

SUBMITTAL TO THE BOARD OF SUPERVISORS
COUNTY OF RIVERSIDE, STATE OF CALIFORNIA



FROM: EXECUTIVE OFFICE

SUBMITTAL DATE: August 15, 2000

SUBJECT: **Response to Grand Jury Report: Department of Public Social Services (Child Protective Services)**

RECOMMENDED MOTION: That the Board of Supervisors:

- 1) Approve, with or without modifications, the attached response to the Grand Jury's recommendations regarding the Department of Public Social Services; and
- 2) Direct the Clerk of the Board to immediately forward the Board's finalized response to the Grand Jury, to the Presiding Judge, and to the County Clerk-Recorder (for mandatory filing with the State).

BACKGROUND: On July 11, the Board directed staff to prepare a draft of the Board's response to the Grand Jury's report regarding DPSS.

Section 933 of the Penal Code requires that the Board of Supervisors comment on the Grand Jury's recommendations pertaining to matters under the control of the Board, and that a response be provided to the Presiding Judge of Superior Court within 90 days after the report was issued.

THOMAS M. DeSANTIS
Deputy County Executive Officer

Attachment

FINANCIAL DATA:		
CURRENT YEAR COST	\$	ANNUAL COST \$
NET COUNTY COST	\$	IN CURRENT YEAR BUDGET:
		BUDGET ADJUSTMENT: FOR FY:

SOURCE OF FUNDS:

C.E.O. RECOMMENDATION: APPROVE

County Executive Officer Signature

MINUTES OF THE BOARD OF SUPERVISORS

On motion of Supervisor Mullen, seconded by Supervisor Buster and duly carried by unanimous vote, IT WAS ORDERED that the above matter is approved as recommended.

Ayes:	Buster, Tavaglione, Venable, Wilson and Mullen	Gerald A. Maloney
Noes:	None	Clerk of the Board
Absent:	None	By:
Date:	August 15, 2000	Deputy
xc:	DPSS, Grand Jury, E.O., Presiding Judge, Co. Clk-Recorder(2)	

Prev. Agn. ref. 3.1, 7/11/00

Dist.

AGENDA NO

3.9

Dep. hent Recommendation: Consent Policy
Per Executive Office: Consent Policy

SPECIFIC FINDINGS AND RECOMMENDATIONS

HEALTH AND HUMAN RESOURCES

Department of Public Social Services

Riverside County DPSS/Children's Services is committed to taking the lead in protecting children from abuse and neglect and doing so in partnership with law enforcement, the community and other agencies. The County of Riverside welcomes the input of those who share the goal of protecting children. DPSS understands the deeply felt and fundamental concern about child safety and, in that spirit, has opened its operations for review in an unprecedented way to the media and to the Grand Jury.

The Grand Jury's review of the department is welcomed and appreciated. Before responding to each recommendation, several issues raised in the "Findings" which are inaccurate and/or incomplete must be clarified. Following a discussion of these issues; the responses to specific Grand Jury "Recommendations" are provided.

CLARIFICATION OF ISSUES RAISED IN "FINDINGS"

1. Response to CWLA Recommendations:

Grand Jury Finding #2, states: "recommendations have only been superficially addressed." The Department of Public Social Services has worked continuously to address the 104 recommendations made by CWLA and has instituted a majority of the recommendations within its control. The recommendations were separated into three categories. Thirty-eight of the recommendations were related to Child Safety. Of those, 95% (36) have been completed, or are in the process of implementation. The other 2 consisted of recommendations regarding programs that are no longer in existence or suggestions that are not allowable by law. Forty-one of the recommendations involved Community relations. Of those, 15 involved changes or recommendations of entities outside the realm of DPSS. Of the remaining 26 recommendations, 92% (24) have been completed or are in the process of implementation. The last category involved Staff issues with a total of twenty-five recommendations. Of those, 100% (25) have been completed with progress ongoing.

