

CHILDREN'S LEGISLATIVE REPORT CARD

LEGISLATIVE SESSION: 2019–20

REPORT CARD TERM: 2020

Dear Californians,

Since 1997, the Children's Advocacy Institute has published the annual Children's Legislative Report Card in order to inform Californians of our legislators' actions on a selection of bills that would have benefitted children if enacted.

However, 2020 was an unprecedented year, to say the least. An unprecedented year results in unprecedented responses and, for these reasons, our 2020 Children's Legislative Report Card is without precedent. Simply put, rather than issue grades for each legislator, we have given the entirety of the Legislature an "incomplete." We identified what we thought were some bellwether bills but, given the confusion and evolving science of COVID denominated by the procedural confusion in the two legislative houses, we did not believe it was fair to grade being present for key votes the same way in years past. Not in 2020 — when we were all making personal decisions about the risks we could take based upon the health vulnerabilities of ourselves and our loved ones.

At the end of the day, the overwhelming number of people who work in the Legislature— both staff and elected officials—are doing that work for the right reasons; namely, because they care about policy. In a time of swirling, possibly fatal uncertainty, grading a healthy young elected official with no dependents the same as an older one with respiratory problems, or with a new child, or whose parents who are fragile, just seemed to us to be wrong.

Sincerely,



Robert C. Fellmeth
Executive Director



Ed Howard
Senior Policy Advocate

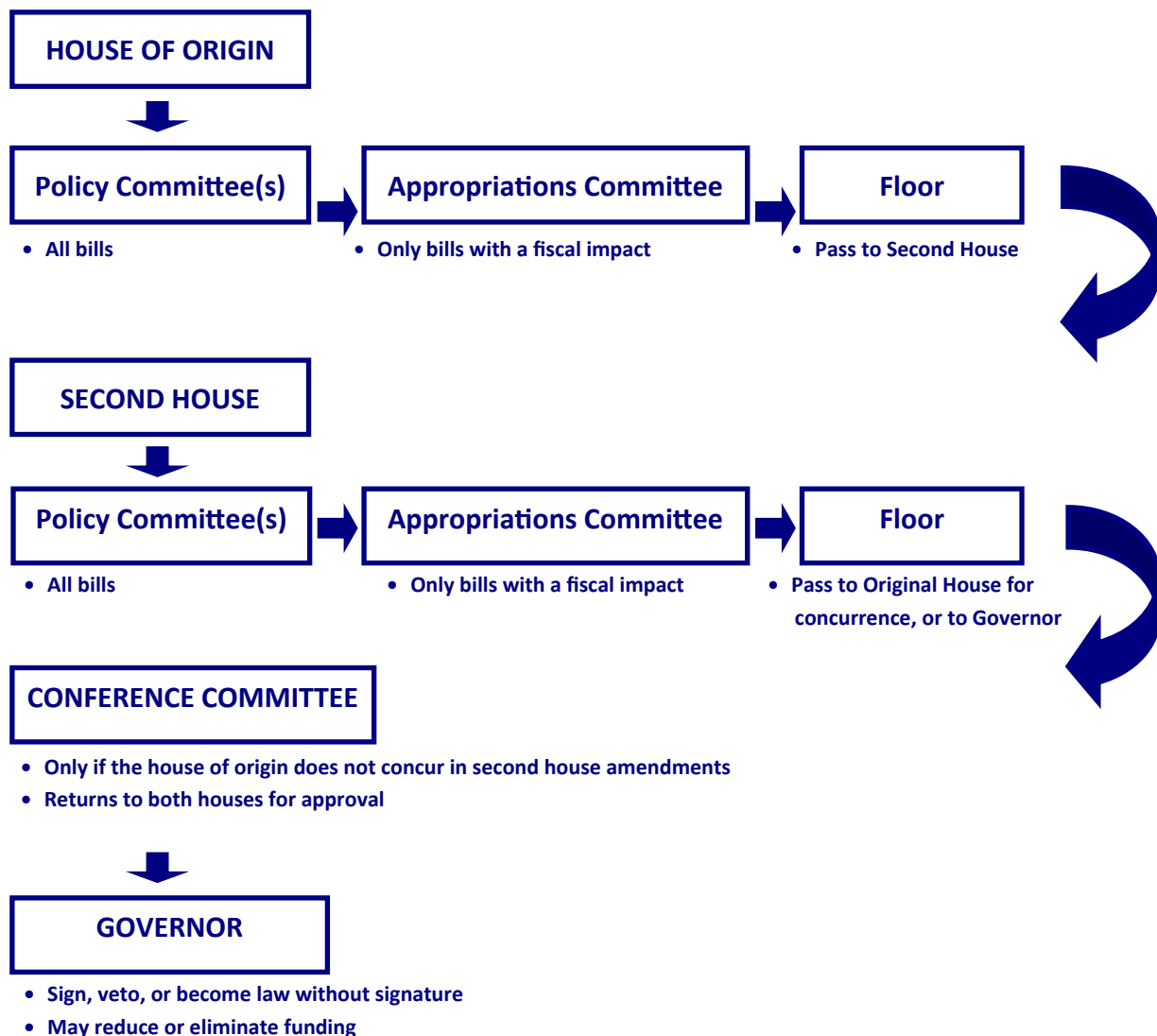


A Primer

THE LEGISLATIVE PROCESS

After introduction by a legislator, 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 the 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 take no action within the constitutionally-prescribed time limit, thereby allowing it to become law without his/her signature. 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.



2020

THE YEAR IN REVIEW

“Sui generis”:

Lat. Of its own kind or class; i.e., the only one of its own kind; peculiar.

Like everything else, the 2020 California legislative year was swallowed up by the COVID pandemic: the quarantine; the fear; the haltingly, confusingly, and evolving science; the wavering, near collapse of our health care foundation; the inability to forecast until the Spring-Summer of 2021 whether anything — let alone everything — would return to “normal,” as if a return to a pre-COVID world was possible after COVID.

A person who has survived a near-death health scare, even after full recovery, never returns to a pre-near death normal. Neither will we, individually.

And, neither will we, collectively, through our State Legislature which, of course, is comprised of frightened and vulnerable human beings, just like ourselves.

