



BCJ

Bureau of Children's Justice

IN THE NEWS



California's AG Kamala Harris to Target Crimes Against Kids

By Don Thompson
January 4, 2015

Attorney General Kamala Harris is starting her final four years as California's top law enforcement officer this week with a major initiative aimed at protecting children.

She plans to announce during her swearing-in Monday that she is creating a bureau within the state Department of Justice that will focus on crimes against children.

Some of its work will expand on priorities during Harris' first four years, including deterring school truancy and the trafficking of young women for sex, domestic labor or sweat shops.

The bureau also will tackle what Harris says are "tragically flawed" foster care and adoption systems and fight discrimination in schools, such as bullying.

"In the coming term, we're going to double down. We're going to use the power of this office to lift up the next generation of Californians," Harris said in remarks prepared for her inauguration speech. She added later that, "We can't keep letting down our most vulnerable children today, then lock them up tomorrow and expect a different outcome next week."

Harris, 50, is one of the California Democratic Party's brightest stars and is expected to make a future run for governor or the U.S. Senate.

She has declined to discuss her political plans, but San Jose State University political science professor Larry Gerston said her choice of a focus for her final term can only enhance her chances.

"It's one of those issues that no one can deny is a problem and no one can criticize someone for taking it on," he said. It will help her standing with educators and women, he said, at a time when she is the only high-profile woman prominently mentioned as a candidate if U.S. Sen. Barbara Boxer retires in 2016 or when Gov. Jerry Brown is termed out of office in 2018. Both are Democrats.

Yet it also has been a theme throughout her career, which began with prosecuting child sexual assault cases in Alameda County. She later led the San Francisco City Attorney's Division on Children and Families before becoming San Francisco district attorney.

Harris barely squeaked into statewide office four years ago, but since then has had "an astounding ascendance when it comes to the political hierarchy in the state," Gerston said. She was best known in her first term for helping negotiate a tougher, larger settlement with the nation's top five banks after the foreclosure crisis, and for refusing to defend Proposition 8, the statewide initiative that banned gay marriage until it was rejected by the courts.

But she also emphasized the damage from truancy in two reports, the first of which found that 30 percent of California elementary school students miss enough school each year to harm their academic performance. The second, in September, found that black elementary schoolchildren were chronically truant at nearly four times the rate of all students and faced suspension from school at disproportionately high rates.

"The evidence is simply overwhelming: A child who is chronically truant in elementary school is three times more likely to drop out and become a perpetrator or a victim of crime," she said in her prepared remarks. "It's time to say that in the state of California it is a crime for a child to go without an education."

A bill backed by Harris in 2010 lets prosecutors charge parents with misdemeanors bringing up to a year in jail and \$2,000 fine if their children miss too much school. Brown approved a sequel last year, requiring prosecutors to report to school officials whether they file such charges. But Brown vetoed two other Harris-backed bills on the grounds that collecting more truancy and absenteeism data, as she proposed, "would not get to the root of the issue — keeping kids in school."

The bureau's goals are in line with the "My Brother's Keeper" classroom-to-jobs initiative outlined in September by President Barack Obama, whom Harris counts as a friend. The goals may include a push for more training of teachers, school nurses and counselors to help students who experience traumatic stress from domestic violence, poverty, substance abuse or mental illness in their families.

Its focus on the child welfare system is intended to address systemic issues, for instance by targeting charities or websites that exploit adopted or foster children.

Unscrupulous group homes, for instance, have been known to capitalize on the placement and care funds for foster youth. Internet sites with few safeguards have sprung up to aid the informal relocation of children, often adopted from other countries, if their adoptive parents decide they can't handle the youngsters' mental, physical or developmental disabilities.

The bureau will be paid for with existing funds, aides said.

San Francisco Chronicle

Kamala Harris: California's 'Truancy Crisis' Must Be Stopped

By Melody Gutierrez
March 11, 2014

California is in the midst of a "truancy crisis" that needs to be stopped where it starts: in elementary school, state Attorney General Kamala Harris said Monday as she joined lawmakers to announce a package of bills to help the state better collect truancy data.

