

## **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.
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.
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.
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.
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.
6. The Division reports a need for more foster parents for teenagers.
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.
8. Foster parents lack adequate training to participate fully in the court process.
9. Long-term foster parent caregivers sometimes lack a support system, such as someone to

call in an emergency.

10. It was reported that 80% of families referred to the Division have a substance abuse problem.
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.
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.
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.
14. On average, the Division places 60 children per year for adoption.
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.
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.
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 thing that CPS's priority is reunification of the family even when it conflicts with the best interests of the child.
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.

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

## **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.
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.
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.
4. CPS must create and implement concurrent plans, as mandated by a 1997 Federal law.
5. CPS should ensure that staff involved in removing children at risk has appropriate training.
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.

***Responses Required***

<b>Entity</b>	<b>Findings</b>	<b>Recommendations</b>	<b>Respond Within</b>
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)