



24-4312

DATE: February 6, 2024 (Item No. {{item.number}})

TO: Board of Supervisors

FROM: Daniel Little, Director, Social Services Agency
Damion Wright, Director, Department of Family and Children's Services

SUBJECT: Response to referrals from the December 19, 2023 Special Meeting on Child Welfare Procedures and Protocols

RECOMMENDED ACTION

Under advisement from December 19, 2023 (Item 4d): Receive report from the Department of Family and Children's Services and other County Departments related to Child Welfare Procedures and Protocols.

FISCAL IMPLICATIONS

There are no fiscal implications associated with receipt of this informational report.

REASONS FOR RECOMMENDATION AND BACKGROUND

At its December 19, 2023 Special Meeting, the Board of Supervisors (Board) issued several referrals and requests for information on a range of topics related to child welfare including prevention, child protection, and interventions. Below are listed each of the referrals and requests for information set forth in the written referral from Supervisors Chavez and Arenas as well as the additional verbal referrals and requests for information approved by the Board at the December 19, 2023 Special Meeting.

Since the Board's December 19th meeting, the Department of Family and Children's Services (DFCS) and its partners have worked collaboratively to respond to as many of the Board's December 19th referrals as possible by February 6th and will be providing additional reports at the next quarterly report. Separate from the work necessary to respond to the Board's referrals and information requests, DFCS leaders have been:

- Meeting with key community partners to build deeper connections and collaboration;
- Seeking input and insights from staff at all levels, in both individual and group settings;
- Working with partners across the County, including leadership at the Child Advocacy Center, District Attorney's Office, and law enforcement agencies to incorporate their

feedback on how DFCS can improve its work and better support theirs where appropriate;

- Increasing our collaboration with the Juvenile Dependency Court including through increasing court supervision in cases where children remain at home with their families; and
- Identifying opportunities to invest in additional services for children and families that will better support them and increase the presence of mandated reporters with “eyes on and arms around” children at risk of abuse or neglect.

Through each of these efforts, DFCS has been focused on ensuring child safety is always at the center of our work, to support our staff, and to refine and improve DFCS practices.

Through this and upcoming quarterly reports to the Board, DFCS looks forward to providing information and having in-depth dialogue around specific areas of the child welfare continuum including, but not limited to the need to continuously assess and refine DFCS’s interventions to protect children and support families, appropriately supervise all cases, and continue to make equity a focus in every aspect of DFCS’s work.

Our efforts in each of these areas will be conducted based on guidance and direction from the California Department of Social Services and the Board of Supervisors. DFCS’s work is difficult, high stakes, and critically important. We look forward to partnering with the Board to improve outcomes for children and families throughout our community.

Board Referrals and Requests for Information from the Special Meeting on December 19, 2023:

A. Recommendations relating to staffing and personnel concerns

- 1. Request that Administration and County Counsel release a robust statement that the Department of Family and Children’s Services (DFCS) social workers, County Counsel attorneys, or any other County staff, foster care parents, or non-profit partners will not be retaliated against for raising concerns about systems and processes. This countywide Statement should make clear that everyone’s voice deserves to be heard who is willing to invest in solving this problem. The Board further directed Administration and County Counsel to include guidance in this statement that County personnel making complaints regarding systems or processes should not include protected confidential information unless it is legally permitted, and to clearly identify where County personnel can make complaints that include confidential information, if necessary.*

The following communication was sent to all DFCS staff, other relevant staff, resource (foster) families, and non-profit partners. A similar communication was sent to staff in the Office of the County Counsel.

At the County of Santa Clara’s Department of Family and Children’s Services, we deeply value the opinions, perspectives, and voices of all: children, parents, community members, social workers, foster care parents, and all County employees. To fulfill our mission to keep children safe and families strong by

partnering with their communities, we recognize that all stakeholders need to feel confident they can share any concerns they may have about our work.

If you have concerns or questions about DFCS's practices or services, we encourage you to share those concerns or questions. Federal and State law, as well as the County's policies, prohibit retaliation against individuals who raise concerns or complaints. The County does not tolerate retaliation in any form.

Please be mindful that DFCS client information is subject to strict privacy protections under California Welfare & Institutions Code sections 827 and 10850 et seq. and cannot be shared with unauthorized entities. If your concerns require discussing confidential information about a particular family or individual served by DFCS, such information can only be shared either with DFCS leadership or with the California Department of Social Services (CDSS). Please know that DFCS leadership is always open to and interested in hearing your concerns, questions, or other input on our Department's work. If you have a concern you do not feel comfortable raising with DFCS leadership, information on how to raise a concern or file a complaint with CDSS is available here. In addition, social workers can report concerns regarding DFCS's practices, policies, or procedures that may endanger the health, safety, or well-being of children by using CDSS's social worker hotline.

For concerns that do not involve confidential information, you may also contact County leadership or use the County's 24/7 Whistleblower Program by calling (888) 302-7743 or submitting a complaint here. Whistleblower complaints can be submitted and tracked anonymously through the online portal or via the hotline, which is operated by an outside vendor.