The recommendations were addressed in both the letter and spirit of the CWLA report, and progress was reported to the Board. In addition, DPSS regularly reports back to the Child Protection Committee (CPC) on its progress in addressing the recommendations. Children's Services has maintained an ongoing relationship with the CWLA. The League is involved in DPSS policy units and numerous work groups, reviews of critical incidents, and hiring of Managers, and has been instrumental in the development of the Children's Services Quality Improvement Unit. Lastly with regard to training, during fiscal year 1999/2000, DPSS provided 42 weeks of new social worker training (7 classes of 6 weeks each). A total of 790 hours of skill-based in-service training was provided and 438 hours of attendance at conferences and seminars to workers and supervisors was offered. In addition, a total of 687 training hours were offered through a professional development program for workers and supervisors seeking a clinical license.

2. Community Partnerships:

Grand Jury Finding #4 in which the Grand Jury characterizes its community partnerships as a "public relations campaign" that keeps workers involved in committees implies that this detracts from casework activities. Children's Services actually began regionalizing services and expanding partnerships as a direct response to the recommendations of the Child Welfare League and with a belief that community collaboration is one of the best ways to keep kids safe. Working relationships and services to children and families have improved as a result of these collaborations.

The benefits of collaboration are clear. DPSS now collaborates with over 13 local law enforcement agencies and has staff at eight different school sites. In addition, it has added six community-based offices to complement the eight medium-to-large offices. Offices are now more accessible to the communities they serve and are also used by the community for meetings and activities. DPSS has also brought Public Health Nurses and Mental Health Workers into its offices to collaborate on cases and expand the array of services provided to clients. At present, DPSS has on-board 18 Public Health Nurses (with slots for an additional 11) and seven Mental Health Workers (with slots for an additional five). Family conferencing is another means of collaboration. Family conferencing is a method of incorporating the family into the decision-making process and relies upon family members to help develop appropriate safety plans for the identified children. This is a creative approach that focuses on permanence and safety. In the last year, DPSS held 60 conferences throughout the county. Collaboration has also enabled the department to upgrade its child abuse interviewing team to a full-fledged Child Advocacy Center.

The County's goal is to improve the safety of children in our community. By increasing accessibility for the public and forging strong partnerships with other agencies, DPSS undeniably strengthens its reporting mechanisms and provides a more comprehensive response to child abuse cases. Services should be relevant and accessible to those who need them and DPSS, therefore, remains committed to a community-based approach.

3. Methodology for Caseload Counts:

In Findings 13, 14, and 28, the Grand Jury states that the Department has over-reported cases to rationalize the need for additional staff and counted dependent children on multiple social worker caseloads. The department does not over-report cases nor does it count children on multiple social worker caseloads.

California's current method for allocating basic Child Welfare Services resources is based on caseload standards and average monthly case counts. The State strictly controls how DPSS measure cases in Emergency Response (ER), Family Maintenance (FM), Family Reunification (FR) and Permanent Placement (PP). Cases are not duplicated.

Riverside County has taken a leadership role with the State in developing the case counting and funding methodology. At one point, a 100% audit of current cases was reviewed by a State Workgroup to validate case counting on the CWS/CMS system. The methodology is consistent and is used by all California Counties. As of June 2000, there were 6,494 cases (children) in FM, FR, and PP. In addition, 3,103 child investigations were reported as closed referrals for the same month.

In addition to using the number of cases as a determining factor for funding and staffing, unique caseload standards, developed by the State in 1984, have been established for each type of case. Because the standards have not changed since their development, whereas the complexity of CPS activities has changed dramatically, the Legislature mandated a study of the current workload standards. The American Humane Association (AHA) was selected to review and make recommendations for changes to the workload standards which will, in turn, impact funding decisions. The AHA worked in coordination with Walter R. McDonald and Associates (WRMA). Both organizations have extensive knowledge in the area of children's services and the AHA is nationally renowned for its CWS workload studies.

