



SANTA CRUZ COUNTY
Civil Grand Jury

701 Ocean Street, Room 318-I
Santa Cruz, CA 95060
(831) 454-2099
grandjury@scgrandjury.org

Best Interest of a Child – Report on Child Protective Services

Perception Is Reality

Summary

The 2023-2024 Santa Cruz Civil Grand Jury investigated the Child Protective Services (CPS) Agency since there was a perception by some Resource Families (Foster Families) that CPS in Santa Cruz County was reunifying children with their Birth Families at all costs. The investigation concluded that based on metrics it could not find any evidence to uphold this perception.

This report suggests improvements in three areas:

1. Publish outcome based metrics on the website to improve transparency. This will allay concerns of ideological bias in the decision making process by Child Protective Services.
2. Update and publish the complaint process - who gets involved at what stage and the metrics associated with it. For example, number of complaints, time to resolve them and number of complaints that get escalated to different levels.
3. Record Child Family Team meetings. This will be valuable when there is a dispute between the social worker's notes and the accounts of any other members who are involved in these meetings.

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Background

The Civil Grand Jury started this investigation for the following reasons:

1. The Civil Grand Jury had received complaints from Resource Families over the past year. The complaints reflected that Santa Cruz County Child Protective Services were “reunifying” the child with Birth Parents at “all costs.” In some cases, the reunification was claimed to cause harm to children with behavioral issues.
2. CPS operations have not been reviewed by the Grand Jury since 2002-03.

CPS provides protective services and support to abused and neglected children and their families in Santa Cruz County. Services include emergency response, in-home family preservation services, family reunification services, and foster care. CPS also issues licenses for Resource Homes (formerly called foster homes) and family day care homes. In addition, the Division operates programs to prevent child abuse and domestic violence and to provide adoptions. Services are mandated by state statute pursuant to the California Welfare & Institutions Code (WIC) which defines its area of purview as

WIC §300 (b) (1) A child that has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness as a result of any of the following:

- (A) The failure or inability of the child's parent or guardian to adequately supervise or protect the child.*
- (B) The willful or negligent failure of the child's parent or guardian to adequately supervise or protect the child from the conduct of the custodian with whom the child has been left.*
- (C) The willful or negligent failure of the parent or guardian to provide the child with adequate food, clothing, shelter, or medical treatment.*
- (D) The inability of the parent or guardian to provide regular care for the child due to the parent's or guardian's mental illness, developmental disability, or substance abuse.^[1]*

CPS is allowed to remove children from any home suspected of child endangerment. This wide-ranging authority allows staff to remove children from homes, levy allegations and refer cases for possible criminal prosecution.

As of December 31, 2023, the CPS was overseeing the welfare of 173 children - 47 of them were resident with their Birth Parents and 126 were with Resource Families.^[2]

Scope and Methodology

The scope of this investigation is to probe into the CPS process and check if there is any validity to the complaints submitted to the Grand Jury by the Resource Families (formerly known as foster families). Is there a systemic problem within the agency? Due to privacy laws, it was not possible to investigate individual cases. Therefore, the Grand Jury decided to look at the data to see if it indicates any patterns that could reflect the validity of the complaints.

The sources of information gathered for this report include:

- Interviews with CPS personnel and the public.
- Relevant articles, published reports, newspaper articles, and documents found online regarding Child Protective Services.
- The Grand Jury report of 2002-2003 - “*Family and Children’s Services*”^[3]

Investigation

The Grand Jury heard reports of unsupervised custody handoffs in dark parking lots with no CPS personnel in attendance. There was also a complaint of the child being returned to the Birth Parents from a Resource Family who had not achieved the level of stability required for reunification.

The Grand Jury noticed a common theme with many of the complaints. They include:

1. **Failure to Apply Bypass Criteria**^[4]: Cases consistently show decisions prioritizing reunification over children's well-being, with social workers failing to consider established criteria meant to protect children at risk.
2. **Visitation Conflicts**: Frequent disputes arise around visitation schedules, particularly when children express fear or resistance.
3. **Trauma from Disruption**: Abrupt removals from stable foster placements create significant emotional distress for children. Hand-offs are not always warm, and lack of compassion was a constant theme.
4. **Potential Risk of Reunification**: Concerns are raised about reuniting children with potentially harmful Birth Parents who haven't addressed the issues that led to their removal.
5. **Social Worker Conduct**: Complaints of insensitive treatment, intimidation, and potentially falsified records highlight possible misconduct by social workers.^{[5] [6] [7] [8]}