2. *Immediately exclude from the countywide hiring freeze all line staff positions at DFCS, including social workers and supervisors.*

County Administration has excluded all DFCS staff from the countywide hiring freeze.

3. *Evaluate options to provide reports to the Board in Closed Session in advance of any personnel decisions at DFCS above the position of Program Manager – including any decisions to hire executive staff.*

An off-agenda memorandum is being prepared by County Counsel related to this request and will be provided to the Board in conjunction with, or prior to, the discussion related to potential structural changes for DFCS requested by the Board for the March timeframe.

4. *Report to the Board on steps to achieve a balanced process for DFCS cases, based on best practices, including:*
 - a. *How to right size and rebalance staffing levels using the best tools and mechanisms inside DFCS to align with workload.*

Please refer to attachment A.4a – DFCS Staffing Levels for balancing staffing and workloads.

- b. How to refine County Counsel’s participation to ensure it allows DFCS staff to follow best practices – including reporting on the potential resumption of “staffings” for social workers, their supervisors, county counsel, and other appropriate staff to collaborate on decisions regarding individual cases.*

Please refer to attachment A.4b – DFCS Staffing and Legal Consultation prepared by DFCS for information on refining the “staffing” and legal consultation practice at DFCS.

- 5. Report to the Board regarding staffing levels and caseloads at DFCS currently, information on the staffing changes necessary to align with Board direction, and a proposal to the Board on steps to achieve appropriate staffing levels – unit by unit.*

Please refer to attachment A.4a – DFCS Staffing Levels for information on balancing staffing and workloads – which also contains the response to this referral.

- 6. Report to the Board with options to ensure the appropriate and adequate staffing levels at the Child Advocacy Center (CAC) in order for all child survivors of abuse to receive medical care from the CAC Medical Team.*

Please refer to attachment A.6 – Children’s Advocacy Center Access and Sexual Assault Response Team (SART) Protocol completed by Santa Clara Valley Healthcare. This memorandum also responds to referral C.3.

B. Information and clarification on existing laws and regulations around the County’s child welfare system

- 1. Provide the Board with a timeline starting in 2020 with policy and practice changes made to DFCS.*

Please refer to attachment B.1 – Policy and Practice Changes Made to DFCS for a summary of memorandums issued and policies changed since 2020, which contains a grid outlining each Online Policies and Procedures (OPP) change.

- 2. Report to the Board (in closed session if necessary) on the evolution of County Counsel’s changing interpretation of the legal standards or the removal of children from the custody of their parents, as well as evolutions of direction DFCS provides social workers regarding the role of County Counsel in making determinations and the discretion that DFCS retains.*

An off-agenda memorandum was submitted to the Board by County Counsel responding to the first part of this request.

Please also refer to attachment B.2 – DFCS Direction Regarding Role of County Counsel and DFCS Decision Making.

- 3. Report back regarding hospital release and transfer protocols where a DFCS report has been made – both for County and non-County hospitals.*

Please refer to attachment B.3 – Hospital Release and Transfer Protocol for DFCS policy and practice regarding children in a hospital setting and alleged to be a victim of abuse or neglect.

- 4. Report back with detailed data on the past three years of Clinical Death Review cases where there has been a report to DFCS.*

Please refer to attachment B.4 – Child Death Review Team Response prepared by the County’s Chief Medical Examiner-Coroner.

- 5. Report back with detailed data regarding children in the Probation system who have a nexus to DFCS, including the number of previous Child Abuse and Neglect Center (CANC) calls and/or DFCS reports, as well as data on substantiated abuse. Including a report back with analysis of these data trends over time and options to research whether recent child welfare practice trends are having an impact on the number of youth with juvenile justice involvement.*

Please refer to attachment B.5 – Joint Report from DFCS and Juvenile Probation on Dually Involved Youth, which also includes the 2021 Dually Involved Youth Longitudinal Study.

C. Status updates on current programs and services

- 1. Report on the status of all recommendations made at this Special Board Meeting.*

Please refer to attachment C.1 – Referral Matrix for a quick guide to the Board’s referrals and their status.

- 2. Report on the status of all recommendations made in 2023 by the California Department of Social Services, including in their February 2023 communication.*

Please refer to attachment C.2 - DFCS Matrix to CDSS 2023 Recommendations for a breakdown of CDSS’ recommendations and DFCS’s responses.

- 3. Report back on the plan to finalize the updated Sexual Assault Response Team (SART) protocol, including a timeline with a three-to-six-month window for completion.*

Please refer to attachment A.6 - Children’s Advocacy Center Access and Sexual Assault Response Team (SART) Protocol.

D. Recommendations relating to new requests and programs

- 1. Provide the Board with a joint report for Administration, County Counsel, and the Office of the Clerk of the Board with options for the Board of Supervisors to directly contract: A) An outside agency to manage an independent whistleblower process, and B) An independent investigator to manage concerns and inquiries that would typically be investigated internally. The Board directed this analysis consider the role of the California Department of Social Services, the Juvenile Welfare Office of the Ombuds, the County’s Whistleblower Program, and other existing investigatory bodies to avoid redundancy.*

County Counsel has provided an initial response to this request through an off-agenda memorandum. Administration will bring forward options for consideration by the Board following review of that analysis.