The workload study referenced above (SB2030 CWS Workload Study) was recently completed. The conclusions of the study clearly reflect the need for additional staff. Workload standards in all areas need to be adjusted upward to allow for additional case time. Clearly, changes in requirements and expectations for CWS programs

have increased the time needed to provide services. More than anything, the change from the current standards to minimum recommended standards reflects the 15-year gap between reviews of these standards and the new requirements and demands on staff that have been introduced during that period.

RESPONSES TO GRAND JURY RECOMMENDATIONS:

(County Board of Supervisors)

RECOMMENDATION:

1. *Establish a time limit to implement necessary corrective measures and conduct a review to evaluate the progress.*

RESPONSE:

Concur. DPSS will report back to the Board of Supervisors in 90 days regarding its progress.

RECOMMENDATION:

2. *Establish an autonomous Children's Services Citizens oversight commission to be responsible for overseeing the compliance of Child Protective Services.*

RESPONSE:

There are already numerous mechanisms in place.

- a) As a child protection agency, DPSS must comply with many federal and state laws. Compliance with these laws, as well as state regulations, is reviewed regularly by the California Department of Social Services (CDSS) and funding is contingent upon compliance. In a recent State audit focusing on "quality of services and determination of whether the County is adhering to regulations", the County was "commended for being in compliance for initiating in-person investigations, timely monthly visits with children, providing health and education information to out of home care providers and providing children with timely medical and dental examinations."
- b) All dependency cases are reviewed by a Judge or Commissioner of the Superior Court who must find that the Department has met its statutory obligations. Each family is also represented by an attorney who participates in this process and acts as an advocate in insuring the family's rights and services. Each party in a juvenile proceeding is entitled to representation.

- c) The existence of Riverside's Child Protection Committee (CPC) is an unprecedented roundtable of all child-serving agencies in the County, formed as a result of Child Welfare League's work here. It frequently serves as a forum for addressing quality concerns. The involvement and participation of the CPC has resulted in several interagency protocols which have improved services to children and enhanced the possibility of safer, more objective interventions into suspected incidents of child abuse and neglect. CPC is chaired by Supervisor Mullen and meetings are scheduled quarterly.
- d) The possibility of establishing a new panel was recently put on the table at CPC for discussion. The creation of a Citizen's Review Panel was one of the recommendations of an interagency Community Collaboration Task Force (chaired by DPSS) earlier this year. This recommendation was introduced at the last CPC meeting and will be discussed in that forum.
- e) The Children's Services Division is also involved in two new projects that will add to its continuous program of improvement.
- Multi-System Review - As a result of a recommendation from the chair of the CPC, DPSS has taken the lead in forming a new interagency task force to develop a "quality review" of all child-serving agencies. Representative agencies include: County Counsel, District Attorney, Public Health, Mental Health, Board of Supervisors, Law Enforcement, Code Enforcement, Juvenile Court, CASA, and DPSS. The goal of this task force will be to identify gaps between agencies, the closing of which will ultimately improve the quality of services provided to children and families.
 - Accreditation - In the future, the department will seek accreditation by the Council of Accreditation for Children and Family Services, Inc., a major accreditor of community mental health and social service organizations. Being an accredited child welfare agency is rare in the public sector. Therefore, upon completion of this process, the department will be recognized as one of a few public child welfare agencies that have been able to achieve this notable accomplishment.

The Grand Jury is correct in acknowledging the national crisis in out-of-home care. In order to provide the best possible placement for children who cannot remain with their families of origin, DPSS is developing a program to recruit, train, evaluate and support relative, foster, and adoptive caregivers. This program, due to begin implementation in September 2000, utilizes a team approach to caregiving. Members of the recruitment/evaluation/training team will follow a curriculum and model developed by the Child Welfare League of America and will work together to provide homes of equally high quality. Professionals from the Community Colleges will join social

services staff and experienced caregivers in working with new foster/adoptive parents. Riverside DPSS is proud of its existing advocacy program, which provides support to foster parents. In addition, the Parents by Choice Advisory Board offers a forum in which caregivers can dialogue with the Department in resolving issues and improving the lives of children.

