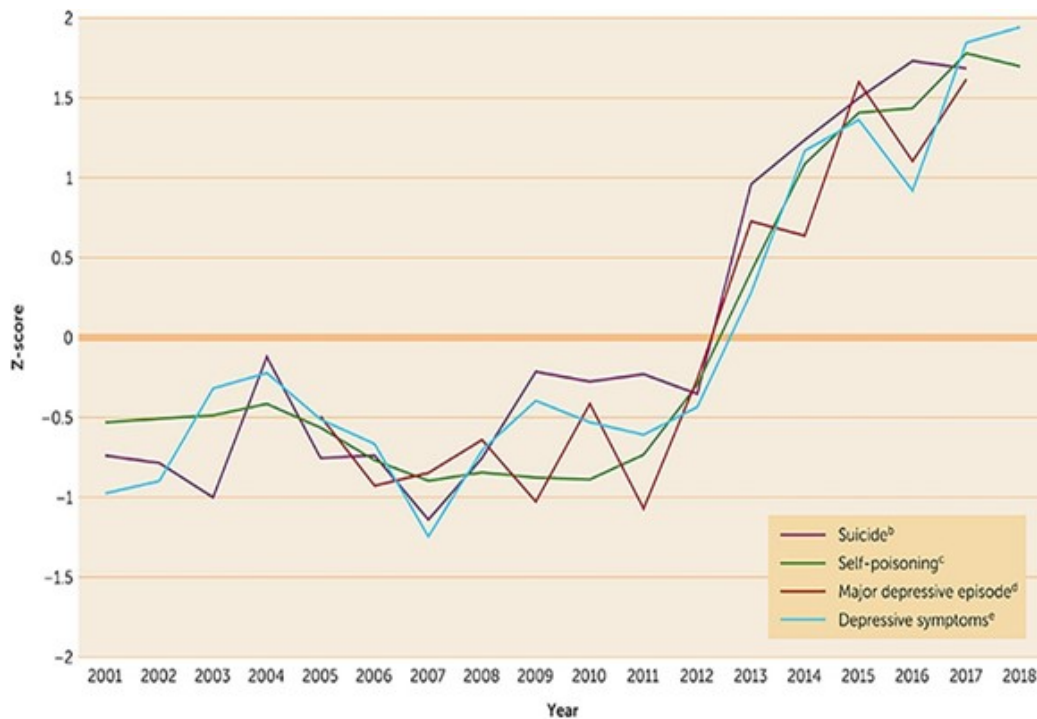
But, fairly measured by national press attention, the child-grounded story of California's 2022 legislative session was the deliberative body turning its attention to curbing the now widely documented harms that social media giants — Facebook, Instagram, TikTok, and Snap especially — are knowingly and repulsively inflicting on a whole generation of children.

AB 2408 (CUNNINGHAM AND WICKS): THE BIGGEST FIGHT CAI HAS EVER PICKED

Perhaps no issue CAI has ever spearheaded has broader and deeper consequences for our nation's children than what social media platforms are doing to our kids.

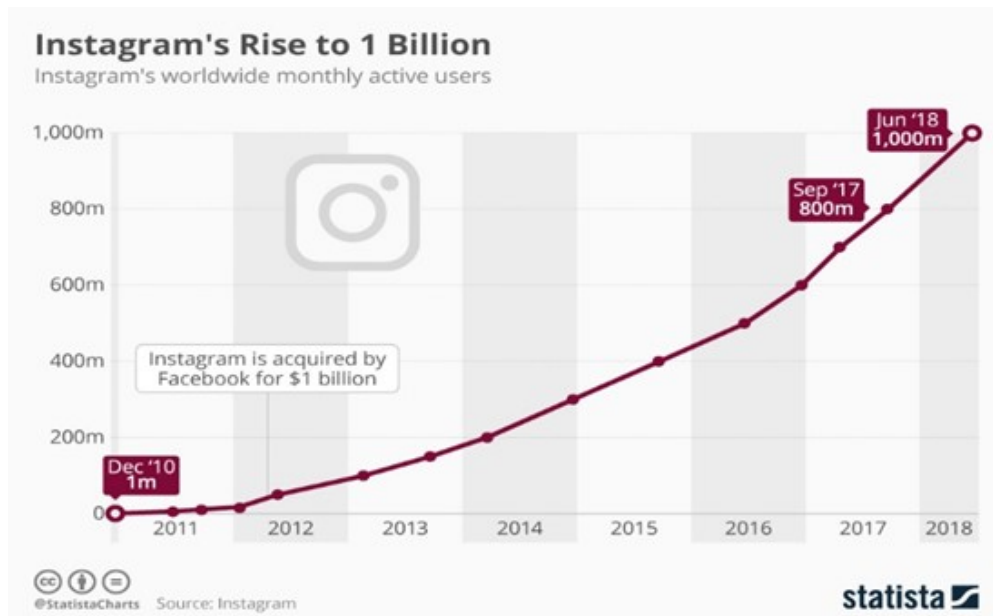
The reason for the national press attention is simple. The four companies noted above (and others) are needlessly and knowingly causing children to die and suffer *en masse* in ways and numbers never seen before. Consider the following five ways social media is harming our children:

Social Media and Teen Girl Suicide. To deny that the never-before-seen child and teen mental health crisis we are currently engulfed in is at least partly the result of social media addiction bizarrely requires denying the research conducted by the world's largest social media company about its very own operations. According to an investigation by the Wall Street Journal, internal research by Meta revealed that "[a]mong teen users [of Instagram] who reported suicidal thoughts, 13% of British users and 6% of American [teen] users traced the desire to kill themselves to Instagram...."³