At first, just like us individually, the California Legislature had little if any clue about how to adapt its work to the pandemic. The Senate and the Assembly could not at first agree about such foundational things as whether staff was permitted to work remotely, about whether voting could be done remotely, how committee hearings would be conducted, how many bills each member would be permitted to introduce given unpredictability of procedures and staff capacity to handle bills, about how the public would be permitted to participate in lobbying, and how the public and lobbyists would provide testimony at hearings.

In other words, just as all of us individually had to engage in serial improvisations regarding every nook and cranny of our lives benchmarked against the specter of economic and public health catastrophes, every nook and cranny of the process by which bills are introduced, shaped, lobbied, and voted upon was, in the Spring of 2020, entirely unknown and ever-changing.

Just as we each settled into a routine as the year crawled by, so did the Legislature — but that settling inadvertently but inevitably did not favor the interests of those without what Capitol denizens call “juice” (*i.e.*, without significant campaign contribution budgets). That means children, especially.

To compensate for the lack of direct access to elected officials that is the expected return on the campaign contribution investment, public interest groups depend more than moneyed interests do on being able to lobby on the basis of the details and merits of bills as opposed to relying upon personal relationships. After all, the merits, plus the prospect of shame, are all child advocates have going for us. Thus, child advocates and other public interest groups commonly focus on methodical and deeply substantive lobbying staff who, in California, are expected to offer their bosses insight on the difference between meritorious and make-weight arguments. As well, child and other public interest advocates depend upon the give-and-take of committee hearings — which are often our first opportunity to engage directly with elected officials. The ability to litigate (in a sense) a bill in a committee hearing is more important for us than having every member’s personal cell phone number in our contacts app.

Neither of these opportunities were available or predictably available in 2020.

Likewise, one of the better aspects of California’s legislative culture is that bills get votes in policy committees, and don’t die by leadership denying a vote to a bill. In 2020, however, Committee Chairs were empowered to pick and choose which bills would get policy committee hearings and votes and which would not. This unsurprisingly at best led to arbitrariness and at worst another example of how “juice” works.