RESPONSES TO GRAND JURY RECOMMENDATIONS:

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

RECOMMENDATION:

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

RESPONSE:

Concur. DPSS has specific policies to address complaints, whether about case work decisions or employee conduct. This information should be readily available to the public and the department will make it so. The Quality Improvement Unit has already identified this issue and is working on a clearer complaint process that will be provided to anyone wishing to file a complaint. The department is currently working to implement a recommendation that all investigation reports regarding children under the age of five be reviewed by a central unit. The goal of this review would be to improve the consistency and thoroughness with which abuse and neglect allegations are approached when those allegations involve our most vulnerable population.

RECOMMENDATION:

2. *Establish a Professional Standards/Internal Investigations Division. The division should be directly under and report to the department director.*

RESPONSE:

DPSS is reviewing its operations and considering options for organizational structure. A number of mechanisms are already in place to address professional standards, case quality, and professional behavior. The Department's Internal Audits Unit reviews policies and practices department wide. The Investigations Division and Personnel Department investigate allegations of unethical or illegal conduct. Within CPS, the Quality Improvement Unit, reporting to the Assistant Director, is responsible for the following:

- Quality Practice Review – This is a peer review process with established outcomes (child safety, child and family well being, permanency, cultural continuity, and

quality of care). The process includes analysis of caseload statistics, customer satisfaction surveys, focus groups with staff, and case reviews. A QPR review is held in each region once a year with the goal of identifying, analyzing and resolving systemic issues to improve the quality of services to the children and families served.

- **Critical Incident Review** - When a tragedy occurs for a child or family that has had involvement with the department, a case review is conducted. Review participants generally include various members from partner agencies, child welfare professionals from other Counties, and licensed foster/shelter parents, as well as representatives from within DPSS. The goal, once again, is to identify all relevant issues and provide a pathway for any needed improvements. The Critical Incident Review Team reports directly to the director of DPSS.
- **Corrective Action Plans** – The State Department of Social Services audits each of the County’s cases. If the State finds the Department to be out of compliance in any area, it mandates a Corrective Action Plan. The Quality Improvement Unit is responsible for complying with a Corrective Action Plan, assisting with training of staff, developing new procedures, and writing reports to remedy the situation.

RECOMMENDATION:

- 3. Establish a 24-hour, 7-day a week Multi-disciplinary Central Receiving Assessment Facility.***

RESPONSE:

Concur. The department agrees with the Grand Jury recognition of the need for a facility (or group of facilities) within the County that could provide medical, emotional, and mental health assessments for each child entering protective custody before placement in out-of-home care. DPSS is currently researching the feasibility of establishing a 24-hour, 7-day a week receiving and assessment facility. In the interim, the Department has an emergency area available in the new Intake Center (opening in November). This unit will serve up to 4 children (plus 2 cribs) for no more than 23 hours each in a safe, comfortable environment while medical attention and mental health assessments are obtained. The department will report to the Board of Supervisors on its recommendations within 90 days.

RECOMMENDATION:

- 4. Amend Department Policy 31-400E 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.**

RESPONSE:

A combined response to Recommendations #4 and #5 is provided below.

Concur. The Department policies included in the 31-400 section of the Children's Services Policy Manual address the placement of children in out-of-home care. Current policy emphasizes selecting the least restrictive placement most appropriate to meet the needs of the individual child. Because a Foster Family Agency (FFA) is a higher level of care than a licensed foster home or relative placement, each social worker is required to have such placements reviewed by an inter-agency committee consisting of the Department of Mental Health, Child Protective Services, and either the Riverside County Office of Education or a local school district. This provides a consistent approach to placement decisions.

