

County of Santa Clara

Social Services Agency

353 West Julian Street
San Jose, California 95110-2335



DATE: May 7, 2024

TO: Honorable Board of Supervisors

FROM: Damion Wright, Director, Department of Family and Children's Services

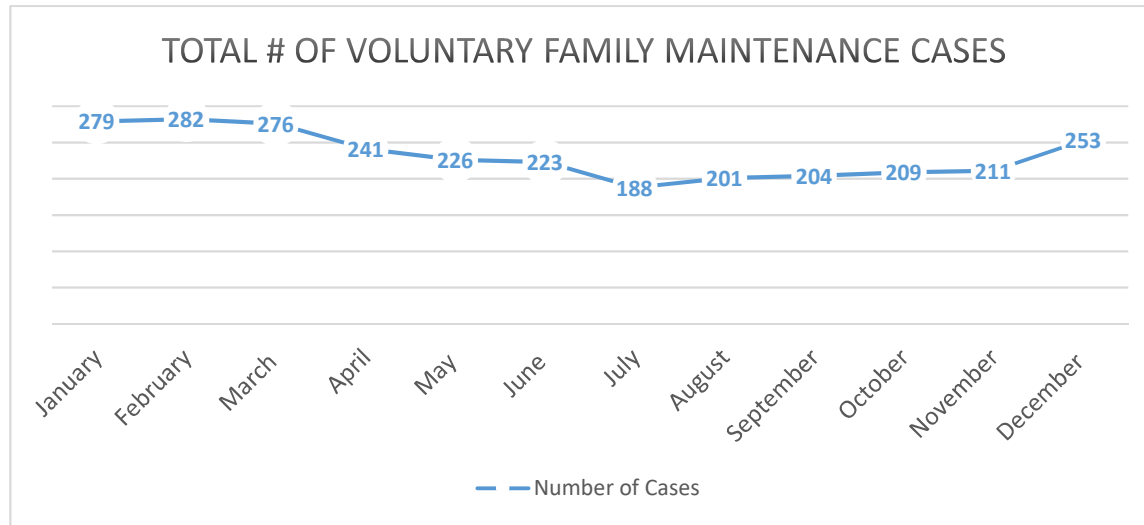
SUBJECT: Distinction between Voluntary Services and Court Intervention

At its February 6, 2024 meeting, the Board requested additional information regarding the distinction between voluntary and involuntary services, as well as an assessment of the County structures, policies, procedures, and partners that track children that are touching the system and when.

Voluntary Family Maintenance (VFM)

Voluntary Family Maintenance (VFM) also referred to as “non-Court” services provides DFCS-supervised, time-limited, protective, and supportive services to vulnerable families whose children are at risk of abuse or neglect. The voluntary family maintenance program supports children safely remaining in their homes when families are willing to accept services and engage in corrective action. VFM services are typically accessible to families where there is lower risk of abuse or neglect and clear engagement by a parent or caregiver in the creation and implementation of a plan to keep the child safe. DFCS-supervised VFM services are limited to ninety days but may be extended, at the request of the social worker, for an additional three months for a total of six months. For Calendar Year (CY 2023), the total number of voluntary maintenance cases fluctuated, ending with 253 open cases at the end of year (Figure 1).

Figure 1: Total Number of Voluntary Family Maintenance Cases (CY 2023)



Source: Safe Measures

Court Family Maintenance

Court Family Maintenance (CFM) cases involve children who are at significant risk of future harm as assessed by the Structured Decision-Making tool, and as such have a need for increased monitoring and supervision by DFCS and the court. CFM cases are usually complex and have case profiles associated with a higher risk of occurrence or recurrence of maltreatment.

Determining the Right Level of Intervention

Given evolving child welfare trends, which include, among other things, the increased use of methamphetamines and opioids and the associated dangers to young children, and consistent with the Board and the larger community's concerns around the increased risk if these specific drugs are present, DFCS has determined additional case profiles that it has assessed as appropriate for filing a petition and requesting the court order a program of Court Family Maintenance, or (CFM).. These include children ages 0-5 with recently substantiated abuse or neglect and a social worker's assessment that indicates high or very high risk. This direction is based on the heightened risk of recurrence of maltreatment for the age group, and risk of critical incidents based on the vulnerability of the child.

