

Introduced by Senator Pan

April 18, 2017

Senate Concurrent Resolution No. 41—Relative to children and youth.

LEGISLATIVE COUNSEL'S DIGEST

SCR 41, as introduced, Pan. Bill of Rights for the Children and Youth of California.

This measure would state the Legislature's support for a Bill of Rights for the Children and Youth of California that resolves to ensure that all children and youth under 21 years of age, as applicable, residing in California, regardless of gender, class, race, ethnicity, national origin, culture, religion, immigration status, sexual orientation, or ability, have the inalienable right to live in a just, safe, and supportive society and are entitled to specified rights. The measure would state the Legislature's intent that this measure expand a previous resolution, Assembly Concurrent Resolution 80 of the 2009–10 Regular Session, in order to establish a comprehensive framework relating to the health, safety, well-being, early childhood and educational opportunities, and familial supports necessary for all children and youth to succeed.

Fiscal committee: no.

- 1 WHEREAS, The State of California and its residents share the
- 2 responsibility of providing for the care and welfare of children and
- 3 youth in various contexts, including, but not limited to, child
- 4 welfare services, foster care, health care, nutrition, homeless
- 5 assistance, and education; and
- 6 WHEREAS, Accessible child care, early learning, quality
- 7 educational and job training opportunities, comprehensive health

1 care, and well-supported families are necessary to ensure the
2 productive potential of all Californians, yet there has been no
3 comprehensive effort to ensure that California's children and youth
4 have access to those necessities and opportunities; now, therefore,
5 be it

6 *Resolved by the Senate of the State of California, the Assembly*
7 *thereof concurring*, That the Legislature supports a Bill of Rights
8 for the Children and Youth of California that resolves to ensure
9 that all children and youth under 21 years of age, as applicable,
10 residing in California, regardless of gender, class, race, ethnicity,
11 national origin, culture, religion, immigration status, sexual
12 orientation, or ability, have the inalienable right to live in a just,
13 safe, and supportive society and are entitled to all of the following:

14 (1) The right to develop a healthy attachment to a parent, legal
15 guardian, or caregiver, and the right to an ongoing relationship
16 with a caring and supportive adult, in accordance with all of the
17 following:

18 (A) Access of a child's expectant mother to appropriate prenatal
19 care, supports, and parental training.

20 (B) Voluntary access of a child's parents to parental training
21 and assistance that begin during pregnancy and continue after the
22 child's birth.

23 (C) Access of a child's parents, including pregnant women and
24 parents of children birth to five years of age, inclusive, and child
25 victims of crime, to evidence-based, voluntary home visitation
26 programs, such as comprehensive, coordinated in-home services
27 that are offered to support positive parenting, improvement in
28 outcomes for families, including improved maternal and child
29 health, prevention of child injuries, abuse, and maltreatment,
30 reduction in emergency department visits, improvement in school
31 readiness and achievement, reduction in crime or domestic
32 violence, improvements in family economic self-sufficiency, and
33 improvements in the coordination and referrals for other
34 community resources and supports.

35 (D) Payment of a living wage to a child's parents.

36 (E) Access of a child's parents to employment opportunities
37 that promote a healthy balance between work and life.

38 (F) Access of a child's parents to paid time off from employment
39 to bond with, and care for, a newborn or adopted child.

