

La Opinión

Children should not be the last

By Miles Cooley Tuesday, June 6, 2017 (originally ran in Spanish)

When Governor Brown signs this year's budget, it must correct maybe the worst injustice in our state – depriving California's 50,000 abused and neglected foster children a champion inside the bureaucracy that is responsible for raising them. Just \$22 million of the state's \$170 billion budget is needed to reduce the case loads of lawyers who advocate for these children to something south of preposterous; something minimally worthy of our unique moral obligation to these children who by force of law have been rendered parentless.

Today, the average dependency counsel caseload in California is 250 children per lawyer. In some areas, the numbers are even worse. In Ventura County one lawyer is supposed to be the advocate for an average of 500 children; in Riverside County the average is 461.

You might remember the terror as a child of being lost in a store or at an amusement park; of feeling all alone. This is an inkling of what it is like to wake up every morning a foster child.

I know because I was one. I was placed into foster care at age five after I found my mother dead from a drug overdose. Here are three things you need to know about the lives of these children:

First, you're being raised by "the system" – a government bureaucracy. Imagine a child being raised by the DMV. That's foster care, in a nutshell. The decision makers involved in "the system" care about the kids, but they do not love them like a parent loves their child. The adults in "the system" are employees doing a job and are accountable to rules, regulations, bosses, and budgets.

Second, every major decision about a foster child's life that would otherwise be made at home is made in a courtroom. Whether a child is forcibly medicated; what schools they will attend; whether they will ever see brothers or sisters; whether they will ever see mommy or daddy again; all of these decisions are made in a courtroom.

And, there, at counsel table, feet likely not touching the ground, terrified, baffled, anxious, and entirely helpless, sits the abused and neglected child, with their whole life hanging in the balance.

I remember.

Third, in the entire "system," there is only one adult who by law and by training has an unqualified duty to be a champion for just that one child, no matter the cost, no matter the bureaucracy.

This one champion in "the system" is their lawyer; someone who chose to use their law degree to represent the most vulnerable of us all. As a lawyer myself, and a former foster child, I know how important this advocacy can be.

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The lack of money in the state's budget given to foster youth and the lawyers they depend on is appalling; an additional form of abuse and neglect.

But, even though everyone agrees this problem must be fixed, two of the last three years' night-time, closed-door budget deals in Sacramento entirely deleted funding that would have brought the average caseload down.

Until elected officials do the right thing by abused children and give these children the champions every child deserves, too many children will go to bed every night scared and, most horribly, alone, wondering what they did to deserve this.

Miles Cooley is a partner at the law firm of Kelly, Drye & Warren in Los Angeles, where he has represented high-profile clients including Rihanna, Jay-Z and Curtis "50 Cent" Jackson. Miles is also involved in various non-profits working on foster care issues including, Peace4Kids and John Burton Advocates for Youth.

California's foster children need more legal funding under Trump

San Francisco Chronicle

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Photo: Brant Ward, The Chronicle

Over the past three years, both the Assembly and the state Senate have included increases that would total \$33 million over three years.

The process of making California's state budget requires legislators to make many compromises. Unfortunately, one group whose needs have too often been compromised by the budget process are foster children.

That can't be allowed to happen this year. Foster children's advocacy groups are pleading with Sacramento to increase state funding for dependency attorneys.

Once children enter the foster care system, nearly every decision about their lives — from their medications to their possibilities for family reunification — are made in court. Dependency counsel are the lawyers who represent these abused and neglected children within an impersonal and complex legal system.

Like many public interest lawyers, dependency attorneys are overworked and underpaid. The difference is that the clients who suffer from these staggering caseloads are the children whose care all Californians have the responsibility to protect.

Their caseloads can run as high as 300 child clients in California. A 2016 recommendation from the Judicial Council recommends a maximum caseload of 141 clients.

The Judicial Council had requested a \$33.1 million funding increase, and the Legislature has acknowledged that this full amount is what's actually necessary. Over the past three years, both the Assembly and the state Senate have included increases that would total \$33 million over three years. The only amount to survive the budget conference process, sadly, was an \$11 million increase in 2015.

The Legislature's failure to pass the funding increase it knows California's children need so badly is shameful. It can't happen again this year.



California Gov. Jerry Brown responds to question concerning his revised \$124 billion state budget plan. Child advocates are hoping state lawmakers can spare some change to give foster children improved legal advocacy. **Rich Pedroncelli AP**

Adults have let these kids down. Now adults in the Legislature need to step up

BY THE SACRAMENTO BEE EDITORIAL BOARD

MAY 25, 2017

Advocates for foster kids are urging that Gov. Jerry Brown and legislators spare \$22 million to provide kids with lawyers. Those doubting the need should consider what has been happening at the Mary Graham Children's Shelter in French Camp outside Stockton.

