

**EXTERNAL REVIEW ANALYSIS & PROCESS IMPROVEMENT**  
COUNTY OF RIVERSIDE CHILDREN'S SERVICES DIVISION  
DEPARTMENT OF PUBLIC SOCIAL SERVICES

October 1, 2019

**OVERVIEW**

In September 2018, the County of Riverside Executive Office announced that it would engage an outside expert in child and family services to perform an independent review of the County of Riverside's Department of Public Social Services (DPSS) Child Services Division (CSD). The purpose of the review was to perform a root-cause analysis for CSD-related claims and lawsuits and institute actions resulting in safer and improved outcomes for children.

Christie B. Swiss, Esq. of Collins, Collins, Muir & Stewart LLP conducted the review to determine trends in the types of claims, lawsuits, as well as settlement amounts or judgments resulting from each claim or lawsuit related to CSD between 2008 and 2018 and offer advice and counsel to the County Counsel's Office and CSD. Certain confidential and privileged information is not included in this public document and care has been taken to address the public interest in disclosure of the specific actions that are being taken to enhance child safety.

This resulting review analysis offers CSD an objective tool with which to enhance practices and policies that support its priority mission of protecting children from abuse and neglect. The review also serves as an instrument for addressing risks associated with third-party claims while reinforcing CSD's values of:

- **Operational excellence**—Ensuring that all employees embrace child welfare key principles and tools with the goal of providing each child with a safe and permanent home in strong, stable communities.
- **Appropriate, data-supported, timely decision-making**—Identifying and successfully responding to critical decision points; increasing reliability and validity of decisions; targeting resources to families at highest risk; using case-level data to inform every decision.
- **Quality assurance and accountability**—Conducting continuous in-depth performance review to identify risks early on, assessing gaps and fostering line-of-sight leadership that connects all workers to the organization's strategic imperative of keeping children safe. When trends appear to be emerging, rigorous improvements are

immediately undertaken.

- **Alignment of staffing and caseloads**—Providing social workers with time for quality interaction with children, to build trust and ensure proper assessments are provided and then supported by quality and timely decision making.

## **PROCESS**

Each claim, from 2008 to 2018, was analyzed by reviewing the facts provided by the County or the complaints. They were categorized based on the chief complaint in the claim. To avoid the duplication of certain claims, the claims have been placed into five overarching categories:

- Wrongful removal
- Failure to remove, adequately investigate or respond to referrals alleging abuse or neglect
- Abuse or neglect in a foster home
- Medical examination of a child without parental consent or presence
- Interview of a minor without parental consent or presence

## **CONCLUSION**

The analysis concluded that the County of Riverside has experienced similar claims as other California counties. Notwithstanding, the priority and mission of the Child Services Division is to protect the safety, health and wellbeing of children through rigorous review of its performance, processes and policies; with decisions supported by data driven research that enhances best practice interventions for children and families.

DPSS CSD has made significant strides over the past five months to ensure the safety and wellbeing of children. Continuous quality improvement initiatives are ongoing and have been prioritized over the next 18 months. CSD and County Counsel have worked together to provide social workers with the consistent support and tools they need to make timely, appropriate decisions that promote the safety, health and wellbeing of children.

## WRONGFUL REMOVAL

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### ANALYSIS

The most common category of claim involved the wrongful removal of a child. This category is divided into three subcategories: wrongful removal with a warrant, wrongful removal without a warrant, and a category where it remained unclear if the removal was done with or without a warrant. A warrant is an order from a Juvenile Court judge that orders CSD and law enforcement to carry out actions in the best interest of a child. CSD, County Counsel and the courts have capacity to request and issue warrants 24/7.

A total of 38 claims fell into the wrongful removal category, making wrongful removal the most common type of claim between the years of 2008 to 2018. Of the 38 claims from that period, three removals were conducted with a warrant, and 31 removals were conducted without a warrant. In four cases, the status of the warrant could not be determined. Noteworthy is that 34 wrongful removal claims occurred before January 2015, when County Counsel implemented a new warrant process. In the four wrongful removal claims filed after January 2015, two of the removals were determined to have been conducted with a warrant and two were conducted without a warrant.

The review identified 13 claims between 2008 and 2018 that alleged instances when social workers were purported to have violated practices, policies or procedures. These allegations were not made in stand-alone claims. Rather, they were included in claims alleging wrongful removals and are therefore included as part of this analysis.