INCREASES IN DEPRESSION, SELF-HARM, AND SUICIDE AMONG U.S. ADOLESCENTS.
Indicators of poor mental health among U.S. girls and young women, 2001–2018 (note, before COVID) ⁴

The never-before-seen spike in suicides among teen girls, as shown above, has occurred during the exact same time frame as the following:



INSTAGRAM'S RISE TO 1 BILLION:
Instagram's worldwide month active users⁵

Social Media and Eating Disorders. “We make body image issues worse for one in three teen girls,” says another slide from Facebook’s Instagram research presentation, pursuant to the Wall Street Journal investigation.⁶ “Teens blame Instagram for increases in the rate of anxiety and depression,” said another slide. “This reaction was unprompted and consistent across all groups.”⁷

According to CBS News, Facebook knew Instagram was pushing girls to dangerous content, citing to a previously unpublished internal document: “In 2021, according to the document, an Instagram employee ran an internal investigation on eating disorders by opening a false account as a 13-year-old girl looking for diet tips. She was led to graphic content and recommendations to follow accounts titled ‘skinny binge’ and ‘apple core anorexic.’”⁸

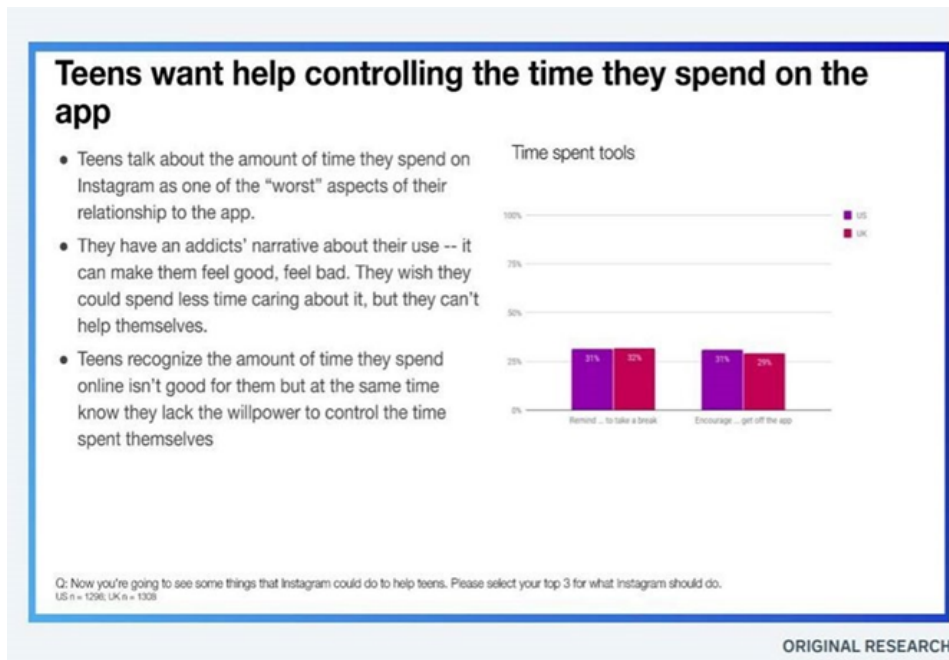
The Center for Countering Digital Hate conducted a survey to determine the extent to which TikTok pushes harmful content promoting eating disorders and self-harm into users’ feeds. It noted that “[f]or our study, [our] researchers set up new accounts in the United States, United Kingdom, Canada, and Australia at the minimum age TikTok allows, 13 years old. These accounts paused briefly on videos about body image and mental health, and liked them. What we found was deeply disturbing. Within 2.6 minutes, TikTok recommended suicide content. Within 8 minutes, TikTok served content related to eating disorders. Every 39 seconds, TikTok recommended videos about body image and mental health to teens.”⁹

Social Media and Sex Trafficking. According to a recent study, “65% of child victims recruited on social media were recruited through Facebook compared to just 36% of adults. After Facebook, Instagram and Snapchat were the most frequently cited social media platforms for recruiting child victims, accounting for 14% and 8% of child recruitment, respectively.”¹⁰ As one expert organization observed: “Clearly, what once was improbable has been made possible through social media.”¹¹

One report even noted that traffickers can do their research and contact their victim all while protecting their own identities; over 40% of trafficking victims who met their trafficker online never actually met their trafficker in person.¹²

Social Media and Addiction. “Adolescence is...associated with an increased risk for...addictive disorders.”¹³ The following chart, documenting “an addict’s narrative”, is one of the charts leaked by Frances Haugen, a former Facebook executive.

In addition to those employed by Facebook, many others who have studied social media come to the same conclusion about child addiction and social media. For example, the United States Senate Republican Policy Center published a white paper titled “Social Media and Mental Health” where the Center described social media as “An Addiction Machine” and stated that “[o]ne former Facebook executive, who quit the company and doesn’t allow his children to use social media, has said, ‘the short-term, dopamine-driven feedback loops that we have created are destroying how society works.’”¹⁵



Teens want help controlling the time they spend on the app¹⁴

Social Media and Child Fentanyl Deaths. Overdoses are now the leading cause of preventable death among people ages 18–45, ahead of suicide, traffic accidents and gun violence, according to federal data¹⁶ — and fentanyl was the cause of 77.14% of drug deaths among teenagers last year.¹⁷ The unprecedented spike of children dying from fentanyl overdoses has been documented to be the fault of social media. For example, according to *The New York Times*, “[t]eenagers and young adults are turning to Snapchat, TikTok and other social media apps to find Percocet, Xanax and other pills. The vast majority are laced with deadly doses of fentanyl, police say.”¹⁸ “Social media is almost exclusively the way they get the pills,” said Morgan Gire, district attorney for Placer County, Calif., where 40 people died from fentanyl poisoning last year.¹⁹