Limitations Accessing CPS Data

The whole CPS process is protected by privacy laws and therefore no one from the outside (except the CPS staff and the court system) have access to the proceedings or documents. Therefore, the Grand Jury cannot investigate individual complaints. The Grand Jury could only look at the long term trend using data collected over the past ten years. After listening to and reading the complaints, the Grand Jury decided to interview CPS staff to understand if there is data available that can show any pattern pointing to a systemic bias. It was not easy to find the relevant staff in CPS to talk to about the CPS process since there is no organizational chart listed on the website. One of the interviewees acknowledged the shortcoming of not listing the organization chart on the website and promised that it will be corrected soon.^[9]

Origins of Perceptions of Bias

In public welfare systems such as CPS, generally the children who are removed from the Birth Families tend to come from a lower socioeconomic class. The Resource

Families tend to come from a higher socioeconomic background. In the past, the CPS system was thought to be biased towards the Resource Families. Yet the current law tends to lean towards equity which leads to some staff feeling that they should “over calibrate” towards the Birth Families. The staff strongly agrees that family reunification is of the highest priority unless there is a danger to the child. This inherently creates a conflict since during the reunification process, the Resource Families feel that their voices are not heard.^{[10][11]}

The Jury learned that what’s in the best interest of a child is extremely hard to determine and can be subject to some intense debates. Is the system trying to over-correct this past problem? This can also lead to a perception problem for all concerned parties.^{[10][11]}

Lack of Data Transparency

While the CPS website provides information about their services, there is no data regarding the outcome of their services. Also, the public cannot get insight into the volume of services. The specific statistic that the Grand Jury looked at was “how many children and teens exiting” the CPS system. The [California Welfare Indicators Project](#)^[12] maintained by University of California holds data related to reunification. (See Figure 1 below.) In contrast, none of the relevant data was available from Santa Cruz County’s public [website dedicated to CPS](#).^[13]

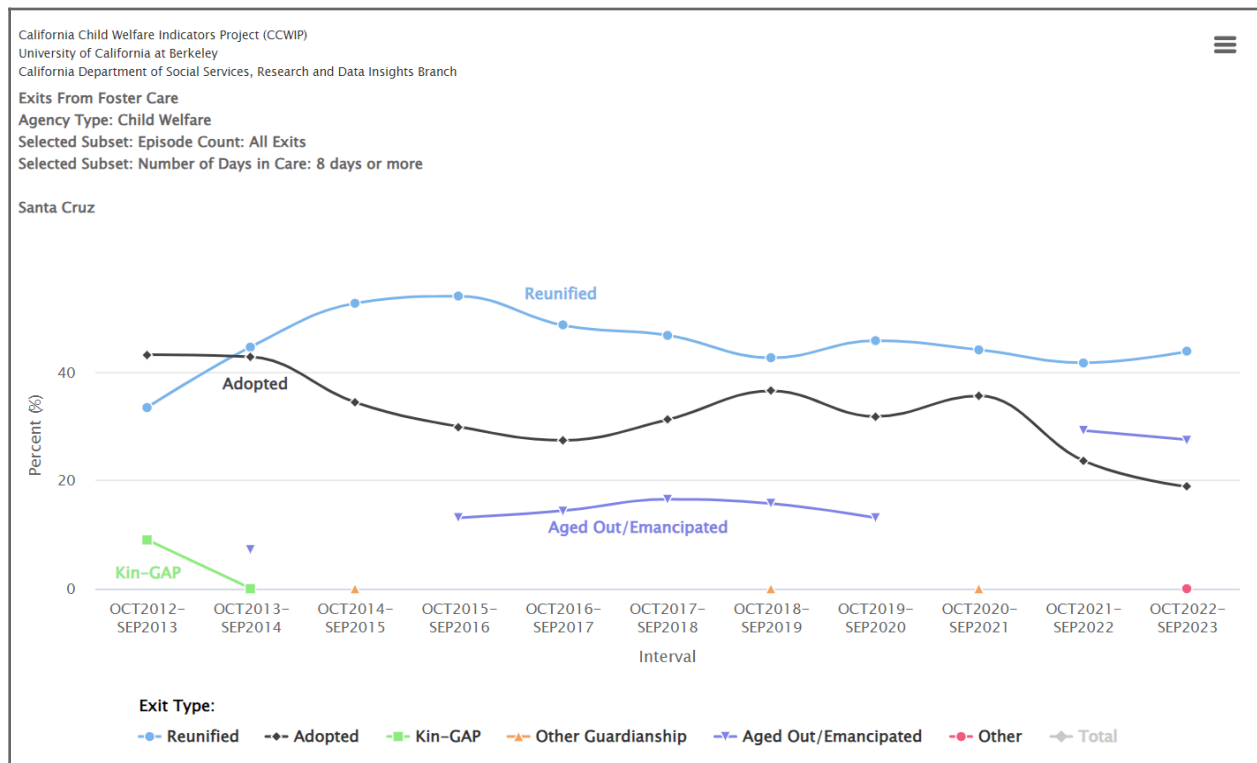


Figure 1. Data from the California Welfare Indicators Project for Santa Cruz County.^[14]

The blue line in Figure 1 represents the percentage of children and teens reunited with their Birth Families. Between 2012 and 2023, that percentage varied from 33% in 2013

to 43% in 2023 and peaked at 54% in 2016. The percentage graph or the actual number graph did not show any particular trend towards reunification or a bias against it.