More than 690,000 elementary school students - some 20 percent of the state's K-6 students - were truant at least once during the 2011-2012 school year, according to a report compiled by Harris' office. Truancy is defined in California as when a student is absent or tardy by more than 30 minutes without a valid excuse three times during a school year.

If it's not stopped at the elementary level, students are more likely to drop out of high school, and dropouts are more likely to end up in prison, Harris said.

"We take this matter very seriously," Harris said as she stood with state Superintendent of Public Instruction Tom Torlakson and six lawmakers Monday to talk about five proposed truancy bills. "A child going without an education is tantamount to a crime."

The bills would require the attorney general to issue a report on truancy each year, enhance truancy data collection to monitor attendance, require every county to create School Attendance Review Boards that issue reports on intervention efforts and require prosecutors to issue a report when charges against a parent or student are considered to enforce attendance laws.

No Surprise

Harris said California needs to better collect student attendance data and put it to use instead of waiting for that person to be deemed a menace to society and pouring billions into the criminal justice system.

"Very little that happens in our society in terms of the systems we see in government is a surprise," Harris said.

"We act like it's a surprise, but it's not. Almost all of it is predictable. Instead of being reactive, this data will allow us to be preventive."

The announcement comes six months after Harris' office released a report that detailed the extent of truancy and absenteeism in California schools and the resulting loss of \$1.4 billion a year in funding, lower test scores and higher dropout rates.

Harris' office summarized the societal loss at \$46 billion a year when considering reduced earnings, increased welfare services and higher crime rates among high school dropouts.

Class Not Court

"We need to try to get ahold of our young people early and make sure they end up in the classroom and not the courtroom," said Assemblyman Chris Holden, D-Pasadena, who authored one of the bills.

"With this slate of bills, we are not putting more students in the juvenile justice system, but inviting communities to intervene before they end up in the penal system."

Harris' report was the first statewide assessment of the truancy crisis, specifically examining elementary schools in each county and relaying the financial impact.

According to the report, Calaveras County led the state with a 31 percent truancy rate among 3,184 elementary students in 2012, while Yuba County posted a 4.9 percent truancy rate among its 8,159 students.

Contra Costa Highest

In the Bay Area, Contra Costa County had the highest elementary truancy rate at 29 percent, while San Francisco County was just above the state average with 23 percent.

While district attorney of San Francisco, Harris sharply reduced truancy rates by prosecuting parents and sending letters to every family in the school district warning them of the consequences of truancy.

She said her interest in truancy arose from a startling statistic: 94 percent of the city's homicide victims under age 25 were high school dropouts.

Los Angeles Times

Truancy Rates Are Higher Among California's Low-Income Students, Report Says

By Sara Hayden
September 12, 2014

Across California, truancy rates for students from low-income backgrounds were disproportionately higher than for their more affluent peers during the 2013-14 school year, according to a report released Thursday.

Data from the California Department of Education indicates more than 744,000, or about 1 in 5, students were truant, more than a 1% increase from the previous year.

The state attorney general's office partnered with Aeries Student Information System, a company that helps manage student data, to release the voluntary survey of 32 school districts, covering a total of about 150,000 students. Of all students with severe attendance problems, defined as missing 36 days or more, about 90% were low-income.

The highest levels of truancy were in the earliest grades: 26% of kindergartners were tardy or absent for three or more days, compared with 21% of fifth-grade students; 14% of kindergartners missed 18 or more days of class while 6.7% of fifth-graders did. This puts them at a disadvantage to achieve elementary reading and math benchmarks, according to the report.

These are crucial years to develop literacy skills that help students prepare for their subsequent academic studies, the report notes, and students who don't read at grade level by third grade are four times more likely than their peers to drop out of school.

Students of color are similarly vulnerable: African American students missed 10% or more of the school year at almost four times the rate of all students.

The report says it's unclear why this number is so high, but suggests that these students may encounter a number of issues that make it hard to get to school, such as health and transportation problems.