According to one expert, “[t]here are drug sellers on every major social media platform....As long as your child is on one of those platforms, they’re going to have the potential to be exposed to drug sellers.”²⁰

CAI’s Response. CAI spent much of 2021 researching social media operations, business models, social and medical science-related studies, investigative reporting, and whistleblower testimony and evidence. It reached out to numerous high-profile academics, medical professionals, and experts on social media and its consequences for children. It consulted with expert lawyers from across the nation. What became clear was: (i) the harms from social media on children were many, horrifying, and knowingly inflicted; (ii) the companies will not stop unless forced to; (iii) Congress was unlikely to act; (iv) the foundation for any reform was keeping the abuses of these four companies in the public’s eye; and (v) the best way simultaneously to confront all these factors was a bill that simply made it clearly unlawful for platforms knowingly or negligently to make addicts of children.

The result: AB 2408 (Cunningham and Wicks), co-sponsored with our treasured colleagues at Common Sense Media — with whom CAI also co-sponsored a watershed child privacy bill whose primary author was child champion Assemblymember Wicks.

In its first iteration the bill simply clarified that the existing legal duty we all have (the duty that is the basis of personal injury law) of acting carefully included a duty of social media companies not to make addicts of our children, and included a safe harbor for platforms that detected addiction and cured it.

To support the bill, CAI had to do everything at once. It had to lobby the bill member-by-member, draft supporting documents, do press outreach, assemble the biggest coalition of supporters CAI has ever assembled, do further research, and respond quickly to opposition arguments.

What happened? Despite being Big Tech's number one kill target, the bill was voted out of the Assembly by a vote of 51–0 with broad bi-partisan support and no “no” votes. All the while, the bill received national press attention and editorial support. CAI built a special web page to support the bill, including all the news stories, the long list of supporters, videos, and key support letters.²¹

On to the Senate's Judiciary Committee where, working collaboratively with Chair Tom Umberg, the bill was modified simply to declare addiction to be illegal where our unfair competition laws served as a model for enforcement by public prosecutors like the Attorney General and District Attorneys. The bill passed with no “no” votes.

But then it went to the Senate Appropriations Committee. In years past we have remarked about how the Legislature's Appropriations Committees are places of maximum peril for public interest bills opposed by powerful interests because bills can die there without the elementary democratic accountability of a vote—without the sunshine that inoculates public decision-making from merit-free exercises of raw special interest power.

CAI, Assemblymember Cunningham, and other bill supporters repeatedly reached out to the Committee Chair, Anthony Portantino, to see if he had concerns. No response. We proposed amendments nevertheless. No response. The bill died in his Committee without a vote—regrettably just days after he attended a Big Tech-sponsored event at a toney Napa winery.

The death of the bill was reported internationally. CAI's Executive Director, Prof. Robert C. Fellmeth, issued the following statement:

Turning a deaf ear to the pleas of anguished children, terrified parents, and experts all warning that social media use is contributing to an epidemic of teen girls committing suicide, the California Senate's fiscal committee today handed a horrifying victory to Facebook and social media giants that are knowingly making addicts of our children by, in secret and without a vote, killing a bi-partisan bill that previously had not a single no vote cast against it.

The Senate's fiscal committee did this despite us living in a declared teen mental health emergency, despite the Big Tech opposition heartlessly offering not a single amendment or alternative to the bill, despite the authors taking every amendment asked of them by policy Committee chairs, and despite it being the only bill in the Legislature addressing the social media aspect of our current teen mental health emergency.

No other way to say it: today's defeat in Sacramento is a crushing defeat for struggling parents, desperately ill children, and stemming the epidemic of teen suicides and depression, and a great Sacramento triumph for Facebook and other multi-billion dollar social media companies that knowingly make addicts of children for profit. And, they will have to triumph year after year and forever because this bill will come back every single year until our children are safe from those who would profit from their pain.

As he noted, public interest advocacy is never a one-and-done proposition. Veteran advocates know that public interest litigation and legislation begets press and reveals facts that change the atmosphere within which cases are decided and bills considered. The press begets lawsuits and bills which beget press, and so on. This is how public interest advocacy iteratively works. And, measured by that realistic benchmark, AB 2408 was a triumph. Over 500 lawsuits were filed against social media companies during the time AB 2408 was in the headlines, other worthy California social media bills were enacted because 2408 took fire for them, the press kept uncovering scandal after scandal, and, most tantalizingly and tellingly, the U.S. Supreme Court has in this atmosphere granted *certiorari* in a case that will likely decide whether federal law insulates social media companies from the harms they are knowingly causing to children.²²

CONCLUSION

“Real courage is when you know you're licked before you begin, but you begin anyway and see it through no matter what.”

—Harper Lee, *To Kill a Mockingbird*

“Never confuse a single defeat with a final defeat.”

—F. Scott Fitzgerald

In other words, CAI has already drafted bills and secured key allies and legislative authors for more social media legislation in 2023.

ENDNOTES

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21. See <https://www.sandiego.edu/cai/advocacy/legislation/ab2408.php>.
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Subjects Graded

CHILD EXPLOITATION

SB 382 (Caballero) includes commercial exploitation of a minor in existing provisions of law that authorize courts to issue a restraining order during the pendency of criminal proceedings and upon conviction of specified offenses. This bill was signed by the Governor on July 1 (Chapter 87, Statutes of 2022).