Mary Graham is one of nine shelters across the state that, last year, housed 5,400 children of deeply troubled parents. Yet as a [San Francisco Chronicle report detailed](#), those homes called the cops 14,000 times in 2015 and 2016. Most were to report runaways. But police made at least 485 arrests at the homes.

At Mary Graham, staffers were supposed to care for 515 children in 2016. They called the San Joaquin County sheriff an average of nine times a day, [The Chronicle found](#). Children from Mary Graham were booked 199 times at the county's juvenile hall in 2015 and 2016.

Supposed crimes at that and other centers included a cake fight, assault with a pack of hot dog buns, and poking a caregiver with a candy cane. One reporter witnessed two sheriff's deputies pinning a 10-year-old girl to the ground and forcing her into handcuffs on Mary Graham's front lawn as children watched from the shelter gate: "The girl, about 5 feet tall and wearing a red hoodie pulled over her braided hair, cried as deputies put her in the back of a patrol car," the story said.

There's a need for children's shelters. Too many parents are drug-addicted, abusive or imprisoned, and good foster parents are hard to find. But no matter how caring social workers at the facilities are, the children also need advocates who can navigate the court system, and help make the best of a difficult situation.

In many counties, a dependency court attorney can represent 300 children or more, an impossible task. The Judicial Council, which oversees California courts, recommends no more than 141 child clients.

The council, along with a handful of lobbyists and the nonprofit Children's Legal Services of San Diego, [wants the \\$22 million](#) to hire enough lawyers to lower the caseload to one for every 188 kids. The expenditure on dependency court attorneys amounts to \$136 million, dust in a \$184 billion budget.

Foster kids are where they are because adults have let them down. The Legislature should at least come through with the basic advocacy they need.



California courts do poorly in competition for funds

BY DAN WALTERS
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Chief Justice Tani Cantil-Sakauye, her fellow judges and children's advocacy groups have been trying for years to persuade Gov. Jerry Brown and legislators to provide more legal aid for 60,000 foster children.

These kids have been removed from their families because of neglect and abuse. Legally, their parents are "dependency court" judges.

The law requires that they have legal representation. The state Judicial Council, which Cantil-Sakauye heads, has set 188 as the maximum effective caseload for private attorneys who volunteer, for paltry fees, to take foster children as their clients. However, actual caseloads are about twice that level.

It would cost \$88 million a year to reduce caseloads to the recommended size, but Cantil-Sakauye and others have been trying to get \$22 million to provide some minimal relief – so far unsuccessfully.

Last week, 50 local chief judges sent a letter to Brown and legislators seeking – actually begging – for this relatively tiny appropriation.

"Society's most vulnerable people are arguably the children whose own parents have subjected them to abuse or neglect," the judges wrote.

While no one actively opposes providing foster kids with more legal help, it just seems to fall between the cracks each year.

Adequate representation of foster children is not only an obviously important issue unto itself but illustrates how the nation's largest judicial system has been politicized ever since the state assumed full financial responsibility for local trial courts 20 years ago.

Cantil-Sakauye's predecessor, Ron George, was an enthusiastic advocate for the state takeover, which was sold as a way to equalize financing of courts while providing counties with financial relief. She terms it, in fact, "the house that George built."

However, the system became, in effect, a very large state agency with more than 2,000 judges and more than 15,000 employees. It found itself vying with other interest groups when spending in the state budget was divvied up.

The courts have not fared well vis-à-vis those other interests, which have well-connected lobbyists and fat campaign war chests.

While saying she still supports the state's takeover, Cantil-Sakauye told a Sacramento Press Club gathering last week that state financing has been erratic, with courts taking big hits during recessionary belt-tightening.

"We are not fully reinvested in what we lost" during last decade's Great Recession, she said.

The court system's own insularity and blunders have contributed to its relatively poor standing in the Capitol – such as a hugely expensive "case management" data system that failed to work.

Internal squabbling over scarce funds has been another aspect of the state's takeover. A group of rebels called the Alliance of California Judges has accused the system's San Francisco-based administration of squandering money on failed projects and itself while starving trial courts.

There must be a better way of financing and managing the vital third branch of state government.

He was an orphan. Now he's a lawyer to the stars on a mission to help foster kids!

BY DAN MORAIN
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Dan Morain: [916-321-1907](tel:916-321-1907), [@DanielMorain](https://twitter.com/DanielMorain) **DAN MORAIN** MAY 05, 2017 12:11 PM



The bar at Ella was packed the other night, as it is whenever money people are in town trying to have their way with legislators. All the stools and tables were occupied.

Miles Cooley, a high-end entertainment lawyer from L.A., was bending an elbow with lobbyist Duncan McFetridge, a partner at Mercury Public Affairs who represents Lyft, Wells Fargo and other fancy clients with problems. Ed Howard was there, too. He represents people who don't pay nearly as much but have a far greater need for advocates, foster kids.

