

Youth Law News

Journal of the **National Center for Youth Law**



Vol. XXVIII No. 1

JAN-MAR
2007

Creating a Climate for Reform: Working with the Media To Improve Foster Care in California

By Tracy Schroth

Anyone who has picked up a San Francisco Bay Area newspaper or watched local television in the past six months probably knows the name and face of Raijon Daniels. That's because it has appeared in the media more than 50 times since his death in October 2006, at the age of eight. A coroner's report revealed that Raijon died of "battered child syndrome" – imprisoned, tortured, and starved, according to law enforcement, by his own mother. Despite six referrals to county child protective services, the agency allowed Raijon to remain at home, without any agency supervision or intervention.

The tragic deaths of children from abuse and neglect often make headlines. These stories are newsworthy. But what has changed in the past two years is that the media are delving deeper, looking not only at sensational stories of children who are tragically injured or killed, but at the system designed to protect them. Were these children known to child protective services? Had there been prior reports of abuse? What steps are being taken to prevent another such tragedy?

In the past year, literally thousands of stories have been published or broadcast in the California media about the child welfare and foster care systems. A database search for "foster care" in California newspapers turned up more than 3,000 stories published in 2006 and early 2007. This doesn't

include television, radio, and magazines. That compares to a little more than half that number in 2004. Any well-informed person living in the state now knows what foster care is. They have read or heard about the experiences of children in the care of the child welfare system, and the failures of that system.

Media Advocacy and the San Francisco Chronicle

Media coverage, often in conjunction with litigation, lobbying, and policy reform, remains among the most powerful and expedient ways to focus attention on a particular problem and apply the pressure to fix it.

This article explains how several child advocacy groups in California, including the National Center for Youth Law (NCYL), worked with the *San Francisco Chronicle* and other media to help create a climate ripe for reform.

In an unconventional and innovative approach, the *Chronicle* editorial board launched a foster care reform campaign in September 2005 with the goal of achieving solid results within a year. While its principal goal was new legislation, the impact of the campaign has been broader.

Since the campaign's beginning in November 2005 – which has so far generated more than 70 editorials, op-eds, articles, and letters to the editor – eight foster care reform

bills have been signed by Gov. Arnold Schwarzenegger, nearly \$100 million in additional funding has been allocated to child welfare, and legislators and the courts have made foster care reform a priority.

In November 2005, Assemblywoman and now Majority Leader Karen Bass (D-Los Angeles) established a Select Committee on Foster Care that has held hearings throughout the state. The Committee was just recently expanded due to the strong interest and commitment of the Legislature and now has 17 members. In 2006, the Chief Justice of the California Supreme Court, Ronald George, formed a Blue Ribbon Commission on Foster Care. Former Congressman and California Senator John Burton recently established the John Burton Foundation for Children Without Homes, which seeks broad reform of the foster care system with a focus on housing and support for foster youth leaving care.

While certainly all the credit does not go to the *Chronicle*, it is impossible to deny the critical role it and other media played in spotlighting the issue and helping to create a public awareness and political urgency that is unprecedented. An issue that was not a political priority in California just two years ago now ranks among the state's most urgent matters, alongside education, energy, and the environment.

Following a May 2006 press conference in Sacramento, held by Assemblywoman Bass to kick-off National Foster Care Month, the head of the County Child Welfare Directors Association (CCWD) was hopeful. “Reforms have been slow and piecemeal in the past,” said Frank Mecca, CCWD’s executive director. “What’s different now is that the range of reforms is so broad and comprehensive, and so dead-on as far as addressing the key problems in the system. In my 15 years doing this, there has never been a press conference held by the Assembly Speaker – any speaker – to say that foster youth are our priority this year.”¹

There are other significant developments that helped put foster care in the public spotlight. The Pew Commission on Children in Foster Care issued a highly publicized report in May 2004 listing recommendations to improve federal financing and court oversight of foster care. A year earlier, the Little Hoover Commission, an independent state oversight agency, had criticized the system’s lack of leadership and accountability. Gov. Schwarzenegger, in his 2004 California Performance Review Report, called foster care a “system in crisis.” There is no better advocate for foster youth than the youth themselves, who have become increasingly more vocal and politically savvy. Among the most powerful lobbying groups speaking for the rights of foster youth is the California Youth Connection (CYC), comprised exclusively of current and former foster youth.

Foster Care in California

At 77,000, California has the largest population of foster children in the country, representing about 20 percent of the 500,000 children in the child welfare system nationwide. In addition to the danger posed to children who remain in abusive homes, California’s foster care system often fails to protect children who have

been taken from their parents in an effort to protect them. Every year, more than 500 children are abused by their foster caregivers. More than 6,000 children who have been in foster care for less than a year have cycled through three or more foster homes. And 67 percent of young women leaving the system will have had at least one child within five years of leaving the system; 10 percent have babies before age 18. Many youth leaving the system quickly become homeless, jobless, and in trouble with the law.