FOSTER CARE / CHILD WELFARE SERVICES

AB 740 (McCarty) extends the parental notification requirements currently in place for a student's involuntary transfer to a continuation school, suspension, or expulsion, in the case of a foster child, to the foster child's attorney and social worker, and in the case of an Indian child, the child's tribal social worker and county social worker. This bill also provides a foster child's and Indian child's attorney and social worker with the same rights as parents during the involuntary transfer, suspension, or expulsion process, such as requests for meetings and the ability to inspect all documents. This bill was signed by the Governor on Sept. 18 (Chapter 400, Statutes of 2022).

AB 1686 (Bryan) establishes a presumption that, when a child is in foster care, requiring the parent or guardian to pay child support for the child is likely to impose a barrier to the family's efforts to reunify. This bill was signed by the Governor on September 29 (Chapter 755, Statutes of 2022).

AB 1735 (Bryan) clarifies, in the Foster Youth Bill of Rights, that youth have the right to be provided a copy of the Foster Youth Bill of Rights in their primary language, and adds to the Foster Youth Bill of Rights, the right of foster youth to receive a copy of the court report, case plan, and transition to independent living plan in the their primary language. This bill was signed by the Governor on Sept. 18 (Chapter 405, Statutes of 2022).

AB 1794 (Gipson). For children who have been in the child welfare system, this bill would have enhanced postadoption contact agreements between them and their siblings, and expanded instances when their birth parent's rights may be reinstated, provided it is in the children's best interest. This bill was vetoed by the Governor on Sept. 29, opining that there are existing legal pathways for foster children and legal adults to petition for reinstatement of their parents' rights, and additional work is needed to determine if those pathways are insufficient. He also noted that implementation of this bill would likely result in ongoing costs of tens of millions of dollars not accounted for in the budget.

AB 2085 (Holden) clarifies that a parent's economic disadvantage does trigger general neglect reporting requirements and instead direct mandated reporters to connect families with community-based services. This bill was signed by the Governor on September 29 (Chapter 770, Statutes of 2022).

AB 2159 (Bryan) prohibits a dependency court from denying family reunification services to a parent or guardian who is in custody before conviction and requires the court, in determining the appropriate reunification services for the parent or guardian in custody, to consider the particular barriers to an incarcerated, institutionalized, detained, or deported parent's or guardian's access to those court-mandated services and ability to maintain contact with the child and document that information in the child's care plan. This bill was signed by the Governor on Sept. 28 (Chapter 691, Statutes of 2022).

AB 2189 (Friedman) would have authorized foster youth to remain in extended foster care beyond the age of 21 for the limited purpose of compliance with specified verifications by the county welfare department of the foster youth prior to termination of dependency, including, being screened for eligibility for all public benefits for which the nonminor dependent (NMD) may be eligible, and for those who have not secured housing, verification that referrals to transitional housing, or assistance in securing other housing has been made. Requires a county, if a county opts to provide a clothing allowance, to also provide the clothing allowance to minors and NMDs, including those who may be pregnant, who would be eligible to have foster care payments paid on their behalf but for the minor or NMD not residing in an approved placement. On Sept. 18, Governor Newsom vetoed this measure. Although applauding the author's intent in seeking to ensure services are appropriately provided prior to foster youth aging out of the program, he stated that extending foster care beyond the age of 21 raises policy and implementation considerations, and that millions of dollars will be needed to successfully implement this policy, but were not included in the budget.

AB 2306 (Cooley) would have expanded eligibility for the Independent Living Program (ILP) to current and former foster youth up to 22 years of age with intention to expand it further. Governor Newsom vetoed this measure on Sept. 18. While agreeing that an expanded ILP would benefit more transition-aged youth, his reason for vetoing the bill is that "millions of dollars would be needed to implement the proposed expansion, and funds were not provided in the budget for this purpose."

AB 2309 (Friedman) requires the State Department of Social Services to submit a report capturing voluntary placement agreements and care plan data, and also allows the juvenile court to order a guardianship with a caregiver of the family's choice earlier in a juvenile court case instead of ordering a child into foster care placement. This bill was signed by the Governor on Sept. 29 (Chapter 780, Statutes of 2022).

AB 2466 (Cervantes) prohibits, when placing foster children, the placing agency from declining to place a child with a resource family because of a resource family parent's actual or perceived sexual orientation, gender identity, or gender expression, and remove various uses of the phrase "hard-to-place children" in statute. This bill was signed by the Governor on Sept. 30 (Chapter 967, Statutes of 2022).

AB 2866 (Cunningham) modifies the standard of proof for establishing at a review hearing that a parent or guardian whose child has been removed from their physical custody was offered reasonable reunification services, by raising the standard to the clear and convincing evidence standard, in order to make the standard of proof consistent with the clear and convincing evidence standard already in place for permanent placement hearings. This bill was signed by the Governor on Aug. 22 (Chapter 165, Statutes of 2022).

SB 187 (Comm. on Budget and Fiscal Review) requires a county, if a youth elects to remain in foster care as a nonminor dependent after turning 18, to assist the nonminor dependent in establishing continuing disability as an adult, including identifying an appropriate representative payee, which may include the nonminor dependent, a trusted adult, or the county, and gathering and submitting records to SSA; specifies the duties of the county if selected as a nonminor dependent's representative payee; revises screening requirements for foster youth nearing emancipation, including requiring the youth to be under the supervision of the county child welfare agency, juvenile probation, or tribal organization, and requiring the screening to occur when the youth is over age 16 ; requires counties to screen nonminor dependents for potential eligibility for SSI benefits under certain circumstances, including when a nonminor dependent has had a change of circumstances, such as a medical condition that is expected to last more than a year; requires counties to submit applications on behalf of any

nonminor dependents who are screened as being likely to be eligible for those benefits and consent to the application. This bill was signed by the Governor on June 30 (Chapter 50, Statutes of 2022).