Bypass Decisions Seem Arbitrary

Resource Families believed that the “bypass” criteria were not being applied in the County in some instances. The goal of CPS is to reunite with Birth Families as long as there is no danger to the child. Towards that goal, the CPS provides various programs for Birth Families to become eligible for reuniting with the child. The “bypass” refers to a situation where reunification services are not offered to parents after their child has been removed from their care. This means CPS won't work towards reuniting the child with the birth parents and will instead focus on finding a permanent placement for the child, such as adoption or guardianship.

Some examples where the “bypass” is applied are:

- Chronic use of alcohol or drugs
- Parent incarcerated or violent felony
- Severe physical abuse of child under 5
- Physical / sexual abuse again
- Prior termination of reunification services

For a full list see “Bypass-at-a-Glance” in the Websites section below.^[4]

The complainants felt that in some cases the “bypass” criteria should have been applied. In their opinion, if the “bypass” criteria were applied then the child would have never been a candidate for reunification and therefore would have avoided the emotional trauma for the child and the Resource Families.

Due to confidentiality restraints, the Grand Jury was unable to investigate individual cases to review how criteria were applied. However, for the past two years, thirteen cases were found to be eligible for bypass in Santa Cruz County. CPS applied the bypass criteria in seven of those cases. The children in these cases then became eligible for permanent placement.^[15]

Lack of Follow Up Data

At the present time, follow up by CPS happens only up to 18 months after the child is reunited with the Birth Family. This may not be enough time to determine the effects of reunification. In an interview with a complainant, the Grand Jury was told that five years after reunification, a child they had fostered was experiencing behavioral problems at school and was suffering from depression.^[16]

Complaint Process Transparency

There is no documentation of the complaint process in Santa Cruz County, either on the website or available through CPS personnel interviews.^[17] Currently complaints are lodged with the social worker. Supervisors are not advised of complaints unless the social worker brings the issue to the supervisor. Furthermore, there is no data available on the number of complaints received year by year and their resolution status.

The 2002-2003 Grand Jury report titled “*Family and Children’s Services*,”^[18] recommended, “The County Board of Supervisors create a Citizen Review Board as recommended by the Little Hoover Commission.”^[19] This Board should review child welfare services and make recommendations to the Board of Supervisors, local agencies and others regarding improvements. Membership should include representatives from education, foster care youth, health care, civic and business.

The Citizen Review Board should hire a Child Welfare Inspector General with the authority to recommend improvements. Responsibilities should include enforcement of rules for CPS, reform of the foster care program, and building a volunteer support network. The Citizen Review Board can look into these unresolved complaints to identify any systemic issues. This will also eliminate any appearance of the conflict of interest in the eyes of the complainants.

Team Meetings

Throughout the reunification process, multiple meetings, generally referred to as Child Family Team (CFT) meetings, take place. The CFT includes everyone who has an interest in the child: CPS staff, birth parents, resources parents, social workers, doctors, psychiatrists, teachers, and possibly more. Notes about the meeting are produced by a social worker after conclusion of the meeting. The notes are available to all the participants. The Grand Jury found some Resource Families felt social workers’ notes did not accurately reflect what happened during the meetings. Due to the nature of these meetings, they are not recorded. Therefore, there is no way to resolve these differences in perception to the satisfaction of all parties.

Conclusion

This investigation was undertaken as a result of complaints received by the Grand Jury. Complainants believed that CPS policies regarding child safety were not being followed. The investigation was hampered by data that was largely insufficient or unobtainable. This results in Resource Families’ perception that child safety is not being prioritized. The Grand Jury was not able to substantiate this claim based on the available data reviewed. The Grand Jury remains concerned that this perception will persist unless there is more transparency of both data and operations. This perception may prevent a sufficient number of Resource Families from signing up to provide this valuable service which is critical for the protection of neglected and abused children in our community.

Findings

- F1.** It is hard to contact the relevant people in CPS to get information since there is no organizational chart published on the website. People don’t know who they can contact for specific issues.

