

# **FAMILY AND CHILDREN’S SERVICES**

## **Children at Risk**

May 19, 2015

### **SUMMARY**

The Mendocino County Family and Children’s Services Agency is one of the lowest-scoring child protective services agencies in the State of California (State). In spite of a dedicated, caring, hardworking staff, the agency appears to be falling further behind. Every performance indicator points to understaffing as the main culprit. The understaffing has many causes: noncompetitive compensation, work overload, poor management, and low morale. Senior management is aware of the issues and their consequences but has failed to address them.

A number of the interviewees expressed the grave concern, that because of the current state of affairs in Family and Children’s Services Agency, “a disaster is waiting to happen.” The purpose of this investigation is to find out why and to publish the facts.

The Grand Jury reminds the reader that beyond the dry recitation of facts, beneath the numbers and statistics, behind the charts and graphs, there are real human lives involved. There are children in harm’s way. If the reader thinks this is sensationalism then he/she is referred to a front page article in the Ukiah Daily Journal under “Police Roundup” dated Saturday, January 30, 2015. (Appendix A)

### **GLOSSARY**

CCWIP	California Child Welfare Indicators Project (a UC-Berkeley study)
CMS	Child Welfare Services/California Management System (a State-wide database into which information about child abuse/neglect is entered and stored). The database is also initialed CWS/CMS.
CMSW	California Department of Social Services Manual of Social Work Policy and Procedures
Core	Foundational training for CPS personnel at the worker and line supervisor levels
CPS	Child Protective Services (the old name for Family and Children’s Services)
FCS	Mendocino County Family and Children’s Services Agency (formerly CPS), a division of the Social Services Department in the Health and Human Services Agency. In this report FCS refers to the child protective services portion of the division.
HHSA	Mendocino County Health and Human Services Agency
Management	Anyone who supervises supervisors in any capacity

Management System	Child Welfare Services/California Management System (see CMS above)
Mandatory Reporter	An individual who by law must report any indication of child abuse/neglect that comes to his/her attention.
MSW	Masters of Social Work
Referral	Any report of child abuse/neglect brought to FCS
SDM	Structured Decision Making Hot Line Tool
Social Worker	The entry level is Social Worker I with promotions available to the highest level of Social Worker V.
WIC	California Welfare and Institutions Code

## **BACKGROUND**

The Grand Jury received complaints about the performance of Family and Children’s Services in protecting the children of Mendocino County (County) from abuse and neglect. Family and Children’s Services (formerly Child Protective Services or CPS) is required by law to provide timely and appropriate services to children at risk. The complaints allege that these services are not provided in a timely manner, or not provided at all, due to staff shortages and management decisions.

## **APPROACH**

Data were collected from multiple databases including the Child Protective Services California Management System and the California Child Welfare Indices Project. Board of Supervisors’ minutes, County organization charts, management report of employee retention records, and budgets were examined. State laws were researched, including the California Welfare and Institutions Code and the California Department of Social Services Social Work Manual of Policy and Procedures.

The Grand Jury looked at what happens when a child is referred to Family and Children Services. Particular attention was paid to the beginning of the process and the timeliness of intervention.

Over 15 interviews were conducted with staff, management, and present and former HHSA employees. The Grand Jury also looked at staff shortages, retention rates, and job satisfaction.

The Grand Jury examined the hiring, training, qualifications, and compensation of staff. Salary and benefits packages were compared with similar and neighboring counties. The Grand Jury also looked at the levels of responsibility *vis-a-vis* qualifications.

The performance of the County was compared to other counties in the State.

## FACTS

This report is about children in our community who may be at risk of bodily harm. It is about what State and Federal law say we are supposed to do and what we are, or are not, doing.

Family and Children's Services (FCS) is the County name for the State and Federal mandated Child Protective Services program. FCS provides services to children who may be at risk of abuse or neglect. These services are funded in part by the State and Federal governments. FCS also administers other mandated programs.<sup>1</sup> These programs require additional staff and management attention.

In 2011, Realignment changed the funding formula, tying it to State sales tax revenue rather than County need.<sup>2</sup> Therefore, as a result, the County's financial risk ranges from 15% of 2010 costs for FCS to 50% of all costs for all social services. If the economy worsens, the need for services may increase as sales tax revenue falls. There is no provision to address increased costs or increased needs.

By State measures, Mendocino County Family and Children's Services is one of the poorest performing county Child Protective Services agencies in the State. FCS has experienced a significant decrease in the educational qualifications and work experience of the staff. This report looks at the resources and the level of service the County provides.

### The Referral Process

This section describes what happens when a child is referred to FCS. The process is dictated by law and has been designed for the safety, protection, and well-being of the child. There are many mandated actions,<sup>3</sup> all of which require sufficient qualified staff to adequately carry them out.

A report of potential abuse and/or neglect may arrive at FCS from a *mandatory reporter* such as law enforcement, a medical professional, or an educator. Also, it may come from any concerned person. The report may come in by letter, 'walk-in', or as a telephone call to the 'Hot Line' (707-463-7992). The call or report itself is called a *Referral*.

The Hot Line is staffed by an operator 24 hours a day, seven days a week. There is a 'Screener', either on duty or on call. The Screener is a Social Worker III or higher. In addition, there is a Social Worker Supervisor either on duty or on call to address incoming referrals.

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<sup>1</sup> WIC Program - Special Supplemental Nutrition Program for Women, Infants, and Children. A Federal grant program to the states who pass the management to the counties (see Wikipedia for a detailed description).

WRAP Program – California Wraparound Program. Individualized help programs for children at risk (see <http://www.childsworld.ca.gov/pg1320.htm>)

Katie A Program – Provides mental health and supportive services for children and youth in foster care in California (see <http://www.dhcs.ca.gov/Pages/KatieAImplementation.aspx>)

<sup>2</sup> See Appendix B

<sup>3</sup> See Appendix C

The Hot Line operator or desk person receiving the Referral either fills in a form (Hot Line Tool) or passes the call to the on-duty Screener. The Screener evaluates the information and decides what action should be taken based on the immediate safety and potential risk to the child. The choices for action are:

- an Immediate Investigation (within 24 hours),
- a Ten-Day Response (investigate within ten days), or
- Evaluate Out (dismiss as no action is required)

The Screener passes the form to the on-duty Supervisor who either verifies the Screener's decision or overrides it. This should happen within a few minutes of the call.

Then the Supervisor assigns the Referral to a social worker to contact and interview the child and the child's caregivers. If the Referral has been designated for immediate investigation, and has not been initiated by a law enforcement call, the social worker will probably ask for law enforcement back-up for the interview(s).

If, during the investigation, the social worker determines that the child has been harmed, or is at high risk of harm, the social worker may call for immediate removal of the child from the environment. The child will then be taken to an emergency shelter. A Referral call from law enforcement always requires an immediate investigation and will almost certainly result in moving the child to a safe place.

The middle alternative is the social worker may decide that, while there is no immediate risk of harm to the child, the environment may not be conducive to the long-term well-being of the child. The social worker will monitor the situation until she/he determines that the Referral should be either Evaluate Out or that Family Maintenance is required. In the latter situation, the Referral becomes a Case and a team is assembled to evaluate the family and prepare a Safety Oriented Practices plan of action.