SB 532 (Caballero) expands and strengthens the rights for foster youth, homeless youth, former juvenile court school students, children of military families, and migratory children to be exempted from local graduation requirements if certain conditions are met; requires local educational agencies (LEAs) to provide those students the option to remain in school for a fifth year to complete the statewide coursework requirements if certain conditions are met; and requires LEAs to annually report to the California Department of Education the number of students that graduate with an exemption from the LEA's local graduation requirements. This bill was signed by the Governor on Sept. 30 (Chapter 917, Statutes of 2022).

SB 1071 (Umberg) permits attorneys participating in administrative hearings to review and receive copies of juvenile case files, while also requiring the confidential information accessed to remain confidential and to be sealed at the conclusion of the hearing; requires copies of the portions of the juvenile case file that the agency used in making its decision to take certain actions, as specified, that are being appealed, to be attached to any position statement prepared for an administrative hearing, as specified; and provides for certain records and information to be available for inspection by the applicant or recipient of public social services no later than five working days prior to the hearing. This bill was signed by the Governor on Sept. 27 (Chapter 613, Statutes of 2022).

SB 1085 (Kamlager) prohibits a child from being found to be within the jurisdiction of the juvenile court solely due to indigence or other conditions of financial difficulty, and states the intent of the Legislature that families should not be subject to the jurisdiction of the juvenile court, not should children be separated from their parents, based on conditions of financial difficulty, as specified. This bill was signed by the Governor on Sept. 29 (Chapter 832, Statutes of 2022).

SB 1090 (Hurtado) expands the definition of “current or former foster youth” for purposes of accessing the Family Urgent Response System to include youth who have exited foster care for any reason, including but not limited to emancipation, a child or youth who is the subject of a voluntary placement agreement, a child or youth who is placed in foster care and is the subject of a petition filed pursuant to reports of abuse and neglect, and a child or youth placed in California pursuant to the Interstate Compact on the Placement of Children. This bill was signed by the Governor on Sept. 29 (Chapter 833, Statutes of 2022).

*Also see **AB 2665 (Carrillo)**, described in the Race Equity section below.*

HEALTH, SAFETY, AND WELL-BEING

AB 58 (Salas) requires a local educational agency (LEA), on or before January 1, 2025, to review and update its policy on pupil suicide prevention, and encourages LEAs to provide suicide awareness and prevention training to teachers, beginning with the 2024-25 school year; the measure also requires the California Department of Education to develop and issue resources and guidance to LEAs on how to conduct suicide awareness and prevention training remotely, by June 1, 2024. This bill was signed by the Governor on Sept. 19 (Chapter 428, Statutes of 2022).

AB 2042 (Villapudua) would have required the California Department of Social Services, in consultation with the California Department of Education, to establish an anaphylactic policy that sets forth guidelines and procedures recommended for child daycare personnel to prevent a child from suffering from anaphylaxis and to be used during a medical emergency resulting from anaphylaxis. This bill was vetoed by the Governor on Sept. 29. His veto message stated that “[i]t is important for all children in a child care setting to be cared for by staff who are trained to assist with their unique needs, including being able to recognize and respond to symptoms of anaphylaxis. While I appreciate the author’s attention to this important matter, the bill before me creates a number of implementation concerns, including establishing multiple processes and expanding the memorandum of understanding (MOU) between the State and the CCPU. I encourage the Legislature to work with the Department of Social Services and the Emergency Medical Services Authority, who have the expertise to develop health and safety standards, on a workable alternative that is uniform and addresses these issues.”

AB 2281 (Lackey) would have established the Early Childhood Mental Health Services Act, a grant program administered by the Mental Health Services Oversight and Accountability Commission to improve access to, and quality of, care, services, and supports for children up to five years of age, with an emphasis on prevention and early intervention and addressing disparities. On Sept. 18, the Governor vetoed this measure. Although sharing the author’s concern about supporting youth mental health, and finding the goal of this proposed grant program to be laudable, Governor Newsom vetoed the measure because it would require funding not appropriated in this year’s Budget Act.

AB 2408 (Cunningham and Wicks), the Social Media Platform Duty to Children Act, would have prohibited a social media platform from using a design, feature, or affordance that the platform knows, or should know by the exercise of reasonable care, causes a child user to become addicted to the platform. The bill also would have provided that in addition to other relief that may be available under existing law, a public prosecutor may bring an action for a violation and seek a civil penalty of up to \$25,000 per violation, litigation costs and reasonable attorneys’ fees, and an additional civil penalty of up to \$250,000 for a knowing and willful violation. It also would have established a safe harbor from liability for civil penalties if the platform institutes and maintains a program of at least quarterly audits of its practices, designs, features, and affordances to detect practices or features that have the potential to cause or contribute to the addiction of child users, and the platform corrects within 30 days of the completion of an audit any practice, design, feature, or affordance discovered by the audit to present more than a *de minimis* risk of violating the bill’s provisions. This bill was killed without a public vote by the Senate Appropriations Committee.

AB 2660 (Maienschein), would have, among other things, required every county to establish an interagency child death review team no later than January 1, 2025, and to develop and adopt a protocol that may be used as a guideline by persons performing autopsies on children to assist coroners in the identification of child abuse or neglect. Governor Newsom vetoed this bill on Sept. 28. While agreeing with the intent of the bill, he stated that it creates a large mandate, potentially costing the state millions of dollars, and that we “must prioritize existing obligations and priorities, including education, health care, public safety and safety-net programs.”