- F2.** The lack of readily available CPS data metrics accessible on the Santa Cruz County website can lead to perceptions based on individual experiences. Perception becomes reality if data is not provided which can lead to public distrust of the system.
- F3.** Lots of data is available on the California Welfare Indicators Project maintained by University of California for the whole state of California for each county. It is hard to sift through and find relevant data for Santa Cruz County.
- F4.** There is no formal complaint process. You can lodge a complaint only with your social worker. When the complainant is not happy with the resolution, complaints are lodged with the Grand Jury. This is ineffective and results in a lack of accountability or follow up on the complaint.
- F5.** Child Family Team members often dispute the accuracy of "official" meeting notes taken by the attending CPS Social Workers, leading to lack of trust between team members.
- F6.** The lack of data makes it difficult to determine whether bias is present either to Resource Families or Birth Families to the detriment of the child.

Recommendations

- R1.** The Grand Jury recommends that CPS publish an organizational chart by October 31, 2024. (F1)
- R2.** The Grand Jury recommends that CPS publish outcome based metrics, such as number of children moved to Resource Families, number of Resource Families available in the County, number of successful and failed reunifications, and identify success metrics for children under care, on an annual basis on their website to improve transparency by December 31, 2024. (F2, F3, F6)
- R3.** The Grand Jury recommends that CPS create and publish the complaint process. This published process should include a supervisor not vested in the outcome who can review the complaints. This process and the accompanying metrics like number of complaints and resolution times should be made available to the public by December 31, 2024. (F4)
- R4.** The Grand Jury recommends that the County Board of Supervisors establish a Child Welfare Oversight board and an Inspector General similar to what the 2002-2003 Grand Jury recommended. This could help resolve bias, impropriety and undue influence complaints and will help provide transparency and increase trust in the CPS process. The Grand Jury recommends that the planning for this should start by December 31, 2024, with the board fully implemented six months after the planning is finished. (F4, F5)
- R5.** The Grand Jury recommends that the CPS department begin to record the Child Family Team meetings by the end of December 31, 2024. (F5)

Required Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Board of Supervisors	F1–F6	R1–R5	90 Days September 16, 2024

Invited Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Director, Santa Cruz County Child Protective Services	F1–F6	R1–R3, R5	90 Days September 16, 2024
Director, Santa Cruz County Human Services Department	F1–F6	R1–R3, R5	90 Days September 16, 2024

Definitions

- **CPS:** Child Protective Services
- **Resource Families:** Formerly referred to as Foster Families.
- **Birth Parents:** Biological parents of the child
- **Bypass Criteria:** Criteria used to “bypass” Birth Parents reunification services and move the child to a permanent placement^[4]

Sources

References

1. FindLaw Staff. January 1, 2023. *FindLaw.com*. California Welfare & Institutions Code SS300. “California Code, Welfare and Institutions Code - WIC § 300.” Accessed December 13, 2023.
<https://codes.findlaw.com/ca/welfare-and-institutions-code/wic-sect-300/>
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<https://www.santacruzcountyca.gov/grandjury/GJ2003/Content/4-1CPS.htm>
4. Shawna Schwarz. March 25, 2024. “Bypass-at-a-Glance.” *courts.ca.gov*. Accessed March 25, 2024.
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15. Confidential Grand Jury document.
16. Confidential Grand Jury interview.
17. Confidential Grand Jury interview.
18. Santa Cruz County Grand Jury Report for 2002-2003. June 30, 2003. "Family and Children's Services." *santacruzcountyca.gov/grandjury*. Accessed March 13, 2024.
<https://www.santacruzcountyca.gov/grandjury/GJ2003/Content/4-1CPS.htm>
19. California's Independent Voice for Reform staff. February 15, 2023. "Still in Our Hands: A Review of Efforts to Reform Foster Care in California." *ihc.ca.gov*. Accessed April 11, 2024.
<https://ihc.ca.gov/report/still-our-hands-review-efforts-reform-foster-care-california/>

Websites

SDM-Policy-Procedure-Manual-2021

<https://www.cdss.ca.gov/Portals/9/Child-Welfare-Programs/Child-Welfare-Protection/SDM-Policy-Procedure-Manual-2021.pdf>

What is Child Protective Services

<https://www.santacruzhumanservices.org/FamilyChildren/ChildProtectiveServices/WhatIsChildProtectiveServices>

Bypass-at-a-Glance

<https://www.courts.ca.gov/documents/BTB25-PreConJDLP-03.pdf>

California Child Welfare Indicators Project - <https://ccwip.berkeley.edu/>



SANTA CRUZ
COUNTY
GRAND JURY

Grand Jury <grandjury@scgrandjury.org>

Board of Supervisors Response to Grand Jury Report "Best Interest of a Child - Report on Child Protective Services"

Caitlin Smith <Caitlin.Smith@santacruzcountyca.gov>

Tue, Sep 10, 2024 at 3:13 PM

Good Afternoon,

Please see attached for the Board of Supervisors' response to the 2023-2024 Grand Jury Report "Best Interest of a Child – Report on Child Protective Services."

