

## **Family and Children’s Services and Parents**

Within the Department of Social Services (DSS), the Family and Children’s Services Division (FCS) goal is to protect children and provide services to families. FCS sometimes needs to remove children from parents’ custody, setting up an adversarial situation; Social Workers act to protect children, and parents are often upset that FCS has removed the children. The Grand Jury found that throughout the process, Social Workers are sincerely trying to help families and children, while parents feel that FCS abuses its powers and treats them unfairly. FCS could prevent many conflicts by involving parents in the case planning process and clearly informing parents about rights and responsibilities. The County needs to alleviate FCS staffing and training problems.

### **Method of Investigation**

The Grand Jury interviewed the DSS Director, FCS Deputy Director, Senior Program Managers, Social Worker Supervisors, Social Workers, Assistant Social Workers, and former FCS employees. The Grand Jury also interviewed clients and their attorneys and service providers. The Grand Jury visited FCS and DSS offices in Fort Bragg, Willits, and Ukiah. The Grand Jury reviewed applicable State Welfare and Institutions Codes, FCS Policy and Procedure Letters, Child Welfare Information Bulletins, the April 2002 Children’s Services Division Annual Report to the Board of Supervisors (April 2002 report), FCS draft documents, and DSS handbooks.

### **Background Information**

The FCS Mission Statement states:

Through teamwork with the community and the Family and Children’s Services Division, we seek to:

- Promote safety and protection of children;
- Support and empower families;
- Return a child to a safe home or, when that is not possible; provide the best alternative permanent plan.

FCS “receives suspected child abuse and neglect reports. These reports are related to physical abuse, neglect, sexual abuse, exploitation or emotional maltreatment of a minor.”

“Reports of child abuse are evaluated by the Emergency Response Supervisor and appropriate action is taken. Whenever possible, pre-placement preventative [sic] services are provided to families for prevention of unnecessary separation of the child from their parents or caretaker.”

Of 3,345 children reported to the Mendocino County Children’s Services Division for suspected child abuse or neglect, 22% did not warrant a full Emergency Response investigation and 78% received an in-person

Emergency Response investigation, “as well as crisis and intervention services.” (April 2002 report)

## **Findings**

### **Interactions between Emergency Response/Investigative Social Worker and Parents**

1. Parents and their attorneys reported that FCS workers abuse the power they have both by intimidating parents and by not investigating sufficiently. FCS staff stated that decisions they make are inherently subjective and that whenever FCS takes action, it is with the intent to protect children.
2. The lack of adequate communication and of written guidelines contributes to misunderstandings between Social Workers and parents.
3. FCS has no policy or consistency about how and when written information is given to parents.
4. Even though FCS policy is to give a packet of information when children are detained, and some staff report following that policy, all parents interviewed stated that they did not receive any written information.
5. FCS has no policy requiring Social Workers to give parents written information upon initial Emergency Response investigation.
6. FCS does not document receipt of written information given to parents.
7. The County has no advocate similar to the Mental Health Patient Rights Advocate for parents involved with the FCS system. Parents do not have a source for information or support. A Social Worker has a responsibility to protect the children; at the same time a Social Worker must help the parent and family, creating a conflict. Often, this situation leaves the parent with no one for support.
8. Once involved in the Juvenile Court system, a parent may have a court-appointed or private attorney. Parents reported that private attorneys have stretched parents’ financial means to the point of bankruptcy and that court-appointed attorneys appear to be too busy to adequately serve the parent.
9. The Grand Jury heard conflicting information about specific events and conversations from parent witnesses and FCS witnesses. Parents requested audio recording so that conversations could be verified, but Social Workers refused. An FCS administrator stated that there is no written policy regarding audio or video recording of interviews; in practice, if both parties agree, interviews can be recorded.
10. Other DSS Divisions use a client feedback survey form. FCS does not use a similar survey form for parents.

