

Child Welfare in Humboldt: Getting the Door Open

SUMMARY

The children of Humboldt County are ill-served by the intake system that is meant to protect them!

Each year Humboldt County disperses approximately \$6.3 million to identify and assist children that may have been abused, neglected, or emotionally harmed. Unfortunately, the Humboldt County Civil Grand Jury (HCCGJ) discovered that our children are not being afforded the protections that they deserve. Their safety and welfare is a concern for all. The HCCGJ demanded to find out what has been going on.

This report addresses whether or not Humboldt County Child Welfare Services (CWS) is following its stated “intake” policies and procedures, as further described in this report, that are critical to the timeliness of response to children in peril. We also have investigated whether these policies and procedures follow the mandated California Child Welfare System Improvement and Accountability Act (AB 636).

During our investigation of CWS, your HCCGJ was twice denied requested intake process data on their assertion of a potential breach of confidentiality. Following these denials, CWS abruptly made notable changes to their policies and procedures at intake. While the new procedures may improve the timeliness of CWS response to reports of child abuse or neglect, the HCCGJ cannot conclude that serious deficiencies have been corrected until CWS provides needed measurements of timeliness.

More critically, extensive conversations with educators and other mandatory reporters have revealed that Child Welfare Services continues to be deficient in its timely reaction to reports of child abuse and/or neglect, both before and after the procedural changes.

The HCCGJ concludes that the safety net for our children critically needs improvement.

BACKGROUND

In early fall of 2016, the HCCGJ became aware of complaints raised by Superintendents of multiple School Districts regarding our Child Welfare Services’ lack of timely response to reports of child abuse, neglect, and emotional harm. We pursued an investigation into these allegations to determine their validity and any actions needed for improvement.

Mandated Reporters and the CWS Intake Process

The main source of suspected child abuse/neglect comes from our community Mandated Reporters. These reporters are those whose work involves contact with vulnerable youth and who are legally required to report suspected instances of child endangerment. Mandated Reporters include doctors, teachers/aides, school administrators, peace officers, clergy members, bus drivers, social workers, and others. Mandated Reporters are required to immediately notify Child Welfare Services when they suspect that abuse/neglect has occurred. CWS has an obligation to communicate with the Mandated Reporters that their reports have been received, and to 1) take immediate action in the case of an emergency response situation, or 2) provide timely intervention or disposition (required by CWS mandated policies and procedures.) All of these reporter/Child Welfare interactions are collectively called the “Intake Process.”

This report deals exclusively with the Intake Process, specifically with the determination of whether CWS is following its stated policies and procedures, and whether those policies and procedures are within the Child Welfare System Improvement and Accountability Act (AB 636).

California State Mandates for Child Protection

In 2001, the California Legislature passed the Child Welfare System Improvement and Accountability Act (AB 636) to improve outcomes for children in the child welfare system. This Act holds counties as well as State agencies accountable for the outcomes achieved. This state-wide accountability system is an enhanced version of the federal oversight system mandated by Congress and used to monitor states' performance.

AB 636, which includes the California Child and Family Review System, emphasizes these goals:

- Children are protected from abuse and neglect.
- Children are safely maintained in their own homes whenever possible and appropriate.
- Children have permanency and stability in their living situations.
- The continuity of family relationships and connections is preserved for children.
- Families have enhanced capacity to provide for their children's needs.
- Children receive appropriate services to meet their educational needs.
- Children receive adequate services to meet their physical and mental health needs.
- Youth released from foster care are prepared to transition to adulthood.

To measure progress towards these goals, 14 performance indicators are currently used. Examples include measuring the number of children who are in foster care, the rate of recurrence of maltreatment of children in foster care, the number of placements of a foster child, length of time to reunification with birth parents, and the rate of adoption.

Previously, to monitor the performance of county child welfare departments, the California Department of Social Services relied on a system of process measurements focused on determining whether or not a child received a particular service. This process oriented system falls short of determining if a child actually benefited from the service.

Under California's most recent accountability system, which went into effect on January 1, 2004, all 58 counties now receive quarterly data reports on their outcomes in the areas of safety, permanency and well-being of children and families who come into contact with the child welfare system. The foundation for this improved oversight system comes from data obtained from the Child Welfare Services Case Management System (CMS), the statewide information system for child welfare.