Best,

Caitlin C. Smith

County Supervisors' Analyst

Santa Cruz County Board of Supervisors

[701 Ocean Street, Room 500](#)

[Santa Cruz, CA 95060](#)

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To email all five members of the Board of Supervisors at once,

please use: boardofsupervisors@santacruzcountyca.gov

2 attachments



Cover Letter Report on Child Protective Services.pdf
194K



Response to Grand Jury report on Child Protective Services.pdf
734K



County of Santa Cruz

BOARD OF SUPERVISORS

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BRUCE MCPHERSON
FIFTH DISTRICT

September 10, 2024

The Honorable Katherine Hansen
Santa Cruz Courthouse
701 Ocean Street
Santa Cruz, CA 95060

Dear Judge Hansen,

The purpose of this letter is to formally transmit the Board of Supervisors' response to the 2023-2024 Grand Jury Report "Best Interest of a Child – Report on Child Protective Services."

Sincerely,

JUSTIN CUMMINGS, Chair
Santa Cruz County Board of Supervisors

JC:cs
Attachments

CC: Clerk of the Board
Santa Cruz County Grand Jury



County of Santa Cruz

HUMAN SERVICES DEPARTMENT

Randy Morris, Director
Kimberly Petersen, Deputy Director
1000 Emeline Avenue Santa Cruz, CA 95060
(831) 454-4130 | FAX: (831) 454-4642

August 21, 2024

Santa Cruz County Civil Grand Jury
701 Ocean Street, Room 318-1
Santa Cruz, CA 95060

RE: Response to Grand Jury Report on Child Protective Services

The Santa Cruz County Human Services Department appreciates the report from the Grand Jury and the opportunity to review the content and to consider its recommendations. In addition to responding to the specific recommendations of the Grand Jury as detailed herein, the Department would like to take the opportunity to speak to the profound emotional challenge of being a Resource Parent in the public child welfare system anywhere, not just in Santa Cruz County.

We all wish there was no need for a public child welfare system, but unfortunately it exists to ensure the safety and well-being of children. There are many stakeholders who touch the child welfare system, all of whom hold tremendous heart and emotion. When a child is removed from their family due to an abuse or neglect issue substantiated by the Juvenile Court, and when other options within the family system are not immediately available, the child can then be placed in the care of a Resource Parent.

Resource Parents provide a stable, loving home for children during this time, and often navigate a very complex set of legal and emotional issues. They are asked to be a temporary home for a child while child welfare laws mandate a prioritization of reunification with family or placement with biological relatives. At the same time, resource parents are concurrently asked to consider becoming the legally permanent caregivers of a child should reunification or placement with other family not successfully occur. Ultimately, these decisions get made by a Juvenile Court Judge in Dependency Court. Holding this emotional dichotomy, while also having less legal standing in the case than biological family is a tremendous ask of Resource Families, and it is understandable why they wish for a different experience.

We honor that Resource Families spoke to the Grand Jury to share their experiences, expressed their concerns, and recommendations have been made to improve the experience for them. As detailed in the specific responses to the Grand Jury recommendations, the

Department is unable to implement the majority of them due to the Federal and State laws that govern the Public Child Welfare system. The Department also highlights that even if some of these recommendations were actionable, the outcome of the case situation would very likely be the same due to Child Welfare laws and mandates. The Department does take this report seriously and recognizes that during these past three plus years of crisis response due to the COVID pandemic and a series of natural disasters, communications with stakeholders, including Resource Parents, were not optimal.

Finally, we do recognize that 'perception has become reality' for our Resource Parents, as is the title of the Grand Jury report, and we commit to deepening our engagement with them. The services of our Resource Families are an essential and integral part of the child welfare system in Santa Cruz County, so we will engage further with them to listen and discuss these concerns.

Sincerely,

A handwritten signature in black ink that reads "Randy Morris". The signature is written in a cursive, flowing style.

RANDY MORRIS
Human Services Director
County of Santa Cruz



The 2023–2024 Santa Cruz County Civil Grand Jury
Requires the

Santa Cruz County Board of Supervisors

to Respond by September 16, 2024

to the Findings and Recommendations listed below
which were assigned to them in the report titled

**Best Interest of a Child –
Report on Child Protective Services**

Perception Is Reality

Responses are **required** from elected officials, elected agency or department heads, and elected boards, councils, and committees which are investigated by the Grand Jury. The California Penal Code (PC) [§933\(c\)](#) requires you to respond as specified below and to keep your response on file.