## Case Plans and Planning

11. When a child is removed from a home, FCS must develop a case plan within 30 days. (Welfare & Institutions Code §16501) The plan must state what a parent must do to reunify the family and concurrently, the plan must provide plans for the child if reunification fails.
12. Case plan requirements for reunification were inconsistent; individual social workers had broad latitude to require parent compliance.
13. Social Workers stated that FCS administration did not provide adequate information and support to Social Workers about changes in legal requirements for case planning.
14. FCS has developed a draft for County-wide guidelines for standardizing the case-planning policies and procedure.
15. Welfare & Institutions Code 16501.1(f) states: “Parents and legal guardians shall have an opportunity to review the case plan, sign it whenever possible, and then shall receive a copy of the plan. In any voluntary service or placement agreement, the parent or legal guardians shall be required to review and sign the case plan. Whenever possible, parents and legal guardians shall participate in the development of the case plan.”
16. Parents interviewed stated they were not involved in developing their case plans. FCS has no specific document for parent involvement in the case planning process, but administrators state they follow State Division 31 regulations.
17. FCS does not have a written County procedure to inform social workers how to involve parents in development of case plans, even though the signature page for case plans has a line for parents to sign indicating that they have participated in development of the plan. When parents’ refuse to sign a plan, FCS has an extensive written procedure. FCS developed the procedure after a State review indicated that non-response to a mailed case plan could not be assumed to be refusal of the plan. (Child Welfare Services Information Bulletin: 1:01)
18. Parents interviewed stated that FCS unfairly changed case plans during the process of reunification. Social Workers told parents that they must repeat classes even though the parents had received certificates of completion for the classes. In other case plans, Social Workers added new requirements as the process continued. Many times, the standard became higher to get the children back than the standard that had them removed.
19. Social Workers stated that case plans need to be flexible, that situations change. In the case planning process, Social Workers discover new information.

20. Parents reported that if they did not agree with the case plan or were contentious, the Social Worker used the parents' views as marks against reunification.

### Complaint Process

21. FCS provided a DSS general complaint procedure, "How to Handle Complaints," Training Guidelines 1999. The information, which includes "Mendocino County Department of Social Services Complaint Form," is in the hall by the DSS personnel office. The complaint form is not posted in the public lobbies.

FCS, in practice, does not use the procedure, even though administrators report the complaint form is being used. Some Social Workers testified that they provided the form if a verbal complaint had been received. Others were unaware of a complaint procedure. No County-wide standard system is in place.

22. Most complaints are handled informally; verbal complaints are directed to the worker's supervisor.
23. FCS advises complainants to talk to the supervisor of the offending Social Worker. There is no third party to file a complaint with. Complainants do not have anonymity in the complaint process, thereby giving rise to fear of reprisal from the person being complained about. FCS does not have a separate complaint process for parents and other individuals receiving or providing services.
24. FCS workers testified that there were complaint forms in the public lobby. When the Grand Jury visited the Ukiah lobby in the Fall 2001, there was a box that stated "Complaint Form." There were blank complaint forms in Spanish, none in English. The form was for people alleging discrimination, not for any other possible complaints. In April 2002, there were no complaint forms. In the Fort Bragg office only the State brochure (in Spanish) was in the lobby.
25. The DSS suggestion box in the DSS main lobby is available for clients and employees to present suggestions to the DSS Community Advisory Committee. No standard forms are by the box in Ukiah or Fort Bragg. The Willits office did have blank suggestion forms.
26. DSS keeps a log of discrimination complaints (a federal requirement), but neither DSS nor FCS track or keep a log of any other kind of verbal or written complaint or the disposition of complaints.
27. FCS has a grievance procedure for Foster Care providers, PPL 2:96, but not for any other situations.
28. The Grand Jury observed a pattern of parents stating FCS workers had not provided information regarding their rights to file a grievance or to complain.

29. A pamphlet, "Grievance Review Policy," MCDSS 1000 (New 12/97), is part of a packet the FCS administrators say is given to parents when a child is removed from a home. Social Workers and parents interviewed were not aware of this packet.
30. FCS staff stated that the appropriate place for parents to present grievances regarding case information and plans is at Court appearances.
31. Parents interviewed were unaware they could file a complaint with the State Department of Social Services; however FCS does provide "Your Rights Under California Welfare Programs," upon request. The brochure outlines civil rights and state remedies, but does not give specific local information on how to file a complaint.