CFM Process

For those cases in which court involvement is necessary, DFCS must file a petition pursuant to Welfare and Institutions Code section 300 outlining the allegations of abuse or neglect. If the court determines the allegations to be true, it can order CFM for the child to remain in the family home while DFCS and court supervision provide continued safety and support. A court-ordered case plan is used to specify services needed and parental actions necessary for alleviating safety concerns which are necessitating court intervention.

At least every six months after CFM is first ordered, the court holds Welfare and Institutions Code (WIC) Section 364 Status Review hearings to review the services offered to the family,

the progress made by the family in eliminating the conditions requiring court supervision and to determine if there is a need for continued jurisdiction. DFCS must provide a report for the hearing addressing case plan services provided to parents, parents' participation and progress in addressing DFCS and court's safety concern(s) and need for continued court supervision. DFCS is required to engage the family during this court process to address any concerns around risk to the child or continued safety concerns. Every "party" in the case including each child is represented by court appointed counsel. Dependency court is a collaborative forum where there is focus on the child safety, permanency, and well-being.

While CFM is often used to provide services to at risk children and families while preventing the need for removal, it can also be used as a "step-down" process for children to be returned to their parents after foster care, while maintaining a level of supervision before dismissing the court case.

The point in time number of open Court cases at the end of December 2023 was 54 for CFM and 312 for cases where youth were placed in foster (resource) homes or other out-of-home placements. As of April 27, 2024, CFM has 79 open cases and 412 open cases for youth in out-of-home care.

As DFCS continues to look at the effectiveness of CFM cases, CFM will be used as needed for any case profiles that are appropriate for this level of intervention.

Data Analysis of Court and Non-Court Family Maintenance

DFCS is looking at multiple data sets to determine the effectiveness of non-court (voluntary) family maintenance and Court family maintenance as an intervention, including recurrence of maltreatment. DFCS will also complete a full non-court (voluntary) family maintenance evaluation to review both quantitative and qualitative data to determine any significant trends. DFCS is also engaging in data review from previous years to help us determine which interventions led to the most successful outcomes to help us determine the right intervention for families from the very beginning of DFCS's engagement.

Subsequent Substantiated Referrals on Non-Court (Voluntary) Cases

There were 273 non-court (voluntary) cases open at end of calendar year (CY) 2022, of which 25 (approximately 9%) experienced recurrence of maltreatment within 12 months. Overall, approximately 90% of cases did not have a recurrence of maltreatment, which indicates the vast majority of families are being supported by social worker interventions, services, resources, and their safety and support networks to address issues of child maltreatment re-occurrence.

Strategies to Support Better Safety Outcomes

In both non-court (voluntary) and court (non-voluntary) family maintenance cases, DFCS engages families for the purposes of child abuse prevention, family preservation, and to provide individualized support so that children can remain safely in their homes.

Change in Parental Behavior to Achieve Safety

DFCS links families to programs that help to address the reasons the family was brought to the attention of DFCS. The services are a means to affect the behaviors (action or inaction) of

a parent or caregiver that place the child at risk of abuse or neglect. Parental substance abuse is an example of a complicating factor that could potentially lead to the risk of abuse or neglect. The parents' actions or inactions based on their substance use is the focus of impact to the child (i.e. parent fails to provide care to the child or provide appropriate supervision). The actual impact to the child being at risk of or experiencing some form of abuse or neglect based on the parent's behaviors (i.e. medical neglect) is what DFCS seeks to prevent. DFCS services provide a vehicle for change, but DFCS must see that change in behavior over time to assume there will be continued safety of the child. This would include examples like the parent remaining sober and providing appropriate care and supervision to their children at all times, attending to school, physical care, and emotional well-being.