Your response will be considered **compliant** under [PC §933.05](#) if it contains an appropriate comment on **all** findings and recommendations **which were assigned to you** in this report.

Please follow the instructions below when preparing your response.

Instructions for Respondents

Your assigned [Findings](#) and [Recommendations](#) are listed on the following pages with check boxes and an expandable space for summaries, timeframes, and explanations. Please follow these instructions, which paraphrase [PC §933.05](#):

1. **For the Findings, mark one of the following responses with an “X” and provide the required additional information:**
 - a. **AGREE with the Finding**, or
 - b. **PARTIALLY DISAGREE with the Finding** – specify the portion of the Finding that is disputed and include an explanation of the reasons why, or
 - c. **DISAGREE with the Finding** – provide an explanation of the reasons why.

2. **For the Recommendations, mark one of the following actions with an “X” and provide the required additional information:**
 - a. **HAS BEEN IMPLEMENTED** – provide a summary of the action taken, or
 - b. **HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – provide a timeframe or expected date for completion, or
 - c. **REQUIRES FURTHER ANALYSIS** – provide an explanation, scope, and parameters of an analysis to be completed within six months, or
 - d. **WILL NOT BE IMPLEMENTED** – provide an explanation of why it is not warranted or not reasonable.

3. **Please confirm the date on which you approved the assigned responses:**

We approved these responses in a regular public meeting as shown
in our minutes dated September 10, 2024.

4. **When your responses are complete, please email your completed Response Request as a PDF file attachment to both**

The Honorable Katherine Hansen, Grand Jury Supervising Judge
Katherine.Hansen@santacruzcourt.org and

The Santa Cruz County Grand Jury grandjury@scgrandjury.org.

If you have questions about this request form, please contact the Grand Jury by calling 831-454-2099 or by sending an email to grandjury@scgrandjury.org.

Findings

F1. It is hard to contact the relevant people in CPS to get information since there is no organizational chart published on the website. People don't know who they can contact for specific issues.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

The Human Services Department (HSD) partially disagrees with this assertion, as all biological parents and children with open child welfare cases in Juvenile Court are provided with a free court-appointed attorney who have direct access to and the knowledge of which social workers, supervisors, program managers, and county counsels to contact if there are issues with their case. Further, all biological parents and resource parents are provided with the name and contact information of the social worker and social work supervisor assigned to their case. In addition, resource parents are provided extra support through the Family & Children's Services (FCS) Division's Resource Family Approval (RFA) unit, FCS placement staff, as well as a community based organization vendor, Wayfinders Organization, who provides Resource Families with ongoing support in their home, as much as weekly, on behalf of the FCS division.

Though child welfare staff working with Resource Families and others involved in a child welfare case routinely provide the name and contact information of their supervisor and chain of command when asked, HSD does agree that a public facing organizational (org) chart with contact information for the FCS Division management team would be a value added. As the HSD website is in the process of an update, delayed due to the COVID pandemic and many natural disasters of late, an org chart will be posted publicly, and should be publicly available on the HSD website within the Grand Jury's proposed timeline.

F2. The lack of readily available CPS data metrics accessible on the Santa Cruz County website can lead to perceptions based on individual experiences. Perception becomes reality if data is not provided which can lead to public distrust of the system.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

HSD disagrees with this assertion. The [California Child Welfare Indicators Project](#) “CCWIP” is a joint website and trusted and reliable source from the UC Berkeley School of Social Welfare and the California Department of Social Services (CDSS), who are the leading state authorities for gathering and monitoring child welfare data. CCWIP is a tool used across the state by the public to access child welfare data.

Comprehensive Santa Cruz County data for a ten-year period from 2013 to 2023, is readily available in the “Fundamental Key Reports” tab located on the middle of the main website page. This key report index page provides line charts, column charts, and data tables with specific numbers for the nature of allegations received, entries, children in care, case openings, case closures, exits, and other related figures. Finally, there is a mechanism on the CCWIP website to contact UC Berkeley for additional navigation assistance to gather data on any CA jurisdiction for those who need it.

F3. Lots of data is available on the California Welfare Indicators Project maintained by University of California for the whole state of California for each county. It is hard to sift through and find relevant data for Santa Cruz County.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

HSD disagrees with this assertion. The data on the UC Berkeley website is as comprehensive as it needs to be, given the utility of the site by multiple stakeholders. Technical assistance is available to the public for navigation through the website, to assist interested parties in finding the exact data for the localities they seek.