Under California's accountability system, each county has conducted a self-assessment using community-based groups to facilitate public input into the process. The intent of these self-assessments was for counties to examine all program areas to determine the basis for their current level of performance and to help them identify and remove barriers to improving performance.

Following the self-assessments, counties have been required to collaborate with other local partners to develop a County System Improvement Plan (SIP). The purpose of the SIP is to establish program priorities, define specific action steps to achieve improvement and establish goals for improvement. As mandated by AB 636, a County's SIP must be approved by its Board of Supervisors, initially due to the California Department of Social Services (CDSS) by September 30, 2004.

METHODOLOGY

In preparation for this report, the Humboldt County Civil Grand Jury:

- Conducted interviews with representatives from Humboldt County Child Welfare Services.
- Conducted interviews with representatives from five Humboldt County School Districts.
- Conducted interviews with numerous Mandated Reporters.
- Researched the Federal and State Laws as they apply to Child Welfare Services.
- Researched the Child Welfare Services/Case Management System and the CWS Outcomes System Summary reports extracted from it.
- Discussed the CWS Outcomes System Summary reports with the California Child Welfare Services in Sacramento CA.
- Researched the California Child Welfare Indicators Project sponsored by the School of Social Welfare at University of California at Berkeley.

DISCUSSION

Humboldt County's CWS Implementation Policies and Procedures

Child Welfare Services (CWS), an organization under the County Department of Health and Human Services (DHHS), has met the State's AB 636 requirements by publishing the "Humboldt County Peer Quality Case Review and Self Assessment" report, and the "Humboldt County System Improvement Plan 2012-2017." In addition, CWS has published an annual Humboldt County System Improvement Progress Report. These reports are available for review on the County Website.¹

CWS implementation of AB 636 begins at the intake process. Humboldt County's CWS uses the California Department of Social Services' "Structured Decision Making System" (SDM) to direct its intake process responses. California's statutory definition of child abuse and neglect appears within the CWS' SDM system.²

The SDM contains a flowchart of a structured evaluation to be followed for each reported

¹ <http://humboldt.gov/497/Child-Welfare-Services>.

²(See: <https://www.childwelfare.gov/topics/systemwide/laws-policies/state/?CWIGFunctionsaction=statestatutes:main.getResults>)

allegation of abuse and/or neglect. Additionally, CWS has developed a Policy & Procedure that addresses how a CWS social worker should/would handle each reported situation. The stated intent of CWS is to contact the Mandated Reporter within 24 hours. These procedures, if followed, appear to meet the intent of AB 636, and hence one would expect that the goals of AB 636 should be met; i.e., the procedures are expected to protect our children from abuse, neglect, and emotional harm.

The SDM has stated goals of 1) reducing the rate of subsequent abuse/neglect referrals and substantiations, 2) reducing the severity of subsequent abuse/neglect complaints and allegations, 3) reducing the rate of foster care placement, and 4) reducing the length of stay for children in foster care. Besides using the SDM to make its intake decisions, Humboldt County acts under SDM as a “Differential Response County.” This designation eliminates the need to require an in-person response for its screening decisions. Instead, the “differential response” designation provides that CWS may apply a broad set of responses that lead to one of three decision paths. The three Differential Response Paths are as follows:

Path 1: Community Response - This path is chosen when concerns do not meet the statutory definitions of abuse or neglect, yet there are indications that a family is experiencing problems that could be addressed by community services. For children aged 0-5, CWS is required to select an approved community service provider (e.g. Family Services), and to forward their Intake Information Form (A-14-30) for the provider’s review/action.

Path 2: Child Welfare Services and Community Response - This path is chosen when concerns do not meet the statutory definitions of abuse or neglect, and hotline assessments indicate that with targeted community services, the family is likely to make needed improvements.

Path 3: Child Welfare Response - This path is chosen if the report indicates that the child is not safe. In this case, action must be taken, with or without the family’s consent, to ensure the child’s safety and reduce risk.

Clearly, the assignment of “Path” is crucial to the welfare of the child who is the subject of the referral.

