

# Responding in Time to Help Our ‘At Risk’ Children

## SUMMARY

The issues involved with the following report are raw, disturbing, and should be of concern to all members of our community. Our children depend on the actions taken by our teachers, bus drivers, caregivers, etc. to protect them from harm. Prompt attention in reporting suspected acts of harm to our vulnerable children is critical, and so is the response they get to reports of such abuse.

This Humboldt County Civil Grand Jury report is focused on the Mandatory Report process and procedure for reporting alleged emotional, physical and sexual abuse of the county’s young children. We found that many children in the county are living with serious issues of abuse and neglect. Our investigation addressed the three agencies most involved in the Mandatory Report process, namely School Districts, Law Enforcement and Child Welfare Services. We found numerous problematic areas within each of the agencies. More importantly, we found major problems in how the three agencies work together to handle the issues of our ‘at risk’ children. This report addresses all the difficult issues we uncovered. We make strong recommendations to each agency to improve these questionable practices.

## BACKGROUND

On December 1, 2016, a Town Hall Meeting was held in Eureka where State Senator Mike McGuire “spoke to a packed hall on the topic of childhood poverty and adverse consequences.”<sup>1</sup> On December 10, 2016, Paul Mann wrote an article about the Town Hall Meeting where he outlined the problem of ‘at risk’ children facing Humboldt County. Jon Sapper, Assistant Superintendent of Humboldt County Office of Education (HCOE), who served on the panel at the meeting, talked of the “astronomical costs of childhood violence, neglect, trauma and parental drug abuse.” Sapper goes on to explain that “Schools are the microcosms of the community at large,” and that “all the opportunities and deficiencies in the community turn up in the classroom.” The article further stated that “Childhood poverty inhibits crucial brain development during the earliest stages of life, with potential crippling consequences for normal adulthood that can extend on through old age.”<sup>2</sup>

Mann’s article noted that Humboldt County has one of the highest rates of what are called Adverse Childhood Experiences (ACE), “...2.5 times the state average and are symptomatic of a county sundered by disastrously high rates of drug crime, drug and alcohol deaths, murder, suicide and mental disorders.” Sapper further reported that “Children who experience multiple risk factors experience developmental delays with up to 100% certainty when five or six of those risk factors are present.”<sup>2</sup>

On a more positive note, McGuire stated that although Humboldt County has one of the highest rates of ACE in the state, and is “one of the few counties of the state that is working with schools, education providers and healthcare providers together to start combating the problem”. Jon Sapper stated that the crisis is “the most significant issue and challenge we in education and this community have faced in a very long time.”<sup>2</sup> This same caveat was expressed by the former (now retired) Humboldt County Superintendent of Schools, Garry Eagles, in a March 9, 2017 interview of Chris Hartley, (HCOE) published in the North Coast Journal. “As an organization,

HCOE must continue the work to build strong interagency partnerships that focus on addressing the health of children and families, including physical, mental and emotional well-being, all of which are essential for academic and life success. No one agency or organization can do everything that is required.”<sup>3</sup>

## **INTRODUCTION**

This Humboldt County Civil Grand Jury (HCCGJ) looked into some of the ways that Humboldt County addresses the issue of their ‘at risk’ children. These investigations produced two related but different reports. One report, entitled “Child Welfare in Humboldt: Getting the Door Open,” looks at the Child Welfare Services reporting policies and procedures. This report, entitled “Mandatory Reports of Children ‘At Risk’,” focuses on the process and procedures used by the three agencies most involved in Mandatory Reporting of suspected abuse and neglect of children.

The 2016-2017 Civil Grand Jury looked at various School Districts within the County. In our interviews with School District Representatives, it soon became apparent that most were struggling with their responsibility as Mandatory Reporters of suspected child abuse and neglect. They frequently described their subsequent interactions with Law Enforcement and the Child Welfare System pertaining to the ‘at risk’ children in their schools as “frustrating” and “problematic.”

According to California law (Penal Codes 11164 through 11174.30), all persons working in authoritative positions with children are required to report any suspected incidences of child abuse or neglect. Such persons, referred to as “Mandated Reporters,” must make the report of actual or suspected incidences of child abuse or neglect to a local law enforcement agency or child welfare department. Furthermore, Mandated Reporters must make the report within 36 hours of receiving information about the incident. And finally, the initial report can be made by phone or fax, but must be followed up within 36 hours with a written report.