F4. There is no formal complaint process. You can lodge a complaint only with your social worker. When the complainant is not happy with the resolution, complaints are lodged with the Grand Jury. This is ineffective and results in a lack of accountability or follow up on the complaint.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

HSD disagrees with this assertion but understands that the child welfare system is complex, so it is not always clear as to what avenue is available to express concerns about a situation formally. FCS Division staff are strongly committed to providing the best possible services to our community, and we are generally regarded as a system that is open to hearing and addressing any concerns or complaints from parents, family members and foster parents of the children we serve.

It is the goal of FCS to resolve complaints at the lowest possible level, and most situations are resolved this way. Complainants are encouraged to utilize the chain of command (social worker, supervisor, program manager) to allow for fullest participation of those individuals closest to the situation. Most complaints can be satisfactorily resolved at the supervisory or management level. However, when resolution cannot be achieved through this method, complainants may submit their concerns in writing for further review by the division director.

FCS staff are trained on a methodology for handling complaints and grievances in order to ensure that staff respond with fairness and sensitivity to all concerns expressed by parents, family members and foster parents. It is the policy of FCS that staff will make every effort to resolve complaints or grievances in a responsive, sensitive and timely fashion that is consistent with state regulations and departmental policy and procedures. Complaints are fully heard, treated seriously and responded to fairly. Additionally, complaints and concerns can also be lodged with the State Ombudsperson of CDSS and/or brought to the attention of the judge during any court hearing held for an open case.

As stated, with HSD broadly in the process of updating its public facing website, the FCS division will use this opportunity, and this specific Grand Jury complaint, as an opportunity to endeavor to make clearer in writing the avenues available to register a complaint if informal processes are not satisfactory. This information will be placed on the public facing website, and so that parties can lodge complaints directly.

F5. Child Family Team members often dispute the accuracy of "official" meeting notes taken by the attending CPS Social Workers, leading to lack of trust between team members.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

HSD disagrees with this assertion. Child and Family Team (CFT) meetings are facilitated by professional staff who are trained and skilled in using inclusive and strength-based approaches to identify the needs and services to support a child and/or family. The assigned Child Protective Services (CPS) social workers are not the record keepers of CFT meetings, nor are they responsible for official meeting notes. CFT facilitators lead the group discussions and keep the official CFT record. These are not "process notes" nor are they transcriptions of the CFT meetings and are not designed to capture the complete record of what was discussed. At the beginning of each CFT meeting, each team establishes "ground rules" to make sure there is safe, honest, and confidential communications during the CFT process, as well as clearly stated goals and outcomes for each meeting. Each team member has an opportunity to share their perspective, brainstorm options, recommend action steps, and to accept to take on specific tasks and responsibilities. The CFT facilitators are trained in addressing differently challenging situations that may arise, and they will work with everyone involved to resolve issues in the best interests of the child.

F6. The lack of data makes it difficult to determine whether bias is present either to Resource Families or Birth Families to the detriment of the child.

AGREE

PARTIALLY DISAGREE

DISAGREE

Response explanation (required for a response other than **Agree**):

HSD disagrees with this assertion, as it is unclear what data is believed to be definitive in determining whether bias is present to either Resource Families or to Birth Families to the detriment of any child. There are many complicating factors related to a child's experience in foster care and a child's return to their home of origin. Child welfare is charged with being a safety net for the most vulnerable populations and to consider the best interest of each individual child while doing so.

The HSD FCS Division always strives to put the best interest of the child at the forefront of its social work practice. Additionally, as outlined in California Welfare and Institutions Code (WIC) section 202 et seq., the child welfare system is legally mandated with three clearly outlined goals:

- 1) Provide for the protection, safety, physical and emotional well-being of children who have been or are at-risk of abuse, neglect, or abandonment;
- 2) Preserve and strengthen a child's families ties whenever possible. A court may only order the removal of a child from the custody of a parent when necessary for the safety and welfare of the child. If a child is removed, a juvenile court must order family reunification as the primary objective followed by family maintenance.
- 3) Provide a stable, permanent home for children in a timely manner. Foster care is intended to be temporary care, and a Resource Family home serves as a "concurrent plan" in the event that the juvenile court makes a legal determination that a parent is legally unable or unwilling to reunify with their child during the allotted time period.

Making a "Bypass" recommendation to the Juvenile Court is an extremely serious and complex legal position akin to a "Third Strike" in the criminal realm. It requires the child welfare agency to present specific facts and circumstances during a contested trial to meet the higher "clear and convincing" standard that reunification is not in the child's best interest. Each child and each parent are represented by an attorney during these proceedings, and only a Juvenile Court judge can make this final Bypass determination.