At the opposite end, the social worker may determine that there is no cause for agency intervention and the referral will be Evaluate Out.

The *goal* is the maintenance of the child in the family in a safe environment. All of the actions mentioned in this section can be initiated by FCS but may also be ordered by the court. The court *always* becomes involved when a child is removed from his/her home. Court involvement is initiated with the filing of a Petition for Removal within 24 hours of the removal.

Unless the decision is Evaluate Out, the child moves into Continuation care, which may include Family Maintenance. It may also include Family Reunification efforts, adoption, or foster care.

### **Performance Issues**

Emergency response performance is measured by three criteria:

- percentage of on-time Immediate (24 hour) Responses
- percentage of on-time Ten-Day Responses
- percentage of on-time Thirty-Day Closures

The more important of these criteria are the immediate responses and the on-time Ten Day Responses. The Thirty Day Closures are a measure of completion of action goals. A State-wide program tracks county-by-county performance.<sup>4</sup> Input data is extracted from the Child Welfare Services California Management System (Management System) database. The data is entered by the social worker staff of the individual counties as each case moves forward. Mendocino County has one of the worst performance records in the state for the first two criteria.

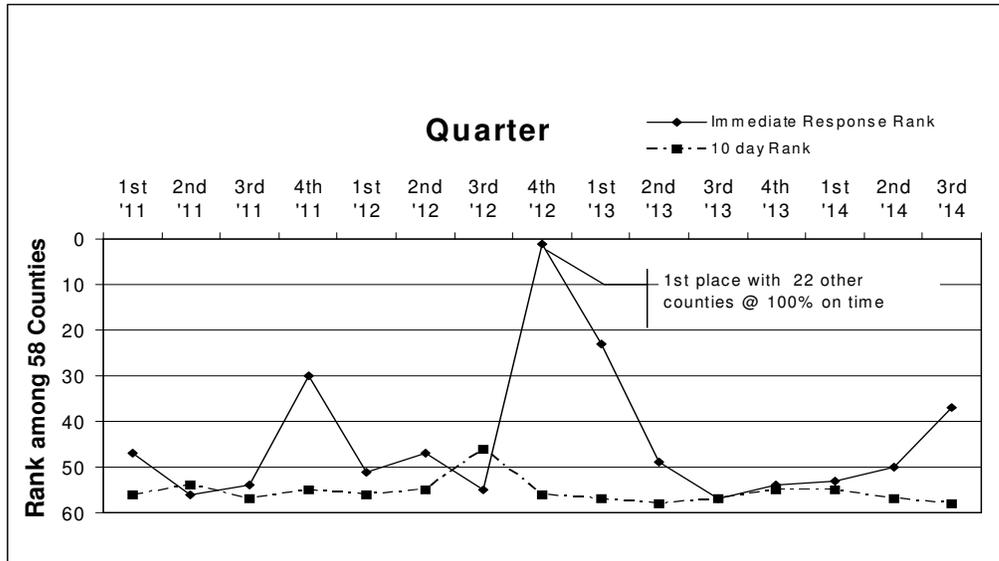


Figure 1 - Mendocino County rank among 58 counties for on-time 24-hour and ten day responses

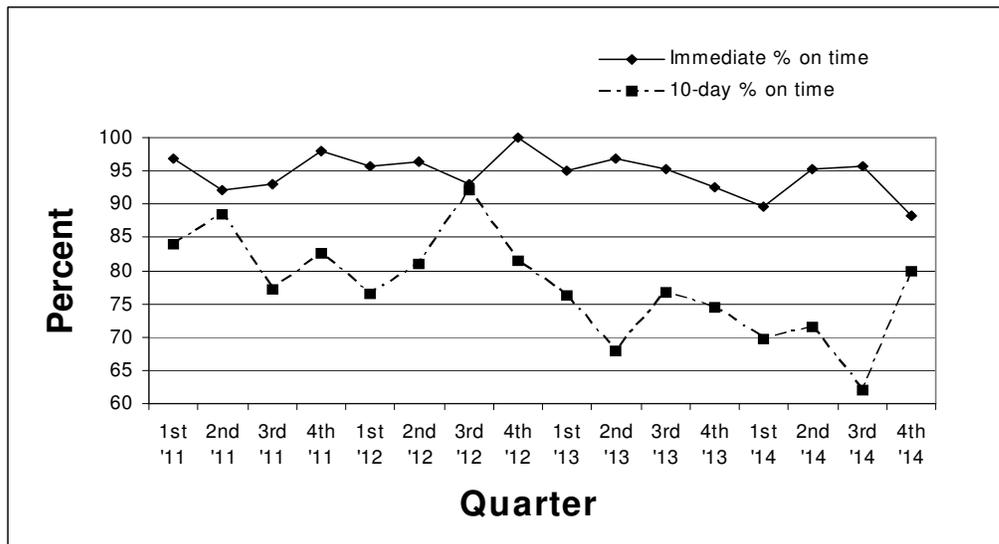


Figure 2 - Mendocino County percentage of on-time 24 hour and 10 day responses

<sup>4</sup> California Child Welfare Indicator Project (CCWIP) – see Appendix D

Why is this important? The longer a child is in an abusive/neglectful situation, the higher the probability the child will come to harm. Because of privacy issues this report does not include specific case information on any child.

FCS has a specific policy requiring that data for each case contact be entered within two weeks.<sup>5</sup> Management does not follow this specific policy due to staff shortages. The actual data entry by FCS into the Management System may be delayed an additional one week to one month beyond the receipt of data because of staff shortages.

FCS performed a test to see the impacts of late data entry on these statistics. In October 2014, the statistics for FCS from Management System data were: Immediate Responses 100% on time and Ten Day Responses 86% on time. In November 2014, FCS instituted intermittent overtime sessions to bring reporting up to date. Upper management approved the sessions and overtime pay. In November 2014 the statistics were: Immediate Responses 93% on time and Ten Day Responses 83% on time. In December 2014 the statistics were: Immediate Responses 71% on time and for Ten Day Responses 75% on time. For the fourth quarter 2014 the agency was 88% on time for Immediate Referrals, and 80% on time for Ten Day referrals.

State law requires case workers to file up to twelve different types of reports with the courts.<sup>6</sup> Many reports have mandated time limits for submittal, and some require extensive background investigations. Each report is specific to an individual case and requires writing on specific issues of that case. In addition, some reports must be filed multiple times.

A late court report may lead to a hearing continuation. The erratic performance in filing timely court reports for the period of September 2013 through January 2015 is shown in Figure 3, which management and staff attribute in part to lack of experienced personnel and staff shortages.