The state's Local Control Funding Formula lets school districts allot money to help such students, but the attorney general says to reap the benefits they must be in school.

"Good education policies are meaningless if students aren't at their desks," state Atty. Gen. Kamala D. Harris said in a statement.

Attendance rates for California's fourth- and eighth-graders were better than those in about 40 other states according to Attendance Works, a San Francisco nonprofit dedicated to preventing students being absent from school. But nearly 20% missed three or more days in the month leading up to the National Assessment of Educational Progress, a standardized test.

Students missing class puts a strain on the state economy, according to Harris' office. School districts lose an estimated \$1 billion annually of funding because of student absences; an additional \$46 billion is lost every year due to reduced earnings, stunted economic growth and juvenile criminal court costs.

Individual student attendance and its long-term impact are difficult to track because there's not a statewide system to do so. The Legislature passed a number of bills that target truancy and attendance accountability at the end of August.

Among other things, the bills would allow school districts to better track attendance rates and truancy intervention outcomes. Proponents are hopeful that the legislation would keep students in school. Gov. Jerry Brown has until Sept. 30 to sign or veto the measures.



Preying on the Vulnerable: Foster Youth Face High Risk of Identity Theft

By Seth Freed Wessler
July 21, 2014

Children in foster care are at greater risk of becoming victims of identity theft and entering adulthood with their credit already in shambles, experts say.

Child advocates say that foster youth are particularly vulnerable to identity theft because they bounce from one home to another, giving an expanding group of adults access to their private information. There are no national figures on the problem, but one Los Angeles County study found that eight percent of 16 and 17 year old foster kids had fraudulent charges on their credit reports. Most had thousands of dollars in accounts in their name. (Advocates add that the rate of identity theft would appear higher if the California study accounted for fraud that happened before age 16 or after age 18.)

Child welfare experts and government officials say foster children in every state face similar issues. And although state and federal lawmakers have in recent years passed laws to protect foster youth from identity theft, the fixes are not working for all children, advocates say.

"We see young people with credit open up in their names; they're in massive debt for things like houses, utilities, cars; people get jobs in their names," says Sam Cobbs, the who directs First Place for Youth, a California organization for foster kids. "They come into contact with so many group homes and social workers, relatives and foster parents, there's no shortage of opportunities for people to steal their identities."

Lenique Carter, 24, was confused about why three different rental companies turned her down for apartments in the last year. "They said I had bad credit," she said, "but I shouldn't have any credit at all."

Carter is an upbeat and confident 24-year-old African American woman with a lanky frame and short cut hair who goes everywhere with her backpack that holds a toothbrush, some extra clothes and a notebook. She doesn't have a credit card, hasn't taken out any loans and uses a pay-as-you-go cell phone. She's been in good health and says she tries to live frugally. But according to her credit report, Carter has been in and out of the hospital for the last six years, has racked up over nearly \$5,000 in hospital bills and bought nearly \$500 in jewelry on credit.

Carter is one of what advocates say could be tens of thousands of young people who've spent time in foster care in the U.S. and have been victims of identity theft.

With the pro bono support of a local law firm and a youth advocacy group Carter now has free legal support to help her clear up her credit, but this could take more than a year.

It's a wait that Carter can scarcely afford: she still has no permanent place to live and has spent three nights this month sleeping on the Blue Line train. On a good night, she waits at an L.A. community center for gay and lesbian youth until it closes, or sits on a bench after her shift at Wal-Mart, and then nabs whatever space she can on a relative's floor or a friend's couch.

Despite the instability, Carter speaks with nonchalance about her circumstances, saying, "I make it work, you know." It's an outlook that's not uncommon for foster youth, who often have few others to rely on but themselves.

Carter was 16 when the county placed her and her younger sister in foster care after police raided their mother's house looking for drugs. Carter can't count all the social workers and relatives who were supposed to be in charge of her life after she was taken from her mother. "I bounced around, ran away, went back, bounced around again," she said. What she knows is that somebody or several people—she suspects a relative and a worker at a group home—used her Social Security number.