POSTSECONDARY EDUCATION

AB 1730 (Davies) protects veteran consumers of postsecondary services by authorizing a trier of fact in a civil action brought to redress unfair or deceptive acts or practices or unfair competition brought by, on behalf of, or for the benefit of a veteran to consider specified factors in determining the amount of a discretionary fine, penalty, or remedy to be imposed. This bill authorizes the trier of

fact, when the trier of fact makes an affirmative finding in regards to those specified factors, to impose a fine, civil penalty or other penalty, or other remedy in an amount up to three times greater than authorized by statute or up to three times greater than the amount the trier of fact would impose in the absence of that affirmative finding. This bill was signed by the Governor on July 1 (Chapter 78, Statutes of 2022).

AB 1731 (Davies) protects veteran consumers of postsecondary services by requiring the California State Approving Agency for Veterans Education (CSAAVE), on or before January 1, 2024, to establish regulations requiring postsecondary educational institutions to provide specified information to CSAAVE as part of an application for approval or renewal. This bill was signed by the Governor on Sept. 17 (Chapter 380, Statutes of 2022).

SB 1433 (Roth) extends the sunset date for the Bureau for Private Postsecondary Education (BPPE) and California Private Postsecondary Education Act of 2009 until January 1, 2027 and makes additional technical changes, statutory improvements, and policy reforms in response to issues raised during the BPPE's sunset review oversight process. This bill was signed by the Governor on Sept. 25 (Chapter 544, Statutes of 2022).

Also see **AB 1705 (Irwin)**, described in the Race Equity section below, and **SB 641 (Skinner)**, described in the Nutrition section below.

PRESCHOOL / CHILD DEVELOPMENT / K-12 EDUCATION

AB 22 (McCarty) requires the Department of Education, by July 1, 2024, to collect pupil data for each pupil enrolled in a California state preschool program operated by a local educational agency, including all applicable data elements that are collected for pupils in transitional kindergarten, as provided. The bill also require the Department, by July 1, 2024, to collect the same data for educators in a California state preschool program operated by a local educational agency that is collected for educators in the K–12 classroom setting, as provided. This bill was signed by the Governor on Sept. 30 (Chapter 901, Statutes of 2022).

AB 92 (Reyes and McCarty) would have made changes to the family fee schedule for the California State Preschool Program and child care and development services by prohibiting family fees from exceeding 1% of a family's monthly income and exempting families with an adjusted monthly income below 75% of the state median family income from paying a family fee. On Sept. 13, Governor Newsom vetoed this measure. Although stating that expanding access to high quality early learning and care programs for babies and toddlers is a priority of his Administration, he said that the measure would create costs in the tens of millions of dollars not currently accounted for in the state's fiscal plan.

AB 321 (Valladares) adds prioritization for children who come from a family in which the primary home language is a language other than English into specified federal and state subsidized child development services programs. This bill was signed by the Governor on Sept. 30 (Chapter 903, Statutes of 2022).

AB 2806 (Rubio) revises and recasts provisions related to expulsion and suspension of a child from the state preschool program and broadens the provisions to include general childcare and development programs and family childcare home education network programs. This bill was signed by the Governor on Sept. 30 (Chapter 915, Statutes of 2022).

SB 70 (Rubio) would have required, beginning with the 2024–25 school year, a student to have completed one year of kindergarten before being admitted to the first grade of a public school. Therefore, this bill would have expanded compulsory education to include kindergarten. On Sept. 25, Governor Newsom vetoed this bill. While stating that the author’s intent is laudable, the Governor vetoed the measure because it is estimated to have Prop. 98 General Fund cost impacts of up to \$268 million ongoing, which is not currently accounted for in the state’s fiscal plan.

SB 1016 (Portantino) requires the State Board of Education to include “fetal alcohol spectrum disorder” in the regulatory definition of “other health impairment” for the purpose of special education eligibility. This bill was signed by the Governor on Sept. 27 (Chapter 611, Statutes of 2022).

SB 1047 (Limón) expands, from 12 months to 24 months, the period of a family’s eligibility after establishing initial eligibility for state preschool and subsidized child care and development programs, and expands priority for eligibility, enrollment, and services to include families who receive specified human services benefits. This bill was signed by the Governor on Sept. 30 (Chapter 923, Statutes of 2022)

*Also see **AB 2598 (A. Weber)**, described in the Race Equity section below.*

JUVENILE JUSTICE

AB 503 (Stone) would have limited the period of time in which a ward of the court may remain on probation to six months, except that a court may extend the probation in six-month increments if it is in the best interest of the ward, as specified. This bill was vetoed by the Governor on September 29. The Governor cited his desire to avoid additional changes to the juvenile justice system while counties are still adjusting to realignment.

AB 2321 (Jones–Sawyer) redefines the exception to room confinement in juvenile facilities for brief periods to a brief period lasting no more than two hours when necessary for institutional operations, and ensures that minors and wards subject to room confinement are provided reasonable access to toilets at all hours, including during normal sleeping hours. This bill was signed by the Governor on Sept. 29 (Chapter 781, Statutes of 2022).

AB 2361 (Mia Bonta) requires the court to find by clear and convincing evidence that the minor is not amenable to rehabilitation while under the jurisdiction of the juvenile court in order to find that the minor should be transferred to a court of criminal jurisdiction. This bill was signed by the Governor on Sept. 15 (Chapter 330, Statutes of 2022).

AB 2417 (Ting) makes the Youth Bill of Rights applicable to youth confined in any juvenile justice facility. This bill was signed by the Governor on September 29 (Chapter 786, Statutes of 2022).

AB 2644 (Holden) prohibits an officer from using threats, physical harm, deception, or psychologically manipulative interrogation tactics when questioning a person 17 years of age or younger about the commission of a felony or misdemeanor. This bill was signed by the Governor on Sept. 13 (Chapter 289, Statutes of 2022).

