



2008 End of Session Wrap-Up

2008 has been challenging for PCA CA on all fronts this year. PCA CA advocated before the Legislature and Administration on a multitude of legislative and budgetary issues in 2008 in an effort to ensure child abuse and neglect prevention is not further hindered through budget cuts or policy proposals. While PCA CA did not weigh in on all public safety proposals, we did track and monitor roughly 100 bills in 2008. Of the most notable measures that PCA CA was involved with this year was another attempt to establish a shaken baby syndrome education program in California, protect birth certificate funding for child abuse and neglect prevention efforts, defeat of proposals to eliminate the First Five Commission, and much more.

SB 825 (Padilla): Shaken Baby Syndrome

DEFEATED

SUPPORT/SPONSOR

PCA CA continued its efforts in the interim of 2007 and 2008 with the Department of Social Services to establish a statutory shaken baby syndrome education program. Our new bill, SB 825 (Padilla), would have implemented the Shaken Baby Syndrome Education Program in an effort to reduce the incidences of shaken baby syndrome in California. A similar program implemented in New York – the Dias Model – produced a 47% reduction rate in the incidences of shaken baby syndrome. SB 825 would have implemented a similar program here in California in an effort to meet and/or exceed the reduction rates in New York.

You will recall that PCA CA ran into a roadblock in 2007 with DSS and the Assembly Appropriations Committee opposed to the bill on fiscal grounds. PCA CA worked diligently in 2008 to obtain bipartisan and DSS support for the bill. Despite the broad support in both houses, the bill again failed to be released from the Assembly Appropriations Committee due to cost concerns.

2008-2009 Budget Update

After a record setting 85 days late, Governor Arnold Schwarzenegger signed the highly anticipated budget bill in Sacramento on September 23rd.

In January Governor Arnold Schwarzenegger released his much anticipated budget plan – a harsh \$101 billion (GF) spending plan that proposed cuts in virtually every facet of state government in an effort to close the projected budget deficit. Specifically, the plan proposed a 10% across-the-board cut for all state agencies, departments, boards and commissions. Although some changes were made in his May Revise proposal, cuts of importance to PCA CA remained on the budget chopping block.

PCA CA strongly advocated against two specific budget cuts to the Child Welfare Services (CWS) and foster care systems. These cuts would have been incredibly detrimental. Specifically, the budget cuts in these areas proposed the following:

- Child Welfare Services (CWS) Reductions: \$83.7 million
 - The proposed cuts would result in up to 1,221 (according to data obtained from the County Welfare Directors Association) fewer social workers to protect abused and neglected children. Furthermore, the cuts would eliminate the opportunity for \$49.9 million in federal matching funds. PCA CA continues to see caseloads for social workers far too high to conduct adequate investigations and achieve beneficial outcomes for children in abuse and neglect cases. This assessment is shared by the Child Welfare League of America and the standards recommended by the SB 2030 study. CWS reductions would only exacerbate an already stressed system.

- Foster Care Reductions: \$81.5 million GF FY 08-09
 - Such drastic cuts will not only result in de-stabilizing foster care placements and potentially harm foster children; they would also eliminate \$53.4 million in federal matching funds that California receives for foster care assistance. Foster caregivers are critically important to the foster care system, providing care and supervision to foster children when they cannot be safely returned home. Counties rely on these providers to nurture and care for children who have experienced abuse and neglect, and who often have special medical, emotional and psychological needs.

PCA CA was pleased that the Legislature passed a budget that left these critical areas untouched. The budget passed by the Legislature and sent to the Governor was further reduced by \$510 million in line-item veto cuts – resulting in a \$145 billion total final budget.

The Governor's line item vetoes did include some additional social service program cuts such as:

- \$100k cut from the Independent Adoptions Program
- \$778k cut from the Disability Determination Program
- \$70m cut from CalWORKs
- \$2m cut from the Work Incentive Nutritional Supplement Program
- \$11.5m cut from the Adult Protective Services Program
- \$581k cut from the Deaf Access Program

In addition to PCA CA's opposition to the proposed CWS and foster care cuts, PCA CA also voiced its strong concerns with the proposed elimination of the Crime and Violence Prevention Center (CVPC) within the Department of Justice. The Center is primarily charged with prevention through training, public awareness materials, Safe Schools grants and state and local partnerships on topics ranging from mandated reporting of child abuse, children's exposure to violence, domestic violence, gang violence, Child Death Review Teams, and more. Unfortunately, CVPC was abolished and will surely have harmful impacts on the ability to prevent and intervene in child abuse and neglect cases, not to mention that its elimination will likely hinder California's leadership and critical strategies to reduce crime and violence in this state.