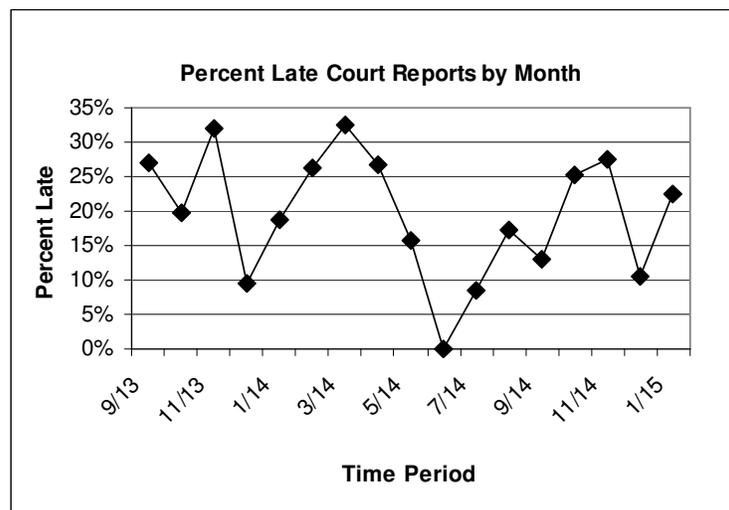


Figure 3 - Late Court report record

<sup>5</sup> Policy and Procedure No. 07-99, revised 12/2014

<sup>6</sup> See Appendix E

Case workers are required to make periodic visits to the children under their care. Mendocino County FCS averages between 85% and 90% of visits on time. The State average is between 80% and 85% of required visits on time. In this instance, Mendocino County FCS is performing above the State average.

## **Staffing Issues**

The staff of FCS is recognized for their work ethic and dedication to achieving the goals of FCS. This was stated by many individuals interviewed for this investigation.

To understand staffing issues in FCS it is helpful to realize there are primarily four classifications of employees:

- Clerical staff
- Social Worker Assistants I, II, and III – paraprofessional level staff of FCS
- Social Workers I, II, III, IV, and V who comprise the professional staff of FCS
- Supervisors I and II who directly supervise the Social Workers, Social Worker Assistants and Clerical staff
- Management who are responsible for managing the Supervisors.

A major problem for FCS is understaffing. More than one-third of the allocated social worker positions are unfilled. Many, that are filled, are filled by employing and using workers without the educational or experience requirements. Interviewees, management and staff, all acknowledged this problem. This issue was directly acknowledged by management with a change in policy concerning ‘Evaluation Out Referrals’ in February 2011.<sup>7</sup>

“Due to staffing issues and budgetary constraints, the following issues have been identified as criteria for non-investigation of referrals effective February 11, 2011.”

Lack of staff has translated into work overload and a significant number of late or unscreened referrals, which may not be processed within the guidelines FCS uses. Lack of educated, experienced staff can translate into more time to complete a task and increases work for supervisors. For example, the time expended for preparation of court reports and accompanying new hires on investigations, whether immediate or ten day response, can increase.

The workload is growing. The average annual number of referrals (allegations of child abuse) to Family and Children’s Services has increased by over 12% in the last six years. Currently, Case Worker active cases are between 30 and 40 mixed Emergency Response Referrals and Continuation Cases. Best Practices recommends case loads for FCS social workers between 17 and 20 mixed cases.<sup>8</sup>

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<sup>7</sup> See Appendix F

<sup>8</sup> Child Welfare League of America manual for standards of excellence for services to abused or neglected children and their families 1999.

The State has established educational requirements for FCS professional staff and supervisors<sup>9</sup>:

- a minimum of 50% of the professional social worker staff shall have a Master of Social Work (MSW), all are required to have a BA in the social sciences
- all professional social worker supervisors are required to have an MSW

Although the State does provide for training and experience to be certified as educational equivalency, there are no County FCS employees at any level with such certification.

As of mid-February 2015, the requirements are not being met:

- there were 24 filled professional social worker (non-supervisor) positions in FCS
- there were not 24 holders of a BA
- less than 50% of the professional staff have MSWs
- there are nine professional social worker *supervisor* positions in FCS
- there are not nine *social worker supervisors* holding MSWs

Further, eleven professional positions were vacant; Social Worker I (trainee level) applicants were being interviewed. FCS staffing did not meet the required ratio of at least 50% MSWs for non-supervisory staff in 2013 or 2014.

The State does allow a county to request a deferral from these staffing requirements each year. This request must be accompanied by a plan for a county to come into compliance, and document the results of the previous year's efforts. Such a request was made in April 2007, but there was no plan on file with the State. The next request for a deferral was made by letter on January 6, 2015.<sup>10</sup>

Many of the County's social workers assigned to Emergency Response hold only an Associate of Arts degree. The legal requirement for Emergency Response workers is a Bachelor's Degree. Additionally, the requirement for Emergency Response workers to investigate, by themselves, is at least a year of experience. Yet many of these Emergency Response workers are new hires, without that important field experience. This requires much closer monitoring by senior staff, thus placing an added burden on supervisors.

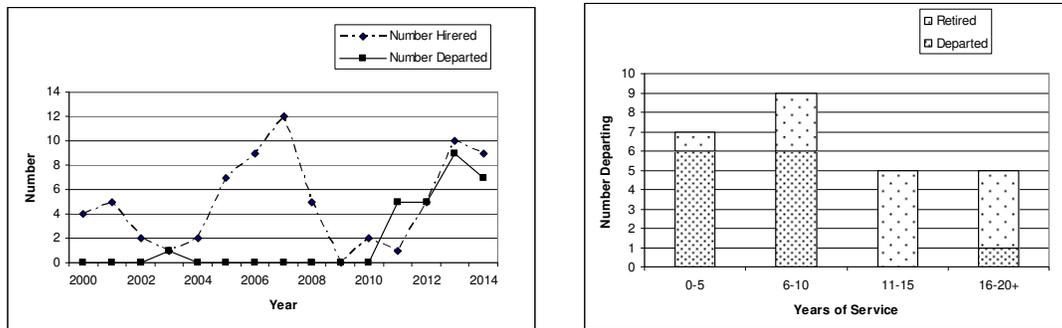
There was an exodus of experienced staff in the period 2011-2014 (Figure 4). The base salaries were cut in 2011 by 10%. This cut was followed by the reorganization of FCS in 2013. This reorganization caused controversy among the staff and supervisors and also significantly decreased morale. Testimony termed the level of morale as "almost malignant."

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<sup>9</sup> See Appendix G

<sup>10</sup> See Appendix H

The staff losses over the period 2011-2014 represent a loss of about 300 years of experience with the County. This represents a loss both of institutional and individual case knowledge.



**Figure 4– Changes in staffing and loss of experience**

Social Services and Family and Children’s Services were reorganized in early 2013. Management calls this reorganization a reshuffling, but no matter what it is termed, the effects are still the same. The change combined the investigative duties with the court reporting duties of the employees. Interviewees stated expansion of duties with the shortage of staff has negatively impacted the morale, particularly the morale of experienced employees. Many employees expressed high concern about the changes and a number of experienced employees left.

Individuals affected were not given prior notice or allowed prior input to management decisions affecting assignment of personnel.

There is no apparent mechanism or effort to explain to staff what staffing changes are planned, or why. Interviewees expressed concern over the negative impact on morale of staff changes occurring “suddenly” and without consultation. Staff felt excluded from the decision-making process.

Prior to April 2011, a leadership team composed of line supervisors and program managers gave advice to Management. At that time, the leadership team was directly involved in making personnel and staffing decisions.

Former staff believes that Management was making poor decisions to the detriment of the Agency. They believe that the decision to place an emphasis on hiring MSW level social workers decreases the ability to adequately staff Family and Children’s Services with social workers at lower levels. However, this emphasis by Management is an attempt to bring the County into compliance with State standards.

