

2012-2013 GRAND JURY REPORT

Department of Public Social Services *Child Protective Services*

Background

Child Protective Services (CPS) is a division of the Riverside County Department of Public Social Services (DPSS). CPS provides programs and services to help protect children from abuse and neglect. According to the current Children's Services Handbook Mission Statement and Practice Principles:

Child Protective Services of Riverside County is committed to:

- *taking the lead in protecting children from further abuse and neglect that are entrusted to our care*
- *providing individualized interventions to families which provide the opportunities for children to be raised in homes free of abuse and neglect*
- *ensuring our communities are served by competent and dedicated staff working within the framework of Child Protective Services' Practice Values, and*
- *working towards the Child Protective Services Vision which is based on all children's entitlement to safety and protection.*

The major laws affecting child protection and welfare are found in the California Welfare and Institutions Code (WIC). In addition, the California Department of Social Services (DSS) issues regulations counties must meet. Counties have some flexibility to adjust guidelines according to the county's needs.

CPS encompasses an array of programs. The basic mandated services are:

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

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

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

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

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

DPSS has a 2012-2013 Fiscal Year operating budget of approximately \$773,000,000. Reimbursement comes from a variety of sources: Federal 49.6%, State 19.6%, Realignment Funds 24.5%, Program Revenue 0.2%, and Riverside County 6.1%.

There are approximately 450 county workers in CPS, which include supervisors and 90 to 100 investigators. There are 7 social workers assigned to each supervisor. Riverside County (County) had not hired for this department in the past three years and has reassigned responsibilities within the department; however, CPS has recently started hiring in a limited capacity. Social worker staff is distributed throughout the county in six regions:

- Desert
- Metro Riverside
- Mid County
- Southwest
- Valley
- West Corridor

In 1995, the County Board of Supervisors requested a comprehensive review of the county's child protective system by the Child Welfare League of America (CWLA). The CWLA report, titled "*In our Hands Working Together to Protect Riverside County Children,*" was presented to the County Board of Supervisors and approved in their minutes of March 1996. Since that time, the County's population has grown to over 2.2 million and the prevalence of abuse and neglect has significantly increased.

In 2011, CPS received 57,876 Hot Line calls. Of calls received, 23,458 involved families, and 44,737 children were reported as abused and/or neglected. Of those, 82% were investigated and 21% of those were found to be substantiated; 9% resulted in an open case with 6% (2,438) of the children being removed from the home and taken into protective custody following the investigation. There are currently 3,990 children under CPS's supervision.

When making an abuse and/or neglect allegation, the call is received by The Central Intake Center. If the report meets the criteria for an investigation by CPS, allegations are evaluated and referred to an emergency response (ER) worker. Upon completion, the investigation is determined to be substantiated, inconclusive, or unfounded. See definitions below from:

Children's Services Handbook Module 2, Chapter 2, Section E, Release Date 1/31/2012. *Determining allegation conclusion upon completion of the investigation, the assigned social worker shall determine and specify a conclusion for each allegation identified in the ER referral:*

- **Substantiated** *"Substantiated report" means a report that is determined by the investigator who conducted the investigation to constitute child abuse or neglect, as defined in Section 11165.6, based upon evidence that makes it more likely than not that child abuse or neglect, as defined, occurred. A substantiated report shall not include a report where the investigator who conducted the investigation found the report to be false, inherently improbable, to involve an accidental injury, or to not constitute child abuse or neglect as defined in Section 11165.6.*
- **Inconclusive** *"Inconclusive report" means a report that is determined by the investigator, who conducted the investigation not to be unfounded, but the findings are inconclusive and there is insufficient evidence to determine whether child abuse or neglect, as defined in section 11165.6, has occurred.*
- **Unfounded** *"Unfounded report" means a report that is determined by the investigator who conducted the investigation to be false, inherently improbable, involve an accidental injury, or not constitute child abuse or neglect as defined by Penal Code Section 11165.6.*

The Grand Jury discovered through its investigation, that overall consideration is not presently being given to current and prior history.

Methodology

Findings in this report were obtained through sworn testimony of complainants, the DPSS Deputy Director of CPS, intake specialists, case workers, and supervisors in a variety of positions with CPS throughout Riverside County. Court records and law enforcement investigation records were examined. Also reviewed were:

- 1999-2000 Grand Jury report titled “Department of Public Social Services Child Protective Services”
- Child Welfare League of America report dated March 12, 1996, “In Our Hands: Working Together to Protect Riverside County Children”
- Riverside County Integrated System Improvement Plan Annual Update from March 2011
- California Child and Family Services Review 2012 Riverside County Self-Assessment
- Current Child Services Handbook of Department Policy and Procedures
- Penal Code
- Welfare and Institutions Code
- Various pamphlets from CPS
- Children’s Services Fact Sheet
- CPS Complaint Report