AB 2658 (Bauer-Kahan) awards custody credits off a youth's maximum time of confinement for time spent on electronic monitoring and requires periodic reviews by the court to ensure that electronic monitoring remains appropriate. This bill was signed by the Governor on Sept. 29 (Chapter 796, Statutes of 2022).

CHILD POVERTY

AB 2300 (Kalra) expands the California Work Opportunity and Responsibility to Kids (CalWORKs) welfare-to-work exemptions for birthing, nonbirthing, foster, and adoptive parents; adds paid family leave benefits to be included as disability-based unearned income; exempts a recipient receiving Paid Family Leave benefits from CalWORKs aid time limits; prohibits sanctions from being applied for failure or refusal to comply with CalWORKs work requirements if the anticipated work hours are unpredictable, as specified, or certain labor law protections were violated; and, requires that good cause exists for a CalFresh recipient who has voluntarily quit a job or reduced work hours based on the same circumstances that prohibit a CalWORKs recipient from being sanctioned. This bill was signed by the Governor on Sept. 27 (Chapter 588, Statutes of 2022).

AB 2517 (Mia Bonta) establishes the California Coordinated Neighborhood and Community Services Grant Program to administer funds to local organizations utilizing coordinated cradle-to-career initiatives to address poverty and improve achievement outcomes. This bill was signed by the Governor on Sept. 27 (Chapter 588, Statutes of 2022).

NUTRITION

AB 558 (Nazarian) requires, by July 1, 2023, the California Department of Education, in consultation with the State Department of Social Services, to develop guidance for local educational agencies (LEAs) that maintain kindergarten or any of grades 1 to 6, inclusive, on how to serve eligible nonschoolaged children breakfast or a morning snack at a LEA schoolsite. This bill was signed by the Governor on Sept. 30 (Chapter 905, Statutes of 2022).

SB 641 (Skinner) requires the California Department of Social Services (CDSS) to convene a workgroup to identify the necessary changes to improve access to CalFresh for college students. This bill was signed by the Governor on Sept. 30 (Chapter 874, Statutes of 2022).

HOMELESS YOUTH

AB 408 (Quirk-Silva and Luz Rivas) requires local educational agencies (LEAs) to establish homeless education program policies consistent with federal law, requires homeless education liaisons to offer training to specified school staff, and requires the California Department of Education (CDE) to develop a risk-based monitoring plan for homeless education requirements. This bill was signed by the Governor on Sept. 30 (Chapter 904, Statutes of 2022).

SB 234 (Wiener) would have established the Transition Age Youth (TAY) Housing Program under the California Interagency Council on Homelessness (Cal-ICH) to provide grants, upon appropriation by the Legislature, to eligible agencies for the development of housing for TAY under 26 years of age. This bill was killed without a public vote by the Assembly Appropriations Committee.

RACE EQUITY

AB 30 (Kalra). Research shows that there are unfair park and outdoor access disparities based on race, ethnicity, income, poverty, youth, and access to cars. In Southern California, for instance, children of color disproportionately live in communities of concentrated poverty without enough places to play in parks and schools, and without access to cars or an adequate transit system to reach parks and school fields in other neighborhoods. According to various resources, one in three Californians do not live within a 10 minute walk to a quality park; significantly fewer acres of green space are present in many Black and Latino neighborhoods when compared to predominantly white neighborhoods. This bill adopts a new state policy to ensure safe and affordable access of all Californians to nature and its benefits and to recognize the importance of outdoor access and nature to public health and well-being, identity, culture, and economic prosperity. This bill adopts this policy with special emphasis on those who have historically lacked access to these resources and live in nature-deprived areas. This bill was signed by the Governor on Sept. 30 (Chapter 939, Statutes of 2022).

AB 1705 (Irwin) establishes additional regulations for equitable placement reform at the California Community Colleges (CCC) by stipulating the manner in which high school transcript data, whether formal or provided by the student, will be used determine a student's placement and enrollment in English and mathematics courses at the CCC. This bill was signed by the Governor on Sept. 30 (Chapter 926, Statutes of 2022).

AB 2598 (A. Weber) requires the California Department of Education to develop and post on its website by June 1, 2024, evidence-based best practices for restorative justice practices for local educational agencies to implement to improve campus culture and climate. Research and data show that punitive and/or zero tolerance school discipline policies that rely on exclusionary punishments are ineffective and stand in the way of student achievement, and disproportionately impact Black students, particularly Black males, among others. The use of restorative justice and restorative practices in schools offers a respectful and equitable approach to discipline, as well as a proactive strategy to create a connected, inclusive school culture. This bill was signed by the Governor on Sept. 30 (Chapter 914, Statutes of 2022).

AB 2665 (Carrillo) would have required, upon an appropriation, the California Department of Social Services (CDSS) to establish a three-year pilot program, in up to five counties, for the purpose of addressing racial disparities in the child welfare system by requiring participating counties to utilize a blind removal strategy when deciding whether a child should be removed from the physical custody of their parent or guardian. On Sept. 22, Governor Newsom vetoed this measure, stating that while he supports the author's efforts to address issues of racial disparity in the child welfare system, and that the proposed pilot project has the potential to inform policymakers as to how California can address disparities in child welfare removal decisions, further consideration needs to be given with regard to how this proposal would affect compliance with the Indian Child Welfare Act. The Governor also noted that this bill creates millions of dollars in General Fund cost pressures that need to be considered and accounted for as part of the annual budget process.

