

Family and Children's Services

Background

Family and Children's Services, previously known as Child Protective Services (CPS), is a division of the Human Resources Agency. For the purpose of this report, the Grand Jury refers to this division as CPS or the Division.

CPS provides protective services and support to abused and neglected children and their families in Santa Cruz County. Services are mandated by state statute pursuant to the California Welfare & Institutions Code. Services include emergency response, in-home family preservation services, family reunification services, and foster care. CPS also licenses foster homes and family day care homes. In addition, the Division operates programs to prevent child abuse and domestic violence, and to provide adoptions.

The County of Santa Cruz is required by state and federal law to care for children who have been abused, neglected, or who are at risk. The County is required, as a first priority, to operate programs that work to maintain children safely in their own homes. If this is not possible, the County must provide foster care until children can be safely returned to their homes or become available for adoption. In order to meet the mandate, CPS works with the Juvenile Court and a variety of community organizations.

CPS has been empowered by the State of California to remove children from any home suspected of child endangerment. This wide-ranging authority allows staff to remove children from homes, levy allegations and refer cases for possible criminal prosecution.

Court Appointed Special Advocates of Santa Cruz County (CASA) has been serving local children since 1993. CASA is a private non-profit agency that advocates on behalf of foster children as they move through the legal system. CASA trains and supervises adult volunteers who are appointed by the Juvenile Court Judge to speak for the child's best interests for a period of two years.

Scope

The Grand Jury confined this study to examining procedures and administrative processes surrounding the removal, the reunification and/or the adoption process for children in Santa Cruz County. The Grand Jury was interested in the County's implementation of state and federal statutes concerning abused and/or neglected children. The Grand Jury also assessed the effect of budget cuts on the delivery of services to abused and neglected children and their families. Due to confidentiality, the investigation was restricted to interviews and testimony from parents, caregivers and staff of the Division, as well as childcare professionals.

Fieldwork:

Interviewed staff of Family and Children’s Services Division
Interviewed active foster parents and care givers.
Interviewed other clients of the Family and Children’s Services Division
Interviewed a school counselor experienced with CPS
Read the Little Hoover Commission report, Still In Our Hands: No Leader, No Accountability, February, 2003, p. 12, 20)

Findings:

1. The Little Hoover Commission investigates state agencies and their practices. After conducting extensive research, the commission recommended that the State of California and its counties adopt changes in their child welfare agencies such as CPS. The recommendation suggested that counties establish a local Child Welfare Oversight Board and a Child Welfare Inspector General. The Board’s membership should include foster youth, representatives from education, health care, civic and business leaders. The Board should have the rights and authority to hire a Child Welfare Inspector General, with the right and responsibility to investigate complaints, evaluate providers and issue reports to the Oversight Board.

Response: Santa Cruz County Board of Supervisors AGREES

2. There have been extensive changes at CPS since about 1980 when licensed social workers were the norm, counseling was mandatory for families, and statistics were kept. In 1997, CPS was restructured and funding was cut. Follow-up counseling was cut and caseloads increased. The volume of referral calls has tripled over the past thirty years.

Response: Santa Cruz County Board of Supervisors PARTIALLY AGREES

The statement that “licensed social workers were the norm” in 1980 is not accurate. In fact, licensed social workers have never been the norm in child welfare services. The clinical license in social work, while sometimes seen in child welfare, is more common in hospital or mental health settings. Child welfare staff has always included social workers with a range of educational backgrounds, from Masters degrees (some with licenses) to workers who do not have graduate degrees. Once they are hired by HRA, a standardized training curriculum in child welfare services is provided to all workers regardless of their level of education. This training is provided by the Bay Area Academy, a training consortium that trains child welfare social workers for all counties in the Bay Area.

The statement that “statistics were kept” in 1980, implying that they are no longer kept, is also inaccurate. In fact, the statistical data available today is much better in both quantity and quality than in 1980, due to the use of automated data systems such as the Child Welfare Services/Case Management System (CWS/CMS) that were not available in 1980.