While the avoidance of cuts in CWS and foster care are major victories this year for PCA CA and its partners, we will continue to face cuts in these and other vital areas in the coming years. The Governor and other State officials have noted that while the enacted budget demonstrates some reform to assist with deficits in future years, FY 2009-2010 is destined to face a similar or even worse budget crisis when budget negotiations begin later this year. The Governor will present his FY 2009-2010 budget proposal by January 10th.

2008 Legislative Session Comes to a Close

The California Legislature adjourned the 2008 Legislative Session on Sunday, August 31st after acting on more than 800 bills in its final days. The close of the Session marked the end of the road for a number of members who are termed out. All in all, 33 members between both houses will finish their terms in 2008 and a number of members will move to the opposite house. And although termed out, members' terms do not end until the end of the year, providing them the continued responsibility of addressing the 2008-2009 Budget – which was 85 days late. Legislative leaders noted that 2008 would be remembered not for its legislative accomplishments, but for the latest budget enacted in the State's history.

The bleak end to 2008 is in stark contrast to the beginning of the session, which was filled with ambition and hope. Among other initiatives, the February ballot asked voters to amend term limits to allow lawmakers to stay longer in their jobs – but voters refused, signaling the beginning of a rough road ahead. The defeat of the measure marked the hustle for the three leadership posts up for grabs – Senate Minority Leader Dick Ackerman of Irvine was replaced by Dave Cogdill of Modesto; Senate President Pro Tem Don Perata of Oakland will be replaced by Darrell Steinberg of Sacramento at the end of the year; and Assembly Speaker Fabian Nunez of Los Angeles was replaced by Karen Bass of Los Angeles. In addition to leadership changes, the Legislature was distracted by the recall drive against Senator Jeff Denham (R-Atwater) and that pesky \$15.2 billion deficit facing the State.

Despite the trials and tribulations, however, the Legislature was able to reach consensus in a number of key policy areas including environmental, health and social services. Although the measures passed out of both houses of the Legislature, their fate remained uncertain until the budget was passed. Schwarzenegger threatened to veto any bills that reach his desk before a budget was passed. Fortunately, a budget was passed before the Governor's September 30th deadline to sign or veto bills.

In 2008, of the 2,829 bills introduced – not all of which were sent to the Governor – Governor Schwarzenegger signed 771 bills and vetoed 415 bills.

2008 Legislation of Interest

AB 499 (Swanson): **Commercially Sexually Exploited Minors** – **SIGNED** – authorizes the District Attorney of the Alameda County to create a pilot project for the purposes of addressing the needs and effective treatment of commercially exploited minors. Additionally, it authorizes the DA to develop protocols for identifying and assessing minors, upon arrest or detention by law enforcement, who may be victims of such exploitation, and to develop a diversion program reflecting the best practices to meet the needs of these minors.

Press Release/Signing Message: <http://gov.ca.gov/index.php?/press-release/10651/>

Position: **Watch**

AB 534 (Smyth): **Crime Against Children** – **SIGNED** – will make it a misdemeanor for any person to publish information describing or depicting the physical appearance of a child, the location of a child, or locations where children may be found with the intent that another person use the information to commit a crime against a child and the information is likely to aid in the imminent commission of a crime against a child. Additionally, it will authorize a child's parent or legal guardian to seek a preliminary injunction enjoining any further publication of that information.

Position: **SUPPORT**

AB 1475 (Galgiani): **Crime: Child Abuse Reporting** – **DEFEATED** – would have expanded the list of persons identified as mandated child abuse reporters to include a commercial computer technician who observes in his or her professional capacity or employment computer files and recordings depicting a child under 16 years of age engaging in an act of sexual conduct.

Position: **SUPPORT**

AB 1829 (Ma): **Nurse-Family Partnership Program** – **VETOED** – would have extended the sunset date for a voluntary nurse home visiting grant program for voluntary registered nurse home visiting services for expectant first-time, low-income mothers, their children, and their families and would have provided that the Department of Public Health should only distribute grants if there was sufficient funds in the Families and Children Account.