AB 2832 (R. Rivas) establishes the "End Racial and Economic Inequities in Childcare in California Initiative" which requires the California Department of Social Services (CDSS) and the California Department of Education (CDE) to develop a "Whole Child Equity Framework" and a "Whole Child Community Equity Screening Tool" to provide the data needed to support the equitable distribution of resources and monitor progress on addressing racial and economic inequities. This bill was signed by the Governor on Sept. 28 (Chapter 699, Statutes of 2022).

How Legislators Were Graded

METHODOLOGY







The bills included in this Report Card would improve current law for children. An “AYE” vote on those measures represents a vote for children and is indicated by a ★.

Legislators are elected to do many things, but the most important is the simplest: vote on bills. This is reflected in the very way our system is constituted. When a legislator is absent or fails to record a vote, the required vote threshold to enact legislation does not go down; a majority of all of those eligible to vote is needed to enact legislation. Thus, a failure to vote on a measure has the identical effect as a “no” vote. For that reason, the scores on our Report Card reflect the percentage of “aye” votes each legislator cast on the bills presented while each legislator held his/her seat. If a legislator was excused by legislative leadership at the time a floor vote took place, the bill is excluded from the legislator’s raw eligible bill count and will not count toward the legislator’s “vote for kids” percentage.

Further, we understand that when seeking to hold elected officials publicly accountable for their comparative commitment to children through the process of issuing a Report Card, it is important that the mechanics of this effort not result in portraits of legislators we know subjectively to be erroneous. Not all votes in reality are do-or-die for the passage of a bill. Sometimes the critical vote is in committee, and not at the floor vote stage. Sometimes the floor vote is not close and a member knows a bill will pass without his/her vote, and that he/she can take care of personal or other business without imperiling the fate of the bill. For that reason, the “modified aye” column in the following grid reflects each legislator’s “aye” vote percentage excluding excused absences and bills for which no vote was recorded where the vote was not close (*i.e.*, the bill passed with a margin of at least 5 votes in the Senate and 10 votes in the Assembly). This modified “aye” vote percentage is provided to the extent the reader feels the factors noted above properly influence a judgment on the performance of legislators.

The *Children’s Legislative Report Card* evaluates final floor votes on bills affecting children. When bills were amended in the second house, the concurrence vote in the house of origin was used to compute those legislators’ scores, so the votes displayed reflect votes on the same version of the bill.

Votes and attendance were tallied from the Assembly and Senate Daily Journals and the California Legislative Information website (<http://leginfo.legislature.ca.gov/>).

	The Legislator recorded an “aye” vote on a pro-child measure.
	The Legislator recorded a “no” vote on a pro-child measure.
	The Legislator did not record a vote for this bill and had an excused absence. The bill is excluded from the eligible bill total and does not count toward the Legislator’s raw or modified “Votes for Kids” percentages.
	The Legislator did not record a vote and did not have an excused absence, but the vote was not close. The bill is excluded from the eligible bill total for purposes of the modified aye “Votes for Kids” percentage.
	The Legislator did not record a vote and did not have an excused absence, and the vote was close (counts as a “NO” vote).
	Vacancy; the Legislator was not in office at the time of this vote. The bill is excluded from the eligible bill total and does not count toward the Legislator’s raw or modified “Votes for Kids” percentages.

[illegible]

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2022 CHILDREN'S LEGISLATIVE REPORT CARD

LEGISLATOR*	ASSEMBLY MEMBERS																													
	Child Exploitation	SB 382 (Caballero)	Foster Care/Child Welfare	AB 740 (McCarty)	AB 1686 (Bryan)	AB 1735 (Bryan)	AB 1794 (Gipson)	AB 2085 (Holden)	AB 2159 (Bryan)	AB 2189 (Friedman)	AB 2306 (Cooley)	AB 2309 (Friedman)	AB 2466 (Cervantes)	AB 2866 (Cunningham)	SB 187 (Comm. on B&FR)	SB 532 (Caballero)	SB 1071 (Umberg)	SB 1085 (Kamlager)	SB 1090 (Hurtado)	Health, Safety, Well-Being	AB 58 (Salas)	AB 2042 (Villapudua)	AB 2281 (Lackey)	AB 2408 (Cunningham, Wicks)	AB 2660 (Maienschein)	Postsecondary Education	AB 1730 (Davies)	AB 1731 (Davies)	SB 1433 (Roth)	
Daly, Tom																														
Davies, Laura																														
Flora, Heath																														
Fong, Mike																														
Fong, Vince																														
Friedman, Laura																														
Gabriel, Jesse																														
Gallagher, James																														
Garcia, Christina																														
Garcia, Eduardo																														
Gipson, Mike																														
Gray, Adam																														
Grayson, Timothy																														
Haney, Matt																														
Holden, Chris																														
Irwin, Jacqui																														
Jones-Sawyer, Reginald																														
Kalra, Ash																														
Kiley, Kevin																														
Lackey, Tom																														
Lee, Alex																														
Levine, Marc																														
Low, Evan																														
Maienschein, Brian																														
Mathis, Devon																														
Mayes, Chad																														
McCarty, Kevin																														
McKinnor, Tina																														
Medina, Jose																														
Mullin, Kevin																														
Muratsuchi, Al																														
Nazarian, Adrin																														
Nguyen, Janet																														
O'Donnell, Patrick																														
Patterson, Jim																														
Petrie-Norris, Cottie																														
Quirk, Bill																														
Quirk-Silva, Sharon																														
Ramos, James																														
Rendon, Anthony																														
Reyes, Eloise																														
Rivas, Luz																														
Rivas, Robert																														
Rodriguez, Freddie																														
Rubio, Blanca																														
Salas, Rudy																														
Santiago, Miguel																														
Seyarto, Kelly																														
Smith, Thurston																														
Stone, Mark																														

* Assembly and Senate membership as of Aug. 31, 2022.

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