Recommendations

R1. The Grand Jury recommends that CPS publish an organizational chart by October 31, 2024. (F1)

—

HAS BEEN IMPLEMENTED – summarize what has been done

-X-

HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE – summarize what will be done and the timeframe

—

REQUIRES FURTHER ANALYSIS – explain the scope and timeframe (not to exceed six months)

—

WILL NOT BE IMPLEMENTED – explain why

Required response explanation, summary, and timeframe:

This is currently under development and will be implemented by the Grand Jury's timeline.

R2. The Grand Jury recommends that CPS publish outcome based metrics, such as number of children moved to Resource Families, number of Resource Families available in the County, number of successful and failed reunifications, and identify success metrics for children under care, on an annual basis on their website to improve transparency by December 31, 2024. (F2, F3, F6)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

This recommendation will not be implemented because much of the suggested metrics are already publicly available on the UC Berkeley CCWIP website, including reunification rates, re-entry rates (failed reunifications), and the types of placements youth in care are experiencing (i.e. Short-Term Residential Therapeutic Program or STRTPs, RFA homes, etc).

R3. The Grand Jury recommends that CPS create and publish the complaint process. This published process should include a supervisor not vested in the outcome who can review the complaints. This process and the accompanying metrics like number of complaints and resolution times should be made available to the public by December 31, 2024. (F4)

HAS BEEN IMPLEMENTED – summarize what has been done

HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE – summarize what will be done and the timeframe

REQUIRES FURTHER ANALYSIS – explain the scope and timeframe (not to exceed six months)

WILL NOT BE IMPLEMENTED – explain why

Required response explanation, summary, and timeframe:

A compliant process exists as outlined in Finding 4. With HSD’s updating of its public facing website, the process to register a formal complaint if informal processes are not satisfactory, will be made clearer. This website update is anticipated to be completed by the Grand Jury’s timeline.

R4. The Grand Jury recommends that the County Board of Supervisors establish a Child Welfare Oversight board and an Inspector General similar to what the 2002-2003 Grand Jury recommended. This could help resolve bias, impropriety and undue influence complaints and will help provide transparency and increase trust in the CPS process. The Grand Jury recommends that the planning for this should start by December 31, 2024, with the board fully implemented six months after the planning is finished. (F4, F5)

- HAS BEEN IMPLEMENTED** – summarize what has been done
- HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE** – summarize what will be done and the timeframe
- REQUIRES FURTHER ANALYSIS** – explain the scope and timeframe (not to exceed six months)
- WILL NOT BE IMPLEMENTED** – explain why

Required response explanation, summary, and timeframe:

This recommendation will not be implemented because there are currently several oversight provisions in federal and state law for the administration of child welfare. As required under the Welfare and Institutions Code, all open child welfare cases are supervised by a Juvenile Court Judge, who receives a substantive report from FCS with updates on open child welfare cases and the families involved in open child welfare cases, at least every 6 months. At these hearings, both parents and children are appointed their own counsel who represent their interests. Resource families are also given notice of the hearings and provided the opportunity to be heard both in person and through the Caregiver Information Form (JV-290).

Moreover, child welfare agencies must adhere with significant reporting requirements to CDSS and the federal government, which carefully review and audit County child welfare programs and operations on a regular basis.

The State has also already established the Office of the Foster Care Ombudsperson, which is a neutral and independent office to help solve problems and complaints about care, placement, and services related to children and youth in foster care.

Finally, under WIC section 827, only certain individuals and agencies have access to confidential child welfare records and information. Any locally established oversight board and/or Inspector General are not included in this statute, and therefore would not have legal access to any confidential child welfare information.

R5. The Grand Jury recommends that the CPS department begin to record the Child Family Team meetings by the end of December 31, 2024. (F5)

HAS BEEN IMPLEMENTED – summarize what has been done

HAS NOT YET BEEN IMPLEMENTED BUT WILL BE IN THE FUTURE – summarize what will be done and the timeframe

REQUIRES FURTHER ANALYSIS – explain the scope and timeframe (not to exceed six months)

WILL NOT BE IMPLEMENTED – explain why

Required response explanation, summary, and timeframe:

This recommendation will not be implemented, as doing so would constitute a violation of several laws. Under California WIC sections 10850 and 827, and Calif. Rule of Court 5.530, all child welfare proceedings, records, and information are confidential and only accessible to certain persons and entities. Although resource parents are entitled to attend and participate in hearings and meetings, they do not have full access to all child welfare records or information. CFT meetings are confidential meetings protected under these laws. Additionally, under Calif. Penal Code 632, recording a confidential proceeding or meeting is a criminal violation.