

California Responses to the Child and Family Services Review Report

OVERALL STATE RESPONSE

The Federal Child and Family Service Reviews begin a partnership between the Federal, State and County governments and public and private agencies to continuously evaluate and improve the outcomes for at-risk children and families. This preliminary report represents the next step in a process that started in California two years ago beginning with the collection of statewide data, a comprehensive statewide self assessment and finally an intense onsite review. This first report will serve as a baseline evaluation that will be used to develop a comprehensive Program Improvement Plan. The State has focused our specific responses to this preliminary report, to areas where factual error, inconsistencies or unsupported conclusions could impact the direction of program improvement.

With the changes we recommend in the State response, we are confident that a meaningful and productive Program Improvement Plan can be developed by our partnership, that will result in clear priorities and better outcomes for children and families.

OUTCOME FACTORS

Safety Outcome 1: Children are, first and foremost, protected from abuse and neglect.

❖ Federal Comment

According to some stakeholders: social workers do not respond to problems reported by foster youth; social workers do not visit children in foster care often enough to monitor safety; the state licensing process does not include a psychosocial assessment; and there is no home study completed as part of the annual licensing process. (Page 22, paragraph two)

State Response

This paragraph should be deleted, as it is not supported by documentation and is factually incorrect. The statements attributed to “some stakeholders” as stating insufficient efforts are being made to monitor the safety of children in foster care are in conflict with information from the onsite case review and the Statewide Assessment. While some stakeholders may have expressed these opinions, the report must balance stakeholder opinions against all other documentation. In this area, the onsite case review did not find the reasons cited as contributing factors. The onsite review found that in 91 percent of the 47 applicable cases, there was no repeat maltreatment.

Further and more importantly, the Statewide Assessment accurately cites the areas that need to be improved to reduce maltreatment in Foster Care, such as improved foster parent training, a licensing process that focuses more on the quality of the home rather than physical requirements of the facility, and more comprehensive and accurate data to better define the extent of maltreatment in foster care.

Item 1: Timeliness of Initiating Investigations of Reports of Child Maltreatment

❖ Federal Comment

Stakeholders agree that the agency is highly effective in initiating an investigation in a timely manner, with the exception of Los Angeles County which has taken steps to improve performance including increased staffing at the Hotline, with other issues still needing to be addressed. (Page 23, last paragraph)

State Response

The report should indicate specific improvements that are needed. The narrative quotes stakeholders opinions that the Los Angeles County's Hotline is not effective or efficient. The county stakeholder interviews tend to express these opinions in terms of past performance, and state there have been recent improvements such as streamlining the process to make it more efficient and the hiring of additional staff. However, the comments in this section do not reflect this accurately, and makes it seem as though the operation of the hotline has not improved. The discussion on the Los Angeles hotline fails to include the positive information obtained while interviewing the county managers who directly supervise the hotline. Finally, this section ends by stating "there are still issues that need to be addressed" without specifying the issues.

Safety Outcome 2: Children are Safely Maintained in their Homes Whenever Possible and Appropriate.

Item 3: Services to family to protect child(ren) in home and prevent removal

❖ Federal Comment

This area was rated as a strength with notations that voluntary services may not be provided due to funding considerations and that pilot programs are not available statewide or countywide. (Page 27, last paragraph and Page 28, first paragraph)

State Response

This item is rated as a strength in the onsite review, with 89 percent of the 36 applicable cases reviewed receiving appropriate services. The section goes on to describe a list of the many services provided such as counseling, individual and family therapy, psychological assessments and parenting classes. This section needs to be rewritten to put the review into context. The discussion should be limited to the reasons that the four cases needing improvement either did not receive services or the services provided were not sufficient to meet the families' needs. As written, the broader implication is that families aren't receiving services to protect children and prevent removal and this is not supported by the onsite review. Further, in a survey conducted for the preparation of the Statewide Assessment, of most birth parents surveyed, 81 percent indicated that they received the services they needed.

Permanency Outcome 1: Children have Permanency and Stability in their Living Situations.