- 2. Policy options for the Board to consider that allow for increased oversight of cases, where appropriate, even where there is not a removal. Options should include expanding the number of cases that are referred to court supervision and other methods to make safety plans and family service referrals mandatory, not voluntary.*

Please refer to attachment D.2 – Options for Increased Oversight of Cases. County Counsel will provide an off-agenda memorandum with additional information related to this request.

3. *Report back on appropriate levels of training, as well as types of training, for County Counsel staff who are reviewing DFCS cases, and the level of training currently averaging among County Counsel staff.*

Please refer to attachment D.3 – Training Within County Counsel Child and Family Team.

4. *Options to adopt improved reporting systems or other methods to support information sharing between parallel investigations to ensure that updated safety information from public safety units are accessible to DFCS social workers.*

Please refer to attachment D.4 - Options for Improved Reporting Systems.

5. *Report back with a comprehensive evaluation of families referred to the Voluntary Family Maintenance (VFM) program to determine effectiveness of the program in engaging families, including how VFM referrals and participation impact hotline reports of the same family.*

Pursuant to the Board's request, DFCS has initiated a comprehensive evaluation of the VFM program, which will take some time. An update on this effort will be provided to the Board at the next quarterly report.

6. *Provide the Board with options on next steps for a robust campaign to increase awareness of the CANC and reporting number.*

This report is under development by DFCS and the County's Office of Communication and Public Affairs. It will be presented to the Board as part of the next quarterly report.

7. *Provide the Board with information and/or options for a program to provide legal representation for all children with DFCS cases.*

A separate memorandum for this referral was submitted to the Board by County Counsel.

E. Verbal requests from the December 19, 2023 Board of Supervisors meeting

1. *Administration to include in the February 6, 2024 report information relating to CANC call center data, including call pick-up rates and specific staffing positions that can take calls, after consultation with line staff regarding how the process works; and, at the request of Supervisor Chavez, the Board directed Administration to broadly interpret the direction to include the function of staff and any concerns they have regarding the function.*

Please refer to attachment E.1 - Data Requested regarding CANC and CANC Annual Report prepared by DFCS.

2. *Provide information relating to utilization of beds at Parisi House on the Hill.*

Please refer to attachment E.2 - Bed Utilization at Parisi House on the Hill

3. *Report to the Board relating to how the Office of the County Executive and the Board of Supervisors will be incorporated into the Children of Color Workgroup discussions.*

Please refer to attachment E.3 - Children of Color Workgroup

4. *Provide information relating to Evident Change's Structured Decision Making.*

Please refer to attachment E.4 - Structured Decision Making for historical context and literature review of the Structured Decision-Making tool.

5. *Administration and County Counsel to report to the Board on February 6, 2024 relating to the number of times DFCS has taken a different opinion than County Counsel regarding the removal of child from a home, the number of times DFCS agreed with an opinion from County Counsel regarding the removal of child from a home, and any other associated child-removal tracking information.*

While there are cases that have been lifted up to DFCS Leadership where there were differing views on whether the legal requirements to support removal had been met in a particular case, neither DFCS nor the Office of the County Counsel collected data on the number of times DFCS staff did not agree with the legal advice from the attorney from the Office of the County Counsel advising on the case.

DFCS is in the process of implementing CDSS's recommendation for the department to develop a policy for consistent documentation of legal consultations in the Child Welfare Services/Case Management System (CWS/CMS) and will provide the Board the policy once completed.

6. *Report to the Board on February 6, 2024 relating to an analysis regarding childhood trauma, including data relating to child removal at the infant stage, child removal post-infancy, and child trauma bonding*

DFCS, in partnership with the Clinical Director of the County's newly-created Trauma Recovery Center, is preparing a literature review regarding childhood trauma and trauma bonding for presentation as part of the next quarterly report.

7. *Request a redacted version of the CDSS December 4, 2023 communication to DFCS that respects privacy and confidentiality and allows review of the remainder of the report.*

On January 5, 2024, County Executive James Williams sent a letter to CDSS requesting a modified or redacted version of CDSS's December 4, 2023 Child Fatality Review that could be released to the Board of Supervisors and County Administration, and ideally to the public more broadly.

On January 16, 2024, the Deputy Director of CDSS's Children and Family Services Division denied this request.

8. *Ensure all reports to the Board relating to all regarding DFCS system improvements are not placed on the Consent Calendar.*

All reports related to DFCS system improvements and data will be placed on the Regular Agenda.

9. *Report to the Board in March 2024 regarding options for structural changes related to oversight of DFCS, including the potential for removing DFCS from the Social Services Agency and having the Director of DFCS report directly to the Office of the County Executive.*

This report will be provided in March 2024 as requested.

CHILD IMPACT

The actions described will have a positive impact on children and youth through the **Safe and Stable Families** indicator by developing a system that will provide individualized care for every child with goal of planned permanency, family engagement, and connections.

SENIOR IMPACT

The recommended action will have no/neutral impact on seniors.

SUSTAINABILITY IMPLICATIONS

The recommended action will have no/neutral sustainability implications.