Signing Message: http://gov.ca.gov/pdf/press/AB_1829_Ma_Veto_Message.pdf

Position: **Watch**

AB 1987 (Villines): **Child Abuse: Sentencing: Age of Victim** – **DEFEATED** – “Adam’s Law” would have made it a felony punishable by imprisonment in the state prison, for a person having the care or custody of a child who is under 8 years of age to assault the child with force that to a reasonable person would be likely to produce great bodily injury, resulting in the child becoming comatose due to brain injury or suffering paralysis of a permanent nature. AB 1987 failed to pass out of the Senate Public Safety Committee due to the Committee’s ROCA policy that holds any and all bills that would aggravate the prison overcrowding situation. The bill was brought forth by the grandparents of Adam Carbajal, a victim of Shaken Baby Syndrome.

Position: **SUPPORT**

AB 2070 (Bass): **Foster Care: Incarcerated Parents** – **SIGNED** – provides additional circumstances in which court-ordered child welfare services may be extended and requires the court to consider, in ordering reasonable service for a child whose parent or guardian is incarcerated or institutionalized, the likelihood of the parent's discharge within a specified reunification time limit. Additionally, it provides that the criminal history shall be considered by the court subsequent to a child's removal.

Press Release/Signing Message: <http://gov.ca.gov/index.php?/press-release/10660/>

Position: **Watch**

AB 2190 (Emmerson): **Child Abuse: Witnessing Domestic Violence** – **DEFEATED** – would have provided that a law enforcement officer must notify the appropriate local child welfare agency whenever substantial evidence exists to support a finding by the law enforcement officer that a child has been exposed to secondary abuse by witnessing an incident of domestic violence that results in a traumatic condition being inflicted upon a custodial parent of guardian of that child.

Position: **Watch**

AB 2231 (Hayashi): **Vital Records Fees: Domestic Violence** – **VETOED** – would have extended existing law that authorizes the Alameda County and the Solano County Boards of Supervisors to authorize an increase in the fees for marriage licenses and confidential marriage licenses, up to a specified maximum. Additionally, it would have extended the authorization for the Berkeley City Council to increase the fees for certified copies of certain vital records up to a specified maximum and to have these fees allocated to domestic violence prevention, intervention, and prosecution. PCA CA worked with the author to address concerns with the bills previous efforts to increase fees statewide to be used solely for domestic violence efforts, rather than child abuse and neglect prevention for which birth certificate funds have been specifically designated.

Signing Message: http://gov.ca.gov/pdf/press/AB_2231_Hayashi_Veto_Message.pdf

Position: **NEUTRAL**

AB 2262 (Torrico): **Child Protection: Safe Surrender** – **VETOED** – would have expanded the scope of provisions of existing law related to safe-surrender sites for the surrender of newborn children of a specified age and increased the age of a child for which surrender is authorized. Additionally, it would have permitted local fire agencies, upon approval of a local governing body, to designate safe-surrender sites and specified certain circumstances in which a site and its personnel have no liability for a surrendered child. Finally, it would have required the convening of a workgroup to oversee those services which would be paid from the Children's Trust Fund and First Five Funds – the funding language that PCA CA used in its SB 825 that was rejected by the Assembly Appropriations Committee.

Press Release/Veto Message: http://gov.ca.gov/pdf/press/AB2262_Torrico_Veto_Message.pdf

Position: **Watch**

AB 2809 (Leno): **Crime Victims: Mental Health Counseling** – **SIGNED** – authorizes the Government Claims Board to reimburse the cost of outpatient mental health counseling for any minor who suffers emotional injury as a direct result of witnessing a violent crime if the minor was in close proximity to the victim when witnessing the crime.

Press Release/Signing Message: <http://gov.ca.gov/index.php?/press-release/10676/>

Position: **Watch**

AB 2943 (Lieber): **Corporal Punishment** – **DEFEATED** – would have amended existing law that makes it a crime for any person to willfully cause or permit a child to suffer and allows the finder of fact to consider the use of an implement, the throwing, kicking, burning, or cutting of a child, the striking of a child, the vigorous shaking of a child under 3 years of age, the interference with a child's breathing, or the brandishing of a deadly weapon upon a child when determining whether or not a defendant willfully caused any child to suffer.

Position: **Watch**

AB 2960 (La Malfa): **Custody Orders: Evidence of Sexual Abuse** – **SIGNED** – includes sexual abuse of a child, where a court determines that the acts of sexual abuse are of recent origin or are a part of a demonstrated and continuing pattern of acts of sexual abuse, within the definition of immediate harm to the child, a showing of which authorizes a court to make an order granting or modifying a custody order on an ex parte basis.