❖ Federal Comment

The case goal of reunification is maintained for too long, and the courts are reluctant to approve terminating parental rights unless the agency has identified an adoptive home for the child. Concerns were noted regarding the use of non-relative guardianship as a permanence option instead of adoption because families will lose access to some services that adoption does not provide, thereby making guardianship a more attractive permanency option. (Page 31, top)

State Response

Portions of this section are factually incorrect and should either be deleted or reworded. For example, it is factually incorrect that non-relative guardians lose access to benefits resulting in barriers to adoption. Information in the Statewide Assessment included the fact that at least 97 percent of families adopting foster children in California receive some level of adoption assistance payments.

Over the five-year period ending June 2001, children exiting to permanency of guardianship and adoption increased by 153 percent. Further, in contrast to this section, on page 34 of the report stakeholders expressed the opinion that CDSS efforts to achieve permanency for younger children and children who have newly entered care have improved. They also believed that courts and attorneys are strongly supportive of concurrent planning efforts, and in some areas, insist upon it. Further, as stated in the Statewide Assessment, approximately 87 percent of children who exited foster care during FFY 2000 exited to permanency through reunification, adoption or guardianship.

Item 6: Stability of Foster Care Placement

❖ Federal Comment

This item was rated as a strength in 19 of 25 applicable cases and as an area needing improvement in the remaining six cases. (page 32)

State Response

There was a factual error in the report on one child's case, which should be listed as a strength, instead of needing improvement. Even though there were two or less placement moves, the reviewer made an independent determination that the child was not in the best placement, which under the Federal instructions is not a permitted criteria for rating this question. This correction will result in a total of 20 cases as a strength.

Additionally, the comment that in five cases it was a, "lack of attention" that resulted in placement disruption is an unsubstantiated interpretation. The Statewide Assessment identified the need for more placement resources to meet the needs of children and this section should be amended to reflect that change.

Item 7: Permanency Goal for Child

❖ Federal Comment

There is little evidence of concurrent plans for permanency in Los Angeles County. (Page 34, last paragraph)

State Response

The comment that there is “little evidence” is not supported by the data from the review or the stakeholder interviews and should be deleted. The report acknowledges that 76 percent of the cases had timely permanence established which by itself would refute this statement. Further the stakeholder interviews identified focused efforts at implementing concurrent planning in cases assigned to the Black Family Unit and the Family to Family pilot.

Item 9: Adoption

❖ Federal Comment

In 40 percent of the applicable cases, reviewers determined that the State had not made diligent efforts to achieve adoptions in a timely manner. (Page 38, fourth bullet)

State Response

With regard to the unfounded conclusion that the State is not diligently pursuing adoption, both stakeholders and the Statewide Assessment identified great progress in this area. In fact, California received a monetary award of \$19.7million from U.S. Department of Health and Human Services for the significant increase in adopted children between 1997 and 2001. Through significant State and county efforts, California increased the number of finalized adoptions from 3,287 in FFY 1997 to 8,392 in FFY 2001. The Statewide Assessment identified known barriers to adoption, especially for older youth and this section should be rewritten to reflect those real problems.

Well-being Outcome 1: Families have Enhanced Capacity to Provide for their Children’s Needs.

Item 17: Needs and Services of Child, Parent, Foster Parent

❖ Federal Comment

Some stakeholders say that foster parents and relative caregivers are not always supported and that there is a lack of adequate “high end” mental health services. Further, some stakeholders noted in some foster homes there is not adequate food, shoes or care of the children. (Page 48, last sentence and Page 49, top)

State Response

This comment is inconsistent with the case review findings. Although no cases were identified to support these stakeholder allegations, this series of stakeholder comments are reported as if they are fact. It could well be that some stakeholders have these

opinions; however, the federal report should provide a balanced view reflecting all comments received and place them in a time and place context. Further, the State would consider any of the allegations related to quality and quantity of food or failure to provide shoes by foster care provider as child maltreatment and subject to immediate investigation. If any reviewer has information obtained from a stakeholder documenting that children are being maltreated in foster care by being deprived of food or shoes—that information should be immediately referred to this office for investigation.