- 1 (G) Access of a child’s parents to a reliable work schedule that
2 allows them to care for, or plan for the care of, the child.
- 3 (H) Access of a child’s parents to paid time off from
4 employment when necessary to care for a child who is sick, or
5 when it is otherwise in the best interest of the child, including to
6 support school-based activities.
- 7 (I) Remaining with a parent, legal guardian, or caregiver, except
8 when authorities determine separation is in the best interest of the
9 child.
- 10 (J) Reunification with a parent, legal guardian, or caregiver
11 should separation occur, with priority given to keeping children
12 with their family or with kin in a home setting, whenever it remains
13 in the child’s best interest to do so.
- 14 (K) Maintenance of direct contact with parents on a regular
15 basis when a child is separated from a parent, including cases in
16 which a parent is incarcerated or detained, whenever it remains in
17 the child’s best interest to do so.
- 18 (L) Care and protection by the state in which the child resides
19 if there is no parent, legal guardian, or other caregiver willing and
20 able to assume responsibility for the care and well-being of the
21 child.
- 22 (2) The right to live in a safe and healthy environment, in
23 accordance with all of the following:
 - 24 (A) Living in an environmentally and physically safe and stable
25 home.
 - 26 (B) Access to environmentally and physically safe, and
27 smoke-free learning environments, including early childhood,
28 K–12, and higher education institutions.
 - 29 (C) Access to affordable, nutritious meals daily, including free
30 or reduced-cost breakfast and lunch for children and youth living
31 in poverty.
 - 32 (D) Living in neighborhoods and communities that are free of
33 toxic substances and pollutants.
 - 34 (E) Living in neighborhoods and communities that are physically
35 safe and well-supported by highly trained and supported law
36 enforcement, first responders, and firefighters.
 - 37 (F) Access to safe and affordable modes of transportation.
- 38 (3) The right to social and emotional well-being, in accordance
39 with all of the following:

- 1 (A) Freedom from all forms of physical, psychological, or sexual
2 abuse, neglect, and exploitation in person, online, or via other
3 technological means.
- 4 (B) Freedom from bullying in person, online, or via other
5 technological means.
- 6 (C) Privacy regarding personally identifiable information,
7 excluding information that is lawfully made available to the general
8 public, from federal, state, or local government records.
- 9 (D) Access to schools, communities, and neighborhoods that
10 are well-informed about the evidence-based consequences of toxic
11 stress and the impact of stress on brain development.
- 12 (E) Having the child's best interest taken into consideration
13 with regard to decisions that affect the child.
- 14 (F) Having parents, elected officials, and other adults consider
15 the effect that decisionmaking will have on a child's care and
16 community.
- 17 (4) The right to access opportunities that support cognitive,
18 physical, and social development, in accordance with all of the
19 following:
- 20 (A) Access to high-quality, affordable infant and toddler care
21 that supports early brain and socioemotional development, and is
22 available to a child's parents in the community on the times and
23 days of the week necessary to support continued employment in
24 living-wage jobs, if a parent wishes to enroll his or her child.
- 25 (B) Access to high-quality, affordable, inclusive, and accessible
26 preschool or transitional kindergarten the year before a child enters
27 kindergarten, if a parent wishes to enroll his or her child.
- 28 (C) Access to safe, supportive, and supervised before school,
29 after school, and summer school programs that support the
30 development of reading, writing, and critical thinking skills,
31 provide healthy meals and snacks, and help children take advantage
32 of their full potential as they navigate school, peers, and their
33 surroundings.
- 34 (D) Access to sports, the arts, and other extracurricular activities
35 that support the child's healthy, social, emotional, and physical
36 development.
- 37 (E) Access to age-appropriate, nonstructured play, including,
38 but not limited to, play in child care, preschool, transitional
39 kindergarten, and elementary school programming.

1 (F) Having a voice in matters that affect the child and the right
2 to participation in age-appropriate forums, including representation
3 on youth councils and other decisionmaking bodies.

4 (G) Having appropriate legal representation and a child advocate
5 in legal proceedings to represent the interest of the child.

6 (H) Access to rehabilitative services and a periodic review if
7 detained or incarcerated as a juvenile.

8 (I) Voluntary access to effective adolescent substance abuse
9 treatment programs, including screening and comprehensive
10 assessments, to ensure understanding of the full range of issues
11 with which a child and the child's family may need help;
12 comprehensive services to address a child's substance abuse as
13 well as any medical, mental health, familial, or educational
14 problems with which the child may need help; family involvement
15 in treatment, with the goal of increasing the success of treatment
16 through parental engagement and support; services and therapies
17 appropriate for children and youth to address their different needs
18 and capabilities; strategies or interventions to engage and keep
19 children and youth in treatment to support parents and to help
20 teenagers recognize the value of getting help for their substance
21 abuse problem; and access to qualified staff who have knowledge
22 of, and experience working with, children and youth with substance
23 abuse problems, and their families.