Findings

1. The Grand Jury found that by using the California Family Risk Assessment Form, DPSS/CPS does not place enough value to “neglect factors,” which are “risk factors.” In sworn testimony, the Grand Jury was informed that case workers were encouraged to close out referral cases when the investigation did not meet the “neglect” criteria on the California Family Risk Assessment Form. Reports from DPSS/CPS were classified as unfounded and unsubstantiated and cases were closed. The Grand Jury, in review of documents, found some of the following conditions have existed:
 - Substance abuse
 - Domestic violence
 - Lack of supervision
 - Absence from and poor performance in school
 - Poor household management
 - General neglect

California Risk Assessment Form and Definitions pages 61 thru 69 in **Structured Decision Making Policy and Procedures Manual Manual Date 2008 (updated 4/28/09)**. To see this document refer to: (http://sharepoint/need/Projects/California/543/PP_Manual/PP_Manual/Part1.doc)

And:

Welfare and Institutions Code §300.2

Notwithstanding any other provision of law, the purpose of the provisions of this chapter relating to dependent children is to provide maximum safety and protection for children who are currently being physically, sexually, or emotionally abused, being neglected, or being exploited, and to ensure the safety, protection, and physical and emotional well-being of children who are at risk of that harm. This safety, protection, and physical and emotional well-being may include provision of a full array of social and health services to help the children and family and to prevent re-abuse of children. The focus shall be on the preservation of the family as well as the safety, protection, and physical and emotional well-being of the child. The provision of a home environment free from the negative effects of substance abuse is a necessary condition for the safety, protection and physical and emotional well-being of the child. Successful participation in a treatment program for substance abuse may be considered in evaluating the home environment. In addition, the provisions of this chapter ensuring the confidentiality of proceedings and records are intended to protect the privacy rights of the child.

2. The Grand Jury, found that there is no definition for “*global assessment*” in their Glossary of Terms. In sworn testimony, the Grand Jury was told that “*global assessment*” is used when a referral necessitates an investigation. The definition given was, “they look at everything that is occurring at the home, not just what the original referral was for.” The Grand Jury’s review of records and sworn testimony revealed that social workers do not consider all current and prior history, as well as the “*referral history alert*.” Prior history may have included:

- Convictions of various crimes that interfere with the families function
- Parents had demonstrated an inability to provide protection
- Substance abuse problems
- Instability and erratic behavior
- Hazardous and unsanitary home conditions
- Children often do not attend school
- Numerous law enforcement calls to a residence
- An excessive amount of people living at a residence

According to:

**Children's Services Handbook Module 2, Chapter 2, Section D,
Release Date 12/2004:**

Referral: When a referral has been received for investigation the social worker shall complete the following steps:

1. *Review the referral information, the identity of children and adults in the home and their relationship(s).*
2. *Assess the documented allegations and the narrative information which support each allegation.*
3. *Assess for exigent circumstances (imminent risk).*
4. *Assess for TRAC/RCAT/OHI/CAN criteria.*
5. *Confirm school and home address/location.*
6. *Review associated police or medical reports.*
7. *Review previous child welfare services records.*
8. *Contact referent for additional information.*
9. *Obtain criminal history on all adults in the home.*
10. *Assess the need for law enforcement involvement.*
11. *Prepare necessary equipment and forms (camera, cell phone, childcare seats, J132A, family maintenance agreement, service referral forms).*

In addition, the social workers use the California Family Risk Assessment form from **Structured Decision Making Policy and Procedures Manual, Manual Date May 2008 (updated 4/28/09)**, pages 61 and 62. While the form addresses questions relating to the above conditions, it does not place enough credence to validate a continuing pattern of compounding neglect. Refer to:

http://sharepoint/need/Projects/California/543/PP_Manual/PP_Manual_Part_1.doc

3. Sworn testimony revealed that DPSS/CPS has not diligently considered all law enforcement calls to the homes where dependent children reside, which limits their ability to assess all factors relating to the children's safety. Social workers have limited access to law enforcement records. Step 9, listed below, from the Children's Services Handbook, is being followed to some extent. Testimony revealed not all social workers investigate fully into the criminal history of adults living in the home, nor do they investigate the medical, psychological, or school records of children with ongoing neglect and abuse complaints.

According to:

**Children's Services Handbook Module 2, Chapter 2, Section D,
Release Date 12/2004:**

Receipt/Review of Referral Step 9

Obtain criminal history on all adults in the home.