3. It was suggested to the Grand Jury that the system gives up on some families. For instance, over the course of ten years, the County responded to many abuse reports regarding one family. However, due to a lack of resources, parental rights were never terminated.

Response: Santa Cruz County Board of Supervisors

The County cannot comment on whether such suggestions were made to the Grand Jury. However, the County disagrees with the statement that HRA “gives up on families” due to a lack of resources. Recommendations are made to the Juvenile Court based on the legal mandate to protect the safety of children, while allowing them to remain in their parents’ care when it is safe to do so. Although we do not know what case the Grand Jury is referencing, the statement that “due to a lack of resources, parental rights were never terminated” is inconsistent with our policy and practice.

4. Statistics on child abuse are skewed toward lower socio-economic families. Higher income families have resources to pay for legal, psychological and medical assistance. Thus their issues do not become part of the CPS record.

Response: Santa Cruz County Board of Supervisors PARTIALLY AGREES

The correlation between poverty and child abuse/neglect is a national phenomenon, not unique to Santa Cruz County. However, we would like to provide clarification to the Grand Jury’s finding that higher-income families’ “issues do not become part of the CPS record.” Reports of suspected child abuse/neglect are made by community members, and every report becomes a part of the record regardless of the subject’s socio-economic status. In addition, an attorney is appointed through the dependency system for every family that becomes involved with the Juvenile Court, regardless of their ability to pay. Families that cannot afford private health and mental health services are also able to access these services through the Health Services Agency.

5. The Grand Jury heard testimony that response by CPS to child-at-risk complaints is inconsistent. Some staff have developed reputations for excessive enforcement.

Response: Santa Cruz County Board of Supervisors DISAGREES

On a daily basis, social workers are required to make complex judgments regarding a large number of factors affecting safety and risk to children. The Human Resources Agency provides extensive training and supervision in order to ensure that casework decisions are made as consistently as possible; however, every family’s circumstances are unique and decisions must be made on a case-by-case basis. The decision to remove a child from his/her home is never made by a social worker in isolation; all removal decisions are reviewed by an HRA supervisor and law enforcement before the child is removed. In the last year, we have further enhanced the consistency of staff decision making by implementing Structured Decision Making, a set of nationally recognized, research-based tools that social workers now use to assist them in assessing safety, risk, and the readiness of parents to reunify safely with their children.

6. The Division reports a need for more foster parents for teenagers.

Response: Santa Cruz County Board of Supervisors AGREES

The County agrees with the finding, with the following clarification. The Human Resources Agency has a need for more foster parents who have the willingness and ability to care for teenagers. The agency is always working to recruit more foster parents for this age group. Fortunately, this problem has been partially mitigated by new regulations regarding the procedures for approving relatives and non-relative extended family members (NREFMs) to provide care for children in placement. In the last six months, we have substantially increased the number of children, especially teens, who are placed with relative and NREFM caregivers.

7. Foster parents need to have training in child development, basic child psychology background and a desire to help. They also need access to therapy to help damaged children.

Response: Santa Cruz County Board of Supervisors AGREES

Foster parents do in fact receive considerable training. As a requirement of licensing, all foster parents receive 24 hours of "PRIDE" training in child development, discipline techniques, cultural issues, emotional issues experienced by foster children, family relationships and dynamics, as well as the child welfare system and the dependency court process. Foster parents who enroll in the Agency's Options for Recovery program, which serves young children affected by parental substance abuse, receive an additional 21 hours of training on the characteristics of drug exposed infants, effects of drugs and alcohol on development, special medical needs, how to care for drug exposed infants, cycles of abuse and addiction, and self-care when serving as a caregiver. In addition to these two major training curricula, various trainings on special topics are offered throughout the year. Some of the training classes are taught by experienced Agency staff; others are taught by outside experts such as physicians and psychologists under contract with the Agency. Panels of foster parents, birth parents, and former foster youth are also included in order to share their experiences with new foster parents.