Along with paying for medical bills and jewelry, someone also used her identity to try to get a job. She believes someone she knows, who would have found her Social Security number in one of her group homes where she lived before she turned 18, used her identity in applications because she has a clean criminal record that will pass an employer background check. As a result of the identity theft, Carter now owes nearly \$600 in back taxes from 2010, a year she did not work. In 2012, California began garnishing her wages from T.J. Maxx, where she worked stocking shelves. Her bank even put the 36 cents in her account on hold.

"Someone's been living on my name, and it's messing up my life," says Carter, who is dressed in new jeans and a dress shirt one recent afternoon for a meeting with Sasha Stern, an attorney with the Alliance for Children's Rights, a Los Angeles-based legal services provider who's helping to clear Carter's credit. "I've been doing everything right, but this messed me up.

"The number of foster youth who come to us who have I.D. theft is unbelievable," said Stern. About 25,000 young people age-out of the foster care system each year, and according to Mark Courtney, a leading researcher on the child welfare system, "they are instantly rendered economically precarious." Without family supports, these youth often face homelessness, drug addiction and jail.

"We know foster youth are in debt, and vulnerable to all sorts of practices that put them behind," said Courtney, a professor at the School of Social Services Administration at the University of Chicago. Courtney added that because many foster youth are also in the juvenile justice system, they're sometimes also burdened in adulthood by legal fees from youthful charges. And he said, unlike youth with strong family ties, "foster youth are less likely to have

relationships with a relative who can advise them and more likely to have people around who would do harm.”

In 2011, Congress passed a bill that included a provision requiring child welfare agencies to provide all 16-18 year old foster youth with free credit checks and help interpret and resolve inconsistencies before they age out of the system. Before the federal legislation, California and several other states had already passed similar bills. But advocates say that state and federal laws have not been fully implemented, and even when checks are run, thousands of young people still age out of the system with unresolved credit issues as a result of fraud.

“There’s no teeth behind the requirement,” says Cobbs. “Case workers are notoriously overburdened, and these requirements are not always followed.” Cobbs adds that the credit reporting agencies have not always been easy to work with.

In 2010, L.A. County launched a pilot partnership between the Department of Family and Children’s Services and the Department of Consumer Affairs to clear up the credit of any foster youth. It was the first effort to ensure that no foster youth ages out of foster care with bad credit.

“Our goal is to run the names of any kids who turn 16,” said Rigo Reyes, who runs the program for the L.A. Department of Consumer Affairs. The program went into full effect this year, and Reyes’ office is culling through 1,600 potentially fraudulent credit reports from foster kids over the age of 16. “Once we get the reports back, we clear anything that is in the report that should not be there and then freeze the report till they’re 18.”

Since 2010, Reyes said, the L.A. program has cleared nearly 500 foster youth’s credit. Advocates around the country have applauded the Los Angeles program as a model, and other California counties are looking to implement similar systems. But Sasha Stern and other service

providers in Los Angeles say that many foster youth fall through the cracks, even in L.A. Some find that their Social Security numbers are being used after they turn 18 by people who had access to them when they were children.

Reyes says his office will still help adults who were formerly in foster care, but he acknowledged that these former foster youth may not know how to access the assistance. “Many foster youth are cut off from supports after they age out,” he says. And those like Carter are still struggling with credit fraud that occurred before the L.A. program went into effect.

Colleen Gonzalez’s identity was initially stolen when she was a teenage foster kid, years before the L.A. program was implemented. Now 23 and raising a one-year-old daughter, Gonzalez says that old fraud is making it difficult for her to live fully. On a recent evening, she came home to her one bedroom Long Beach apartment around 9 p.m. after a shift at her part-time pet supply store job. She collapsed onto the couch and took a moment to sit with her daughter, Julie, who climbed into Gonzalez’s arms and pulled at her earrings. Julie had spent the day with her aunt and had taken a late nap.