The Reality of How Our Children Fare under the Current CWS Implementation

During its discussion with Humboldt County School Superintendents, the HCCGJ found that, under current practice, the children of Humboldt County are NOT being adequately served by CWS. Too often, our children are being neglected and abused by parents and family members, and when Mandated Reporters make allegations of abuse and neglect to CWS, the system is failing to respond in a timely manner, or to respond at all. (See the accompanying 2016-2017 HCCGJ report regarding Mandatory Reporting.)

HCCGJ reviewed 50 reports, originated by Hot Line calls, and sent by Mandated Reporters to Humboldt County CWS during the 2015-2016 time period with the hope of corroborating factual information. The data reported to us is a small non-statistical sample. Unfortunately, we were unable to obtain data directly from CWS. However, our sample revealed shockingly slow response times, far longer than the CWS requirement to contact the Mandated Reporter within 24 hours. The HCCGJ also heard several anecdotal reports of lack of response to calls from private citizens.

Mandated Reporters’ summary: We found 6 of these call-originated reports that had responses within the 24 hour timeframe. In 31 of the 50 reviewed reports we found the response time to be between 2-14 days, and in 7 reports the timeframe exceeded two weeks. In the extreme cases, 3 of these 7 reports exceeded two months, one being over one year. In addition, we could not

find a CWS response to 6 reports. Removing the one-year outlier and the other 6 unanswered reports, the average time for CWS to respond to a Mandated Reporter was 12 days.

Such lack of timeliness is inexcusable, assuming that CWS is following the letter of the law (AB 636), and has implemented the required checks and balances. These checks include its self-assessment and improvement plan,

and adherence to its Intake Process using the State's Structured Decision Making System (SDM).

HCCGJ has discovered that, while CWS may follow the law and their own procedures once a referral is made, it does not meet its own intake procedures BEFORE the referral decision, namely, it does not promptly contact Mandated Reporters to assess whether a referral should be made. The Mandated Reporter Callback requirement is the first step in CWS becoming aware of details of suspected child abuse or neglect.

The California Child Welfare Indicators Report is administrated by the School of Social Welfare, University of California at Berkeley, and provides a standard measurement, or metric, for evaluating Humboldt County's CWS overall performance. Yet, the callback process is not measured and is not reported to the California Child Welfare Indicators Project. Without a standard measurement of response time, CWS is not able to determine if their processes are meeting the requirement of the intake procedure. **Our children are falling through the gap.**

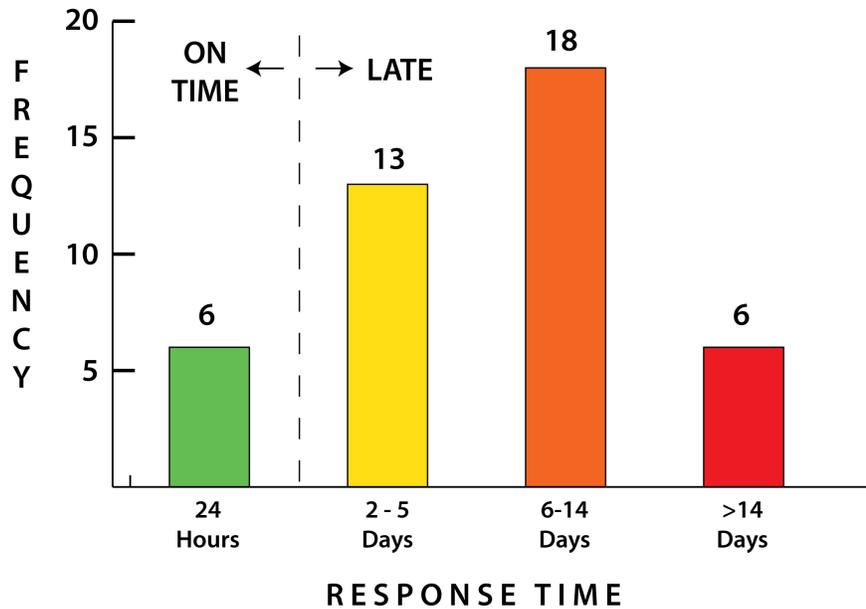
Whether through improved staffing or better training, CWS must improve the timeliness of its response to calls for help for our children.

