CHILDREN'S LEGISLATIVE REPORT CARD

LEGISLATIVE SESSION:

1997-1998

REPORT CARD TERM:

1997 (Interim Report)

Dear Californians,

This is an interim report based on the first year of the two-year California legislative session. A number of bills have passed or failed, but others have not yet completed the process. We will issue a final report card during October 1998, after the conclusion of the two-year session and the period for the Governor to sign or veto bills.

This report is intended to educate and inform you of your legislators' progress on improving the status and outcomes for children in this state. We cannot tell you all there is to know about your legislators in this report card. Therefore, we urge you to communicate frequently with them so they know your expectations for California's children. Only through complete cooperation among child advocates, constituents, and their legislators can every California child be assured the opportunity to reach his or her full potential.

Sincerely,

Robert C. Fellmeth

Rober C. Fellows

Executive Director, Children's Advocacy Institute



How the California Legislature Performed in 1997

THE YEAR IN REVIEW

The first half of the 1997-98 California legislative session was one of the most active legislative years in recent history. The context included a rebounding economy, reduction of the safety net for children, and new federal block grants. The Legislature revamped the welfare system, softening somewhat harsh impacts proposed by the administration; implemented a new federally funded children's health program; addressed some child support collection problems; expanded class size reduction as proposed by the Governor; increased child care subsidies; added funds for juvenile crime prevention; and created a limited state food stamp program for legal immigrant children who are cut off from federal assistance. These and other victories for children celebrated in this Report Card must be viewed in full context. Under most indicators, California's children remain in trouble: high poverty rate, unwed births, drug use, child abuse reports, lower test scores, large class sizes in most grades, youth unemployment, juvenile crime, and others. Some indices have shown recent improvement, but the degree of turnaround is generally small compared to historical levels.

Notwithstanding concern over the large-scale infusion of newly-elected freshman legislators (partly as a result of term limits) and the inherent weakness of child advocacy in the Capitol in terms of votes, contributions, and lobby-ists, the Legislature can take credit for a number of measures benefitting children. Some of these efforts have not so much advanced the interests of children as ameliorated more severe harm threatened by other proposals. But a significant number of bills have moved children forward by a half-step. And given the regrettable degree of child neglect by individuals and their concomitant abandonment by government over the past decade, every victory for children warrants celebration. In this Report Card, we applaud them — and the legislators who authored and supported them.

WELFARE REFORM

The first major undertaking of the 1997 legislative year was state implementation of federal welfare reform. The 1996 federal welfare reform law re-

California's legislative leadership opted for a special joint conference committee process to develop the state's plan. After four months of meetings, the conference committee produced a version of welfare reform designed to move recipients into work without eliminating benefits for those who were playing by the rules. The plan borrowed heavily from SB 1232 (Watson), sponsored by the Children's Advocates' Roundtable, an affiliation of over 100 statewide and regional children's policy organizations. Prior to floor votes in either the Assembly or Senate, the conference committee members extensively revised their report to toughen time limits by generally eliminating aid to parents after 60 months. The plan passed both legislative houses, but Governor Wilson vetoed it.

As part of the state budget negotiations, the Governor and leadership of the Assembly and Senate, with assistance from a smaller group of four conference committee members, crafted another welfare reform plan. Dubbed "CalWORKs" (California Work Opportunity and Responsibility to Kids), this plan eliminates aid to parents after 60 months with very few exceptions and restricts parents who are trying to complete their education. It passed by lopsided margins in both houses (33-5 in the Senate and 66-11 in the Assembly) and was signed by the Governor. CalWORKs contains many provisions that will assist families with children in moving from welfare to work, including child care assistance and more individualized social services. But the new law also contains provisions which could plunge more children into poverty and homelessness if a sufficient number of jobs are not created — and currently not enough jobs exist.

Such a mix of good and bad provisions, complicated by the unusual process by which this new law evolved, makes it difficult to hold legislators individually responsible for their votes on the final product. Therefore, this Report Card does not include California's welfare reform legislation in rating lawmakers.

HEALTH INSURANCE

Also in 1997, California's lawmakers and Governor Wilson launched a new program — in the last three weeks of the legislative session — to finance health insurance for up to 580,000 of California's 1.6 million uninsured children. Their action followed the August adoption of the federal balanced budget act, in which Congress allocated \$24 billion over the next five years to fund

insurers. California's program, called "Healthy Families" (AB 1126, Villaraigosa), plans to begin enrolling children effective July 1, 1998. Unfortunately, it will only use about one-half of the money available to California from the federal government. Action on AB 1126 and a related bill, SB 903 (Lee), is included in this Report Card.

