

# **1999-2000 GRAND JURY REPORT**

## **Department of Public Social Services**

### **Child Protective Services**

#### **Background**

Child Protective Services (CPS) is a division of the Riverside County Department of Public Social Services (DPSS). The programs and services provided by CPS are intended to protect children from abuse and neglect. Child welfare professionals are directly involved with protecting the safety and rights of children. Of all professions, none other has a greater opportunity for a more lasting impact on the lives and well being of children and their families.

*According to Riverside County's Child Protection Mission Statement, "Child Protective Services, Riverside County, is committed to: Taking the lead in protecting children entrusted to our care or protection from further abuse and neglect; Providing individualized interventions to families which afford the opportunities for children to be raised in homes free of abuse and neglect; Ensuring our communities are served by competent and dedicated staff working within the framework of CPS's Practice Values; Working toward the CPS Vision based on all children's entitlement to safety and protection."*

In 1980, Congress enacted PL 96-272, The Adoption Assistance and Child Welfare Act. The major laws affecting child protection and welfare are found in the California Welfare and Institutions Code (WIC). The California Department of Social Services (DSS) issues additional regulations counties must meet.

Child Protective Services encompasses an array of programs. The basic mandated services are:

*Emergency Response:* Investigation and intervention in situations of alleged abuses and neglect. Responses are either immediate or within 10 days.

*Family Maintenance:* Services for families in which children may be at risk of abuse and neglect, but can remain safely in the home. These services may be voluntary or court ordered.

*Family Reunification:* Services for families with children that have been adjudicated dependents of the court. Services are limited to 18 months.

*Permanent Placement:* Services for the child when the family has been unable to reunify and a plan has been made for permanent placement of the child, such as guardianship and long term foster care.

*Adoption:* Services for children in need of adoptive homes and to families wishing to adopt.

The 1999-2000 budget for Riverside County's DPSS is in excess of \$423,000,000. Direct services on behalf of abused and neglected children exceeded \$75,500,000, excluding client related and administrative costs.

Funding for Child Protective and Welfare Services comes from the state, federal and county governments. CPS bills in arrears for the actual expenses incurred. State and federal entitlement reimbursement is only available if the county matches their required percentages. Reimbursement for children's services is 50% federal, 20% state and 30% county. Additionally, reimbursement for related administrative costs is 50% federal, 35% state and 15% county.

Funding for Full-Time Social Service Employees

Programs Staff Caseload

Emergency Response Assessment 1 : 320

Emergency Response 1 : 15

Family Maintenance 1 : 35

Family Reunification 1 : 27

Permanent Placement 1 : 54

Funding for one supervisor position is added for every seven social workers. Excluding Emergency Response Assessment staff, this formula on average provides one worker for every 33 cases (Little Hoover Commission Report, 1999).

There are approximately 340 caseworkers in CPS. In reference to December 1999 personnel data, 25% of field social workers have been employed 1 year or less with Riverside County and 38% have been employed 3 or less years. Social worker staff is distributed throughout the county in six regions.

<b>Region 1</b>	<b>Region II</b>	<b>Region III</b>	<b>Region IV</b>	<b>Region V</b>	<b>Region VI</b>
Corona	Riverside	Moreno Valley	Temecula	Perris	Indio
Norco	Arlington	Beaumont	Murietta	Hemet	Palm Springs
Alvord	Rubidoux	Banning	Elsinore	San Jacinto	Rancho Mirage
	Jurupa		Rancho	Val Verde	Desert

			California		Sands
			Anza		Coachella
					Valley
					Palo Verde
					Blythe

In 1995, the County Board of Supervisors authorized a comprehensive review of the county's child protective system by the Child Welfare League of America (CWLA). Since that time, the county's population has grown to 1.5 million, and the prevalence of abuse and neglect has dramatically increased.

In 1994, CPS received 23,618 reported allegations of abuse and substantiated 6,326 children as having been abused or neglected. As of December 1999, 52,387 allegations of abuse were received, resulting in 11,185 substantiated cases.

Emergency Response workers conducted 3,719 investigations, approximately 10 per day county wide. The total number of children taken into protective custody in 1999 was 2,554. As of April 2000, there were 4,052 non-criminal dependent wards of the juvenile court under the auspices of CPS. There were approximately 9,000 open cases reported.