HCCGJ INVESTIGATION RESULTS

Intake Process Review

To find suggested improvement areas of the CWS Intake Process, and to validate the reported timeliness response data we obtained from school districts, HCCGJ considered the very detailed policies and procedures that address each step of the intake process including:

- Emergency Response Referrals (CWS Policy & Procedure #09-04 and #09-11)
- Callbacks to Mandated and Non-Mandated Reporters (CWS Policy & Procedure #09-12)
- Criteria for Processing Reports as Referrals (CWS Policy & Procedure #09-13)
- Both Immediate and 10-day Investigated Responses (CWS Policy & Procedure #09-14)



Emergency Response Referrals: Provides protective services 24 hours a day, 7 days a week.

Callbacks to Mandated and Non-Mandated Reporters: Provides that, should a caller leave a message on the Hot Line or with a clerical staff person, a social worker will return the call within 24 hours. Moreover, additional attempts will continue to be made to contact Mandated Reporters, unless information is received that rules this to be no longer necessary.

As discussed above under “Humboldt County’s CWS Implementation Policies and Procedures,” as a “Differential Response County” in-person response is not required when intake staff at CWS (not necessarily a social worker) determines that a child’s safety is not at risk. An evaluation of safety and risk includes collateral contacts, a review of previous referrals, and other relevant information. (See above discussion of the three paths available for response, including Community Response, Child Welfare and Community Response, and Child Welfare Response).

Criteria for Processing Reports as Referrals: Through this process, CWS determines with the mandated reporter whether the subject abuse/neglect report should be “evaluated out” (disregarded), or processed as a referral. During the period from November 1, 2015 through October 31, 2016, CWS received 2,859 reported abuse/neglect incidents and evaluated out 1,782 or 62%, mostly without personal contact with reporters or alleged victims. This means that 1,782 reports by the public and/or Mandated Reporters observed what they felt was abuse or neglect. A CWS review of the reported information, in light of the State Statutes, deemed the reports to either be unfounded, or not of a high enough abuse/neglect level to warrant further CWS involvement.

The Grand Jury attempted to understand why such a large number of reported cases were being “evaluated out,” and to determine the timeliness of CWS responses against the “callbacks to Mandated and Non-Mandated Reporters (#09-12)” procedure. We submitted a “document request” to CWS to obtain copies of the completed intake forms (A-14-30/31) over a three-month period. In January 2017, we were denied copies of these forms “because the records are confidential pursuant to Welfare and Institutions Code sections 827 and 10850, and may not be disclosed without order of the presiding judge of the juvenile court.” In February 2017, we attempted to obtain name-redacted copies of the same documentation and received the same response from CWS, namely, that our request was denied. HCCGJ has reported this denial to the Presiding Judge.

However, with the February response from CWS, new information was provided that sparked our interest. It seems that just two weeks before, CWS had changed its intake procedures, now reporting to the HCCGJ that intake forms were not being used but, instead, hotline responses were now being immediately connected to a social worker. In addition, CWS was now reporting that they were holding meetings with local school districts and Mandated Reporters.

While we are hopeful that the new attention to initial reporters will have a positive effect on response times, at the time of this report we have not been able to validate that school district meetings are happening and that response times are being reduced. In addition, a viable assessment cannot be made without access to future timeliness and meeting data. This being the case, HCCGJ concludes that CWS should establish a timeliness metric for “the length of time between an initial call-report until the time that CWS has made contact with the caller-reporter.” CWS can then measure its performance in meeting its requirement for 24 hour response to the caller. An improvement in communications between Mandated Reporters and CWS will likely lead to a reduction of “evaluated out” responses.

The California Department of Social Services Outcomes & Accountability Bureau currently works with the School of Social Welfare at the University of California at Berkeley.

The School's California Child Welfare Indicators Project could supply valuable support in developing the metrics needed for CWS to monitor its response times for at-risk children.

HCCGJ realizes that lack of timeliness is a serious allegation of a shortfall in the CWS system. It should be a serious concern to the professional CWS management and staff, as well as to all our citizens. Whether through better staffing and/or training, CWS must improve the timeliness of its response to calls for help for our children.

FINDINGS

F1. Humboldt County Child Welfare Services is not meeting the 24 hour response requirement of their "Callbacks to Mandated and Non-Mandated Reporters - Plan & Procedure #09-12," which could place children at risk.

F2. Humboldt County Child Welfare Services does not track the critical time between a report of child endangerment from Mandated Reporters and its return call to that reporter as a part of its overall performance related to response time.