CAI's bill that would prevent websites from reaching out to children to consent to privacy-busting practices on their parents' behalf — a bill with no formal opposition — was a casualty. It died when not given a hearing, resulting in a scorching editorial in *The San Francisco Chronicle*.

More visibly and overall, legislators were ordered to stay away from the Capitol for two months in Spring 2020, when Governor Gavin Newsom issued his statewide stay at home order. When lawmakers returned to Sacramento in May, confronting forecasts of the worst economy since the Great Depression, they passed a scaled-back state budget and parked approximately three-fourths of all the bills introduced at the beginning of the year.

Even so, and in keeping with Governor Newsom being the most pro-child Governor in recent memory, some significant legislation benefitting children and young people became law in 2020. Some of the most significant include:

- ◆ SB 823 closes intake to the state's youth prisons as of July 1, 2021 (with certain exceptions), calls for development of a dispositional track for higher need youth, and establishes the Office of Youth and Community Restoration within the Health and Human Services Agency.
- ◆ SB 793 bans the sale of all flavored tobacco products (*e.g.*, cotton candy) which are targeted at children.
- ◆ AB 376 enacts the nation's strongest student borrower's bill of rights targeting abuses by student loan servicing companies.
- ◆ SB 1383 requires small and midsized businesses (those with at least five employees) to guarantee workers family leave — basically, their jobs back — after they take leave to care for a new baby or sick loved one. Before this measure, this guarantee existed only for people who work for larger companies; this bill extends family leave job protections to an additional roughly six million Californians.

- ◆ SB 855 dramatically expands the list of mental health conditions deemed medically necessary. The law requires this determination to be made by nonprofit clinical specialty associations, rather than insurers.
- ◆ The state’s expansion of Medi-Cal pregnancy coverage means that Medi-Cal now covers up to twelve months after childbirth for women diagnosed with a maternal mental health conditions. As well, California will ensure Medi-Cal eligibility for people younger than 21, or a former foster care youth under 26, while incarcerated.

Beyond these accomplishments, however, as we consider 2020 and children, is a feeling of foreboding caused by not knowing the full extent of damage that the quarantine has had on children. But we know it will be bad. By all early accounts, the mental health damage, especially to teens who normally would be taking their first steps toward independence (particularly those who have been parented by the state in the foster care system), of being shut-in for a year while racial injustice was showcased, the economy tanked, and the Grand Old Party played footsie with coups d’état plotters, has been vast and deep. Child abuse reports declined because mandated reporters — doctors, teachers, coaches — never saw children. Assuredly, however, child abuse did not decline. And, certainly, the largely standard-free, improvisational way our children were educated will have harmful ripple effects for years to come.

2020

Subjects Graded

Foster Care / Dependency Court

AB 1979 (Friedman) addresses the affordable housing needs of youth in the child welfare system by expanding the definition of a supervised independent living setting (SILS) to include a transitional living setting approved by the county to support youth entering or reentering care or transitioning between placements, and requiring counties to examine a county's ability to meet the emergency housing needs of nonminor dependents, among other things. This measure was signed by the Governor on Sept. 25 (Chapter 141, Statutes of 2020). S: 39/0/1. A: 75/0/4

AB 2805 (Eggman) expands the scope of evidence that a court may consider when determining whether to order reunification services for a child who has been made a dependent of the juvenile court because the child, before reaching five years of age, was the victim of severe physical abuse by a parent or by any person known by the parent. This measure was signed by the Governor on Sept. 18 (Chapter 104, Statutes of 2020). S: 39/0/1. A: 75/0/4

AB 2944 (Stone) adopts changes to further facilitate implementation of Continuum of Care Reform, specifically as it relates to flexibility for resource families, reference checks for approval of resource family applicants, and forfeiture of a group home license, among other changes. This measure was signed by the Governor on Sept. 30 (Chapter 356, Statutes of 2020). S: 39/0/1. A: 75/0/4