CHILD SUPPORT

California ranks at or near the bottom of the fifty states in almost every category for child support collection. California collects at least some support for only 14% of the families that depend on the state's child support collection system. Regular child support payments make a huge difference for children in single-parent households — the difference between a mean family income above the poverty level and one far below. For many families, regular child support payments are critical in keeping the family off welfare. Child advocates supported a number of bills to improve California's child support collection system. Action on those bills is included in this Report Card.

OTHER KEY ISSUES

Some bills which do not mention children directly still profoundly affect their lives. Such is the case with bills governing hours and wages in California, because the condition of children is inextricably tied to their parents' income. Therefore, two bills to restore daily overtime pay after eight hours of work, SB 680 (Solis) and AB 15 (Knox), are included in this Report Card.

Education bills have an obvious impact on children. California's rebounding economy and Proposition 98's constitutional requirement to spend most of the windfall on education allowed the Legislature and Governor to deliver on the popular class size reduction program, which was expanded to fully fund class sizes no larger than 20 students in kindergarten through third grade (SB 804, O'Connell). But California's current class size reduction achievement only inches the state upward from 51st (including the District of Columbia) to 50th in the nation. To approach the national average of teacher-student ratios, California must remain committed to reducing class sizes in the remaining fourth through twelfth grades, at a cost of about three times what we currently spend on that effort. This does not include the billions of dollars needed to construct

How Legislators Were Graded

METHODOLOGY

All the bills included in this Report Card would improve current law for children based on the criteria outlined herein. An "AYE" vote on these measures represents a vote for children and is indicated by a "*". "NO" votes and abstentions are noted with a "-", indicating the legislator was "not there" for children. Abstentions hurt a legislator's score because there are many opportunities for a legislator to add his or her vote later, if for any reason the legislator misses a vote during the course of a floor session. Thus, a legislator who fails to vote, without an excused absence, effectively votes "NO." In cases where a legislator had an excused absence when the floor vote was taken (for illness, legislative business, etc.), the vote will be noted with a "X" and does not affect the overall score. Vacancies in a legislative seat are noted with a "V."

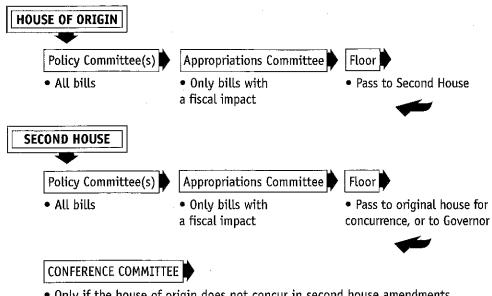
- "★" means A VOTE FOR CHILDREN
 (an "aye" vote)
- "-" means **NOT THERE FOR CHILDREN**(a "no" vote or abstention)
- "X" means EXCUSED ABSENCE (illness, legislative business, etc.)
- "V" means VACANT SEAT (legislator vacated seat mid-term)

The 1997 Children's Legislative Report Card evaluates only floor votes on selected key 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 that comparing Senate and Assembly votes on the same

A Primer **The Legislative Process**

After introduction, 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 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 allow it to become law without his signature after the constitutionally-prescribed time limit in which the Governor must act. 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.



• Only if the house of origin does not concur in second house amendments

Returns to both houses for approval.

Subjects Graded

1997 BILLS

ABUSE PREVENTION AND INTERVENTION

SB 1092 (Lockyer) — Child Victims of Crime Programs

This bill would have appropriated \$10 million from reserves in the Victims of Crime Restitution Fund to the Office of Child Abuse Prevention in the Department of Social Services, to fund county "Child Victims of Crime Programs" to treat abused and neglected children. Services would have included home visits for distressed families; development of integrated family violence response teams and services; counseling and treatment; multi-disciplinary interview teams; assistance with court processes (e.g., child advocacy services); and outreach activities to assist children and their families in qualifying for victim restitution.

STATUS: Passed by the Legislature but vetoed by Governor Wilson. However, the Governor augmented the Office of Child Abuse Prevention's budget by \$5 million to fund county programs to provide services for child victims of abuse and neglect, not currently eligible for the Victims of Crime Restitution Fund.