Regarding access to psychotherapy, HRA conducts a preliminary screening of every foster child to determine whether the child has behavioral issues that indicate a potential need for mental health services. If so, the child is referred to the Health Services Agency's Children's Mental Health Services for more in-depth assessment. If the assessment indicates a need for mental health services, the child receives therapy, medication, and/or other services as needed through County Mental Health. In addition, when a child in placement has special medical, developmental/educational, or emotional problems, foster parents are eligible to receive a higher rate of reimbursement (called a specialized care rate) in order to provide additional care and supervision to meet the child's needs.

8. Foster parents lack adequate training to participate fully in the court process.

Response: Santa Cruz County Board of Supervisors PARTIALLY AGREES

Although the court process is covered in the standard PRIDE training curriculum, HRA agrees that this aspect of the curriculum could be strengthened and covered in more detail and is taking steps to do so.

9. Long-term foster parent caregivers sometimes lack a support system, such as someone to call in an emergency.

Response: Santa Cruz County Board of Supervisors DISAGREES

Foster parenting is demanding and often stressful, and it is understandable that foster parents sometimes feel a need for more support. However, it is important to note that an HRA social worker is available on-call 24 hours per day to respond to emergency calls, including those from foster parents. During business hours, foster parents may also contact HRA's foster care recruiter for support and advice, as well as the case-carrying social workers for children in their care. If the case-carrying social worker is not available, foster parents are encouraged to call the social worker's supervisor. Monthly support group meetings are held for foster parents involved in the Options for Recovery program. In addition, some of the Agency's experienced foster parents make themselves available informally as support persons/mentors to other foster parents. The Agency is currently working to develop a more formal mentoring program.

10. It was reported that 80% of families referred to the Division have a substance abuse problem.

Response: Santa Cruz County Board of Supervisors AGREES

11. Federal and State laws have established a time frame of six-months for CPS to reunify children with their families or provide a permanent plan for the resolution of custody of children less than three years of age. Children are expected to be in Family Reunification or Permanency Planning (concurrent planning), which may lead to adoption, guardianship or long-term care with a relative or foster parent.

Response: Santa Cruz County Board of Supervisors AGREES

The County agrees with the finding, with the following clarification. Permanency Planning and concurrent planning are not synonymous. Concurrent planning refers to the legal requirement that HRA develop two parallel plans for every child in the Family Reunification program, where services are provided with the goal of reunification with parents. Under concurrent planning, the preferred outcome is reunification, but an alternate plan must also be developed to provide a permanent placement (adoption, guardianship, or long-term foster care) in the event that reunification fails. If reunification efforts are unsuccessful and services to the parent(s) are terminated, the child is moved to the Permanency Planning program, which has the eventual outcome of adoption, guardianship, or long-term foster care.

12. After six months if parents have not met the requirements, parental rights may be terminated. Interviews revealed that repeated extensions of the six-month rule are common.

Response: Santa Cruz County Board of Supervisors PARTIALLY AGREES

The six-month time limit applies only to children under the age of three. For older children, the time limit is one year. Regarding extensions, the Court extends the time limit if there is a substantial likelihood that the child can be safely returned to the parent's care after the parent and/or child participate in additional services. The maximum statutory time allowed for reunification is 18 months.

13. Requirements for parents seeking to regain permanent custody of a child may include finding a place to live, finding a job, and/or completing an authorized substance abuse treatment program and parenting classes, all within six months.

Response: Santa Cruz County Board of Supervisors AGREES

14. On average, the Division places 60 children per year for adoption.

Response: Santa Cruz County Board of Supervisors AGREES

15. The Grand Jury heard testimony that CPS staff gave false and/or misleading testimony in court and that they were abusive and threatened reprisals to those who complained.

Response: Santa Cruz County Board of Supervisors DISAGREES

Giving false and/or misleading testimony violates the code of ethics followed by HRA social workers. The same is true for abusive or threatening behavior of any kind. It is important to note that parents and others are sometimes very dissatisfied with decisions made by HRA and the Juvenile Court, and their perceptions of the facts may differ from the findings of Agency and Court staff. Parents who disagree with a Court decision have the option of filing a legal appeal if they wish to do so. In addition, HRA/Family and Children's Services has a written policy for complaints and grievances, and anyone who believes that HRA staff have behaved in an unethical manner is encouraged to use this process.