“For me, it’s been one thing after another,” Gonzalez said after getting settled. “I try to get ahead but it’s hard when you have these credit issues, and the state chasing you for things that happened when you were a kid

Gonzalez landed in foster care after what she describes as years of abuse by her mother. Like Carter, someone used her Social Security number, racking up significant credit card debt in her name. Gonzalez and her lawyer believe it was a close relative.

Youth advocates say poor parents or other family members often use their young relatives’ social security numbers out of economic necessity.

“It’s not family members going out to harm kids; it’s family members trying to provide the basic necessities,” said Cobbs. “But regardless of why they do it, out of need or something more sinister, the impact is the same.”

Recently, Gonzalez tried to buy a used car, but the dealer asked her for a large down payment because she had bad credit. “They wanted \$6,000 down because I could not get financing,” she said. Gonzalez suspects that her credit history is hurting her with potential employers, too. Although she has applied for several retail jobs, she never gets called back. “I don’t really know what else it could be,” she said.

Credit problems aren’t the only worries of foster youth like Gonzalez. “In addition, they are at risk of predatory financial practices—from high interest car loans to unscrupulous for-profit universities,” Cobbs said. “Foster youth end up getting hit from all angles.”

Gonzalez had a full time job at a pet supply store for several years, but last year, a letter from the

L.A. County Courts arrived at work. It said the county planned to begin garnishing her wages to cover an outstanding legal fee from a minor juvenile conviction. The fees have since been waived by a court, but her employer fired her several weeks after the letter arrived. “There was never any problem before,” Gonzalez says. “And then the letter came and they were looking for a reason to let me go.”

Gonzalez has other credit issues too. The only thing on her report that she’s actually responsible for is \$1,000 in debt to Everest College, a for-profit institution that has come under investigation from the U.S. Department of Education, the U.S. Consumer Financial Protection Bureau and attorneys general in a dozen states over whether the schools lied about student job placement and completion rates. In June, federal officials froze the payout of government education subsidies to Everest’s parent company, leading to announcements that dozens of campuses will be sold or closed. Though the company is in crisis, Gonzalez, who never graduated from Everest, still owes the institution money.

According to child advocates, many foster youth attend for-profit universities because of promises of fast access to a career. Though records from the state of California show that just 6 percent of federal education grants for foster youth in California—usually \$5,000 annually—went to for-profit institutions, many foster youth who are eligible for these grants don’t learn of them, and end up in debt without a degree to show for it.

Now, with only a part-time job, Gonzalez has paid the last three months rent using money from her 2013 tax return, but that's gone. She's not sure how she'll pay next month's rent.

Lenique Carter is still having trouble with housing, too. Last week, she applied for another apartment and was turned down.

"Honestly, I have not had a good night sleep where I can wake up and say, 'oh good morning everybody,' well, it's been years," Carter said. "I'd like a place to be able to do that in."

Los Angeles Times

L.A. County Supervisors Ready to Tackle Child-Protection Problems

By Garrett Therolf
January 2, 2015

A new majority on the Los Angeles County Board of Supervisors say they want to place child welfare back at the center of their agenda this year, including reconsidering a series of reforms that their predecessors refused to authorize last year.

The supervisors have expressed concern that the county has lost a sense of urgency when it comes to improving how officials protect abused and neglected children, especially after a series of deaths of children under their monitoring.

The board majority said they want to look again at recommendations made by a blue-ribbon commission that includes proposals to expand the use of county clinics for medical assessments of abused and neglected children and to appoint a child-welfare "czar" to coordinate services across departmental lines.

They are even considering going beyond the commission's recommendations to significantly increase the number of social workers and finally erase long-standing disparities in the quality of service provided in different regions of the county. Although the supervisors say they won't commit to a specific hiring target, their deliberations will occur at the same time the social workers union is pushing to hire 450 more staffers in 2015 — a proposal that would cost \$60 million.

Recently elected Supervisors Sheila Kuehl and Hilda Solis are among those saying the additional hiring must be reconsidered. Their predecessors, reluctant to add new costs, had argued that the Department of Children and Family Services needed only to better use the roughly 7,500 employees and \$1.5-billion budget it already has.