**Children's Services Handbook Module 1, Chapter 2, Section A,
Release Date 1/5/2012:**

*A collateral is anyone who has knowledge about the allegation(s) in the referral, anyone who **provides** services to the child and/or family, persons significant to the child, care providers, and other professionals.*

4. Sworn testimony by social workers indicates they are overloaded with cases and cannot properly evaluate the cases assigned to them. Some workers have testified to having forty cases. Other testimony indicates social workers are "overloaded" with paperwork:
 - 7-14 reports per month
 - 30 day written evaluations
 - Court reports every 6 months requiring an average of 6 hours per report

5. DPSS/CPS has a complaint process; however, in sworn testimony it was found that not all social workers are aware or understand it. Some social workers fail to adequately inform clients of the complaint process, nor do they assist them with their complaints. As a result, customers' and dependent children's rights are not being protected. The **Children's \ Services Handbook Module 1, Chapter 3, Section B, Release Date 1/2004**, pages 75 and 76 states:

The social worker shall be responsible for the following:

Background

The reputation of an agency is directly related to the ability of its employees to resolve complaints equitably and quickly. Therefore, all complaints must be reviewed, responded to, and resolved as expeditiously as possible.

Policy

All child welfare customer service complaints filed by clients, relatives, elected officials or others must be received and tracked to ensure that CPS complaints are reviewed, responded to and resolved as quickly as possible.

Complaints shall be addressed and resolved by:

- 1. initially handling and reviewing at the lowest level by the case-carrying social worker and the first-line supervisor,*
- 2. review and consultation by the regional manager with the case-carrying social worker and first-line supervisor,*
- 3. ensuring action is taken to remedy the situation and resolve the complaint, and*
- 4. reporting any and all actions to the Deputy Director*

Social Worker

The social worker shall be responsible for the following:

Responsibilities	Description
Review complaint	Review complaint assignment.
Contact complainant	Contact complainant and discuss complaint.
Consult supervisor	Consult supervisor for assistance in resolving complaint, if not apparent, or with ideas for resolving complaint.
Consult with regional manager	Consult with supervisor and regional manager regarding options for resolving complaint.
Resolve complaint	Follow through with options for resolving the complaint. If not resolvable, request regional manager speaks with complainant.
Provide information to assigned staff	Provide all complaint and resolution information to the region's assigned staff.

6. DPSS/CPS workers are required to complete "core induction training" before being assigned cases. Sworn testimony indicates that not all social workers receive the nine week "core induction training" prior to case assignment. The current policy requires a supervisor to accompany one social worker in the field one time per month.

Recommendations

Riverside County Board of Supervisors Department of Public Social Services

1. Policies and procedures shall be developed and implemented to specifically address risk factors that affect the long-term health, growth, and development of children. A form shall be developed to include the accumulating and compounding effects of risk factors. New policies and procedures shall be developed and implemented to address continued monitoring of any investigation where a referral for services was given. This monitoring shall continue until such time as the customer fully complies with the referral.
2. DPSS/CPS shall develop and include the definition of “*global assessment*” in their Glossary of Terms. They shall also review their current policy with regards to “*referral alerts*” and enhance this procedure to make these alerts more visible to the case workers when viewing the history of a family. This alert shall also include a date of the last case study done on a family, with all updates, and incorporate in their final assessment of a referral, and a case study which places emphasis on all past history of the family. When a “*global assessment*” is conducted, criminal history shall be obtained on all occupants of a residence where minor children reside.

They shall also adhere to their policy and procedure in the **Children’s Services Handbook Module 2, Chapter 2, Section D, Release Date 12/2004.**

3. DPSS/CPS shall develop and implement policies and procedures that will obtain information from law enforcement, medical, psychological, school personnel and any additional collateral contacts. This will provide information to caseworkers of law enforcement activity at the home address of dependent children and other pertinent information regarding school attendance and/or medical information. DPSS/CPS will also continue to obtain criminal history on all adults in the home pursuant to their current policy in **Children’s Services Handbook Module 2, Chapter 2, Section D, Release Date 12/2004.**
4. DPSS/CPS shall evaluate the case load for their social workers, including adequate report preparation time, and comply with the recommended guidelines as set forth by California Welfare and Institutions Code §18994.4(3)(c) which states:

(c) Caseloads that are balanced in size, not to exceed 25 cases per home visitor, and intensity (services intensity varies with client need).

5. DPSS/CPS shall develop and implement policies and procedures for all social workers to advise clients on their initial home visit of the complaint process, specifically by reading the pamphlet and answering any questions the client may have. As stated in the **Children's Services Handbook, Module 1, Chapter 3, Section B, Release Date 1/2004**, pages 75 and 76, "Clients, relatives, elected officials or others shall be made aware of the complaint process and how to file one if needed."

6. DPSS/CPS social workers shall complete their nine week "*core induction training*" before any social worker goes out into the field. Upper management shall establish a plan for experienced social workers to mentor inexperienced social workers. DPSS/CPS shall develop and implement policies and procedures requiring supervisors to accompany each social worker in the field a minimum of once a month.

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