Service Array for Family Maintenance Cases

DFCS' service array includes services contracted directly by DFCS and those provided by other partner County departments and community-based organizations. To achieve safety for their children and improve family wellbeing, families need quality services that are accessible and help to strengthen parental protective capacity and support child safety. Each family receives an individualized approach to help ensure most appropriate array of services including language and culturally focused services across the continuum of prevention and services (see Figure 2 and Figure 3)

Figure 2: Continuum of Prevention and Services

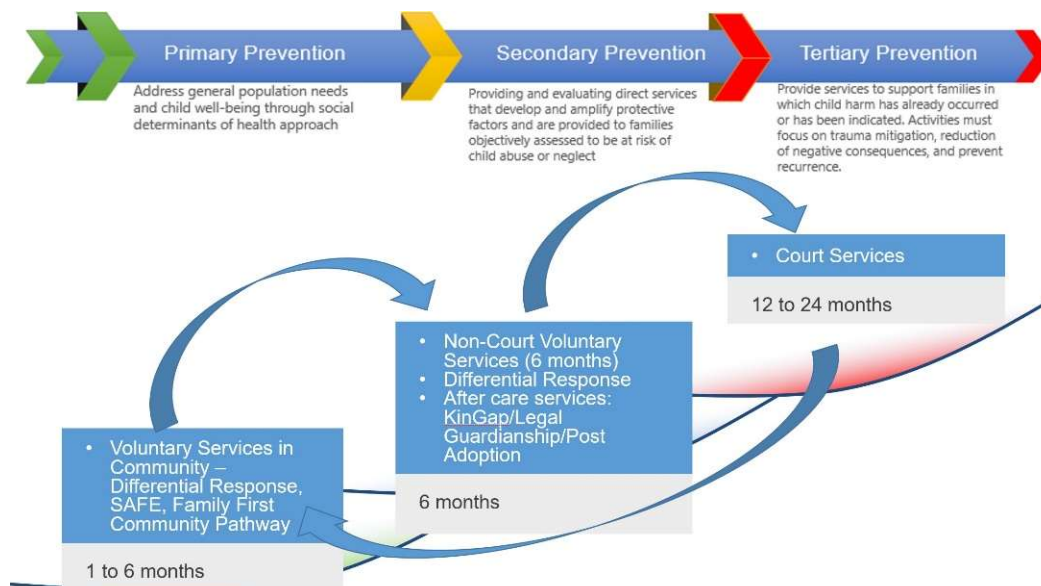
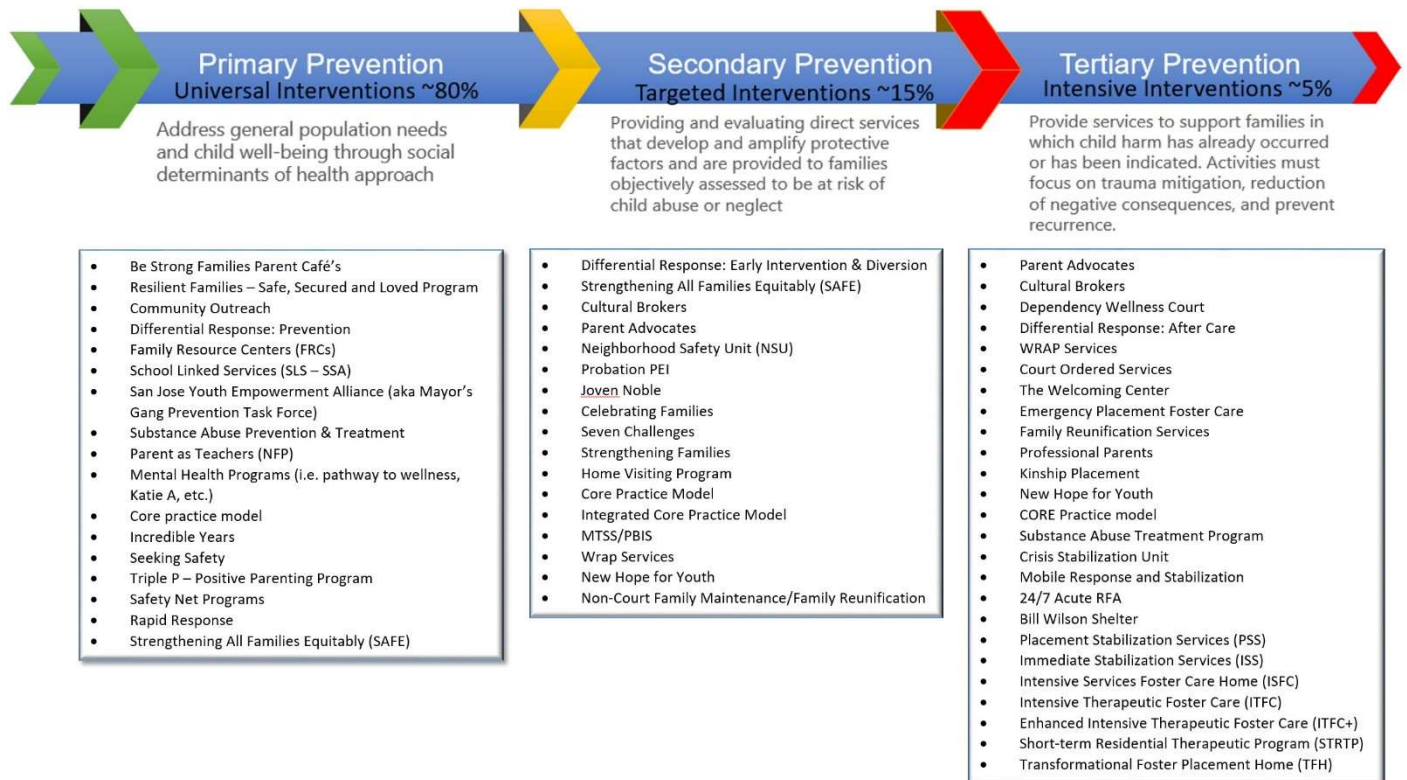