24 (5) The right to access appropriate, quality education and life
25 skills leading to self-sufficiency in adulthood from grades pre-K
26 through 14, in accordance with all of the following:

27 (A) Access to a well-rounded, high-quality, and culturally
28 competent education that prepares children and youth to be
29 successful in life, college, and career, leading to a living wage.

30 (B) Access to the educational services and supports necessary
31 to support and accommodate the child's individual abilities and
32 needs in the most inclusive environment possible, regardless of a
33 student's level of need or ability.

34 (C) Access to an education that is sufficiently funded to provide
35 the child with the tools and technology necessary for a successful
36 learning experience, including access to broadband in the classroom
37 setting as well as at home.

38 (D) Access to an education that is sufficiently funded to provide
39 the child high-quality, well-supported teachers, counselors, and

1 trained medical staff to support educational, physical, mental, and
2 behavioral health needs so that all children can learn.

3 (E) Access to appropriate education and training regarding safe
4 media and technology use, with the goal of establishing digital
5 citizenship and media literacy as part of the state's basic education
6 goals and essential academic learning requirements for students
7 in the 21st century.

8 (F) Access to alternative educational programs, including the
9 right to attend independent study classes, or participate in
10 nonclassroom-based programs, including home-based schooling
11 consistent with state law.

12 (G) Access to training in life skills that will prepare the child
13 to live independently, be self-sufficient, and contribute to the
14 child's community.

15 (6) The right to respect, fair treatment, and safety, and the right
16 to knowledge about their own rights, responsibilities, and
17 protections in the workplace, in accordance with all of the
18 following:

19 (A) Access to knowledge about workplace rights,
20 responsibilities, and protections by the time they enter the
21 workforce. This should include information about their wages as
22 well as minimum wages, hours of work, including requirements
23 about breaks, health and safety rights, the right to workers'
24 compensation if injured on the job, and antidiscrimination laws.

25 (B) Safe and healthy work experiences for young workers,
26 including access to youth employment programs, summer jobs,
27 internships, and well-supported employers who provide youth with
28 appropriate training and supervision and meet all labor standards.

29 (C) A safe and healthy working environment, including training
30 about all the hazards on the job, proper safety equipment to work
31 safely, the ability to report hazards and injuries without fear of
32 retaliation, and the ability to refuse dangerous work when proper
33 safety precautions are not met.

34 (D) Fair treatment, pay, and respect on the job, including a
35 workplace that is free from harassment, exploitation, and
36 discrimination, regardless of religion, race, nationality, immigration
37 status, gender, gender expression, sexual orientation, or disability.

38 (E) Fair wages, and fair and predictable scheduling and breaks.

- 1 (F) Access to workers' compensation if a child or youth is hurt
2 on the job, including medical care for the injury, and other benefits
3 if the injury results in a permanent disability.
- 4 (G) Access to joining a union, or helping to organize a union,
5 without fear of retaliation.
- 6 (H) Special protections from hazardous work for workers under
7 18 years of age.
- 8 (7) The right to access appropriate, quality health care, in
9 accordance with all of the following:
 - 10 (A) Access to appropriate screening services, including all of
11 the following:
 - 12 (i) Screening services necessary to identify any potential medical
13 problems early that are provided at intervals that meet reasonable
14 standards of medical and dental practice, as determined by the
15 state after consultation with recognized medical and dental
16 organizations involved in child health care, and at other intervals
17 as medically necessary, to determine the existence of certain
18 physical or mental illnesses or conditions, and that, at a minimum,
19 include a comprehensive health and developmental history,
20 including assessment of both physical and mental health
21 development, a comprehensive physical exam, laboratory tests,
22 including lead blood level assessment appropriate for age and risk
23 factors, and health education, including anticipatory guidance.
 - 24 (ii) Appropriate vision services provided at intervals that meet
25 reasonable standards of medical practice, as determined by the
26 state after consultation with recognized medical organizations
27 involved in child health care, and at other intervals as medically
28 necessary, to determine the existence of a suspected illness or
29 condition, and that, at a minimum, include diagnosis and treatment
30 for defects in vision, including eyeglasses.
 - 31 (iii) Comprehensive dental care from highly trained providers
32 on a preventive, ongoing, and emergency basis, including services
33 that are provided at intervals that meet reasonable standards of
34 dental practice, as determined by the state after consultation with
35 recognized dental organizations involved in child health care, and
36 at other intervals as medically necessary, to determine the existence
37 of a suspected illness or condition, and that, at a minimum, include
38 relief of pain and infections, restoration of teeth, and maintenance
39 of dental health.

