

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: Legal Consultation Staffing Model

At the February 6, 2024 meeting, the Board of Supervisors (Board) requested the Department of Family and Children's Services (DFCS) complete outreach and report back on a staffing model with input from social workers regarding their participation in consultations with counsel related to child welfare investigations and actions. At the February 27, 2024 meeting, the Board of Supervisors created an Ad Hoc Committee to discuss certain topics related to DFCS, including the legal consultation model.

With recognition that this topic will be further discussed by the Ad Hoc Committee, DFCS provides this update as an overview of both the avenues for feedback and the actual feedback DFCS has received from staff and external stakeholders on the legal consultation model to date, as well as DFCS's anticipated approach to legal consultations developed in partnership with staff from across the agency, SEIU 521, and CEMA, which we plan to begin implementing in late May 2024. This is an iterative process and the model will be evaluated ongoing to make any necessary changes as needs arise and to reflect feedback that is provided through the ad hoc committee.

Outreach and Feedback

Workgroup

DFCS created and facilitated a workgroup to gather feedback and analyze the legal consultation process for child welfare investigations and court intervention. The workgroup included managers and social workers, supervisors, and representatives from SEIU 521 including DFCS social worker and supervisor stewards and was coordinated and led by senior managers within DFCS that oversee child abuse and neglect investigation programs. [

Staff Survey

DFCS also conducted a department wide survey about the legal consultation process. Although the number of responses was low, the responses received were helpful and reflected the following themes:

- Some have concerns about the amount of time a legal consult takes under the Interim Direction.
- Some are concerned about social workers and supervisors not being involved in the legal consultation with County Counsel under the Interim Direction.
- Some recommend using a multi-disciplinary model that was previously implemented in DFCS that includes multiple staff members as well as County Counsel.
- Some want a model where staff are involved in the actual legal consultation with County Counsel.

These responses were valuable for DFCS leadership and helped inform a potential redesign proposal.

Simultaneously, DFCS has discussed the legal consultation model with SEIU leadership including SEIU supervisory and social worker chapter stewards in bi-weekly meetings. SEIU also completed empathy interviews¹ between April 1 and April 15, 2024, which are one-on-one conversations that use open-ended questions to elicit stories about specific experiences that help uncover unacknowledged needs.²

SEIU has shared the themes they gathered from their empathy interviews in their bi-weekly conversations with DFCS leadership. Specifically, SEIU leadership, supervisors, and social worker stewards have provided context around needs of the social work staff and the importance of having flexibility in the legal consultation process to support the real-time navigation that has to occur during emergency response and other scenarios requiring potential Court intervention.

DFCS and SEIU will continue to partner on this topic and more broadly to not only address the current scope of legal consultation but also to support staff in the work, which will help support efficient internal processes and the best outcomes for the children and families DFCS serves.

Additional Opportunities for Feedback

In addition to this structured feedback solicitation, DFCS also sent out a memorandum to all staff on February 20, 2024 identifying Roxana Martinez, a management analyst in DFCS's Director's Office, to receive feedback from social workers and others in DFCS about their experience and reflections on the legal consultation staffing model. DFCS staff were also encouraged to send input directly to the DFCS director, which did occur via email. Through these processes, five DFCS staff indicated they would like to move to the multi-disciplinary model previously utilized by DFCS.

¹ SEIU 521-led empathy interviews allow there to be learning directly from social workers and social work supervisors about their experience in the Department of Family and Children's Services and other County departments related to Child Welfare Procedures and Protocols.

² Kari Nelsestuen and Julie Smith, "Empathy Interviews, Learning Forward. Vol. 41; No.5. October 2020, available at [tool-empathy-interviews.pdf](https://www.learningforward.org/tool-empathy-interviews.pdf) ([learningforward.org](https://www.learningforward.org)) (last visited April 13, 2024).

Further, we anticipate that DFCS staff, stakeholders, and community members will participate in the meeting of the Board's ad hoc committee where this topic will be agendaized and discussed.

Proposed Legal Consultation Staffing Model

As there has been consensus, DFCS anticipates revising the legal consultation model that is currently outlined in the Interim Direction in a few respects. Currently, pursuant to the Interim Direction, the social worker and supervisors do not directly participate in the legal "staffing" between the DFCS manager and the Office of the County Counsel at which a case is discussed. The revised model described below would change this practice to include the social worker and supervisor in the legal consultation.

- Prior to a legal consultation, as is the case under the Interim Direction, the social worker will complete the required and mandated Structured Decision Making safety and risk assessment tool(s), as appropriate. After the tool(s) are completed, the social worker, social work supervisor, and manager will meet to discuss the case.
- Once DFCS staff have made a case decision and determined that legal consultation is needed, the manager will contact County Counsel requesting a legal consultation, copying the social worker and supervisor.
- County Counsel will review information related to the case and then provide an initial response to the social worker, supervisor, and manager via email. If there is a need for a further verbal consultation with County Counsel, then the social worker, supervisor and manager will all participate in the consultation.
- For non-exigent circumstances, DFCS may also hold a multi-disciplinary staffing that includes the primary child welfare team, other child welfare staff, County and external community-based partners, a DFCS facilitator (i.e., manager or Child and Family Team/ Joint Decision Making facilitator), and to the extent needed for legal advice, County Counsel.

DFCS hopes to implement this model in late May 2024 following discussion of this process and proposed model with the Board's Ad Hoc Committee and any further feedback from staff, other stakeholders, SEIU 521, and CEMA.