Figure 3\: Continuum of Prevention and Service Providers



Family and Service Engagement in Family Maintenance cases

For all family maintenance cases, DFCS is required to make an initial face-to-face contact with the child and family. DFCS is also required to make in-person contacts with the family, including their initial contact, when the case is assigned, and make in-person contacts with each child and parents; *please see Figure 5 and Figure 6.*

Figure 5: Non-Court Family Maintenance Contact Requirements

Social Worker and the...	How Often and/or When...
Children/ Youth	<ul style="list-style-type: none"> - First visit must occur within the first week of case assignment. - Two (2) visits (includes initial visit) during the first month of Non-Court services. - Monthly, after the first month, unless an assessment is made that more frequent contact is necessary. - Using SDM guidelines according to household risk level, consider teaming strategies that can increase frequency of contact with child to monitor safety.
Parents/Legal Guardians	<ul style="list-style-type: none"> - First visit must occur within the first week of case assignment. - Two (2) visits during the first month of Non-Court services. - Monthly, after the first month, unless an assessment is made that more frequent contact is necessary. - Using SDM guidelines according to household risk level, consider teaming strategies that can increase frequency of contact with the parents to support engagement and strengthening of caregiver behaviors.
Non-Custodial Parent	<ul style="list-style-type: none"> - No visits are required, if the parent is non-custodial and not part of the case plan.

Figure 6: Court Family Maintenance Contact Requirements

Social Worker and the...	How Often and/or When...
Children/ Youth	<ul style="list-style-type: none"> - At least one (1) contact in a calendar month <ul style="list-style-type: none"> ○ 50% of monthly contacts with the child(ren)/youth must take place in the child(ren)/youth's residence or placement. ○ Face-to-face monthly contact with the child(ren)/youth outside of the residence should be the exception, rather than the rule. ○ If a monthly contact was held outside of the residence or placement, the social worker must document the reason why the visit was held outside of the residence or placement, and the location of the monthly contact. ○ No more than two (2) consecutive monthly contacts outside of the child(ren)/youth's residence or placement is allowed. - Using SDM guidelines according to household risk level, consider teaming strategies that can increase frequency of contact with child to monitor safety. - Each contact must include a private discussion with each child or youth outside of the presence and immediate vicinity of the caregiver. - The content of the contact are not to be shared with the caretaker unless the social worker believes the child/youth may be in danger of harming themselves or others, and the social worker believes disclosure is necessary to meet the needs of the child/youth or the child/youth consents to disclosure. - If the child/youth attends in a license-exempt childcare facility, a contact every six months at the site is required. <ul style="list-style-type: none"> ○ Post-adoptive placements are not exempt from this requirement. <p>NOTE:</p>