SB 121 (Alpert) — Minors seeking services at domestic violence shelters

This bill would allow domestic violence shelters for women to provide emergency shelter to minors fleeing domestic violence. Existing law permits shelters to house only women age 18 and older, along with minor children under their control. A lack of licensed "child-only" facilities make these emergency accommodations an important additional option, particularly for teenagers.

STATUS: Stalled on the Assembly floor.

HEALTH CARE

AB 1126 (Villaraigosa) — "Healthy Families" child health insurance program

This bill creates a public/private insurance program to provide working parents with an opportunity to purchase low-cost private health insurance for their children up to age 19. Key provisions of "Healthy Families" include providing low-cost health insurance coverage for children in families with incomes between 100% and 200% of the federal poverty level (between \$16,450 and \$32,900 per year for a family of four), and offering families the option of enrolling children individually through the state's pooled purchasing agreement or through

SB 903 (Lee) — Expansion of Medi-Cal health insurance

This bill expedites the federally-mandated expansion of Medi-Cal to teenagers between the ages of 14 and 19 to 100% of the federal poverty level.

STATUS: Passed by the Legislature and signed into law by Governor Wilson.

AB 112 (Escutia) — Expansion of Medi-Cal health insurance

This bill would have expanded Medi-Cal coverage to children in families up to 200% of the federal poverty level without a share of cost, and to children in families between 201% and 300% of the federal poverty level with a share of cost based on a sliding scale of ability to pay. This bill would have required the Department of Health Services to ensure preventive health care services for all California children under the age of 18, and would have simplified and streamlined the Medi-Cal application process.

STATUS: AB 112 was one of several health care insurance expansion bills referred to a Conference Committee, which yielded the "Healthy Families" child health insurance program contained in AB 1126 (Villaraigosa) and SB 903 (Lee). Its simplified application provision was incorporated into Healthy Families.

AB 278 (Escutia) — Children's environmental health

This bill would require health standards for drinking water and air quality to be reevaluated and set at levels that specifically protect children. Currently, standards are assessed according to the risk posed to the average 180-lb. male.

STATUS: Stalled on the Assembly floor for concurrence in Senate amendments.

AB 221 (Goldsmith) — Finger-stick blood glucose testing

This bill allows children with diabetes to be "finger-stick tested" for blood sugar levels by day care providers. Prior law prohibiting this test from being performed at day care centers without trained medical personnel was in conflict with the Americans With Disabilities Act.

STATUS: Passed by the Legislature and signed into law by Governor Wilson.

AB 1053 (Thomson) — HMO reimbursement for immunizations

This bill would require HMOs and other managed care plans to pay for all medically-indicated childhood immunizations as recommended by the American Academy of Pediatrics and the most current version of the U.S. Recommended Childhood Immunization Schedule. This bill also would prohibit plans from passing any portion of the costs of vaccines onto the attending physicians.

STATUS: Stalled on the Senate floor.

rently, referral of cases to the FTB is voluntary, and FSDs have been reluctant to transfer cases because they would lose a portion of their performance incentive dollars. FTB's highly automated, centralized system and established collection tools contribute to its highly successful child support collection rates: \$12 in child support collected for every dollar spent in administrative costs, compared with FSDs' average \$2.50 in child support collected for every dollar spent.

STATUS: All three bills passed by the Legislature and signed into law by Governor Wilson.

SB 936 (Burton) — Child support collection data and incentives

This bill standardizes child support performance data that all county Family Support Divisions must report to the state's Department of Social Services. It also establishes the groundwork for a financial incentives system based on performance gauged by the standardized data collected.

STATUS: Passed by the Legislature and signed into law by Governor Wilson.

AB 702 (Villaraigosa) — FTB child support collection from non-interest-bearing accounts

This bill requires banks to report to the Franchise Tax Board (FTB) information on the non-interest bearing accounts of "deadbeat parents" for child support collection purposes. County Family Support Divisions would be allowed to access this information as well. Currently, only interest-bearing accounts are attachable by the FTB.

STATUS: Passed by the Legislature and signed into law by Governor Wilson.

EDUCATION

SCA 12 (O'Connell) — Majority vote for school bonds

This bill would authorize placement on the June 1998 ballot (and again on the November 1998 ballot should it fail in June) of a constitutional amendment allowing voters to authorize local school facilities construction bonds by a majority vote instead of the current two-thirds vote.

STATUS: Stalled in Assembly Rules Committee.

SB 804 (O'Connell) — Class size reduction

This bill expands and fully funds the existing class size reduction program to 20 students or less in kindergarten through third grade.