Item 19: Worker Visits to Child

❖ Federal Comment

A news article concerning children who were believed to have been abducted by their relatives or guardians is cited. (Footnote, page 52)

State Response

In 90 percent of the cases from the random sample selected for the CFSR, worker contact with children was appropriate, and thus this item is rated as a strength. The issue of runaway youth and parentally abducted children is an important one, and the State and Los Angeles County are working closely with Region IX to ensure that measures are taken to better track this national problem and to reduce the number of runaways and parentally abducted children. There is no evidence that Los Angeles County has a disproportionate number of runaways or parental abductions. For purposes of the federal review this footnote is inappropriate and distracts from the discussion of the strengths and needs in this area.

Well-being Outcome 2: Children Receive Appropriate Services to meet their Educational Needs.

Item 21: Educational Needs of the Child

❖ Federal Comment

In assessing this item, reviewers were to determine whether children's educational needs were appropriately assessed and whether services were provided to meet those needs. (Page 54, first paragraph under Item 21)

State Response

These comments inaccurately characterize the agency's authority with respect to assessing and providing educational services to children receiving in-home services. The CDSS notes that agencies do not take referrals for in-home services based solely on educational neglect. To receive family maintenance services, a family must meet the criteria stated in Welfare and Institutions Code Section 16506 (i.e., child is in potential danger of abuse, neglect, or exploitation, family is willing to accept services and it is safe for the child to remain in the home). In short, agencies do not provide in-home child welfare services to children and families based solely on educational neglect. To the extent that the report suggests otherwise, it contains a factual error.

SYSTEMIC FACTORS

Statewide Information System

Item 24: The state is operating a statewide information system that, at a minimum, can identify the status, demographic characteristics, location, and goals for the placement of every child who is or (who within the immediately preceding 12 months, has been) in foster care.

❖ Federal Comment

This item is rated as a strength because California's Child Welfare Services/Case Management System contains and readily makes available all the required information. It is noted that there are additional requirements for meeting the federal Statewide Automated Child Welfare Information System (SACWIS). (Page 59, first paragraph)

State Response

The comments in the report regarding the additional requirements for Federal approval of California's Statewide Automated Child Welfare Information System are not relevant for the purposes of this report and should be deleted. The evaluation of the state information system should be made strictly on successfully meeting the federal review standards.

Case Review System

Item 28: Provides a process for termination of parental rights proceedings in accordance with the provisions of the Adoptions and Safe Families Act.

❖ Federal Comment

Although the State has statutory and regulatory requirements for Terminating Parental Rights (TPR) for children in foster care for 15 of the most recent 22 months, when TPR is not sought, the agency is not consistent in documenting reasons for not filing. (Page 64, first paragraph under Item 28)

State Response

The comment on this systemic factor is factually incorrect because California has a clear process, with appropriate statute and regulation for terminating parental rights (TPR), when it is in the best interests of the child. The report offers opinions of some stakeholders regarding inconsistencies in the application of the TPR process, but fails to balance the negative comments with supportive comments on the TPR process from other stakeholders. The report identifies a lack of documentation in the case record. That is a problem which should be addressed by the Quality Assurance System and not identified as a lack of a TPR process in the State.

Item 28 should be rated as a strength, which would result in the overall rating for Case Review System being changed to substantial conformity.

Quality Assurance System

Item 30: The state has developed and implemented standards to ensure that children in foster care are provided quality services that protect the safety and health of the children.

❖ Federal Comment

The State's Manual of Policies and Procedures sets forth requirements for services provided to children in foster care. State statutes specify level and standards of care for children in various placement settings. Mechanisms to ensure that standards are implemented appropriately include the Foster Care Ombudsman Program, grievance procedures, complaint investigations, fair hearings, license compliance system and child welfare compliance reviews. The State also certifies and monitors out-of-state facilities where California children are placed. (Page 67, paragraph one)

In Los Angeles, there is also a quality assurance system that conducts an on-site visit within 10 days and determines the appropriate action. Stakeholders in another county indicated the agency responds to reports of maltreatment in foster care within 24 hours. (Page 67, paragraph two)

State Response

The State is currently developing an enhanced oversight process that will build on current efforts and incorporate the Federal Review Process. This new system will be operational January 1, 2004.