Early in our investigation of the Mandated Report process we learned that there may be as many as three different agencies involved in the initial reporting and subsequent handling of allegations of child abuse and neglect filed by school personnel. Therefore, the entire process may include County School Districts, Law Enforcement, and Child Welfare Services.

## **METHODOLOGY**

During the course of our investigation we interviewed numerous sources within these three agencies. Regarding School Districts, which included both rural and urban areas, we talked with school administrators as well as personnel in teaching, nursing, and counseling positions. We spoke with various law enforcement persons, both police and sheriff officers. We also interviewed various personnel within the overall child welfare system. In our interviews with these sources we asked them to tell us about their experiences with Mandated Reports. We also asked each interviewee to discuss their own perceptions of and interactions with the other two agencies in the Mandated Report response process.

## **DISCUSSION**

During our investigations of these three agencies involved with Mandated Reports, we found problematic areas within each agency and with the interaction among the three agencies. We will address the results of our investigation from the perspective of each agency separately.

## 1. School Districts

Of the five School Districts we investigated, each of which included numerous schools, some representatives complained about the level of cooperation they received from law enforcement. All expressed high levels of frustration with Child Welfare Services in the initial filing and subsequent handling of Mandated Reports.

### A. Law Enforcement Cooperation (from the perspective of the School Districts)

The Arcata School District reported very positively on the level of cooperation they received from the Arcata Police Department when asking for their help in investigating possible child abuse and neglect. However, the other School Districts expressed multiple complaints regarding the cooperation of the Sheriff's Office in their locale when asking for aid.

Complaints most commonly heard about the response of various local offices of the Sheriff:

- They frequently do not answer our calls.
- They tell us that they do not have sufficient personnel to investigate.
- They investigate but do not file a report of their investigation.
- They go out to the home to investigate, but often improperly reveal to the family that the school made the allegation.

(California law regarding Mandated Reports Penal Code section § 1167(d) states that the identity of the reporter may only be disclosed among agencies receiving or investigating mandated reports and to attorneys in certain instances. The identity of the reporter may not be disclosed to the family of the minor. According to various school personnel, revealing their identity as the source of allegations destroys the relationship they work so hard to maintain with the child and/or family. Sheriff's Deputies justified their responses, stating that the family could easily figure out the source of the allegation on their own. Schools deny this, stating that Mandated Reports can be filed by neighbors, relatives, school bus drivers, etc., and families could not know the true origin if it were not revealed by the deputies.)

### B. Child Welfare Services Cooperation (from the perspective of the School Districts)

School District personnel were vociferous in their complaints regarding their interactions with Child Welfare Services (CWS). We list them relative to each step of the Mandated Reporting process as follows (initial call to CWS):

- "They often do not return our calls."
- "Totally worthless" was the most common comment regarding the CWS hotline.
- "We don't go that far South."
- "That is not within our jurisdiction."
- "You should call the Sheriff's Office about this."
- "Well did you go out to the home to investigate?" (Mandated Reporters are reporters, not investigators.)

## 2. CWS response to Mandated Reports

According to a CWS policy and procedures manual, upon receiving a Mandated Report from a school, allegations are evaluated and a form entitled EMERGENCY RESPONSE NOTICE OF REFERRAL DISPOSITION is supposed to be sent to the Mandated Reporter notifying them of the evaluation decision. The form lists the reasons why a case is or is not opened:

- Does not meet State requirements for intervention
- Allegations appear to be unfounded—case closed
- Allegations cannot be substantiated—case closed
- Situation stabilized—case closed
- Family has agreed to voluntary Social Services  
or
- Case open for service
- Referred to community agency
- Referred to Juvenile Court for investigation

Schools told us that often they never receive a reply from CWS on a filed Mandated Report. When they did receive a reply, it usually stated one of the following reasons for not opening a case:

- a. Most common: “Does not meet the State requirements for intervention.”
- b. Second most common: “referred to other services,” meaning that CWS made an initial inquiry and then referred the family to voluntary social services or another community agency but made no follow-up to learn if the family followed through on the referral.