SB 860 (Beall) requires each county office of education Foster Youth Services Coordinating Program to ensure the students they serve in foster care fills out the forms necessary to receive financial aid for college. It also requires the Superintendent of Public Instruction to report financial aid form completion information. This measure was signed by the Governor on Sept. 28 (Chapter 231, Statutes of 2020). S: 39/0/1. A: 75/0/4

SB 912 (Beall) would have permitted the juvenile court to retain jurisdiction over any ward or dependent child who is eligible to receive support as a nonminor dependent (NMD), and required, for any emergency declared by the Governor on or after January 1, 2021, an NMD who turns 21 years of age while a state of emergency is in effect continues to receive support as an NMD for six months from the date of the declaration, as specified. On Sept. 28, 2020, the Governor vetoed this measure, opining that “[because disasters and pandemics vary and are difficult to predict, this bill would obligate the State to a specific approach that may not always be the most prudent or effective.” S: 38/0/2. A: 73/0/6

Child Abuse Prevention

AB 1963 (Chu) makes a human resource employee of a business that employs five or more employees and, also, employs minors a mandated reporter of child abuse or neglect, and a person whose duties require direct contact with and supervision of minors in the performance of the minors duties in the workplace a mandated reporter of sexual abuse for the purpose of the Child Abuse and Neglect Reporting Act. This measure was signed by the Governor on Sept. 29 (Chapter 243, Statutes of 2020). S: 39/0/1. A: 75/0/4

SB 907 (Archuleta) allows a county child welfare department to develop and adopt a memoranda of understanding with local military installations that govern the investigation of allegations of child abuse or neglect against active duty service members assigned to units on those installations. This bill also requires a county child welfare department investigating a case of child abuse or neglect to attempt to determine, as soon as practicable, if the parent or guardian is an active duty member of the Armed Forces of the United States. This measure was signed by the Governor on Sept. 28 (Chapter 233, Statutes of 2020). S: 39/0/1. A: 75/0/4

Child Health & Safety

AB 2276 (Reyes), among other things, requires a contract between the Department of Health Care Services (DHCS) and a Medi-Cal managed care (MCMC) plan to require the plan to identify, on a quarterly basis, every enrollee who is a child without a record of completing the blood lead screening tests required pursuant to state regulation, and to remind the contracting network health care provider responsible for performing the periodic health assessment of the child enrollee pursuant to state regulation of the requirement to perform required blood lead screening tests for that child, and the requirement to provide oral or written anticipatory guidance to a parent or guardian of the child, including at a minimum, the information that children may be harmed by exposure to lead; requires DHCS to develop and implement procedures, and requires DHCS to require a MCMC plan to maintain a record of all child enrollees six years of age or younger who have missed a required blood lead screening and identify the age at which the required blood lead screenings were missed, including which children are without any record of a completed blood lead screening at each age, and provide that record to DHCS annually and upon request for auditing and compliance purposes. This measure was signed by the Governor on Sept. 28 (Chapter 216, Statutes of 2020). S: 38/0/2. A: 75/0/4

AB 2717 (Chau) exempts a person from civil liability and criminal liability for property damage or trespass to a motor vehicle if the property damage or trespass occurs while the person is rescuing a child who is 6 years of age or younger from a motor vehicle under circumstances that reasonably could cause suffering, disability, or death to the child, if certain steps are taken during the removal. This measure was signed by the Governor on Sept. 30 (Chapter 352, Statutes of 2020). S: 38/0/2. A: 75/0/4

SB 793 (Hill) seeks to stem the recent spike in youth usage of flavored tobacco products by prohibiting a tobacco retailer, or any of the tobacco retailer's agents or employees, from selling, offering for sale, or possessing with the intent to sell or offer for sale a flavored tobacco product or a tobacco product flavor enhancer, as specified. This measure was signed by the Governor on Aug. 28 (Chapter 34, Statutes of 2020). S: 34/0/6. A: 58/1/20