The gateway to the child protection system is Emergency Response - the assessment and investigation of allegations of abuse. Suspected abuse and neglect reports are received by a central intake center. If it is determined that a report meets the criteria for investigation by CPS, allegations are screened-in (evaluated) and referred to an emergency response worker. Upon investigation, the case is determined to be either substantiated, inconclusive or unfounded. The criteria for differentiating abuse and neglect cases is: substantiated - some credible evidence that abuse and neglect has occurred; inconclusive - there is not sufficient evidence to determine abuse has taken place; and unfounded - abuse is believed to clearly not have happened.

While a record of all reports is maintained in the local CPS database, allegations resulting in substantiated and inconclusive dispositions are reported to the California Department of Justice, Child Abuse Index Registry.

*Under the Welfare and Institutions Code (WIC) 300(a) through(j), a child is subject to jurisdiction when:*

- a) A child has suffered, or is at risk of suffering, serious physical harm inflicted nonaccidentally by a parent or guardian.
- b) A failure to protect a child from substantial risk of serious physical harm or illness and failure to provide adequate food, clothing, shelter, or medical treatment.

- c) A child has suffered, or is at risk of suffering, serious emotional damage.
- d) A child has been sexually abused or at risk of sexual abuse.
- e) "The child is under the age of five and has suffered severe physical abuse by a parent, or by any person known by the parent, if the parent knew or reasonably should have known that the person was physically abusing the child..."
- f) "The child's parent or guardian caused the death of another child through abuse or neglect."
- g) A child has been left without any provision for support (parent incarcerated or institutionalized).
- h) A child has been freed for adoption by one or both parents.
- I) A child has been subject to acts of cruelty by parent, guardian or member of the household.
- j) A child's sibling has been abused or neglected or at substantial risk that the child will be abused or neglected.

*"It is the intent of the Legislature that nothing in this section disrupt the family unnecessarily or intrude inappropriately into family life, prohibit the use of reasonable methods of parental discipline, or prescribe a particular method of parenting (WIC)."*

In 1988, state legislation mandated the adoption of a statewide child abuse database system. The agency implemented the Child Welfare Services/Case Management System (CWS/CMS) in July 1997. CWS/CMS was intended to assist social workers with case management.

When it is presumed that some form of abuse has occurred, the child may be removed from the home and placed in an emergency shelter, group home, foster home or in the home of a relative.

Investigation of prospective relative or foster family placement begins by accessing the California Law Enforcement Telecommunications System (CLETS) and the Child Abuse Index Registry. The computer database is located in Sacramento, California, at the Department of Justice. CLETS tracks the fingerprints of those individuals who have been convicted of criminal activity.

In August 1999, another tragic child death in Riverside County resulted in CPS accessing the Genesis database system to strengthen its background checks on prospective placements. Genesis is a computer database listing all Riverside County Court actions, including restraining orders.

In 1994, DSS/Community Care Licensing (CCL) acquired the responsibility from CPS for licensing, monitoring and investigating foster homes. CCL also licenses and monitors a range of social service facilities, as well as residential care facilities, child care centers and homes.

With the passage of SB 933 in August 1998, DSS/CCL also assumed the responsibility for investigating complaints and allegations against certified foster homes of Foster Family Agencies.

DSS/CCL operates under Administrative Law. If a facility complies with state mandated requirements, the applicant is entitled to a license. Revocation of the license is also strictly regulated. The department's database is updated daily.

There are presently 584 licensed foster homes, providing approximately 1,512 beds and 202 beds pending license. While a home may meet the minimum requirements to be licensed by the state, CPS is not mandated to place a child in any home deemed unacceptable.

In addition to county foster homes, children may be placed in shelters, group homes or certified foster homes of Foster Family Agencies (FFA). By state law, FFAs are private, non-profit organizations that specialize in caring for abused and neglected children. FFA foster homes are certified by the agency. FFAs maintain treatment and non-treatment homes, as well as specialize in group and shelter facilities.

The state establishes and administers FFA rates. The fees include housing and foster parent recruitment, training and the cost of counseling, psychiatric treatment, crisis intervention, case management and administrative expenses. Many agencies raise private funds through donations and fundraising to augment public dollars.

FFAs must meet, or exceed, the state-mandated requirements for foster care and supervision. An individual comprehensive needs assessment is conducted to determine the appropriate treatment plan for the child. FFA social workers are limited to a maximum of 15 children on their caseload and are required to see each child at least once a week. Supervisors are limited to seven social workers per supervisor and are prohibited from carrying a caseload if supervising more than four workers.