F3. Humboldt County Child Welfare Services collects no information on its overall performance related to response time to Mandated Reporters, and follow-up communication is severely lacking.

F4. In February 2017, Humboldt County Child Welfare Services told the HCCGJ that they have changed their Intake Process by removing the screener and the Intake Form (A-14-30), and connecting the caller directly to a Social Worker. The HCCGJ has no confirmation that this really has happened or, if it has, that these procedures have resulted in any improvement.

RECOMMENDATIONS

R1. The Humboldt County Civil Grand Jury recommends that the Humboldt County Department of Health and Human Services (DHHS) develop and maintain a "timeliness" metric for measuring their response time once a suspected child abuse/neglect event has been reported and until the caller is notified of receipt of report. **(F1, F2)**

R2. The Humboldt County Civil Grand Jury recommends that the Humboldt County Department of Health and Human Services add the timeliness metric discussed in R1 into its Child Welfare Services' System Improvement Plan 2012-2017, and monitor the metric to ensure an acceptable level of timeliness. **(F2)**

R3. The Humboldt County Civil Grand Jury recommends that the Humboldt County Department of Health and Human Services (DHHS) develop a "community performance" metric that measures how Mandated Reporters judge DHHS as successfully supporting the safety of our children. **(F3)**

R4. The Humboldt County Civil Grand Jury recommends that the Humboldt County Department of Health and Human Services add the community performance metric discussed in R3 into its Child Welfare Services' System Improvement Plan 2012-2017, and monitor the performance over time. **(F3)**

R5. The Humboldt County Civil Grand Jury recommends that the Department of Health and Human Services update its Intake Policies and Procedures to reflect the changes reported to us during our February discussion. **(F4)**

R6. Humboldt County Civil Grand Jury recommends that Child Welfare Services closely assess the qualifications and training of staff dealing with intake calls, as well as providing the proper supervision to ensure competency. **(F1)**

REQUIRED RESPONSES

Pursuant to Penal code section 933.05, the Humboldt County Civil Grand Jury requires responses as follows:

- Humboldt County Department of Health and Human Services, Director, Social Services Branch (R1, R2, R3, R4, R5, R6)

INVITED RESPONSES

- Megan Stout, Chief, Outcomes & Accountability Bureau, California Department of Social Services, 744 P Street, MS 8-12-91, Sacramento CA, 95814 (R1, R3)
- Center for Social Services Research, University of California at Berkeley, School of Social Welfare, 120 Hariland Hall, Berkeley, CA 94720-7400 (R1, R3)

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

This report was issued by the Grand Jury with the exception of a juror (or jurors) who asked to be recused.

BIBLIOGRAPHY

California State Assembly. “*Assembly Bill No. 636*” Legalinfo.legislative.ca.gov. October 10, 2001. http://www.leginfo.ca.gov/faces/billNavClient.xhtml?bill_id=200120020AB636

Tehama County. “*Child & Family Services Review*”
<http://www.tcdss.org/index.php/childwelfareservices/cfsr>

The California Department of Social Services. “*The Structured Decision Making System.*” October 2015. http://www.childsworld.ca.gov/res/pdf/SDM_Manual.pdf

California Department of Education. “*Child Abuse Identification & Reporting Guidelines.*”
<http://www.cde.ca.gov/ls/ss/ap/childabuserreportingguide.asp>

Reed, Diane, Kate Karpilow. “*Understanding the Child Welfare System in California.*” June 2009. California Center for Research on Women and Families.

California Government Department of Social Services. “*CDSS County Data Reports.*”
<http://www.childsworld.ca.gov/PG1358.htm>

California Government Department of Social Services. “*Child Welfare Programs.*”
<http://www.cdss.ca.gov/inforesources/Guide>

U.S. Department of Health & Human Services. “*Child Welfare Information Gateway.*”
<https://www.childwelfare.gov/topics/systemwide/laws-policies/state/?CWIGFunctionsaction=statestatutes:main&CWIGFunctionspk=1>

Humboldt County Department of Health & Human Services, Child Welfare Services Division. “*Policy and Procedures.*”

University of California at Berkeley, School of Social Services. “*California Child Welfare Indicators Project.*” http://cssr.berkeley.edu/ucb_childwelfare/ReportDefault.aspx

United States of America Department of Justice