Education: K–12

AB 1350 (Gonzalez) authorizes a high school district, unified school district, county office of education, or the governing body of a charter school, to retroactively grant a high school diploma to a person whom was in their senior year of high school during the 2019–20 school year; in good academic standing, and on track to graduate, as of March 1, 2020; and unable to complete the statewide graduation requirements as a result of the COVID-19 crisis. This measure was signed by the Governor on Sept. 11 (Chapter 66, Statutes of 2020). S: 39/0/1. A: 75/0/4

Education: Postsecondary

AB 70 (Berman) will prevent institutions from misleading students and taxpayers by defining what constitutes a “nonprofit corporation” and “public institution of higher education” in California, an essential step in developing a standard for what a college must demonstrate in order to claim to be a nonprofit or public institution, thus preventing covert for-profit institutions from evading state oversight and deceiving students. This measure was signed by the Governor on Sept. 25 (Chapter 153, Statutes of 2020). A: 75/0/4. S: 39/0/1

AB 376 (Stone) created the Student Loan Borrower Bill of Rights, prohibiting specified acts and establishing specified requirements related to the servicing of student loans in a manner intended to protect student loan borrowers. This measure was signed by the Governor on Sept. 25 (Chapter 154, Statutes of 2020). S: 29/9/2. A: 57/15/7

AB 2416 (Gabriel) requires institutions of higher education to allow students to appeal their loss of certain student financial aid if they fail to meet “satisfactory academic progress” due to homelessness. This measure was signed by the Governor on Sept. 29 (Chapter 285, Statutes of 2020). S: 39/0/1. A: 79/0/1

AB 3137 (Voepel) requires California Community Colleges to allow a student who is a member of the U.S. Armed Forces, who is called to active duty to withdraw from participation in the California College Promise fee waiver program and resume receipt of the waiver once they return from duty without penalty. This measure was signed by the Governor on Sept. 28 (Chapter 226, Statutes of 2020). S: 39/0/1. A: 76/0/3

Child Privacy Rights

AB 1138 (Gallagher) would have, on and after July 1, 2021, prohibited a person or business that conducts business in California, and that operates a social media website or application from allowing a person the business actually knows is under 13 years of age to create an account unless the website or application obtains the consent of the minor's parent or guardian before creating the account using a method that includes reasonable measures to ensure that the person giving their consent is the parent or legal guardian of the minor under 13 years of age. The bill would have deemed a business to have actual knowledge of a consumer's age if it willfully disregards the consumer's age. On Sept. 29, 2020, the Governor vetoed this measure, opining that "[e]xisting federal law requires operators of internet websites or online services to obtain parental or guardian consent before collecting personal information from a child known to be under 13 years old. States have the ability to enforce this law. Given its overlap with federal law, this bill would not meaningfully expand protections for children, and it may result in unnecessary confusion. As I agree with the spirit of this bill, my Administration is open to exploring ways to build upon current law to expand safeguards for children online." S: 31/4/5. A: 54/4/21

Juvenile Justice

AB 901 (Gipson) repeals the jurisdiction of the juvenile criminal court over minors who habitually refuse to obey the reasonable and proper orders or directions of school authorities, and requires a peace officer to refer a minor who habitually refuses to obey the reasonable and proper orders of the minor's parents or has four or more trancies within one school year to a community-based resource, the probation department, a health agency, a local educational agency, or other governmental entities that may provide services. This measure was signed by the Governor on Sept. 30 (Chapter 323, Statutes of 2020). S: 27/7/6. A: 52/12/15

AB 2425 (Stone) prohibits the release of information by a law enforcement, social worker, or probation agency when a juvenile has participated in or completed a diversion program. This measure was signed by the Governor on Sept. 30 (Chapter 330, Statutes of 2020). S: 26/10/4. A: 53/16/10

SB 203 (Bradford) expands and extends protections for minors prior to a custodial interrogation by a law enforcement officer. This measure was signed by the Governor on Sept. 30 (Chapter 335, Statutes of 2020). S: 32/2/6. A: 54/13/12

