

La Opinión

Children should not be the last

Those who make decisions on "the system" take care of children, but do not love them as parents love their children

By Miles Cooley, June 6, 2017 (originally published in Spanish)

When Governor Brown signs this year's budget, it must correct maybe the worst injustice in our state – depriving California's 50,000 abused and neglected foster children a champion inside the bureaucracy that is responsible for raising them. Just \$22 million of the state's \$170 billion budget is needed to reduce the case loads of lawyers who advocate for these children to something south of preposterous; something minimally worthy of our unique moral obligation to these children who by force of law have been rendered parentless.

Today, the average dependency counsel caseload in California is 250 children per lawyer. In some areas, the numbers are even worse. In Ventura County one lawyer is supposed to be the advocate for an average of 500 children; in Riverside County the average is 461.

You might remember the terror as a child of being lost in a store or at an amusement park; of feeling all alone. This is an inkling of what it is like to wake up every morning a foster child.

I know because I was one. I was placed into foster care at age five after I found my mother dead from a drug overdose. Here are three things you need to know about the lives of these children:

First, you're being raised by "the system" – a government bureaucracy. Imagine a child being raised by the DMV. That's foster care, in a nutshell. The decision makers involved in "the system" care about the kids, but they do not love them like a parent loves their child. The adults in "the system" are employees doing a job and are accountable to rules, regulations, bosses, and budgets.

Second, every major decision about a foster child's life that would otherwise be made at home is made in a courtroom. Whether a child is forcibly medicated; what schools they will attend; whether they will ever see brothers or sisters; whether they will ever see mommy or daddy again; all of these decisions are made in a courtroom.

And, there, at counsel table, feet likely not touching the ground, terrified, baffled, anxious, and entirely helpless, sits the abused and neglected child, with their whole life hanging in the balance.

I remember.

Third, in the entire "system," there is only one adult who by law and by training has an unqualified duty to be a champion for just that one child, no matter the cost, no matter the bureaucracy.

This one champion in "the system" is their lawyer; someone who chose to use their law degree to represent the most vulnerable of us all. As a lawyer myself, and a former foster child, I know how important this advocacy can be.

The lack of money in the state's budget given to foster youth and the lawyers they depend on is appalling; an additional form of abuse and neglect.

But, even though everyone agrees this problem must be fixed, two of the last three years' night-time, closed-door budget deals in Sacramento entirely deleted funding that would have brought the average caseload down.

Until elected officials do the right thing by abused children and give these children the champions every child deserves, too many children will go to bed every night scared and, most horribly, alone, wondering what they did to deserve this.

Miles Cooley is a partner at the law firm of Kelly, Drye & Warren in Los Angeles, where he has represented high-profile clients including Rihanna, Jay-Z and Curtis "50 Cent" Jackson. Miles is also involved in various non-profits working on foster care issues including, Peace4Kids and John Burton Advocates for Youth.