When CWS decides to open a case and assign a Social Worker:

- School personnel complained that when CWS does assign a Social Worker to investigate an allegation, the Social Worker often does not contact the school to gather more information or inform the school on the progress of the investigation.
- School representatives reported that students often stated that their parents simply did not answer the door or the phone, especially if parents knew it was CWS making the call.
- School personnel told us that they felt as they continued to report on a certain child or family (sometimes as many as 6-21 times), and CWS finally agreed to investigate, the situation had seriously deteriorated over the months that passed.
- School representatives told us that there seemed to be a high turnover of people who are serving as Social Workers. Some felt this high turnover was probably due to heavy caseloads, transfers, or quitting. This became a problem for the schools when, in situations where many reports had been filed on a single child or family (6-21 times), the second or third Social Worker sometimes seemed unaware of the history of allegations filed on the child.

- School officials told us that CWS efforts to keep the family together whenever possible often seemed to take priority over the safety of the child.
- School personnel frequently expressed their concerns that Social Workers seemed inadequately trained to handle the complexity and sensitivity of the cases to which they were assigned.
- School administrators told us that when they did find a competent and reliable Social Worker, they preferred to contact that person regarding all future allegations, bypassing the CWS office whenever possible.

### **School District Problems**

The Humboldt County Civil Grand Jury (HCCGJ) found two problems within School Districts regarding Mandated Reports. One School District admitted that they often did not follow the necessary protocol for filing Mandated Reports. As explained in the beginning of this report, the law requires that an initial call of allegations be followed within 36 hours with a written report of those allegations. One School District admitted that they were often lax in following through with the written report.

Another School District reported that they did not keep track of Mandated Reports on their students. Some Reporters wanted to remain anonymous so they did not keep a copy of the filed report and did not always let the school know that they had filed a report. Thus, the School District has no repository of Mandated Reports filed on their students, and therefore is not aware when multiple reports have been filed on a single student.

### **County Law Enforcement**

Virtually all law enforcement officers interviewed by the HCCGJ stated that drugs and alcohol were involved in the majority of the Mandated Report cases they investigated. We contacted the Sheriff's Office to discuss school administrators' complaints that some law enforcement personnel, when investigating an allegation, would disclose to the family the identity of the reporter. The Sheriff's Office denied this, stating that they were very careful to follow the rule of anonymity of the reporter. However, several officers within the Sheriff's Office did share with us that sometimes they did disclose the origin of the report.

According to the Humboldt County Sheriff's Office Policy Manual Section 330.5– Investigations and Reporting, “In all reported or suspected cases of child abuse, a report will be written. Deputies shall write a report even if the allegations appear unfounded or unsubstantiated.” However, we learned that some deputies do not file a report after making an investigation, particularly if they could not substantiate the allegations.

By state mandate Law Enforcement must be notified in all allegations of physical, sexual abuse, or severe neglect of a child. And according to the DESK GUIDE of Humboldt County Child Welfare Services “Child Welfare Services is legally mandated to cross report allegations of physical, sexual, emotional abuse and severe neglect to the appropriate law enforcement agency that has jurisdiction (where allegation occurred).” The Sheriff's Office told us that initial deputy training concentrated on the sensitivity of such investigations and, indeed, the Humboldt County Sheriff's Office Policy Manual lists strict guidelines for the training of officers conducting these investigations. However, some deputies described a **“big problem”** within their own department in that new deputies and supervisors need more training to handle the severity and complexity

of the child abuse and neglect cases they must investigate. They told us that they had taken their concerns to the administration but without a proper resolution of the problem.

Law Enforcement did not share any complaints about working with the School Districts on Mandated Reports. They did however voice numerous problems in their interactions with CWS:

- We asked those in the Sheriff's Office who handle cases referred by CWS if the reports (called cross reports) arrive in a timely manner. The answer was "Sometimes, but rarely" and went on to describe "horrible" delays in receiving cross reports.
- CWS does not send the request for investigations to the Sheriff's Office in the time frame outlined in their own guidelines.
- CWS tends to send a week's supply of requests late Friday afternoon making it difficult for the Sheriff's Office to begin investigations until the following Monday.
- In cases involving possible physical or sexual abuse, Law Enforcement must be contacted within hours, but the Sheriff's Office told us they are sometimes called days or weeks after CWS received the initial report.