In response to the loss of experience, Management has increased Core training and advanced educational opportunities for staff moving into higher positions. Many interviewees praised Management for providing additional training opportunities.

In interviews, various levels of Management gave three primary reasons for staffing shortages:

- salary levels
- two separate personnel systems: County Human Resources and State Merit System
- Mendocino County is “not a desirable place to live.”

The interviewees did not mention whether there was an outreach effort to recruit Social Workers. This was compounded by the failure to post ads for Social Workers. The County website showed no mention of openings for Social Workers under “Employment Opportunities” when the Grand Jury reviewed for postings. Also, no link or reference to the State Merit System services website was found.

In fact, there were no postings or advertising for Social Workers for the three months prior to January 1, 2015. As of January 11, 2015, there *were* postings and ads to fill positions in FCS. As of January 12, 2015, there were also postings on the State Merit System Services website for positions in FCS. These positions were to be open for two weeks.

This changed. As of February 15, 2015, the Social Worker positions listed for Mendocino County were to remain open until filled. Whether this recruiting has been successful is not clear.

Upper Management expressed concern that staffing issues in Mendocino County may be related in part to the general living conditions, living environment, and compensation issues, to wit:

- salary differential and benefits
- the lack of a 4-year university
- inaccessibility to a major airport
- a low housing inventory
- high home prices
- poor shopping opportunities

Many management, staff, complainants, and past employees believed that low salary levels contributed to the inability of the County to hire and retain Social Workers. Specifically mentioned was a perceived compensation differential between Mendocino and surrounding counties.

A survey by the Grand Jury found that entry level salaries for Social Workers in Mendocino County were *higher* than the adjacent counties of Humboldt and Lake. But starting salaries for these counties and Mendocino County were more than 20% lower than in Marin, Napa and Sonoma.<sup>11</sup> When the pay differentials are considered for the level of SW II through SW IV, this pay differential is more pronounced.<sup>11</sup>

Multiple interviewees also cited benefits as being lower in Mendocino County than in the neighboring counties. The Grand Jury found this to be a complex issue. Mendocino County

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<sup>11</sup> See Appendix I

is the only county of the neighboring counties that has a county-managed system, the rest contract with CalPERS for retirement fund management. Under the California Public Employees' Pension Reform Act of 2013, the counties can only pay up to 50% of any new employee's retirement benefit. The counties can *not* subsidize the new employee's contribution. This is the same handling of pension benefits being used by Mendocino County. The perception of a difference in the benefits offered to new employees is not supported by the evidence.

All interviewees, especially Management, expressed concern that many new employees would receive their training, paid for by the County, and then depart (called 'train-and-trot' by several of the interviewees). Upon review, the Grand Jury found that for the five year period since 2010, there was a 25% loss of social workers within two years of being hired.

## **Morale**

Morale has been a continuing concern. Every interviewee, except for very top management, stated that morale was poor. However, some stated that morale is improving.

When asked why morale was so poor, every interviewee listed among the factors the perception that Management had received back their 10% pay cuts, whereas staff had not. HHS Management has *not* received back their 10% pay cut. Further, the 10% pay cut has been made permanent. Several interviewees stated that they considered the recent raises given under County Management as a slap in the face.

FCS currently works a four-day work week. In an attempt to address client access concerns, a proposal was made by users of FCS services to return to a five-day work week. During discussion of returning to a five-day work week in a Board of Supervisors meeting, there was anecdotal evidence offered that, because of the 10% pay cut, some staff have taken second jobs.

Other factors affecting morale include:

- loss of collegiality
- loss of the leadership team consultation
- abrupt personnel changes
- lack of adequate staff
- lack of adequate equipment
- lack of respect for experience and dedication
- fear of retribution

There is a Policy and Procedure in Social Services calling for "respectful communication" (No. 06-03). Former staff did not believe that Management followed this Policy and Procedure. The Grand Jury reviewed confidential documentation establishing a lack of respectful communication. Interviewees also stated that this lack is present in communications during the normal work day. The failure by Management to follow this Policy has added to morale problems.

There is documentary evidence of Management statements and/or actions that could be considered retaliatory in nature. There was a lack of response from higher Management

when the issues of retaliation were brought to their attention. Staff continues to fear retaliation if they are forthcoming with issues of concern. This fear was evident in the difficulty the Grand Jury had in getting employees to appear as witnesses. Fear is always a morale problem.

## **FINDINGS**

- F1. A major problem with FCS is understaffing.
- F2. FCS ranks at the bottom for two of three State measures of job performance for FCS agencies.
- F3. One of the two measures where FCS meets or exceeds State averages is Case Worker periodic visits for children under their care. Unfortunately, this does not address the understaffing concerns of the areas where FCS does not even meet State averages.
- F4. A failure to meet required investigation deadlines is a symptom of understaffing. A failure to timely investigate referrals poses an increased risk to children.
- F5. The statistical performance of County FCS, when compared to that of the other counties in the State, is an embarrassment to our community and should be an embarrassment to our County government.
- F6. Short term (monthly) performance statistics are skewed by untimely data entry; long term statistics will not be skewed. Whether poor performance is due to late investigations or late entry of data, the underlying cause is the same, understaffing.
- F7. A significant number of FCS professional and supervisory staff do not meet State educational standards for their positions and are considered under-qualified by State standards.
- F8. The failure of FCS in Mendocino County to conduct timely investigations is directly linked to the shortage of qualified staff.
- F9. The County's use of inexperienced and under-qualified staff to conduct Emergency Response investigations places an additional burden on supervisors and increases the probability of children or staff coming to harm.
- F10. FCS has an erratic record in preparing timely court reports.
- F11. Late court reports often result in hearing continuations, which lead to lost time for the Court, the child's representatives, the parents and their representatives, and the case workers. Late court reports represent an added expense to the County and cause unnecessary friction with the Courts, the legal community, and the families involved.
- F12. Late court reports are another symptom of understaffing and under-qualified staff. If done correctly and thoughtfully (as they should be for the sake of the child), the required reports are time-consuming to prepare and demand greater time involvement by supervisors.
- F13. FCS has almost one third less staff than the August 2014 Table of Organization shows.

- F14. This Table of Organization itself does not show any staff increases since 2008 to meet the increased work load experienced over the last six years.
- F15. Senior Management has known of the lack of staff for years. Failure to actively recruit exacerbates this problem. Recruiting is haphazard at best. Failure to address this problem has led to the current state of affairs.
- F16. Current FCS professional staff are carrying nearly double the recommended Best Practices case loads for quality service to children.
- F17. The problems associated with understaffing are worsened by the loss of experienced and qualified staff.
- F18. Management has responded to the loss of job experience by increasing Core training and the availability of training opportunities toward advanced degrees for staff.
- F19. FCS is not in compliance with State-required educational standards for social workers handling child abuse/neglect cases.
- F20. The County has been aware of its lack of compliance for years.
- F21. As of December 31, 2014, HHS had failed to perform even the minimal reporting requirements of the State since 2007.
- F22. HHS did file a request for deferral and a plan of action meeting the letter of the law in January 2015.
- F23. Because the January 2015 plan of action does not include any requirements of action from the CEO or the Board of Supervisors, the Grand Jury finds the plan does not address the problems.
- F24. HHS is attempting to upgrade the educational levels of current FCS staff.
- F25. Mendocino County pays more than Humboldt and Lake Counties for starting social workers.
- F26. The private sector pays significantly higher for social workers. It is likely that the difference between public sector salaries and private sector salaries impacts the ability of the County to hire sufficient numbers of Social Workers.
- F27. The more populous counties of Napa and Sonoma pay significantly higher salaries than do Humboldt, Lake, and Mendocino. It is probable that this difference leads to the loss of professional social workers to those counties.
- F28. The problem of 'train-and-trot' is real. Within two years of hiring or promotion, one out of four employees has left the job. A loss of 25% of employees, after less than two years of service and training, would not be sustainable by a private agency. This is an unacceptable strain on the HHS budget.
- F29. The higher paying counties are a major magnet for 'train-and-trot.' Also, the atmosphere in which the employees work has contributed to the 'train and trot' phenomenon.
- F30. Benefit packages vary widely from county to county, and are very complex. The Grand Jury was not able to determine if differences in benefit packages were significant from county to county for counties of equivalent size.