This second comment is incomplete and leaves an incorrect impression regarding responses to reports of maltreatment in Los Angeles County. In addition to the quality assurance review described in the review, the county social worker makes an immediate response to all allegations of maltreatment. The report should be amended to reflect this fact.

Training

Items 32, 33 and 34: The state is operating a staff development and training program that supports the goals and objectives in the Children and Family Services Plan, addresses services provided under titles IV-B and IV-E, and provides initial training for all staff who deliver these services. The state provides for ongoing training for staff that addresses the skills and knowledge base needed to carry out their duties with regard to the services included in the Children and Family Services Plan. The state provides training for current or prospective foster parents, adoptive parents and staff of state licensed or approved facilities that care for children that addresses the skills and knowledge base needed to carry out their duties with regard to foster and adopted children.

❖ **Federal Comment**

Although the State makes available an array of training opportunities and some counties have implemented formal new worker training, there is no statewide requirement for initial training for all staff that supports the goals and objectives of the Child and Family Services Plan. The Statewide Assessment identifies the eleven areas of training that counties are required to provide under contract with the State: (1) Crisis intervention; (2) Investigative techniques; (3) Rules of evidence; (4) Indicators of Abuse and Neglect; (5) Assessment criteria, including the application of guidelines for assessment of relatives for placement; (6) Intervention strategies; (7) Legal requirements of child protection, including requirements of child abuse reporting laws; (8) Case management; (9) Use of community resources; (10) Information regarding the dynamics and effects of domestic violence upon families and children; and (11) Post-traumatic stress disorder and the causes, symptoms and treatment of post-traumatic stress disorder in children.

In addition, State staff provide training on changes in regulations and statutes, new programs and transfer of best practices. Through the Regional Training Academies, which operate under contract with the state, 34,419 worker days of training were provided in State Fiscal Year 2000-01, a 24 percent increase over the training provided in State Fiscal Year 1998-99. The Statewide Assessment also notes that the State has just completed developing a standardized core curriculum for child welfare staff.

Stakeholders commenting on this topic expressed concern about the lack of uniform requirements for staff training or staff development, with various practices relating to when the training is given and whether it is done before or after social workers assume responsibility for serving clients. Other stakeholder concerns included lack of mentoring by supervisors, the theoretical nature of some of the training and the unavailability of cross training with other agencies in some locations

For foster and adoptive parents, the training again varies by county. Most stakeholders expressed positive opinions about this arrangement, including the fact that training could be available in languages spoken by county residents. It was also noted that a foster parents trained in one county may need to have different training if they move to another county. Relative caregivers in one county said that the training was not sufficient to assist them in caring for children placed in their homes. (pages 69-73)

State Response

California believes that as a systemic factor this area should be determined to be in substantial conformity. Items 32, 33 and 34 should be rated as a strength. California, as in several other states, operates a State-supervised and County-administered program. Our training is consistent with the goals and objectives as outlined in our Title IV-B Plan. Our construction and application of the federal requirements regarding training has been reflected in our state plan for a number of years. That plan has consistently been approved by federal authorities. As stated in the Statewide

Assessment, initial and ongoing training for county welfare staff and caretakers at minimum and advanced levels is in place and fully operational.

Service Array

Items 36 and 37: The services in Item 35 are accessible to families and children in all political jurisdictions covered in the state’s Children and Family Services Plan. The services in Item 35 can be individualized to meet the unique needs of the children and families served by the agency.