SB 823 (Committee on Budget and Fiscal Review) reforms the state's juvenile justice system by transferring the responsibility for managing all youthful offenders to local jurisdictions. Among other things, the measure closes intake at the Division of Juvenile Justice (DJJ) on July 1, 2021, with exceptions; reduces transfers of youth to adult jurisdiction and expresses legislative intent to establish a separate dispositional track for higher need youth by March 1, 2021, to avoid increase transfers of youth to the adult jurisdiction; establishes the Office of Youth and Community Restoration (OYCR) within the Health and Human Services Agency (HHS), effective July 1, 2021, which is to fulfill the rehabilitative purpose of the state's juvenile justice system through trauma-informed and developmentally appropriate services and programs; continues the Youth Justice Committee within HHS's Child Welfare Council until July 2023 to assist in planning, and will advise and provide recommendations related to policies, programs, and approaches that improve youth outcomes, reduce youth detention, and reduce recidivism for the realigned population; and adds a new state-level ombudsman for youth in the juvenile justice system. This measure was signed by the Governor on Sept. 30 (Chapter 337, Statutes of 2020). S: 21/13/6. A: 54/16/9

SB 1126 (Jones) allows sealed juvenile records to be accessed, inspected, or used by the probation department, the district attorney, counsel for the minor, and the court for the purpose of assessing the minor's mental competency in a subsequent juvenile proceeding if the issue of competency has been raised. This measure was signed by the Governor on Sept. 30 (Chapter 338, Statutes of 2020). S: 39/0/1. A: 75/0/4

SB 1290 (Durazo) vacates certain county-assessed or court-ordered costs imposed before January 1, 2018, against parents and guardians of youth subject to the juvenile delinquency system and against persons aged 18 to 21 subject to the criminal justice system. This measure was signed by the Governor on Sept. 30 (Chapter 340, Statutes of 2020). S: 32/2/6. A: 64/4/11

How Legislators Were Graded

METHODOLOGY

In this section of our past Children’s Legislative Report Cards, we explained how we graded legislators’ actions on a selection of bills that would have benefited children if enacted.

However, and as explained on the cover, 2020 was an unprecedented year, necessitating unprecedented responses. For these reasons, our 2020 Children’s Legislative Report Card is without precedent. Simply put, rather than issue grades for each legislator, we have given the entirety of the Legislature an “incomplete.” Given the confusion and evolving science of COVID denominated by the procedural confusion in the two legislative houses, we did not believe it was fair to grade being present for key votes the same way in years past, when in 2020 we were all making personal decisions about the risks we could take based upon the health vulnerabilities of ourselves and our loved ones.

At the end of the day, the overwhelming number of people who work in the Legislature—both staff and elected officials—are doing that work for the right reasons; namely, because they care about policy. In a time of swirling, possibly fatal uncertainty, grading a healthy young elected official with no dependents the same as an older one with respiratory problems, or one with a new child, or one whose parents who are fragile, just seemed to us to be wrong.