For a variety of reasons, children are entering, lingering in and returning to foster care. In 1998, the average age of children entering foster care was 6.5 years old with an average of 2.6 years in care. One in four dependent children spends more than 4 years in care. Nearly half of these children have chronic medical conditions as well as psychological, developmental and educational difficulties requiring higher levels of service.

A system established to protect children should *first do no harm*. According to the former director of DSS, "The current child protective services system is set up to make the child the problem. When a child is removed from the home, everything that is familiar and important to them is lost. The child is harmed by our interventions. We

cannot pretend that there is no impact. As the needs of the child go unmet, their behavior becomes increasingly dysfunctional. All too often the system is unable or unwilling to provide the services, stability and emotional support necessary for healthy development" (1999 Little Hoover Commission Report).

The information gathered in this report was compiled from numerous interviews, investigation of CPS case files and court records in addition to reviewing local and state documents and reports.

## **Findings**

Based on our investigation and review, it is our opinion and belief that the following represents our findings.

1. There appears to be a reluctance on the part of some management staff to openly, objectively and seriously consider positive suggestions for improvement within the department.
2. As a result of the 1996 Child Welfare League of America report, CPS established a committee and several task forces to oversee the implementation of the CWLA recommendations. Due to the committee's ineffectiveness, the recommendations have only been superficially addressed.
3. There appears to be a serious lack of administrative leadership regarding the oversight of uniform implementation and enforcement of policy, procedures and standards of practice. This has resulted in recurring incidences of some social workers:
  - a. Engaging in inconsistent work practices.
  - b. Failure to fully and appropriately assess the child's individual medical, psychological, developmental and educational needs.
  - c. Not visiting children in a timely and appropriate manner creating a potentially dangerous situation for the child.
  - d. Delegating visitation responsibilities to newly assigned workers unfamiliar with the case.
4. The administration has engaged in an aggressive public relations campaign in attempts to change the community's negative perception of the agency. Staff is excessively involved in community organizations, limiting their time to focus on their primary responsibilities.
5. Under the Administrative/Support Services division of DPSS, the department presently has two separate programs designed to respond to complaints and investigate employee misconduct. However, Child Protective Services' complaint procedures are ambiguous, and on occasion discourage the complainant in addressing his/her concern.

6. The six regional offices operate as autonomous units (i.e. fiefdoms) resulting in limited interregional cooperation of personnel, assets, and equipment, adversely affecting the children and their families.

7. In 1996, CWLA recommended at least 40 hours of in-service and competency-based training annually for each Child and Family Services social worker. Such training has not been fully implemented as a result of which:

a. A number of management, supervisory staff and social workers are not being updated on changes in legislation that directly effect policy and procedure.

b. Staff and social workers encounter difficulty in determining whether a child should or should not be removed from foster or adoptive homes for immediate and imminent danger.

8. According to the Riverside County DPSS Policy Manual-Social Services grievance reviews (31-414) grievances may not be granted if the child is removed for imminent danger, thereby circumventing the individuals right to appeal.

9. Policy disparities still exist among a number of supervisors regarding approval of overtime as noted in the 1997-98 Grand Jury report, resulting in resentment between units and co-workers.

10. The lack of a comprehensive structured pay scale, based on job classification, education, performance and length of employment, is creating a great deal of frustration and animosity between co-workers, adversely impacting retention and morale.

11. In some cases, social workers with repeated and documented performance problems remain employed.

12. On occasion, some supervisors approve court reports of social workers without either reviewing, or adequately verifying evidence or documentation, within the case file to ensure accuracy.

13. Excessive caseloads have been used as a means of rationalizing the agency's need for additional staff. Due to the compartmentalization of the agency's programs, the 4,052 dependent children have been reported as approximately 9,000 cases.

14. Staff performs singular functions. The department does not extrapolate duplicate children enrolled in multiple programs. Dependent children are being counted on multiple social workers caseloads.