Position: **Watch**

AB 2337 (Beall): **Child Abuse Reporting: Mandated Reporters** – **SIGNED** – amends the Child Abuse and Neglect Reporting Act to add alcohol and drug counselors to the list of individuals who are mandated reporters of child abuse and neglect.

Position: **SUPPORT**

AB 2618 (Solorio): **Child Abuse Reporting: Department of Justice: Index** – **SIGNED** – requires the Department of Justice to make information contained in the Child Abuse Reporting index available to a county child welfare agency or delegated county adoption agency that is conducting a background investigation of an applicant seeking employment or volunteer status who, in the course of his or her employment or volunteer work, will have direct contact with children who are alleged to have been, are at risk of, or have suffered abuse or neglect.

Position: **SUPPORT**

AB 2904 (Hayashi): **Child Health: Child Mortality Review Panel** – **SIGNED** – allows a county board of supervisors to receive and review certain information relating to the death of a child who had previously come to the attention of, or was under the supervision of, the county child welfare agency. PCA CA was pleased to be able to work with the author's office and the County Welfare Directors' Association to address our concerns.

Position: SUPPORT

SB 1022 (Steinberg): **Child Abuse: Central Index** – **VETOED** – relates to the Department of Justice Child Abuse Central Index; would have required removal of information relating to a minor listed as a suspect in a child abuse or neglect investigation when the investigation did not result in a delinquency adjudication or criminal conviction. Additionally, it would have required notification of a suspected abuser who has been reported to the index.

Signing Message: http://gov.ca.gov/pdf/press/SB_1022_Steinberg_Veto_Message.pdf

Position: SUPPORT

SB 1380 (Steinberg): **Foster Care** – **SIGNED** – relates to AFDC-FC payment rate schedule point ranges; revises various eligibility, operational, reporting and foster parent training components of Intensive Treatment Foster Care (ITFC) Programs and expands eligibility for ITFC services to provide that a child either be emotionally disturbed or have a serious behavioral problem. Additionally, it revises the services a foster family agency would be required to provide or arrange for provision of on behalf of children in the ITFC program.

Press Release/Signing Message: <http://gov.ca.gov/index.php?/press-release/10660/>

Position: Watch

****Please note:** *These are just a few of the bills PCA CA is tracking in the 2008 Legislative Session.*

Blue Ribbon Commission on Foster Care

The California Blue Ribbon Commission on Children Foster Care released its final recommendations to improve the juvenile dependency courts and foster care system in California. The charge of the California Blue Ribbon Commission on Children in Foster Care is to provide recommendations to the California Judicial Council on the ways in which the courts and their partners can improve safety, permanency, well-being, and fairness outcomes for children and families.

The Commission's recommendations to the Judicial Council focus on four areas: 1) efforts to prevent removal and achieve permanency; 2) court reforms; 3) collaboration between the courts and their child welfare partners; and 4) resources and funding. The Commission will develop an implementation plan and present it to the Judicial Council in December.

To view the report, please see <http://www.courtinfo.ca.gov/jc/tflists/documents/brc-081508item11.pdf>.

State Must Plan for Demographic Shift

California's population is growing, it's aging and its ethnic diversity is increasing. All of this would suggest that the state must look towards investing more in education, infrastructure and services for the elderly or face a crisis in the not-too-distant future. These findings are according to the California Budget Project, which recently studied the changing demographics of the State and came to the following important conclusions:

- Though California isn't growing much faster than the rest of the U.S., the state is expected to add 10 million people between 2000 and 2020, according to population projections.
- The number of Californians over 65 is due to increase by 75% between 2000 and 2020, making the elderly the fastest-growing segment of the population.
- Coming generations will be increasingly Asian and Latino, largely the children and grandchildren of immigrants, rather than white or African American.

However policymakers decide to address the coming demographic shifts, they are already under way. In a 2005 report on the state's future, the Public Policy Institute of California also emphasized the need for a big boost in both K-12 and college spending to prepare the future workforce based on the changing demographics in the State. The report also found that the growth of the elderly population will soon put serious pressure on the state's Medi-Cal resources.

The California Budget Project's findings are also echoed by California Forward, a bipartisan advocacy group pushing for governmental reform designed to encourage long-range planning at the state level.