The topic at hand had nothing to do with billable hours. It was far more personal. Years ago, Cooley's last name was Robinson and he was in kindergarten living with his troubled mother in an apartment near the railroad tracks in midtown Sacramento. He thinks it was on Q Street but isn't quite sure.

She had him when she was 17 in 1969, and fell in with a tough crowd, bikers. She'd leave for days at a time. One day he came home, and "she was lying on the floor dead." She had overdosed. He was 5.

His father, a drummer named Miles Robinson, was in no position to care for a child. Nor was his grandmother. A family in Davis adopted him, but that didn't work out, and he rotated through foster homes and finally to the Sacramento Children's Home on Sutterville Road.

He can't remember ever having a lawyer represent him, though others did look out for him, notably a Davis school psychologist, Leslie Cooley. She'd take him fishing and skiing, and bring him to her Land Park home.

He was a new kid at McClatchy High School in 1984 and was riding his bike when he recognized another new kid, Duncan McFetridge, washing his car, an old Mustang, in the front yard. They started talking and haven't stopped since.

Books were after-thoughts in high school. Miles Cooley and McFetridge were far more interested in one-on-one basketball games and the wild things best high school friends do that are best left unstated once they become adults. "He always brought me into the fold," Cooley said.

Until a few years ago, foster care ended for orphans once they turned 18. The law had determined they were adults, and the state expected them to fend for themselves. Miles got a break when Leslie Cooley adopted him, giving him his last name along with stability, encouragement and love, all the stuff a mother provides.

Miles Cooley and McFetridge enrolled at Sacramento City College. From there, Cooley went to UC Berkeley and McFetridge went to San Francisco State. Cooley joined the Peace Corps and went to Berkeley's school of law. They still shoot hoops when they get the chance.

Cooley, a partner at the firm Kelley Drye, bills up to \$850 an hour representing people who are or will be stars, handling their contracts and disputes, like Rihanna's 2013 spat with a home-inspection service that failed to detect flaws in her \$6.9 million Beverly Hills home.

It is a long way from the crummy midtown apartment near the railroad tracks. But Cooley hasn't forgotten that place, and so he pitches in. In 2010, he lobbied for a bill backed by his friend John Burton, the former Senate president pro tem who created a foundation to help foster children, that requires the state to care for foster kids [until they turn 21](#). That was a major advance.

Now the issue is helping kids in dependency court. Howard represents the University of San Diego School of Law's Children's Advocacy Institute and has been trying for years to ensure that foster kids have lawyers.

As it is, dependency court lawyers have impossibly large caseloads, averaging 225 kids. It's far [worse in some counties](#). Tulare, for example, has one lawyer for every 450 kids. L.A. County has a ratio of one lawyer for 325 kids.

This year, Howard enlisted a friend, lobbyist Kim Stone, to help out. She was scrolling through Facebook one day in January and saw that McFetridge had posted a [piece by my colleague Cathie Anderson](#) detailing Cooley's story and his plan to help commemorate the 150-year anniversary of the Sacramento Children's Home. When Stone and Howard asked him to help, he didn't hesitate.

Cooley, in turn, enlisted his buddy McFetridge. So while big-money people were buttonholing legislators this week, Cooley, Howard, Stone and McFetridge focused on another mission, one aimed at helping the children of other troubled mothers.

"We need the legislators up here to understand that this is a priority for the people of the state," Cooley said.

The request is modest: [\\$22 million out of a \\$3.6 billion](#) court budget in an overall state budget of \$170 billion-plus. If lawmakers add the \$22 million, caseloads would be reduced to 188 cases per attorney, still too high but a start.

Legislators rarely say no to kids issues, not directly. But there always are [other calls on money](#), by people and groups with clout. It's easy to forget foster kids. But maybe not this year, not when a high-end entertainment lawyer and his best buddy, the blue chip lobbyist, are pitching in.

Calif. Chief Justice Cantil-Sakauye To Lawmakers: Spend More On Foster Children Attorneys

[Sally Schilling](#) Capitol Public Radio

Friday, May 26, 2017 | Sacramento, CA | [Permalink](#)

Rich Pedroncelli / AP

California Chief Justice Tani Cantil-Sakauye is urging state lawmakers and Gov. Jerry Brown to approve an additional \$22 million in the state budget for attorneys serving foster children.

She explained at a Sacramento Press Club Event that dependency attorneys are currently funded at just 57 percent of required resources.



"They need assistance in representing these children," Cantil-Sakauye says. "And I am of the view, like many of you are of the view, if you put the money on the front end, and keep them in a strong environment, you won't see them in the juvenile justice system and you won't see them incarcerated later on."

According to the Children's Law Center of California, caseloads are as high as 350 children to one attorney.

A California Judicial Council study found 188 clients to one attorney would be adequate. The council says the proposed allocation from the general fund was not included in the Governor's May budget but is under discussion for the final June budget.