16. There has been an increase in litigation by parents against the agency since the 70's. CPS is now less likely to take action to remove children from their homes because legal cases are expensive to fight.

Response: Santa Cruz County Board of Supervisors DISAGREES

Litigation against the County related to CPS cases has not increased since the 1970's. In looking at the past five years, the Human Resources Agency notes that nine claims have

been filed against the County for complaints related to child welfare services. All nine of these claims were rejected, and none of the claimants went on to file a lawsuit.

The statement that “CPS is now less likely to take action to remove children from their homes because legal cases are expensive to fight” is false. The decision to remove a child from his/her home is made on the basis of standardized safety and risk assessments for the purpose of protecting the child and ensuring his/her safety. The potential for litigation by parents is not a factor in such decisions.

17. The Grand Jury heard testimony from several sources that some lawyers assigned to represent a child, sometimes do so without meeting the child beforehand.
18. About one third of CPS children have been assigned a Court Appointed Special Advocate (CASA) by the Juvenile Court Judge. Although a CASA volunteer has befriended the child and has access to all of the child’s records, they may be requested to leave the courtroom at the judge’s discretion. There are currently about 110 CASA volunteers in Santa Cruz County.
19. State law mandates maintaining the family unit if possible. Many people interviewed think that CPS’s priority is reunification of the family even when it conflicts with the best interests of the child.

Response: Santa Cruz County Board of Supervisors DISAGREES

It is true that State law and regulations mandate maintaining the family unit if possible. If a family needs child welfare services, regulations dictate that the preferred option is to provide services while the child remains in the home, if this can be done safely. If the child must be removed from the home, regulations dictate that services must be provided in an effort to reunify the family within legal time limits. Permanent placement is a last resort, to be used only when there are no feasible means of safely maintaining or reuniting the child with his/her parents.

20. The Grand Jury heard testimony that confidentiality regarding children prevents interaction between social workers. The Grand Jury also learned that CPS broke confidentiality when students returned to school and informed specific teachers that they knew they had reported them to CPS.

Response: Santa Cruz County Board of Supervisors DISAGREES

Regarding the first statement, confidentiality regulations do not prohibit HRA social workers from discussing client information with other HRA social workers. In order to share information with persons outside the Agency, social workers must first obtain a release of information from the client.

The second portion of the finding concerns the sharing of information about the identity of the person making a child abuse report. By law, the referent’s identity is kept confidential. The County is not familiar with the details of the incident described in the finding, but children are sometimes able to guess who made the referral because they

know whom they have told about their experiences at home. This does not indicate that the Agency has broken confidentiality. Anyone who believes that Agency staff have broken confidentiality is encouraged to follow the steps outlined in the Family and Children's Services complaint/grievance policy.

21. The Grand Jury learned from interviews that mandatory concurrent plans are not always created. The concurrent plan is an alternative that should be implemented if reunification fails.

Response: Santa Cruz County Board of Supervisors DISAGREES

As mandated by law, HRA's policy requires the development of a concurrent plan for every child in the Family Reunification program. On an ongoing basis, the Agency works to develop and improve social workers' concurrent planning skills.

22. The Grand Jury learned from interviews that CPS staff lacks training in legal and social issues related to at-risk children. Once CPS primarily hired licensed social workers. Staff is now comprised of paraprofessionals—without degrees, and interns or volunteers.

Response: Santa Cruz County Board of Supervisors DISAGREES

Child welfare staff undergo a standardized training curriculum regarding child abuse and neglect, the child welfare system, and legal and social issues related to at-risk children. As stated in response to finding #2, child welfare staff has never consisted primarily of licensed social workers. HRA certainly makes every effort to hire as many social workers with Masters degrees as possible and supports current staff in continuing their education in order to obtain Masters degrees. Two interns per year are placed with the Agency, where they participate in a structured internship program while studying for their Masters degrees in social work. The Agency does not use volunteers to provide child welfare services.