DPSS currently uses Foster Family Agencies to provide care for children with special needs and for large sibling sets that cannot be placed together in other available homes. DPSS has written agreements with an increasing number of FFAs. These agreements clearly describe the department's expectations regarding the care and treatment of its children. DPSS is currently reviewing its policies regarding the use of FFAs in order to encourage placement at this level of care whenever the needs of a child can be met by placement in a treatment-oriented FFA rather than a group home or other larger facility.

On June 27, 2000, DPSS received its provisional license as a public Foster Family Agency and will be developing specialized programs including an intensive emancipation program (Teens in Preparation for Success) for young adults who are likely to remain in the care of the system until they become adults. The license allows the agency to lower caseloads within these programs and offer greater training, attention, and financial support to licensed caretakers as well as more concentrated services to the children.

The County shares the Grand Jury's concern regarding the national crisis in securing timely adoptive permanency for children who can never return to their families of origin. In reviewing its current procedures, the department became aware of much needless duplication of effort in completing adoptions of children being adopted by relatives. This duplication revolves around multiple assessments of the prospective

adoptive relatives by both the assigned Social Worker and Adoptions specialists. DPSS is currently in the process of eliminating the duplicative assessments and lessening the time required for the finalization of the adoption process. In addition to Foster Family Agencies, DPSS is also exploring other private licensed Adoptions Agencies as partners in matching children to already approved adoptive homes and in completing home studies on children already in care with licensed foster parents who wish to adopt them. While the department acknowledges a backlog in children awaiting the completion of the adoptions process, it completed 115% of its fiscal year 1998/1999 target goal as set by the California Department of Social Services and has succeeded in tripling the number of completed adoptions over a three year period. For fiscal year 1999/2000, the department completed 313 adoptions, which was 154% of its State target goal, and also placed a total of 325 children in adoptive placements. DPSS looks forward to continuing its success in placing children with dedicated, loving adoptive parents.

RECOMMENDATION:

6. Re-evaluate employee allocations, and make adjustments based on caseload.

RESPONSE:

Concur. The Department does re-evaluate and adjust employee allocations on a monthly basis. During each hiring cycle, caseload data is used as the foundation for allocation of personnel.

RECOMMENDATION:

7. Focus assets and personnel to ensure compliance and quality of service delivery of mandated programs, prior to the implementation of discretionary programs.

RESPONSE:

Concur. The Department does focus assets and personnel on mandated programs. However, it is always looking for better ways to provide services – particularly in situations in which safety and permanence may not be achieved without such innovation.

The Grand Jury identified the need for more foster homes. One of the department's innovative programs is the Foster Parent Advocate Program, which is a model for other Counties. Social workers are assigned as recruiters for foster homes and as advocates who help to solve problems and provide additional services for foster parents with the goal of keeping placements stable and keeping foster parents as partners.

DPSS is also working with the State and UC Berkley on an "Expanded Services" program which allows workers to move beyond "mandated services" and provides more flexibility in meeting the needs of children. These programs are highly supported by foster parents and staff, and offer the best chance of success in some of the most difficult situations. The Department is committed to meeting all mandates. Because DPSS believes that it is their responsibility to find new and better ways to serve children, it will continue to use resources in programs that incorporate but move beyond mandates.

RECOMMENDATION:

- 8. Mandate uniform application and compliance of the Practice Handbook/Policies and Procedures Manual throughout each region.***

RESPONSE:

Concur. The Department maintains a Policy and Procedure Manual, which defines staff practices. These policies reflect the intent and obligations specified in the Penal Code, Welfare and Institutions Code, and California Department of Social Services Regulations.

An extensive project is underway to restructure the existing Policy and Procedure Manual. The project includes a Staff Development Training Plan and a process for evaluating effectiveness and compliance. It will be completed by June 30, 2001.