They further described problems with CWS:

- They do not always answer their phone.
- Sometimes we wait hours for a call-back.
- They report many problems with the screeners who do answer the phones.
- They do not always conference with us when a report of abuse/neglect is being investigated.
- They do not adequately follow-up on a case.

Law Enforcement also reported that they had on numerous occasions tried to improve cooperation with CWS regarding the Mandated Reporting process, but had not been successful in improving communications. While the Grand Jury supports apparent current efforts to create a task force to improve transparency and communication, the history of such past efforts give us reason to be skeptical at this time.

### **Children's Welfare Services**

CWS shared with us a copy of the report on the number of calls they received over the last three years. For purposes of this report, during the one year period 11-1-2015 to 10-31-2016 they received a total of 2,859 calls (reports). According to their report, 62% (1,782) were deemed to not meet the state requirement for an investigation. CWS determined that 32% (1,077) were best served by referrals out to other services in the community or provided by DHHS such as Family Counseling, Marriage Counseling, Public Nurse, Family Services, etc. CWS told us that it was not their prerogative to check if a family followed up on the referral and to do so would be a violation of the family's privacy. This report indicates that CWS opened a case for investigation on only 6% of the Mandatory Reports they received in this one year period.

We interviewed various Social Workers concerning the 'at risk' children in Humboldt County. All whom we interviewed appeared to be seriously dedicated to the work they were doing. We questioned each about the Mandatory Report process. We asked them to share their opinions about working with CWS:

- Some complained that new Social Workers did not receive the ongoing mentoring required to do the difficult job assigned to them. They went on to explain that although Social Workers had the proper education to do their work, they needed more time with a seasoned Social Worker to learn the skills to do the work in the field.
- Many complained of the long, drawn out practice followed by DHHS in hiring Social Workers, explaining that it often took four months from the time of applying to learn if they were hired. We were told that many applicants chose to go to other counties where the hiring practice was much quicker.

Some stated that there were times when keeping the family together seemed to take priority over the safety of the child.

- They reported that management often did not listen to people working in the field and many of the supervisors "did not know what they themselves were doing."
- Social Workers told us that there was little or no follow-up on recommendations made to individuals and families regarding outside help such as parenting classes.
- Some told us that when making an investigation of a Mandated Report that an attempt to make contact counted as a contact.
- They reported that a Social Worker coming in during an ongoing investigation may not have had time to read the complete file.
- They reported that the Department has overwhelming caseloads, high turnover and inexperience to handle the caseload.

Staff at CWS admitted that there had been many complaints about their hotline and intake process. We were told that sometime in early 2017, they decided to pull in Social Workers from the field and have them staff the phones for hotline intakes. They admitted that this caused a further shortage of workers out in the field, but felt they were better serving the calls from the community. In April, we made numerous calls to the CWS phone number and received a variety of replies; sometimes reaching a live person but often getting a long recorded message that did not address Mandated Reporting procedures or did so late in the recorded message.

Staff at CWS seemed unaware of any of the problems having to do with communication with the Sheriff's Office. They described the relationship as very good. Staff dismissed the complaints aired by School Districts and explained that many Mandated Reporters did not know how to properly fill out the reports or understand the criteria needed for proper reports. However, of the approximately 250 **redacted** Mandated Reports that we read, not one was filled out inappropriately or inaccurately.

CWS admitted that they are badly in need of additional staff to handle their work. Best estimates of unfilled Social Worker vacancies ranged from 10 to 22.

The HCCGJ found it difficult to assess the often conflicting and ever-changing information that it was receiving from CWS during our 8-month long investigation (November 2016-May 2017).