23. Statistics that track the success rates of CPS foster care placements do not exist.

Response: Santa Cruz County Board of Supervisors PARTIALLY DISAGREES

Traditionally, data collection in the child welfare field has been focused more on aspects of the process, such as whether services were provided within legal time frames, than on outcomes. However, that is changing. More sophisticated automated data systems have made more useful data available over time. Beginning on January 1, 2004, the State will initiate California Child and Family Services Reviews (CCFSR), a new outcome-based system for data collection and monitoring of child welfare agencies. The data to be collected and monitored for CCFSR include measures of "success" such as the recurrence of maltreatment, re-entries into foster care, stability of foster care placements, length of time to achieve adoption, and length of time to achieve reunification. These reviews will make it possible to compare local data to regional, Statewide and national averages.

Conclusions

1. The Little Hoover Commission recommendations outlined in Finding 1 are well conceived and should be adopted. A Citizen Review Board, similar to the recommended Child Welfare Oversight Board, could enforce rules for CPS and may also help resolve issues regarding needed services.
2. A support system for foster parent caregivers could help prevent burn out and maintain a stable environment for the foster child. This support could come from a caseworker, volunteer or family systems counselor. Training in the legal procedure would also help caregivers efficiently participate in the legal process.
3. The time allotted to fulfill the requirements to maintain custody is insufficient. For instance, a typical mother, who has had her children taken away, may be in jail on drug charges. To regain custody of her children after release, she must find and successfully complete a drug treatment program. To be successful, she will also have to disassociate herself from her friends and associates, find a job, and locate housing all within a time limit of six months. The Grand Jury's opinion is that few citizens in a similar situation could qualify within the time limit.
4. The Juvenile Court system needs to be revisited to protect the rights of at-risk children. A Child Protective Advocate could review the current process and offer recommendations for systemic improvements.
5. The Grand Jury was concerned that many people were reluctant to meet with the Grand Jury due to a concern of retribution from CPS staff.
6. If the philosophy of maintaining the family unit is the first priority even when it is not in the best interests of the child, it should be reconsidered.
7. The responsibility for proper conduct by CPS staff, caregivers and parents, ultimately falls on the Juvenile Court Judge. Maintaining confidentiality is an issue the county juvenile court struggles to protect. Protection of children's identity could be maintained in court by using initials or a first name and initial for the surname. The idea of using initials came from an Oregon court procedure.
8. The failure of CPS to pursue concurrent planning often results in delays in permanent placement for a child due to ongoing extensions.
9. Training is needed for CPS staff to raise the level of their professional skills.
10. Statistical data regarding reunification, foster care and other relevant information should be tracked to determine the success of CPS cases.

Recommendations

1. The County Board of Supervisors should create a Citizen Review Board as recommended

by the Little Hoover Commission. This Board should review child welfare services and make recommendations to the Board of Supervisors, local agencies and others regarding improvements. Membership should include representatives from education, foster care youth, health care, civic and business. The Citizen Review Board should hire a Child Welfare Inspector General with the authority and guidance and be accountable for improvements. Responsibilities should include enforcement of rules for CPS, reform of the foster care program, and building a volunteer support network.

Response: Santa Cruz County Board of Supervisors

The recommendation will not be implemented at this time. In order to function effectively, Citizen Review Panels require planning, coordination, staff support, and funds to reimburse panel members for their time and travel. Without funding, it is not feasible for the County to undertake such a project at this time. In addition, it is important to note that county child welfare agencies are provided with effective oversight by the California Department of Social Services, which reviews county programs and responds to complaints about county operations and practices. The new State review process scheduled to begin in January 2004 will expand and intensify the State's oversight function to ensure an outcome-oriented approach to the evaluation of child welfare services at the county level. Federal law does not give Citizen Review Panels the authority or responsibility for program oversight. Citizen review panels may overlap the State's oversight role but, in most cases, cannot truly effect change because of their limited ability to impact State statutes, regulations, and funding mechanisms.