- F31. The 2013 ‘reshuffle’ of job assignments and responsibilities and the renaming of functional units was in fact a reorganization of FCS.
- F32. Along with the 2013 reorganization of FCS, Management moved to a top down management (command-and-control) style. A lack of communication with subordinates about personnel and staffing decisions is a hallmark of command-and-control management.
- F33. Command-and-control decreases collegiality and is not a good management model for Social Agencies. It leads to a lack of transparency of management actions up and down the chain.
- F34. Combining functions by requiring individual social workers to cover both Emergency Response and Court functions is an attempt by Management to deal with staff shortages and inexperienced staff. This has hampered the workers’ ability to perform the tasks necessary for the safety and well-being of the children.
- F35. While there is a lack of recruiting activities, the increased emphasis on the educational qualifications in consideration of potential new hires by requiring MSWs was a decision based on the need to meet State mandated requirements.
- F36. Management took retaliatory action against workers who disagreed with them.
- F37. Staff is reluctant to speak out on issues for fear of retaliation.
- F38. Lack of respectful communication was cited by more than one interviewee, and the Grand Jury was presented documented evidence.
- F39. FCS underwent a time of turmoil which resulted in negative impacts on staff morale and loss of senior staff.
- F40. Though too few in numbers, the current staff is dedicated, hard-working, and caring in their efforts to meet the needs of the children.

## **RECOMMENDATIONS**

The Grand Jury recommends that:

- R1. Management bring to the attention of the Board of Supervisors the ranking of the County with respect to all measures of FCS performance as compared to the rest of the State. (F2, F3, F5, F6)
- R2. Management bring to the attention of the Board of Supervisors the consequences of late investigations. (F4)
- R3. Management bring to the Board of Supervisors recommendations for correcting the problems listed in the findings. (F1, F2, F4. F6 through F17, F19, F24, F28, F32 through F 34, F36 through F39)
- R4. FCS consult with stake holders to identify and prioritize the most important reports for completion on time. (F10, F11, F12)
- R5. Management report to the Board of Supervisors the consequences and County costs of late Court reports. (F10, F11, F12)

- R6. Management continue and strengthen efforts to provide training opportunities for staff. (F18)
- R7. HHS identify and assign staff to monitor and maintain compliance with the requirements of the State regarding the required education levels of staff (SWMPP §31-070.1) and regularly report the results to Management. (F19)
- R8. HHS identify and assign staff to monitor and maintain compliance with the reporting requirements of the State (SWMPP §31-070.2) with a regular reporting schedule to Management. (F19, F20, F21, F22, F23)
- R9. HHS report to the Board of Supervisors that the County *has not been*, and currently *is not* in compliance with the staffing requirements of SWMPP §31-070.1. (F19, F20)
- R10. HHS report to the Board of Supervisors on a fixed schedule (at least twice a year) the compliance status of the County with respect to SWMPP §31-070.1 (staff education ratios). (F19, F20)
- R11. HHS report to the Board of Supervisors on a quarterly basis what is needed in terms of budget and staff to meet the State requirements (SWMPP §31-070.1). (F19)
- R12. HHS report annually to the Board of Supervisors the FCS standing in the State with respect to Emergency Response measures. (F2, F8)
- R13. the Board of Supervisors supply HHS with the resources necessary to provide adequate services to the children of Mendocino County. (F1 through F35)
- R14. HHS institute an active, continuous, and well publicized effort to recruit qualified staff. (F1, F3, F4, F6 through F9, F12 through F16, F40)
- R15. Human Resources contact social workers who rejected employment offers with the County FCS. HR should request specifics as to why the Mendocino County offer was rejected. (F26, F27, F30)
- R16. Human Resources perform exit interviews to establish the extent of ‘train-and-trot.’ (F28, F29)
- R17. HHS continue efforts to improve morale and reinstitute the collegial atmosphere to address the issue of ‘train and trot.’ (F29, F32, F33, F40)
- R18. Supervisors and managers review on an annual basis Social Services Policy No. 06-03, and how it is being implemented within their respective sections. (F38, F40)

## **RESPONSES**

Pursuant to Penal Code §933.05, responses are *required* from the following individuals:

- CEO, Mendocino County (All Findings and All Recommendations)
- Director, Mendocino County Health and Human Services Agency (All Findings and All Recommendations)
- Director, Mendocino County Human Resources (Findings 26 through 30 and Recommendations 15 and 16)

From the following governing bodies:

- The Mendocino County Board of Supervisors (Findings 1, 5, 7, 20, 23, 28 and Recommendations 1 through 3, 5, 9 through 13)

The governing bodies indicated above should be aware that the comment or response of the governing body must be conducted subject to the notice, agenda and open meeting requirements of the Brown Act.

Pursuant to Penal Code §933.05, responses are *requested* from the following individual(s):

- Assistant Director, Mendocino County Family and Children's Services (All Findings and All Recommendations)

## **BIBLIOGRAPHY**

1. Child Welfare Services California Management System (CWS/Management System), restricted access database. Accessed for the Grand Jury by Family and Children's Services.
2. Needell, B., *et. al.*, California Child Welfare Indicators Project public access database, University of California at Berkeley, [URL: [http://cssr.berkeley.edu/ucb\\_childwelfare](http://cssr.berkeley.edu/ucb_childwelfare)], managed for California Dept. of Social Services. Data retrieved by the Grand Jury between 10/2/14 and 2/7/2015 (see Appendix I)
3. California State, '*Welfare and Institutions Code*, Section 300ff, [[http://leginfo.legislature.ca.gov/faces/codes\\_display Section.xhtml](http://leginfo.legislature.ca.gov/faces/codes_display Section.xhtml)]
4. Multiple County Organization Charts
5. *HHS Staff Hiring and Promotion Data for Social Worker Classifications (2010-2014)*, excel spreadsheet, email dated 12/8/14, requested by the Grand Jury and prepared by the Health and Human Services Agency.
6. L. Michael Clark, J.D., *Juvenile Court Law*, A Continuation Course for Social Workers, San Jose State University, 2002
7. Letter to California Department of Social Services requesting waiver from SW §31-020.1, January 6, 2015
8. Memorandum of Understanding between the County of Mendocino and Related Agencies and Service Employees' International Union, Local 1021, August 26, 2014.
9. The California Department of Social Services (DSS), *Social Work Manual of Policies and Procedures*, [<http://www.cdss.ca.gov/ord/entres/getinfo/pdf/cws1.PDF>, Downloaded Nov 27, 2014]

10. *Late Court Reports*, Memo, Deputy Director Child Welfare Services to Social Services Director, October 1, 2014. Updated February 2015
11. Mendocino County Grand Jury Report, *Indian Child Welfare Act - Our Children, Our Hope, Our Future*, June 9, 2009
12. Mendocino County Grand Jury Report, *Mendocino County Child Protective Service Emergency Response Unit*, June 2000

Reports issued by the Civil Grand Jury do not identify individuals interviewed. Penal Code §929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Civil Grand Jury.