❖ Federal Comment

The report acknowledges that California’s array of services described in Item 35 is a strength and goes on to discuss that not every service is available in every county and that pilot programs are not always implemented statewide. (Pages 76–78)

State Response

The rating in the area of the service array systemic factor is inconsistent with the delivery of services in California. As identified in the federal report for Item 35, California through pilot projects and innovative County practice, has developed an impressive menu of services that are often viewed as cutting edge nationally. At the same time by CDSS Regulation at 31-315, the State has a core level of services that are at minimum available to children and families in all counties. While the core services must be provided and available to meet the unique needs of children and families, the counties are encouraged to be innovative and provide discretionary services to meet local needs. For purposes of this review it appears that California is being rated “needs improvement,” for Items 36 and 37 because of the combined list of core and discretionary services in Item 35. In fairness to the evaluation of this systemic factor, Items 36 and 37 should be rated as a “strength” due to the uniform application of core services in all political subdivisions in the State.

This change would result in an overall rating of substantial conformity for the State in this systemic factor.

Agency Responsiveness to the Community

Item 40: The state’s services under the Child and Family Services Plan are coordinated with services or benefits of other federal or federally assisted programs serving the same population.

❖ Federal Comment

The State is involved in a broad array of efforts to coordinate services among public and private organizations. Although stakeholders commenting on the area noted that there are many instances in which local agencies coordinate to enhance services, some stakeholders at the State-level commented that the “silo” approach to funding has been and continues to be a barrier to coordinating services at the State-level. Some stakeholders noted that greater efforts are needed to coordinate federally

assisted programs or services for Native American children and families and ensure county adherence to requirements of the Indian Child Welfare Act (ICWA). (Page 81)

State Response

Although overall, this systemic factor was rated as being in substantial conformity, we were surprised that this item was rated as needing improvement. This item should be re-rated as a strength because the discussion is factually incorrect. The comments regarding a lack of evidence of State-level coordination of services and benefits, including coordination with tribes and tribal organizations are not supported by the onsite review. Further, the list of efforts of state-level coordination in the report should be expanded to include coordination with Department of Health Services (DHS) for Title XIX funds for Public Health Nurses, coordination with DHS on Domestic Violence and Teen Pregnancy Prevention, coordination with Alcohol and Drug Programs on prioritization of services and with Mental Health for pass through of Title IV-E funding for training and coordination with State Department of Education on Individual Education Plans and school attendance.

As stated in the Statewide Assessment, the CDSS has taken a proactive position to address tribal concerns by establishing regulations and State statutes to implement ICWA, including ICWA as part of the curriculum for the social work training academies, meeting frequently with tribes, participating in tribal/county roundtables, establishing a tribal Government Liaison and the CDSS Tribal Government Advisory Committee, creating two ICWA staff positions, supporting the annual ICWA conference and establishing a statewide plan to train and educate tribal workers and county staff. As comments from stakeholders during the onsite review indicated, CDSS has made significant progress in working with tribes and tribal organizations to improvement service coordination.

Foster & Adoptive Parent Training, Licensing & Recruitment

Items 42 and 44: The standards are applied to all licensed or approved foster family homes or childcare institutions receiving Title IV-E or IV-B funds. The state has in place a process for ensuring the diligent recruitment of potential foster and adoptive families that reflect the ethnic and racial diversity of children in the state for whom foster and adoptive homes are needed.

❖ Federal Comment

Although the county is expected to annually evaluate homes to ensure continued compliance with standards, the county does not annually do a psychosocial re-assessment of caregivers. The State does not have a statewide process to ensure the diligent recruitment of potential foster and adoptive parents that reflect the ethnic and racial diversity of the children in care. (Page 84, paragraph two and page 85, paragraph one under Item 44)

State Response

In Item 42, the comment that the State licenses family homes annually is factually incorrect and should be deleted. Additionally, there are no federal or state requirements to do a psychosocial assessment of caregivers.

We believe Item 44 was rated as needing improvement in error, as we do have a process in place that is at the county level. It was stated the State did not have a statewide process to ensure the diligent recruitment of potential foster and adoptive parents that reflect the ethnic and racial diversity of the children in care. Our process is reflective of the tremendous diversity of California's population. Recruitment is appropriately at the county level to ensure that they get the potential foster and adoptive parents that they need for the children in their county. As California's counties vary so much in population and in needs, it is logical that recruitment is done on the local level, and has been described as such consistently over the years in our approved Title IV-B State Plan.