NCYL decided to develop a legislative strategy to address some of these problems. In October 2004, NCYL opened a Sacramento office and hired Curt Child, former legal services attorney and the state’s first director of the Department of Child Support Services.

NCYL co-sponsored several pieces of legislation, along with the CYC, Children’s Law Center of Los Angeles, Children’s Advocacy Institute, and others. The authors of the legislation included Assembly Members Bass, Noreen Evans (D-Santa Rosa), and Nell Soto (D-Pomona). The laws, many of which were ultimately signed by the Governor, created more accountability and leadership in the system, helped youth access financial benefits and complete their high school equivalency exam, and promoted mentorship of foster youth.

A Foster Care Campaign

As part of this effort, NCYL and other advocacy groups helped convince the *San Francisco Chronicle* to take on foster care as one of several year-long reform campaigns it was considering.

We met numerous times with editorial writer Pati Poblete, supplying her with background and other information, focusing on the cornerstone of our legislative effort, Assembly Bill 2216. The bill, signed by the governor (in amended form) last September, calls for greater state leadership and accountability, bringing together the multiple agencies and departments

that provide services to children and families in the child welfare system.

When the *Chronicle* launched its campaign on Sept. 11, 2005, it devoted three full pages of its Opinion section to a collection of stories and an editorial on foster care. Among the most compelling articles was a story about a foster youth who had spent her teenage years in the system. She had been beaten, robbed, and exposed to prostitution in a series of group homes.

The package of articles also included this message: “The state of California’s foster care system is a disgrace. The effects of this failing system on the young people it is supposed to serve – and the policy reforms that are needed to improve it – will be a continuing focus of this editorial page.”

Another editorial followed just three days later, and there were 10 by the end of the year. The paper’s Dec. 4, 2005 editorial said that the *Chronicle* would continue its campaign until the system provided more resources and consistent care for its foster children. The campaign is now well into its second year.

Many of the editorials contained a note at the bottom calling on readers to email or write the governor, urging him to make foster care a priority. As the vote on the legislation grew closer, the *Chronicle* lobbied for passage, again urging readers to contact their lawmakers and the governor, and listed email addresses.

In addition to working with the *Chronicle*, NCYL worked to engage the media in other ways in order to build support for its legislation and keep the issue of foster care reform in the public eye.

On Sept. 19, eight days after the *Chronicle* ran its first editorial, NCYL held a press conference to promote passage of AB 1633. Current and former foster youth gathered at the State Capitol to urge the governor’s signature on both AB 1633 and 1412, two bills that would provide much needed support to youth transitioning out of

1 “But Where’s the Governor?” Editorial, *San Francisco Chronicle*, May 4, 2006.

foster care. Together with Assembly Member Noreen Evans, who authored AB 1633, foster youth personally delivered hundreds of postcards signed by foster youth across the state to the governor's office, asking that he approve the legislation. The event was covered by the *Sacramento Bee*, *National Public Radio*, and local television stations.

As the *Chronicle* series continued, and legislators, the courts, and the governor became increasingly committed to the issue, still more media picked up the story. Other editorial boards have weighed in, including at the *Sacramento Bee* and the *San Jose Mercury News*.

NCYL attorneys compiled performance data on the state's 58 counties, finding that not a single county complied with all federal standards, and that performance varied widely from one county to another. The results of NCYL's analysis bolstered our argument for support of AB 2216, which would create a more cohesive, equitable system, and one subject to increased oversight and accountability. On March 7, 2006, NCYL presented its findings to the Assembly Select Committee on Foster Care, and, one month later, on April 18, NCYL held a press conference and issued a public report, entitled *Broken Promises: California's Inadequate and Unequal Treatment of Its Abused and Neglected Children*.

In addition to the *Chronicle* writing about NCYL's analysis, local newspapers, and radio and television stations across the state ran the story, each reporting on the results for their individual counties.

Other factors also increased the press momentum, including the granting of an injunction in *Katie A. v. Bonta* on March 14, 2006, which required the state to begin immediately providing essential services

to all the California foster children with unmet mental health needs. The story was picked up by some of the state's largest newspapers, including the *Los Angeles Times*. The *Chronicle* announced the court decision in a March 22 editorial.²

At the same time, other organizations were also working to keep foster care in the news, including the Children's Law Center of Los Angeles, the John Burton Foundation for Children Without Homes, the Children's Advocacy Institute, the California Youth Connection, and the Legal Advocates for Permanent Parenting, among others.