## **APPENDICES**

Appendix A - Child Abuse Newspaper Report – Ukiah Daily Journal  
January 2015

Appendix B - Impact of 2011 Realignment on FCS Budgets

Appendix C - The Referral Process

Appendix D - Background Information to the California Child Welfare  
Indicator Project (CCWIP)

Appendix E - Summary of Welfare and Institutes Code Court Reporting  
Requirements

Appendix F - 2011 Policy Change on Evaluating Out Referrals

Appendix G - Text of California Department of Social Services Social  
Work Manual of Policy and Procedures §31-070

Appendix H - January 2015 Letter to California DSS requesting deferral

Appendix I - Salary Comparisons by County and Position

## **APPENDIX A - Child Abuse Newspaper Report**

### **“Ukiah Police: Father suspected of handcuffing his child to table**

“By Ukiah Daily Journal staff

“Updated: 01/30/2015 06:15:31 PM PST

“A Ukiah man was arrested last week for allegedly handcuffing his 4-year-old child to a table while he left the house, the Ukiah Police Department reported.

“According to the UPD, officers responded to the 700 block of Waugh Lane around 8:40 p.m. Jan. 22 for a report of child abuse.

“The suspect, identified as Charles A. Blunt, 28, reportedly disciplined the child by hitting the child with a coat hanger several times. Officers noticed visible injuries to the child's backside, face and wrists, and determined that Blunt had handcuffed the child to a table while he went to a store and did not return until 2 a.m.

“Blunt was arrested on suspicion of child cruelty and causing injury to a child.”

## APPENDIX B - Impact of 2011 Realignment on FCS Budgets

As used in the context of California government operations, Realignment is the change in both funding mechanisms and responsibilities for operation of various mandated programs as instituted by the State legislature in 2011. Assembly Bill (AB) 118 (Chapter 40, Statutes of 2011) and ABX1 16 (Chapter 13, Statutes of 2011) realigns the California Department of Social Services (CDSS) funding for Adoption Services, Foster Care, Child Welfare Services, and Adult Protective Services. Further, it moves responsibility for associated programs from the State to local governments and redirects specified tax revenues to fund this effort.

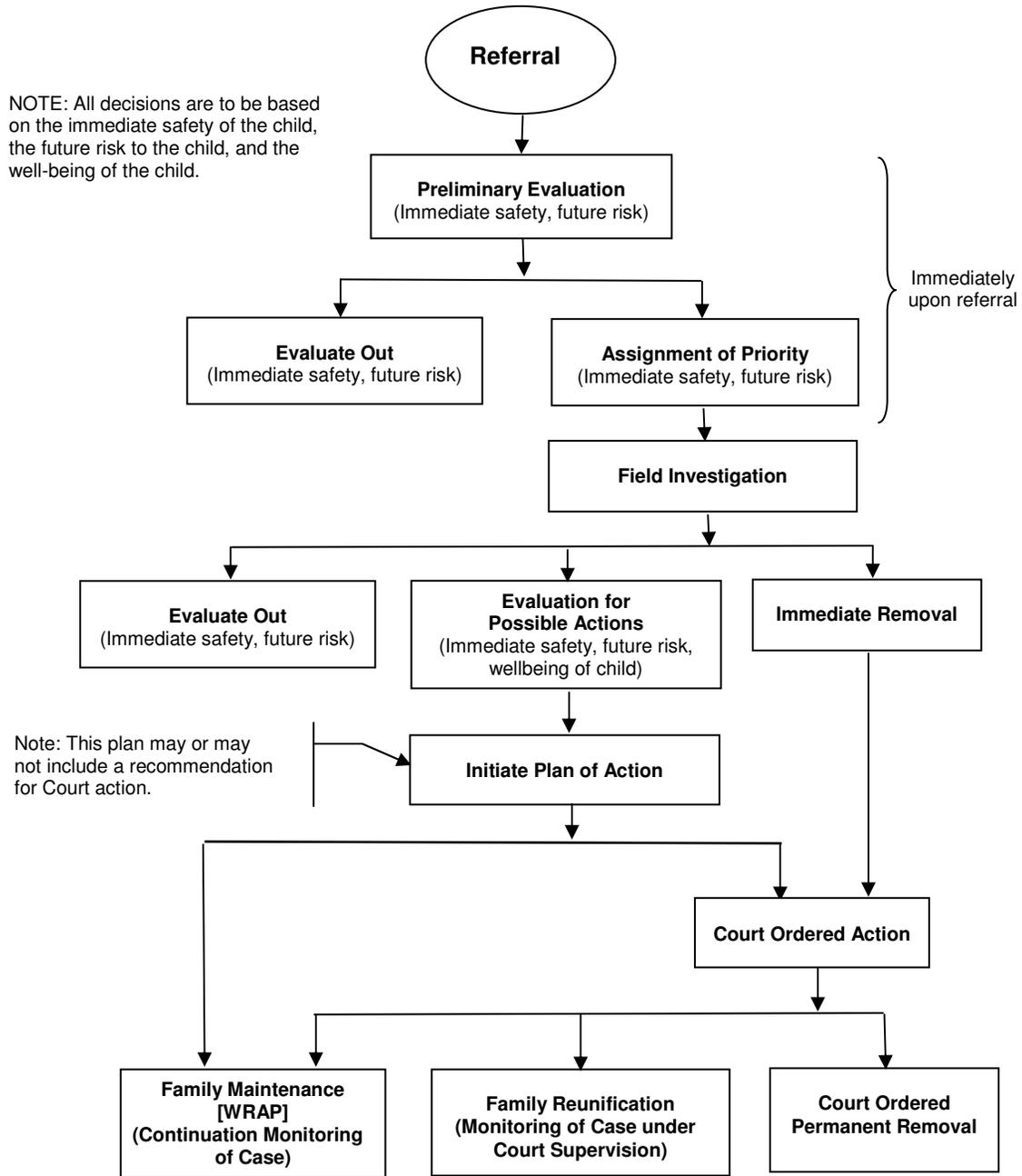
The Realignment sets a cap on the dollar amount the State will send to the counties. The cap is 35% of the 2010 costs of the program. The funds come as a lump sum for all HHS-managed State-mandated programs on a quarterly basis each year. The County may distribute the money any way it desires. But, once State money is used, there are *zero* dollars for any additional costs.

This approach does not allow for increased costs, either through need or inflation. In addition, if State sales tax revenues do not reach a certain level, the lump sum is reduced. What is worse, if State sales tax revenues fall below a certain minimum, no funds at all will be transferred to the counties.