### ACTIONS

In January 2015, CSD enacted a warrant policy to address issues in wrongful removal lawsuits. The policy was intended to improve child protection while reducing potential civil liability. The 2015 policy produced unintended consequences over the next four year period. These included duplication of work, process inefficiencies and lack of clarity about the professional roles of County Counsel and social workers in child removal. To specifically address these issues, the following actions were initiated in May 2019:

- Roles and responsibilities were clearly defined, and re-education carried out to ensure social workers have the tools and the authority to make the best decisions to protect children.

## **WRONGFUL REMOVAL ACTIONS (continued)**

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- Management meetings were restructured in June 2019 to foster collaborative strategic planning. The format allows CSD executives and County Counsel to focus on key practice and policy issues with the shared goal of swiftly and appropriately resolving issues on child safety.
- Fully integrated training modules are continually provided to frontline social workers, supervisors, managers, deputy directors and County Counsel. The modules define and align responsibilities, clarify policies and educate on processes to ensure the safety and wellbeing of children is at the forefront of all we do.
- Collaborated with the Public Welfare Training Academy, County Counsel, the Quality Review Team and Staff Development Division to develop and deploy an updated training plan. The goal of this training is to strengthen practice in the areas of investigation, safety and risk.

## **FAILURE TO REMOVE, ADEQUATELY INVESTIGATE OR RESPOND TO REFERRALS ALLEGING ABUSE OR NEGLECT**

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### **ANALYSIS**

Claims alleging failure to remove, adequately investigate or respond to allegations are all included in this explanation. These cases collectively identified the immediate need for clarification of roles and responsibilities; broad and targeted reeducation in Structured Decision Making and the establishment of a clear and consistent communication pathway between field social workers, supervisors and County Counsel.

### **ACTIONS**

- In May, CSD began ongoing collaboration with a nationally-respected organization in child welfare, The Casey Family Foundation, to expand the CSD Quality Review Team. The scope of the expansion includes audits of risk management cases, critical incidences, high risk, very-high risk and other targeted proactive reviews.
- Additionally, a process was expanded to provide social workers with consistent and meaningful feedback.
- A tool was developed to consistently measure and communicate priorities, expectations and performance.
- CSD is working closely with the Human Resources Department to ensure that personnel issues are resolved in an appropriate and timely manner.

## **ABUSE OR NEGLECT IN FOSTER HOME**

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### **ANALYSIS**

The second most common category of claims against the County, representing a total of 25 claims, is abuse or neglect of a child in a foster home. These claim types are spread out rather evenly with incident dates ranging between 2008 and 2018. As noted above, the failure to remove or adequately investigate is intertwined with cases of abuse and neglect in foster homes.

## **ABUSE OR NEGLECT IN FOSTER HOME**

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### **ACTIONS**

The training initiatives identified above have been broadly deployed across CSD to address practice issues and ensure that timely, quality contact is made with children in care. However, it is recognized that additional safeguards are needed to include:

- In June and July 2019, at documented leadership meetings, managers were informed of their responsibility to monitor both timely and quality contact requirements. Case studies are reviewed to highlight the importance of oversight.
- CSD is reviewing and strengthening its contracts with foster family agencies to ensure supervision and compliance with policies and best practices for children in their care.
- The Specialized Placement unit has extended its hours of service to better accommodate placement.

## **MEDICAL EXAM OF CHILD WITHOUT PARENT CONSENT OR PRESENCE**

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### **ANALYSIS**

The County received a total of four claims involving a social worker seeking medical examination of a child without parental consent or the notice and opportunity to be present. This is consistent with the timing of the *Swartwood* and *Mann* decisions, which found that parents with certain exceptions have a right to notice and be present when their children receive medical attention.

### **ACTIONS**

CSD and County Counsel are updating policies, procedures and trainings to reflect the *Swartwood* and *Mann* decisions.

## **INTERVIEW OF A CHILD WITHOUT PARENT CONSENT OR PRESENCE**

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### **ANALYSIS**

A total of five claims were filed between 2008 and 2018 that included allegations of interviewing a child without parental consent or presence, and these were often included as part of a larger claim involving other allegations.

### **ACTIONS**

CSD and County Counsel are updating policies, procedures and trainings to reflect new changes in the current practice, social workers who visit a child at school pursuant to Penal Code 11174.3 are doing so based on a “reasonable suspicion of abuse.” Managers and social workers now receiving ongoing updates education on documentation practices to ensure they are documenting the “reasonable suspicion” that exists when interviewing children at school.