What's been Accomplished

As the result of the tremendous media attention focused on the issue of foster care reform, there is a much greater awareness of what foster care is, what problems exist in the system, and a consensus that the child welfare system in California needs to be fixed.

As mentioned earlier in this article, close to \$100 million in additional dollars was budgeted for child welfare in 2006-2007, and eight bills were signed by Gov. Arnold Schwarzenegger on Sept. 22.

In addition to AB 2216, the following bills were passed and are in the process of being implemented:

- AB 2480 – Ensures legal representation for children in dependency proceedings at the appellate level (Noreen Evans, D-Santa Rosa).
- AB 1641 – Bans bureaucratic regulations that stigmatize foster children and discourage potential foster parents (Nell Soto, D-Pomona).
- SB 2488 – Eliminates legal obstacles to foster children locating their siblings (Mark Leno, D-San Francisco).

- AB 2195 – Facilitates expedient and safe placements of foster youth with relatives (Karen Bass (D-Los Angeles)).
- SB 1667 – Promotes foster parent participation in dependency hearings (Sheila Kuehl, D-Santa Monica).
- AB 1979 – Eliminates fees for criminal background checks of prospective foster youth mentors, thus ensuring more people will become mentors (Karen Bass (D-Los Angeles)).
- AB 2985 – Requires county welfare departments to request credit checks for foster youth 16 and older and provide referrals to credit counseling if credit checks contain negative information (Bill Maze, D-Visalia).
- AB 1808 (Committee on Budget) – Package of foster care reforms that include social worker caseload reduction, parity for kinship caregivers, expansion of the Transitional Housing Program, improved adoption procedures for difficult to adopt children, social worker training, and support for foster youth higher education.

AB 1633 was signed by the Governor in October 2005. The goal of the legislation is to improve youths' access to financial benefits like SSI, and allow youth to remain in foster care until they complete their GED. The bill called for the formation of a workgroup to make recommendations, which will be implemented under a follow-up bill, AB 1331, introduced this year.

The educational stability and success of foster youth has increasingly become a priority, with advocates closely monitoring the implementation of AB 490, which became law in 2004. It includes provisions intended to increase school stability for foster

² That decision has since been reversed by the Ninth Circuit Court of Appeals. *Katie A. v. Bonta*, No. 06-55559, 2007 U.S. App. WL 865509 at *3 (9th Cir. March 23, 2007). The Appeals Court affirmed the state's obligation to provide effective mental health services to foster children, but remanded the case for more findings on mandated services.

youth, expedite the transfer of records between schools, and allow partial credits for class work. Educational surrogate programs are operating with great success. Among them are two programs NCYL is involved in, with the Education Advocacy Clinic at UC Berkeley's Boalt Hall School of Law, and the Oakland Unified School District. The latter just trained its first crop of volunteers.

The challenges of emancipating youth have probably received the most media attention, and substantial progress is being made to improve and increase programs and services to help foster youth successfully transition to adulthood.

In an editorial Sept. 16, 2006 editorial, the *Chronicle* reported that 2,000 former foster youth entitled to federal "Chafee" grants to help fund their college education had not received the money by the start of the school year. Five days later, as a direct result of the *Chronicle's* editorial, the students' checks were in the mail.

More attention and money has been focused on transitional housing for emancipating foster youth. A new transitional apartment complex in San

Diego supplies both affordable housing and supportive services to foster youth leaving care. The project is funded by the San Diego Redevelopment Agency and the San Diego Housing Commission. John Burton's foundation has lobbied successfully to expand access to the Transitional Housing Placement Plus Program (THP-Plus). Due in large part to the foundation's efforts, \$50 million in transitional housing funds were included in the state's recently passed housing bond. THP-Plus is administered by the state Department of Social Services, and has been found to help foster youth achieve stable housing, employment, and higher education.

Moving Forward

Although the *Chronicle's* original plan was to conduct a year-long editorial campaign with the goal of passing legislation, it has made a recent commitment to stay on the issue until the legislation is implemented. In an editorial last December, just a few months after the Governor signed the eight-bill foster care reform package, the newspaper lauded the progress that's been made, but observed that "there is much work to be done."

That work includes passage of new legislation, including a bill that places a limit on CPS caseloads, and another that increases public access to the records of children who have died while under the watch of CPS. This year, a record 42 foster care reform bills have been introduced in the legislature.

NCYL is co-sponsoring SB 39, authored by Senator Carole Migden (D-San Francisco), which would allow public access to information about children who have died from abuse or neglect, like Rajion Daniels. By seeking to open case files, advocates hope to determine what mistakes, if any, were made in the case, and prevent them from happening again. The Senate Judiciary and Appropriations Committees unanimously voted in favor of the bill, which will now go to the Senate floor for a vote.

Tracy Schroth is the Director of Communications at NCYL.