RECOMMENDATION:

- 9. Conduct a review of existing case files of each child to ensure proper and appropriate case management.***

RESPONSE:

Concur. Each case in the CPS system is subject to multiple reviews by people within the DPSS organization as well as outside agencies. The State conducts audits of all county child welfare agencies to ensure compliance with laws as well as state regulations. The Quality Practice Review process within the department regularly reviews cases for quality of services to children and families and individual cases are reviewed as part of a Critical Incident analysis. A judge and attorneys representing the children and the parents in each case of out of home care review the work done by DPSS staff. Each party in a Juvenile Court proceeding is entitled to attorney representation including each child and each parent.

RECOMMENDATION:

- 10. Develop mandated guidelines specifically addressing removals and definition of immediate and imminent danger.***

RESPONSE:

Concur. The department shares the Grand Jury's concern regarding the lack of clear definition of the terms "immediate" and "imminent danger." Nowhere in law or regulation are these terms explicitly defined. DPSS Policy Manual section (31-103) addresses the removal of children by an emergency response worker. This section states, "WIC Section 306(b) authorizes DPSS Social Workers . . . to take into custody . . . a minor who the Social Worker believes is a person described in WIC Section 300 (b or g) and when the Social Worker has reasonable cause to believe that the physical environment poses an immediate threat to the child's health and safety."

Child Protective Services operates with the guidance of written policies based on the accepted practice that occurs across the state. The Department provides written guidelines based on a range of factors that must be included before a judgement of imminent or immediate danger can be made. Some of the factors considered include the age of the child, the attitude and condition of the parent(s), and the severity of problems that might occur to the child if immediate intervention does not occur. It is not possible to provide written policy so clear as to speak to every possible instance and act as a reliable guide for a decision which must often be made with very little time and insufficient information. The weighing of risk factors is as much an art as it is a science and the department's policy emphasizes the thorough weighing of all available information rather than a formulaic approach to decision making.

There are, however, avenues of recourse available in both law and in grievance procedures for caretakers who believe that the social worker's judgement is in error. Most notably, the Juvenile Court acts as the final arbiter when a child is removed from a caretaker. It makes its decision regarding the placement of a child or return to a caretaker based on a thorough review of all evidence and only after soliciting information from all parties to the action. When children are removed from caretakers, the court must also be made aware of placement changes and approve them. Grievance procedures exist for caretakers from whom children have been unfairly or arbitrarily removed but are precluded by state regulation once the immediacy or imminence of the danger has been upheld.

It is the Department's philosophy as well as its written policy that everything possible be done to maintain a child **safely** in his or her home. While this view of child welfare applies primarily to parents, it extends to other placements as well since stability for the children is an exceedingly high goal in CPS.

RECOMMENDATION:

11. Collaborate with local law enforcement agencies to develop a joint response protocol.

RESPONSE:

Concur. The Department continues to work daily with the law enforcement agencies in the County. In addition to creating a dedicated 800 number designed for law enforcement's use, the Department recently co-located with law enforcement in the Lake Elsinore Sheriff's station (seven staff) and assigned four staff to law enforcement "teams." Social workers on these teams respond with law enforcement to situations countywide in which children may be at risk due to clandestine drug labs. The department has also developed the following protocols with law enforcement:

- Working Protocol for Interagency Investigation of Child Abuse/ Child Neglect (ICAC) within Riverside County (full implementation is currently being planned through an interagency work group)
- Coachella Valley Narcotics Task Force MOU
- Riverside County Kids with Guns Protocol
- Transfer of Knowledge (TOK) Team Protocol
- Allied Riverside Cities Narcotics Enforcement Team (ARCNET)
- West Count Narcotics Task Force Protocol (WCNTF)
- Drug Endangered Children (DEC)

RECOMMENDATION:

12. Address compartmentalization by implementing a policy of cross training staff to perform duties of other programs and blend units conducting similar functions.

RESPONSE:

Do not concur. Children's Services is not a one-size-fits-all operation. CPS currently uses both single program and multi-program units. There are advantages and disadvantages to each. Regional Managers and region staff individualize work processes in each region with the goal of providing services that meet the outcomes of safety and permanence.