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Superior Court Judge Rules in Favor of Local Children Commissions

(NOV. 28, 2011) RIVERSIDE, CA — Fresno Superior Court Judge Debra J. Kazanjian issued a ruling, stating that it was unlawful for the State to take \$1 billion of voter-approved Proposition 10 tobacco tax funds under AB99, a bill passed earlier this year.

Eleven county First 5 children and families commissions, including First 5 Riverside, the Riverside County Children & Families Commission, filed a lawsuit against the state in response to the passage of AB99. This bill authorized the raiding of the Children’s Trust fund which is administered by First 5 Commissions in every county.

Judge Kazanjian ruled the entire bill invalid, indicating that it is inconsistent with Proposition 10 and does not further its purposes. In her ruling, she wrote: “To claim that transferring decision-making from local communities to the state legislature is “consistent with” Prop. 10 is like asking the court to find that black means white.”

“This is a huge win for California voters and our youngest children,” said Harry Freedman, First 5 Riverside’s executive director.

In 1998, California voters passed Proposition 10 which taxed tobacco products to support services that help to ensure children from the prenatal stage to age five will enter school ready to learn. First 5 Commissions were charged with dispersing the funds in each county based on local needs. The funding creates a strong foundation for children and targets prevention-focused programs that reduce the future costs of treatment services to the State, County and school districts.

Since it was passed in 1998, there have been two attempts to gut Proposition 10 and both times voters have sided with keeping First 5 agencies and their funding intact. California Voters rejected the last Legislative attempt to take Proposition 10 funds by a vote of nearly two to one (66% - 34%) in the May 2009 special election.

County First 5 Children and Families Commissions base their funding decisions on long-term financial plans that enable them to commit to multi-year programs, even as tobacco tax revenues decline. First 5 Riverside allocated \$21 million for health, childcare, and other early care and education programs that help enable children 0-5 to be successful in school and throughout their lives this fiscal year compared to \$44 million last fiscal year. Under AB99, the Commission stood to lose about \$30 million.

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First 5 Riverside, the Riverside County Children & Families Commission, is a division of the Riverside County Department of Public Social Services and is funded by Proposition 10 tobacco tax revenues. Established by the County Board of Supervisors in 1999, First 5 Riverside supports early childhood development through educational outreach, partnerships and funding for early education, health and child care services that benefit children, from prenatal to age 5, and their families.

Research shows that support helps children develop a strong foundation for success in school and throughout their lives. For more information about First 5 Riverside programs and other funded services, call 800-266-3880 or visit www.rccfc.org.