The end result, however the funds are acquired, is that the counties are liable for every dollar of cost not covered by Federal funds.

## APPENDIX C - The Referral Process

NOTE: All decisions are to be based on the immediate safety of the child, the future risk to the child, and the well-being of the child.



## **APPENDIX D - Background to CCWIP**

“The California Child Welfare Indicators Project (CCWIP) is a collaborative venture between the University of California at Berkeley (UCB) and the California Department of Social Services (CDSS). The project is housed in the School of Social Welfare, and provides policymakers, child welfare workers, researchers, and the public with direct access to customizable information on California’s entire child welfare system.”

The following notes on the Data Source are quoted from the web site:

“All of the data on this website come from the University of California, Berkeley quarterly extracts from CWS/Management System. Those extracts are pulled approximately one month after each quarter ends, and the data are fully refreshed each quarter. Due to the time it takes to process, run, validate, and approve the data each quarter, data on the website and on the California CWS Outcomes System report are typically in the range of three to six months old.

“For the general foster care data areas (Entries, Point in Time, Exits), we include children in non-dependent guardian placements. When we try to replicate the methodology used in the 17 federal performance measures, we use a slightly different source file that we have created, which mirrors the Adoption and Foster Care Analysis and Reporting System (AFCARS) file. Children in non-dependent guardian placements are excluded. In addition, episodes that transition from child welfare to probation or probation to child welfare on the same day are bridged into a single episode. The federal and state measure views for the indicators in the composites contain only children under the age of 18. In both files, consistent with AFCARS reporting, we have excluded episodes of zero or one day.”

## APPENDIX E - Summary of WIC Court Reporting Requirements

*The following is a list of the WIC<sup>12</sup> Court reports and filings that a social worker must/may prepare for the Court for a case requiring removal of the child from the home (taken from L. Michael Clark, J.D., *Juvenile Court Law, A Continuation Course for Social Workers*, San Jose State University, 2002).*

1. Petition for Removal [Source: WIC §325, §332]
2. Detention Hearing report (within 48 hours of filing Petition for Removal) [Source: WIC §319]
3. Jurisdictional Hearing Report (within 15 Judicial days of the Detention Hearing) [Source: WIC §345-356]. This report includes the results of the federally mandated ICWA<sup>13</sup> investigation.
4. Dispositional Hearing Report (Held 10 days after the Jurisdictional Hearing) [Source: WIC §345-356]
5. Six Months Review Hearing Report - Family Maintenance Reports (held 6 months after the date the child entered foster care) [Source: WIC §364, §366.21(e)], or
6. Six Months Review Hearing Report- Family Reunification Reports (held 6 months after the date the child entered foster care) [Source: WIC §364, §366.21(e)]
7. Twelve Months Review Hearing Report(s) (held 12 months after the date the child entered foster care) [Source: WIC §364, §366.21(e)]
8. Eighteen Month Permanency Hearing Report [Source: WIC §364, §366.22]
9. Selection and Implementation Hearing Report (120 days after an order terminating Reunification Services, i.e. “the kid ain’t goin home”) [Source: WIC §366.26]
10. Permanency Placement Planning (PPP) Hearing Report [Source: WIC §366.3]
11. Post PPP Hearing Reports (every 6 month until case is dismissed) [Source: WIC §366.3, §366.4]
12. Miscellaneous Petitions and Reports
  - a. Medical or psychiatric services petitions
  - b. Other Petitions
  - c. Amended Petitions
  - d. Detention Summaries
  - e. §241.1 Reports (Joint assessment between Probation and Child Welfare)
  - f. Addendums to previous filings
  - g. ICWA reviews
  - h. Adoption dismissal reports

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<sup>12</sup> WIC California Welfare and Institutions Code.

<sup>13</sup> ICWA The Federal Indian Child Welfare Act

## APPENDIX F - 2011 Policy Change to Evaluating Out Referrals

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### Evaluating Out Referrals

Due to staffing issues and budgetary constraints, the following issues have been identified as criteria for non-investigation of referrals effective February 10, 2011. It is understood that this is a general guideline and that each referral will be evaluated separately by each individual CWS office.

1. The situation does not appear to involve a reasonable likelihood that a child will be abused or neglected in the foreseeable future.
2. **There are no clear 300 issues identified in the referral. (For example, referrals which are vague or which do not allege abuse or neglect of a child, lice or school attendance as the only issue in the referral).**
3. The report does not give enough information to locate the child or the child's family or household.
4. **The situation is already under investigation, in which case staff should merge the intake into the open investigation.**
5. There is an open case and the situation can be handled by the assigned social worker.
6. **The situation can be addressed by another community agency or resource.**
7. Teen-Parent struggle issues.
8. **Reports of abuse which occurred six months ago or longer (e.g. referral regarding an isolated incident of abuse in the past).**
9. Sexual and Physical abuse issues in which there is an out-of-home perpetrator, with parents who are protecting child from further access by perpetrator.
10. **Out-of-Control (601) teenager issues (runaways, vandalism, drug and alcohol issues) or teenagers accused of more serious (602) law violations.**
11. Referrals in which the same allegations were recently investigated and closed as unfounded.
12. **Referrals which are clearly custody/family law issues.**
13. Reports known or reasonably suspected to be made for harassment purposes only.
14. **Referrals in which the children are not located in Mendocino County and we refer on to the county of residence. (Note, the caller should be referred to the correct county and no referral should be taken in our county).**
15. Referrals in which there are no children living in the home.
16. **Mental Health specific referral issues such as a depressed, aggressive or suicidal child (unless there is evidence that such issues are a result of abuse or neglect, or unless the parents are not willing or able to arrange the necessary mental health services).**
17. Minors aged 16 or older having consensual sex with someone over the age of 18 with no failure to protect on the part of the parents. These will be cross reported to law enforcement for investigation.
18. **Referrals that are alleging criminal activity unless the activity puts the child at risk of abuse or neglect.**
19. Pregnant mothers who fail to seek prenatal care or are using marijuana, unless other neglect issues are identified.
20. **Where marijuana usage is the only allegation of the parent and no other abuse or neglect is reported.**

## **APPENDIX G - Text of California Department of Social Services Social Work Manual of Policy and Procedures** page 1 of 2

### **“Child Welfare Services**

This User's Manual is issued as an operational tool. It contains the following:

- a) Regulations adopted by the California Department of Social Services (CDSS) for the governance of its agents, licensees, and/or beneficiaries;
- b) Regulations adopted by other State Departments affecting CDSS programs;
- c) Statutes from appropriate Codes which govern CDSS programs;
- d) Court decisions; and
- e) Operational standards by which CDSS staff will evaluate performance within CDSS programs.”

### **“MANUAL LETTER NO. CWS-99-03 Effective 7/15/99**

#### **31-070 STAFF REQUIREMENTS 31-070**

.1 County staff who provide emergency response and family maintenance services shall meet the following qualifications:

.11 At least 50 percent of the professional staff providing emergency response services, and at least 50 percent of the professional staff providing family maintenance services, shall possess a master's degree in social work, or its equivalent in education and/or experience as certified by the State Personnel Board or a county civil service board.

.12 One hundred (100) percent of the supervisors of staff providing emergency response and family maintenance services shall possess a master's degree in social work, or its equivalent in education and/or experience as certified by the State Personnel Board or a county civil service board.