It is important to share some background information here. Early in 2016 Kamala D. Harris, Attorney General of California, "...launched a large-scale investigation into Humboldt County Child Welfare Services."<sup>4</sup> The Attorney General's Office served an investigative subpoena to the Humboldt County Department of Health and Human Services on February 24, 2016 seeking five years of Humboldt County child abuse records. The County's Motion to Quash the subpoena, which was supported by the Board of Supervisors, was denied without prejudice by the Court.<sup>5</sup>

Many of the reported incidents of child abuse cases filed by Mandated Reporters from the Klamath-Trinity Unified School District involved a high percentage of American Indian children. A recent study conducted by the California Department of Social Services has revealed that in 2015 American Indian children represented 7% of the total make-up of children in Humboldt County, yet they represented approximately 38% of the foster care population handled by the Humboldt County Child Welfare Services. The Attorney General's investigation focuses upon the County's response to the multifaceted problems of child abuse, as well as their responsibilities in reporting these incidents. Additionally, the subpoena requested data pertaining to the CWS process for removal of American Indian children from their families and their subsequent "out of care placement" in foster care homes.<sup>6</sup>

Various local American Indian leaders as well as CWS personnel have expressed their concerns about working together to provide better services to American Indian families, and following the federal Indian Child Welfare Act (ICWA) of 1978.<sup>7</sup> This Act was passed in response to frequent cases in which tribal children were being removed from their families and placed into foster or adoptive homes and boarding schools. The Intention of ICWA was "to protect the best interest of Indian children" and "to promote the stability and security of Indian Tribes and families" (25 U.S.C. Section 1902).

Also, early in our investigation of how Mandatory Reports are handled by the different county agencies, we learned that one School District sent a letter to Connie Beck, Director of Health and Human Services, in April, 2016 to express their concerns and frustrations about the lack of response and cooperation from CWS on cases they were reporting. Copies of this letter were also sent to the Deputy Director of Children and Family Services, to the Board of Supervisors and to the California Department of Justice. We learned that other School Administrators concurred with the views expressed in the letter and were making efforts to meet among themselves and find ways to confront CWS on what they considered inadequate responses to the Mandated Reports they were filing.

CWS is going through many rapid changes. This became evident in our interviews with them as the year progressed. We learned that policies and procedures were constantly changing, personnel were being moved around, some to other departments within DHHS and some to other in-house positions. We were told in the last week of April of two major changes: CWS has contracted with a department at University of California, Davis that works with county CWS departments to learn best practices and procedures for improving their programs and, secondly, CWS is setting up a task force with Law Enforcement personnel and School Districts to discuss and adopt policies for better transparency and communications. We applaud both of these major endeavors.

**FINDINGS**

F1. Most common allegations we found in Mandated Reports filed from late 2015 to early 2017:

- Children who threaten suicide
- Children who experience physical abuse from an older child or parent in their home
- Children who do not have adequate health care, e.g., untreated sores and infections
- Children living in a car or truck
- Children who are unwashed and unkempt without access to bathrooms or running water
- Children who experience inappropriate touching from family members or friends of family
- Children who live in homes where drugs and alcohol are used excessively every day
- Children who experience flea and rat bites on a regular basis
- Children (age 8 and younger) who are left unattended in their homes on a regular basis
- Children who are not met by an adult after school and do not have a ride home

F2. School Districts that do not follow the correct process for filing Mandated Reports are making it impossible for CWS and Law Enforcement personnel to address the needs of their 'at risk' students.

F3. Some schools do not keep a repository of Mandated Reports filed by their school and are therefore are unaware when numerous reports have been filed on a single student, possibly creating a situation where an endangered student could fall through the cracks.

F4. Some members of the Sheriff's Office do not file reports on cases they investigated thus jeopardizing the child's welfare.

F5. Sometimes members of the Sheriff's Office disclose to the families the identity of the Mandated Reporter resulting in a violation of state law.

F6. Sheriff's deputies need more training on how to handle the complicated and serious cases they are assigned to investigate.

F7. Many of the individuals within CWS whom we interviewed complained of the long and complicated hiring process for Social Workers, delaying much needed services.

F8. Many of the Social Workers we interviewed stated the need for a better mentoring process for training new Social Workers to effectively work in the field.

F9. There is an urgent need for more Social Workers. We have been told there are between 10 and 22 vacancies.

F10. CWS staff is contracting with a program from University of California, Davis for advice regarding policies and procedures which are expected to increase service efficiencies.

F11. CWS often does not communicate with School Districts and Law Enforcement on the ongoing status of a case under investigation.

F12. CWS frequently does not handle allegations in a timely manner as dictated by their own policy and procedures as well as state law.

F13. CWS often does not follow up on cases that are “evaluated out.”