### Staffing & Training

32. Former and present inland FCS workers interviewed stated there is low morale among social workers and assistant social workers due to job stresses, low pay, and high turnover. Coast FCS workers report less turnover and higher morale.
33. Social Workers testified that supervisors do not always look at the complexity of the cases when analyzing case loads. Some cases require more time on the part of the Social Worker
34. Department-wide Social Worker turnover has been over 30% annually for the past three years, with a higher relative percentage in case-carrying Social Workers.
35. FCS managers testified there is a statewide, as well as local, shortage of social workers. Educational facilities available for training Social Worker I are limited. Basic courses for Associate of Arts degree are available at Mendocino College and College of the Redwoods, but advanced training must be completed at distant campuses.
36. FCS staff reports that they must deal on a regular basis with clients from minority groups who often lack English language skills. FCS lacks bilingual social workers and staff.
37. FCS has not been successful recruiting Native Americans, even though Mendocino County has a large Native population.
38. FCS has difficulty recruiting and retaining skilled administrative assistants because of the workload and low pay.
39. Low pay and a poor benefits package relative to other counties make it difficult to recruit experienced Social Workers. Experienced workers are attracted to other counties and agencies, which pay more, often have signing bonuses, and have better working conditions.

40. The FCS training position was vacant for several months during the past year. FCS now has an employee functioning as a trainer one-half of the time.
41. FCS Supervisors train new Social Workers and FCS sends some Social Workers to UC Davis for specific training.

### **Recommendations**

- A. Upon initial intervention, FCS provide written information explaining the FCS process and apprising parents of their rights and responsibilities. (Findings 2 - 6)
- B. FCS develop and use a checklist for Social Workers with space for parents to acknowledge receipt of information. (Findings 2 - 6, 28)
- C. FCS provide a handbook to clarify relationships and procedures similar to the Foster Parent Handbook. (Findings 2 - 6)
- D. The County provide an ombudsman similar to the Mental Health Patient Rights Advocate to address parent concerns and issues. (Findings 7, 8)
- E. FCS adopt policies allowing use of audio recording equipment for client/department communications. (Findings 9)
- F. FCS develop and use a client feed back survey form for parents. (Finding 10)
- G. FCS train all Social Workers on use of the new guidelines for case planning. (Findings 12 -14)
- H. FCS stress to all County Social Workers the need for consistency in case plan requirements. (Findings 12 -14)
- I. FCS develop and use a checklist to involve parents in the case planning process. (Findings 15 - 19)
- J. FCS adopt a policy that informs parents step by step of their status. Develop a procedure and a form with incremental approvals, and an incremental approval checklist.
- K. If a case plan changes, FCS provide written explanation to parents (before a Court hearing), stating the reason why and involving parents in the change of the plan. (Findings 18, 19)
- L. FCS continue to train Social Workers in standards for removal and reunification of children. (Findings 10 - 20)
- M. FCS establish and follow procedures for apprising parents of their rights. (Findings 21 - 31)
- N. DSS ensure that written complaint information and forms are available in DSS and FCS public lobbies. (Findings 21, 24, 25)

- O. FCS establish and use a complaint log that includes the disposition of complaints. (Finding 26)
- P. FCS expand the brochure “Grievance Review Policy” to include grievance procedures for all aspects of client/FCS interactions. (Finding 30)
- Q. FCS Supervisors consider case-load complexity in assigning Social Worker case-load. (Finding 33)
- R. The County and DSS establish a coordinated Social Worker recruiting program among the College of Redwoods, Mendocino College, and local high schools with more outreach to Latino and Native American populations. (Findings 34-37)
- S. The DSS Director request that Mendocino College and the College of the Redwoods begin Social Worker Assistant programs and that Sonoma State and Dominican College satellite campuses begin Social Worker programs. (Finding 35)
- T. Board of Supervisors re-evaluate the salary schedule within FCS. (Findings 32 - 35, 39)
- U. The County fill the vacant positions. (Findings 38, 40)

### **Comment**

Public awareness of child abuse and neglect issues is lacking. More outreach by government to the citizenry regarding these issues is needed. Substance abuse is involved in many instances of child abuse and neglect. More public awareness of substance abuse and the harm it causes to families is needed. The County Child Abuse Prevention is not providing information to the public.

Family and Children’s Services prepares an annual report to the Board of Supervisors summarizing child welfare issues in the County. The Board of Supervisors should distribute this report to media and all professionals involved with children and make it available to the general public.

*The problem of unclear and changing requirements for family reunification is a complicated issue involving the judgment and expertise of the professionals involved. FCS is working toward standardizing these requirements throughout the County as much as possible. The Grand Jury encourages FCS in this effort.*

Several witnesses alluded to the lack of adequate foster care in the County. This problem has been visited by the Grand Jury previously. Perhaps it is time to do so again.

### **Response Required**

Mendocino County Board of Supervisors

### **Response Requested**

Department of Social Services Director

Family and Children Services Director