"I've said all along that the caseloads are so high that it is virtually impossible for social workers to say that they've investigated nearly every possibility in a child's case," Kuehl said.

Kuehl and Solis, who campaigned with financial support from the social workers union, have joined hold-over Supervisor Mark Ridley-Thomas to call for a fresh review of dozens of recommendations introduced a year ago by a blue-ribbon commission appointed in the aftermath of the beating death of 8-year-old Gabriel Fernandez.

The boy's mother and her boyfriend are facing charges of murder, and officials acknowledge the death followed egregious errors by county social workers, sheriff's deputies and other government agencies.

As a result, county leaders promised to correct widely acknowledged failures throughout a system that touches tens of thousands of youths. According to a study released last month by USC, 14.6% of the county's children are reported to the department's child abuse hotline by the time they reach age 5.

In recent interviews, Supervisor Don Knabe joined Kuehl and Solis to say the county should consider adding more social workers. Ridley-Thomas and Supervisor Michael D. Antonovich declined to state their positions on new hiring, but aides to Antonovich said he would be willing to examine the proposal.

"Los Angeles County social workers have caseloads that are among the highest in the nation; they need our support," Solis said. "We need to look at how they're deployed, trained, supervised and equipped. Hiring more social workers is one of the options that needs to be in the mix for consideration."

In the absence of additional workers, large differences in the level of service have developed across the county. Child abuse investigators in Lakewood, for instance, have twice the caseload of workers in Pomona. Overall, the number of social workers has remained relatively flat over the past decade, but the number of investigations has increased by a third.

For workers assigned to place children in foster homes, the work has become more difficult as well. The number of available beds has decreased from 26,865 to 11,362 since 2003 — far outpacing the decrease in the number of foster children.

The county has already pledged to hire additional social workers as part of a labor strike settlement reached last year. However, some of those hired so far have replaced only workers who retired or quit.

"In 2013, we had momentum; in 2014, we lost momentum," Ridley-Thomas said. "So it is my sincere hope that this newly constituted board will see to it that in 2015, reform of the child protection system begins in earnest. Our county's children deserve no less."

Ridley-Thomas complained that the county had not done more to put in place two blue-ribbon commission recommendations that the prior Board of Supervisors did accept: to expand access to a network of clinics for abused and neglected children and to hire a child protection "czar," which the commission described as "the linchpin" in the county's ability to prevent and respond to maltreatment.

Commissioners said the lack of collaboration between social workers, law enforcement and mental health workers was the crux of many problems, and they recommended that a new Office of Child Protection be established with a director to coordinate services.

But the selection process for the new director has been plagued by disagreements over how much authority the new office should have to direct other county departments.

In the meantime, a transition team has been appointed to carry out other accepted commission reforms, although its members have complained that departments have failed to cooperate because of opposition by Knabe, who complained that a "czar" could second-guess work already being done by county departments.

"The No. 1 area of frustration," said Leslie Gilbert Lurie, who co-chaired the blue-ribbon commission and continues that role on the transition team, "is that the supervisors have not instilled that sense of urgency throughout the county establishing the safety needs of children and the recommendations of the committee, and that starts with the fact that it has not been impressive how they have conducted the search for the office of child protection."

Even when the supervisors voted 3 to 2 to allow the transition team to participate in candidate interviews, county officials later told them they would be excluded under orders from Knabe, who then served as chair of the board.

A spokeswoman for Knabe said the new board would reexamine the interviewing process. After expressing disappointment with the candidates attracted so far, the supervisors decided last month to restart the search with a new executive recruiting firm.

The only person to be publicly identified to be in the running is Michael Nash, the outgoing presiding judge of the county's juvenile court.

Nash has been a persistent critic of Family Services director Philip Browning because foster care placements have recently increased by about 1,700 children or 10% overall — the first increase in 12 years — and services meant to keep families together have declined.

Browning has noted that detentions of children have increased statewide in step with reports of child abuse, and many of the service declines involved programs that did not have well-documented evidence of success.

He said he has focused on improving accountability and education for social workers, including a new yearlong training program for new staffers.