F14. Humboldt County has an urgent need to improve how it addresses the needs of our American Indian ‘at risk’ children, including a more comprehensive orientation for incoming staff on local American Indian culture.

F15. In the course of our investigation we discovered evidence of a disproportionate number of American Indian children removed from their homes.

## RECOMMENDATIONS

R1. The Humboldt County Civil Grand Jury recommends that the Humboldt County Office of Education instruct all School District personnel of the importance of filing a written report of allegations after making the initial call or FAX of allegations of abuse or neglect. CWS cannot or will not follow through if a written report is not filed. **(F2, F3)**

R2. The Humboldt County Civil Grand Jury recommends that a deputy of the Sheriff’s Office always complete and file a report of an investigation even when allegations are not validated. If they have a list on file of five or more investigations on a single child or family, they may find that a family is “too easily excusing” a single incident and a more in-depth investigation of allegations is indicated. **(F4)**

R3. The Humboldt County Civil Grand Jury recommends that the members of the Sheriff’s Office making an investigation not disclose the source of the allegations. **(F5)**

R4. The Humboldt County Civil Grand Jury recommends that the Sheriff’s Office be more diligent in training its responding deputies on the serious and sensitive issues involving questioning “at risk” children. **(F6)**

R5. The Humboldt County Civil Grand Jury recommends that the Department of Health & Human Services streamline its lengthy hiring process of new Social Workers. **(F7)**

R6. The Humboldt County Civil Grand Jury recommends that Child Welfare Services provide a more in-depth mentoring program for new Social Workers. **(F8)**

R7. The Humboldt County Civil Grand Jury recommends that Child Welfare Services take immediate steps to fill the many vacancies in their Department. **(F9)**

R8. The Humboldt County Civil Grand Jury recommends that Child Welfare Services work closely with the University of California at Davis program for improvement of services. **(F10, F12, F13)**

R9. The Humboldt County Civil Grand Jury recommends that Child Welfare Services continue to work with their newly developing task force (not to be confused with the Department of Health and Human Services Blue Ribbon Task Force) to improve relationships with School Districts and Law Enforcement in order to deal more effectively with the problem of ‘at risk’ children within Humboldt County. **(F11)**

R10. The Humboldt County Civil Grand Jury recommends that Child Welfare Services leadership continue to work collaboratively with all local American Indian Tribes in both coordinating County services as well as following the Indian Child Welfare Act (ICWA). **(F14)**

R11. The Humboldt County Civil Grand Jury recommends that the Department of Health and Human Services reexamine all cases within the last five years involving American Indian children who have been removed from their homes, to ensure compliance with the Indian Child Welfare Act (ICWA). **(F15)**

## REQUIRED RESPONSES

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

- Humboldt County Office of Education **(R1)**
- Humboldt County Sheriff's Office **(R2, R3, R4)**
- Department of Health and Human Services **(R5, R11)**
- Child Welfare Services **(R6, R7, R8, R9, R10, R11)**

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.*

## FOOTNOTES

1. Eureka Times-Standard, 12/01/2016, "A 'hidden crisis,' Local leaders call for collaboration to combat child poverty," Will Houston
2. Mad River Union, 12/10/2016, "A Calamity of Historic proportions," Paul Mann, p. 4
3. North Coast Journal, 3/9/2017, "Hello and Goodbye," Thadeus Greenson, pp.6-7
4. Lost Coast Outpost, 3/29/2016, "State Attorney General's Office Launches Large-scale Investigation into Humboldt County Child Welfare Services," Hank Sims
5. North Coast Journal-News Blog 3/29/2016, "State conducting Sweeping Investigations of DHHS Handling of Child Abuse Reports," Thadeus Greenson
6. Eureka Times-Standard, 4/2/2017, "State to address custody report," Will Houston
7. [http://www.nicwa.org/Indian\\_Child\\_Welfare\\_Act/7](http://www.nicwa.org/Indian_Child_Welfare_Act/7)

## GLOSSARY/Acronyms

ACE: Adverse Childhood Experiences

CWS: Child Welfare Services

HHS: Department of Health and Human Services

HCCGJ: Humboldt County Civil Grand Jury

HCSA: Humboldt County School Administrators

HCOE: Humboldt County Office of Education

HCSO: Humboldt County Sheriff's Office