	<ul style="list-style-type: none"> - More frequent contacts may be necessary to ensure child safety and well-being. - These visits should always include a private interview with the child.
Parents/Legal Guardians	<ul style="list-style-type: none"> - At least one (1) contact in a calendar month for each parent/legal guardian that is a part of the case plan, including incarcerated parents. - Using SDM guidelines according to household risk level, consider teaming strategies that can increase frequency of contact with the parents to support engagement and strengthening of caregiver behaviors. - Includes incarcerated parent(s) if they are a part of the case plan. In addition, maintain contact with the correctional counselor. - No visit is required if the parent is not a part of the case plan. - No visit is required if the parents' whereabouts is unknown and a due diligence report has been filed at Court. However, social worker must continue to attempt to find the parents on a monthly basis.
Non-Custodial Parent	<ul style="list-style-type: none"> - Face-to-face contact is required as determined in the child/youth's case plan, but no less than one (1) time every six (6) calendar months. - Face-to-face, telephone, or written contact is required monthly.

The family may require more frequent visits, and it is left to the social worker to assess the need for additional contacts to assure that the family is meeting the service plan goals and that the child remains safe in the family home. DFCS staff are to use teaming strategies with service providers and network members to also support increased frequency and quality of contact to support safety and parent progress. Lastly, the majority of visits with the child(ren) must take place in the home.

Case Planning Activities and Working with Family, Support Networks, and Service Providers

Case planning develops a shared plan and understanding between the social worker and the family regarding the intended outcome of child welfare services. The case plan is a joint social worker-family effort that results in a written agreement between the parents/guardians and DFCS and is a required activity under state policy.

DFCS is committed to ensuring that children and parents are involved in the case plan process from the beginning. Social workers engage the family members in a collaborative and supportive manner and encourage them to be active participants in the process. This interactive process with the family aids in the comprehensive assessment of a child's needs and relevant service plan. Also, informing parents of what the benefits and consequences are of not completing case plan services within a prescribed time is a principle of concurrent planning. The goals and objectives of the case plan must include the family's strengths and contributing risk factors and should be developed in the Child and Family Team (CFT) meeting with the family and use language that the family can understand. Objectives and outcomes should describe the behaviors that the parent should demonstrate that tells DFCS that the child is safe in their care. To accomplish the goals of a case plan, DFCS works with a multitude of service providers whether County or community-based to link families to necessary services aligned with the needed supports. DFCS works with providers to ensure the services are meeting the needs of the children and families and addressing the protective behaviors necessary for successful completion of the case plan.

The Child and Family Team Model

The California State Department of Social Services (CDSS) has directed every county to implement the Child and Family Team model¹ for Child Welfare. The Child and Family Team (CFT) meeting is a team-based approach to support children, youth, and families in the planning, delivery, and management of services in child welfare. CFT meetings allow for better engagement with families and a shared commitment and accountability from the family and their circle of support and service providers.

CFT meetings are used to provide a strength-based, family focused setting for reaching consensus on placement, removal decisions regarding children entering or already dependents in the child welfare system and to address emerging issues and needs. Another purpose is to engage the family and get the family's input in developing their case plan. Finally, DFCS staff, family members, resource families, service providers and community representatives collaboratively address safety, permanency and well-being for children and reach a consensus on a plan that protects children, while preserving families.

Through this inclusive process, more informed decisions are made that are owned by the team and community. Child and Family Teams and CFT meetings further the goals of DFCS for children to have as few changes in living situations as possible and to experience minimum adverse and maximum beneficial consequences when a change in living situation and care provider(s) is necessary.

¹ Child and Family Teams available at [Child and Family Teams \(ca.gov\)](https://www.cdss.ca.gov/ChildandFamilyTeams) (last visited April 24, 2024).