15. The shortage of staff is exacerbated by excessive allocation of personnel for nonfunded and discretionary programs.

16. As of March 2000, the agency had approximately 340 case carrying workers. Twenty-two positions remain vacant. Of the 69 additional positions recently allocated by the Board of Supervisors, only 30 were assigned by DPSS as case carrying positions.
17. Due to unexplained employee allocation, in some regions there are significant disparities between caseloads and social workers.
18. The transfer of foster care licensing from CPS to CCL in 1994 has resulted in many positive changes, improving the quality and level of supervision of foster homes, as well as uniform compliance with state regulations.
19. Some social workers are experiencing difficulty utilizing the CWS/CMS system to facilitate proper movement and placement of children. This has resulted in:
  - a. Failure to timely update status of capacity, vacancies and placement holds.
  - b. On several occasions, children being placed or remaining in shelter or foster homes where other dependent children have been removed for abuse or serious licensing violations and deficiencies.
  - c. On occasion, children sleeping, or waiting in agency offices and vehicles, while social workers search for available beds.
  - d. Emergency response workers and law enforcement officers arriving with a child at inappropriate or unavailable shelter or foster homes.
20. Too often, adoptable children languish unnecessarily in foster care, waiting years after parental rights have been terminated. Adoptions facilitated through private agencies are generally completed within six months from placement.
21. Approximately 50% of dependent children are placed with a relative within a reasonable amount of time. Regardless of the increase in kinship care there is a dangerous shortage of available and appropriate foster homes.
22. There has been a drastic decline in licensed foster homes. In 1994, there were 804 licensed foster homes in Riverside County. As of May 2000, there were only 584 licensed foster homes available.
23. There is an alarming trend of foster care providers exiting the county system to become FFA foster homes. This is primarily due to the condescending attitude some social workers display in their interaction with foster parents and overall lack of support.
24. There are 1,512 beds available for approximately 2,000 children in out-of-home, nonrelative placement.
25. The lack of a sufficient number of appropriate foster homes has too often resulted in:

- a. Children being placed in the first available bed rather than in an appropriate placement.
- b. Children being placed in shelter or foster homes that meet minimal state standards, but may be of questionable quality.
- c. Children being placed with newly licensed, licensed pending or inappropriate foster parents who are poorly trained to deal with highly dysfunctional children.
- d. Children moved from foster home to foster home creating psychological trauma and attachment disorders (Foster Care Drift).
- e. Separating siblings and placing children in homes in extreme geographical locations.
- f. Placing children in homes with distinct cultural and language barriers.

26. The department's policy regarding the criteria for deciding whether an investigated emergency response case is substantiated, unsubstantiated or unfounded is not clearly defined. This practice has led to some social workers classifying abuse investigations as inconclusive when facts may meet the criteria of an unfounded disposition. As a result, an individual may become suspect and reported to the state Department of Justice.

27. There appears to be instances of a lack of objectivity in justifying the child's removal and continuing dependency.

28. This investigation revealed that a lack of adequate funding is not a contributing factor in any of the significant factors mentioned.

The Grand Jury is neither suggesting nor implying that all management and staff in the employ of CPS is derelict in their job performances. However, the findings outlined in this report are of serious concern and warrant prompt and reasonable attention.

## **Recommendations**

County Board of Supervisors

1. Establish a time limit to implement necessary corrective measures and conduct a review to evaluate the progress.
2. Establish an autonomous Children's Services Citizen's Oversight Commission to be responsible for overseeing the compliance of Child Protective Services.

County Board of Supervisors, Director of the Riverside County Department of Public Social Services, and Assistant Director, Child Protective Services

1. Develop and strictly enforce specific and uniform complaint policies and procedures.

2. Establish a Professional Standards/Internal Investigations Division. The division should be directly under and report to the department director.
3. Establish a 24-hour, 7-day a week Multi-Disciplinary Central Receiving Assessment Facility.
4. Amend department policy #31-400 E to facilitate placement with private foster family agencies.
5. Contract with non-profit Foster Family Agencies to:
  - a. Facilitate difficult placements.
  - b. Assist in managing caseloads.
  - c. Assist in facilitating adoptions to reduce the growing backlog of children in permanent placement and adoption programs.
6. Re-evaluate employee allocations, and make adjustments based on caseload.
7. Focus assets and personnel to ensure compliance and quality of service delivery of mandated programs, prior to the implementation of discretionary programs.
8. Mandate uniform application and compliance of the Practice Handbook/Policies and Procedures Manual throughout each region.
9. Conduct a review of existing case files of each child to ensure proper and appropriate case management.
10. Develop mandated guidelines specifically addressing removals and definition of immediate and imminent danger.
11. Collaborate with local law enforcement agencies to develop a joint response protocol.
12. Address compartmentalization by implementing a policy of cross training staff to perform duties of other programs and blend units conducting similar functions.