1 (iv) Hearing services that are provided at intervals that meet
2 reasonable standards of medical practice, as determined by the
3 state after consultation with recognized medical organizations
4 involved in child health care, and at other intervals as medically
5 necessary, to determine the existence of a suspected illness or
6 condition, and that, at a minimum, include diagnosis and treatment
7 for defects in hearing, including hearing aids.

8 (v) Behavioral, developmental, and mental health screenings,
9 including screenings for Adverse Childhood Experiences (ACEs),
10 that are provided at intervals that meet reasonable standards of
11 medical practice, as determined by the state after consultation with
12 recognized medical organizations involved in child health care,
13 and at other intervals as medically necessary.

14 (vi) Other necessary health care, diagnostic services, treatment,
15 and other measures, including medical or remedial services,
16 provided in a facility, a home, or other setting, recommended by
17 a physician or other licensed practitioner of the healing arts within
18 the scope of his or her practice under state law, for the maximum
19 reduction of physical or mental disability, to correct or ameliorate
20 defects and physical and mental illnesses and conditions discovered
21 by the screening services described in this paragraph to support
22 an individual in achieving his or her best possible functional level.

23 (vii) The screenings and services described in this paragraph in
24 a public preschool, or K–12 school setting, with the consent of a
25 parent or guardian, to the extent that the child’s local education
26 agency employs or contracts with a physician or other licensed
27 practitioner of the healing arts within the scope of his or her
28 practice under state law to provide the screenings and services. It
29 is the intent of the Legislature that a local education agency that
30 elects to provide these screenings and services is eligible to receive
31 reimbursements for the cost of providing the screenings and
32 services to the extent that the screenings and services are not
33 already currently reimbursable under state or federal Medicaid
34 law, at a rate to be determined by the state after consultation with
35 recognized medical and educational organizations.

36 (viii) It is the intent of the Legislature by January 1, 2020, to
37 require the development and implementation of annual participation
38 goals for children and youth covered under this paragraph for early
39 and periodic screening, diagnostic, and treatment services, and to
40 report to the Legislature annually on the county-level rate of

1 participation of children and youth in screening, diagnostic, and
2 treatment services.

3 (B) Access to comprehensive medical care from highly trained
4 providers on a preventive, ongoing, and emergency basis.

5 (C) Access to, and receipt of, affordable health insurance
6 coverage for preventive, ongoing, and emergency care related to
7 the provision of physical, medical, behavioral, mental, and dental
8 health care; and be it further

9 *Resolved*, That the Legislature intends that nothing in this
10 resolution be interpreted as the Legislature's support for the
11 programs and services described in this resolution to supplant any
12 federal program or service or to limit a parent's rights under state
13 or federal law; and be it further

14 *Resolved*, That the Legislature intends that this resolution expand
15 the Bill of Rights for the Children and Youth of California created
16 by Assembly Concurrent Resolution No. 80 (Res. Ch. 101, Stats.
17 2009), in order to establish a comprehensive framework relating
18 to the health, safety, well-being, early childhood and educational
19 opportunities, and familial supports necessary for all children and
20 youth to succeed; and be it further

21 *Resolved*, That the Secretary of the Senate transmit copies of
22 this resolution to the author for appropriate distribution.