LEGISLATOR*		LEGISLATOR*	
Allen, Ben		Allen, Ben	
Archuleta, Bob		Archuleta, Bob	
Atkins, Toni		Atkins, Toni	
Bates, Patricia		Bates, Patricia	
Beall, Jim		Beall, Jim	
Borgeas, Andreas		Borgeas, Andreas	
Bradford, Steven		Bradford, Steven	
Caballero, Anna		Caballero, Anna	
Chang, Ling Ling		Chang, Ling Ling	
Dahle, Brian		Dahle, Brian	
Dodd, Bill		Dodd, Bill	
Durazo, Maria Elena		Durazo, Maria Elena	
Galgiani, Cathleen		Galgiani, Cathleen	
Glazer, Steven		Glazer, Steven	
Gonzalez, Lena		Gonzalez, Lena	
Grove, Shannon		Grove, Shannon	
Hertzberg, Robert		Hertzberg, Robert	
Hill, Jerry		Hill, Jerry	
Hueso, Ben		Hueso, Ben	
Hurtado, Melissa		Hurtado, Melissa	
Jackson, Hannah-Beth		Jackson, Hannah-Beth	
Jones, Brian		Jones, Brian	
Leyva, Connie		Leyva, Connie	
McGuire, Mike		McGuire, Mike	
Melendez, Melissa		Melendez, Melissa	
Mitchell, Holly		Mitchell, Holly	
Monning, Bill		Monning, Bill	
Moorlach, John		Moorlach, John	
Morrell, Mike		Morrell, Mike	
Nielsen, Jim		Nielsen, Jim	
Pan, Richard		Pan, Richard	
Portantino, Anthony		Portantino, Anthony	
Roth, Richard		Roth, Richard	
Rubio, Susan		Rubio, Susan	
Skinner, Nancy		Skinner, Nancy	
Stern, Henry		Stern, Henry	
Umberg, Thomas		Umberg, Thomas	
Wieckowski, Bob		Wieckowski, Bob	
Wiener, Scott		Wiener, Scott	
Wilk, Scott		Wilk, Scott	
Aguiar-Curry, Cecilia		Aguiar-Curry, Cecilia	
Arambula, Joaquin		Arambula, Joaquin	
Bauer-Kahan, Rebecca		Bauer-Kahan, Rebecca	
Berman, Marc		Berman, Marc	
Bigelow, Frank		Bigelow, Frank	
Bloom, Richard		Bloom, Richard	
Boerner Horvath, Tasha		Boerner Horvath, Tasha	
Bonta, Rob		Bonta, Rob	
Brough, William		Brough, William	
Burke, Autumn		Burke, Autumn	
Calderon, Ian		Calderon, Ian	
Carrillo, Wendy		Carrillo, Wendy	
Cervantes, Sabrina		Cervantes, Sabrina	
Chau, Ed		Chau, Ed	
Chen, Phillip		Chen, Phillip	
Chiu, David		Chiu, David	
Choi, Steven		Choi, Steven	
Chu, Kansen		Chu, Kansen	
Cooley, Ken		Cooley, Ken	
Cooper, Jim		Cooper, Jim	

SENATORS

ASSEMBLY MEMBERS



ASSEMBLYMEMBERS

LEGISLATOR*

LEGISLATOR*

- Cunningham, Jordan
- Dahle, Megan
- Daly, Tom
- Diep, Tyler
- Eggman, Susan
- Flora, Heath
- Fong, Vince
- Frazier, Jim
- Friedman, Laura
- Gabriel, Jesse
- Gallagher, James
- Garcia, Christina
- Garcia, Eduardo
- Gipson, Mike
- Gloria, Todd
- Gonzalez, Lorena
- Gray, Adam
- Grayson, Tim
- Holden, Chris
- Irwin, Jacqui
- Jones-Sawyer, Reginald
- Kalra, Ash
- Kamlager-Dove, Sydney
- Kiley, Kevin
- Lackey, Tom
- Levine, Marc
- Limón, Monique
- Low, Evan
- Maienschein, Brian
- Mathis, Devon
- Mayes, Chad
- McCarty, Kevin
- Medina, Jose
- Mullin, Kevin
- Muratsuchi, Al
- Nazarian, Adrin
- Obernolte, Jay
- O'Donnell, Patrick
- Patterson, Jim
- Petrie-Norris, Cottie
- Quirk, Bill
- Quirk-Silva, Sharon
- Ramos, James
- Rendon, Anthony
- Reyes, Eloise
- Rivas, Luz
- Rivas, Robert
- Rodriguez, Freddie
- Rubio, Blanca
- Salas, Rudy
- Santiago, Miguel
- Smith, Christy
- Stone, Mark
- Ting, Philip
- Voepel, Randy
- Waldron, Marie
- Weber, Shirley
- Wicks, Buffy
- Wood, Jim
- Vacancy

- Cunningham, Jordan
- Dahle, Megan
- Daly, Tom
- Diep, Tyler
- Eggman, Susan
- Flora, Heath
- Fong, Vince
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- Rodriguez, Freddie
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- Smith, Christy
- Stone, Mark
- Ting, Philip
- Voepel, Randy
- Waldron, Marie
- Weber, Shirley
- Wicks, Buffy
- Wood, Jim
- Vacancy



* Assembly and Senate membership as of August 30, 2020.



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UNIVERSITY OF SAN DIEGO SCHOOL OF LAW

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The Children's Advocacy Institute is part of the
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