STATUS: Passed by the Legislature and signed into law by Governor Wilson.

of the employees at a workplace. This bill also would have allowed personal time off to be made up in the same week, paid at non-overtime rates of pay, to encourage employers to permit employees to attend to family or personal needs (e.g., children's school and sporting events, medical appointments, etc).

STATUS: Passed by the Legislature but vetoed by Governor Wilson. AB 15 (Knox) is identical to this bill; it currently is stalled in the Senate.

FOSTER CARE

AB 1065 (Goldsmith) — Criminal background checks for relative foster parents This bill allows county child placement agencies to access the Department of Justice's Child Abuse Central Index to run background checks on relatives who are prospective foster care placements for a child or children.

STATUS: Passed by the Legislature and signed into law by Governor Wilson.

AB 1391 (Goldsmith) — Foster parent rate increase

This bill provides a 6% increase in the rate foster parents receive for caring for children removed from their homes as victims of abuse, neglect or abandonment, with the goal of encouraging more families to take on this responsibility. This is the first increase in seven years; the bill originally called for a 25% increase in rates, but was pared back in the Appropriations Committees.

STATUS: Passed by the Legislature and signed into law by Governor Wilson.

AB 1544 (Assembly Human Services Committee) — "Kinship adoption" for foster children

This bill creates an alternative adoption process designed to expedite the permanent placement of foster children living with relatives. Prior law required a finding of unfitness in the biological parents and the severing of family ties between the child and the biological parent, making the relative the legal mother or father, before adoption could take place.

STATUS: Passed by the Legislature and signed into law by Governor Wilson.

JUVENILE JUSTICE

SB 668 (Vasconcellos) — Mission of the juvenile justice system

This bill would have revised the purpose and underlying philosophy of the juvenile courts by adopting an approach based on principles of "restorative justice." juvenile justice system which ensures that juveniles are held accountable for their offenses, public safety is protected, and procedures which hamper implementation of effective intervention and rehabilitation programs are eliminated."

AB 963 (Keeley) — Statewide gang prevention program

This bill appropriates \$3 million to be allocated to local jurisdictions for early intervention and prevention efforts for juveniles at risk of gang or criminal involvement or violent behavior.

STATUS: Passed by the Legislature and signed into law by Governor Wilson.

INJURY PREVENTION

SB 500 (Polanco) — "Saturday Night Special" ban

This bill would have prohibited the sale or manufacture of the easily-concealable, inexpensive, and low-quality handguns commonly referred to as "Saturday Night Specials" — the handgun of choice for juveniles who carry guns.

STATUS: Passed by the Legislature but vetoed by Governor Wilson. In his veto message, the Governor wrote, "SB 500 is far more likely to deprive those who must defend themselves against crime of an important means of doing so."

AB 491 (Keeley) — Expands negligent firearm storage law

This bill enforces the obligation of adult firearm owners to keep handguns out of the hands of children. It expands criminal penalties for adult firearm owners when a child under the age of 16 gains access to a negligently stored handgun on premises the gun owner controls, and carries the handgun to a public place.

STATUS: Passed by the Legislature and signed into law by Governor Wilson.

SB 1329 (Leslie) — Graduated Driver's License

Modeled after graduated driver's license laws in 20 other states, this bill requires drivers under age 18 to hold an instructional permit for not less than six months, compared to the current 30 days. Parents must certify that they have spent 50 hours supervising their teen's driving before a provisional license is granted. After being certified to drive without an adult, 16- and 17-year-olds would not be able to have teen passengers in the car unless an adult also is present. Teens would be restricted from driving between the hours of midnight and 5:00 a.m. for the first year. The bill contains exceptions for family, work, and school events.

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"★"
A VOTE FOR
CHILDREN
(an "aye" vote)

"_"
NOT THERE
FOR CHILDREN
(a "no" vote
or abstention)

"X" EXCUSED ABSENCE

"V" VACANT SEAT

## A PART OF TRIBUTION CARD Figure 10			
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"★"
A VOTE FOR
CHILDREN
(an "aye" vote)

"_"

NOT THERE
FOR CHILDREN
(a "no" vote
or abstention)

"X" EXCUSED ABSENCE

"V" VACANT SEAT



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The Children's Advocacy Institute is part of the Center for Public Interest Law at the University of San Diego School of Law. The Information Clearinghouse on Children, funded in part by The California Wellness Foundation and by The Maximilian E. & Marion O. Hoffman Foundation, Inc., is a project of the Children's Advocacy Institute.



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