Currently, only three of the 58 California counties have Citizen Review Panels. Those three counties are Kern, Napa, and San Mateo. These three counties responded to a request for applications by the State in July 2002, and were selected to receive State funding to establish and support their Citizen Review Panels. The federal Child Abuse Prevention and Treatment Act (CAPTA) requires that the State establish three Citizen Review Panels in order to receive funding under the Child Abuse and Neglect State Grants Program. At this time, the State has no plans to expand its program to provide funding to additional Citizen Review Panels.

In addition, it should be noted that the Human Services Commission provides community oversight to all HRA programs and operations.

2. The Board of Supervisors should designate a Child Protective Advocate responsible for reviewing court procedures for CPS cases. The Advocate along with the Judicial Personnel should thoroughly review the collected data and consider amending the law if appropriate.

Response: Santa Cruz County Board of Supervisors

The recommendation will not be implemented at this time. Dependency Court Systems meetings are currently held monthly to review court procedures, coordinate efforts, and develop improvements where necessary. These meetings are attended by the Juvenile Court judge, Family and Children's Services division director, program managers, and

social work supervisors, County Counsel, minors' counsel, and parents' counsel, and representatives of Court Appointed Special Advocates. Adding a Child Protective Advocate would duplicate the efforts of this group, and would require funding. It is not necessary or financially feasible for the County to implement the recommendation at this time.

3. The Juvenile Court and CPS must preserve confidentiality, especially when the Citizen Review Board and/or the Child Welfare Inspector General review a case. Children's identity should be protected in court by using initials or a first name and initial for the surname.

Response: Santa Cruz County Board of Supervisors

The recommendation has been implemented. Although there is no prohibition against using last names in court, it should be noted that all Juvenile Court proceedings are confidential and closed to the public. The only persons present at Juvenile Court hearings are the parties to the action and their representatives; no one else is admitted. Similarly, Juvenile Court documents are confidential and are not shared with anyone who is not a party to the action. Anyone who copies, distributes or discloses such documents is subject to contempt of court.

4. CPS must create and implement concurrent plans, as mandated by a 1997 Federal law.

Response: Santa Cruz County Board of Supervisors

The recommendation has been implemented. HRA's policy requires the creation of a concurrent plan for every child in the Family Reunification program, as required by law. It is the responsibility of social work supervisors and program managers to ensure that this policy is carried out.

5. CPS should ensure that staff involved in removing children at risk has appropriate training.

Response: Santa Cruz County Board of Supervisors

The recommendation has been implemented, as indicated in the responses to findings #2 and #22

6. CPS should develop accurate statistics to track all foster care placements to determine success rates. Information should include school performance, criminal records, drug dependency, and re-entry into the CPS system.

Response: Santa Cruz County Board of Supervisors

The recommendation has been partially implemented, and will be more fully implemented as of January 1, 2004. HRA does collect data that can be used to determine several indicators of success, such as recurrence of maltreatment, re-entry into foster care,

length of time to achieve adoption, and length of time to achieve reunification. As stated in the response to finding #23, on January 1, 2004, the State will initiate California Child and Family Services Reviews (CCFSR), a new outcome-based system for data collection and monitoring. Some of the outcomes mentioned by the Grand Jury, such as school performance, criminal records, and drug dependency, are gathered by social work staff and included in individual case records but cannot be extracted as aggregate data from the Child Welfare Services/Case Management System database, and are not included in the State's plan for CCFSR. However, the CCFSR process will provide significant new opportunities to track multiple aspects of success.

Responses Required

Entity	Findings	Recommendations	Respond Within
Santa Cruz County Board of Supervisors	1,2	1, 2	60 Days (Sept. 2, 2003)
Family and Children's Services Division of Human Resources Agency	3-16 19-23	3-6	90 Days (Sept. 30, 2003)

Note: Santa Cruz County Board of Supervisors responded for Family and Children's Services Division of Human Resources Agency.