.13 Remaining emergency response and family maintenance services professional staff shall possess a bachelor's degree in social work or its equivalent in education and/or experience as certified by the State Personnel Board or a county civil service board.

.14 Bilingual staff shall be available as specified in Manual of Policies and Procedures Chapter 21100.

.2 At the beginning of the calendar year, the county shall determine if it meets the requirements specified in Sections 31-070.11, .12, and .13, unless the county has an approved plan pursuant to Section 31-070.21.

.21 If the county is unable to meet the requirements specified in Sections 31-070.11, .12, and .13, the county shall:

**APPENDIX G** page 2 of 2

.211 Document the reason(s) for such inability in a written statement to the Department.

.212 Submit to the Department for approval a plan specifying the means by which the county plans to meet the requirements of Sections 31-070.11, .12, and .13, and the time frame by which the county expects to obtain compliance.

(a) Upon plan approval, the Department shall have the authority to defer the requirements specified in Sections 31-070.11, .12, .13, and .2 for a period up to three years.

.22 At the end of the time frame specified in the county's plan, but no more than three years from the date the county submits its plan to the Department, the county shall notify the Department, in writing, of its progress in obtaining compliance.

.221 If the county has failed to obtain compliance, the county shall follow the procedures in Section 31-070.21.

NOTE: Authority Cited: Sections 10553 and 10554, Welfare and Institutions Code. Reference: Sections 16501(c) and (e), Welfare and Institutions Code and 45 CFR 1356.21(d).”

**APPENDIX H - January 2015 Letter to California DSS requesting  
deferral from SWMPP §31-070 page 1 of 2**



**Mendocino County Health & Human Services Agency**  
*Healthy People, Healthy Communities*  
**Stacey Cryer, Director**  
 Social Services - Bryan Lowery, Director  
 Child Welfare Services - Jena Conner, Deputy Director



January 6, 2015

Kelly Winston, Bureau Chief  
 Child Welfare Policy & Program Development Bureau  
 744 P Street, M.S. 8-11-87  
 Sacramento, CA 95814

**Re: Waiver for Social Workers and Supervisors without MSW or Equivalent Degrees**

Dear Ms. Winston:

In reviewing our current Child Welfare Services staffing against Division 31-070.2 Regulations, it is apparent that Mendocino County is not in compliance with the requirements that 1) 50% of the professional staff providing emergency response and family maintenance services shall possess a master's degree in social work, or its equivalent in education and/or experience and 2) 100% of the supervisors of staff providing emergency response and family maintenance services shall possess a master's degree in social work, or its equivalent in education and/or experience. We had been continuously actively recruiting for MSW level social workers and supervisors, have continued to support staff in pursuing MSWs through Title IVE programs and have provided internship opportunities to students pursuing MSWs. Unfortunately, Mendocino County continues to lack the resources to offer competitive salaries to attract not only MSWs, but social workers in general, to accept employment with Mendocino County, especially since we border a county that is able to pay substantially higher wages to Child Welfare Social Workers and Supervisors.

**Social Workers:** All of our social workers provide emergency response services, either as their full time assignment or after business hours, weekends and holidays. All of our social workers with the exception of our small AB 12 unit, carry mixed caseloads which include family maintenance cases. As of January 6, 2015, we have a total of 33 social workers who provide emergency response and/or family maintenance services. 8 of the 33 social workers (24%) are MSWs or MFTs. 1 full time social worker employee is currently in an MSW program and 1 extra help social worker employee is in an MSW program.

**Supervisors:** All of our social work supervisors supervise staff providing emergency response services, either as their full time assignment or after business hours, weekends and holidays and all of the social work supervisors supervise mixed caseloads which include family maintenance cases. As of January 6, 2015, we have a total of 8 social work supervisors who supervise emergency response and/or family maintenance services. 1 of the 8 has an MSW. 1 of our social worker supervisors is currently applying to an MSW program. In addition, one of our senior program managers who manages some of our emergency response and family maintenance services has an MSW, and also the deputy director has an MSW.

Administrative Services 747 S. State St. Ukiah, CA 95482 Ph. 707-472-2333 Fax 707-472-2333	727 S. State St. PO Box 838 Ukiah, CA 95482 (707) 463-7999 FAX (707) 463-7960	730 S. Franklin St. PO Box 1306 Fort Bragg, CA 95437 (707) 962-1102 FAX (707) 962-1110	WISC Center 221 S. Lenora Ave. Willits, CA 95480 (707) 456-3700 FAX (707) 456-3701	Willits Family Resource Center 221 S. Lenora Ave. Willits, CA 95480 (707) 456-3710 FAX (707) 456-3735	Ukiah Family Resource Center 10 Cherry Ct. Ukiah, CA 95482 (707) 463-6613 FAX (707) 463-3492
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**APPENDIX H** page 2 of 2

Pursuant to Division 31-070.212, Mendocino County submits the following plan to meet the requirements and time frame by which we expect to obtain compliance:

- Continue to encourage current social worker employees to apply for MSW programs.
- Continue to support current social worker employees who are in MSW programs by providing opportunities for them to complete their required field work internships in-house.
- Continue to provide field work internship opportunities to students pursuing their MSWs but are not currently employed by Mendocino County Child Welfare Services.
- Continue to actively recruit MSWs by exploring all possible avenues of recruitment including advertising, job fairs and recruitment visits to colleges with MSW programs.
- Exploring possibilities to provide incentives for MSWs to come to work for Mendocino County.

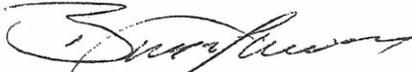
We hope to obtain compliance with the staffing requirements within the next 3 years, by 2018.

Please advise if you need additional information to approve our waiver request.

Sincerely,



Jena Conner, MSW  
Deputy Director, Child Welfare Services  
(707) 463-7971



Bryan Lowery  
Social Services Director/ Assistant Health & Human Services Agency Director  
(707) 463-7787



Stacey Cryer  
Health & Human Services Agency Director  
(707) 463-7774

## APPENDIX I - Salary Comparisons by County and Position

	Step One (starting) Salaries				
(See Note)	SWA I (S28A)	SW I (S30A)	SW III (S33A)	SW IV (S36A)	SW Supervisor I (S36A)
<b>Approximately Equivalent Counties</b>					
Mendocino	\$32,365	\$35,672	\$41,309	\$43,368	\$47,840
Humboldt	\$26,267	\$32,226	\$36,506	\$39,539	\$54,952
Lake	n/a	\$33,168	\$40,317	\$44,449	\$46,672
Glenn	n/a	\$31,117	\$34,424	\$40,997	\$46,904
Colusa	\$25,632	\$32,256	\$39,240	\$41,208	\$43,272
Shasta	\$28,416	n/a	\$39,024	\$44,088	\$41,976
<b>High End Neighbors</b>					
Marin	n/a	n/a	\$64,172	\$71,198	\$83,346
Napa	\$52,000	\$52,666	\$62,629	\$63,814	\$69,285
Sonoma	n/a	\$45,624	\$54,223	\$60,693	\$64,680

Source(s): Respective county Human Resources web sites

*Note: These are the Mendocino County pay grades.*