

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, CA 95814

(916) 445-2077



December 6, 1985

ALL-COUNTY INFORMATION NOTICE NO. I-101-85

TO: ALL COUNTY WELFARE DIRECTORS
ALL COUNTY COUNSELS

SUBJECT: DEPARTMENTAL TESTIMONY BEFORE SB 14 IMPLEMENTATION HEARINGS

Senator Robert Presley held public hearings on October 17 and 18, 1985, regarding implementation of Chapter 978 of 1982 (Senate Bill 14), which is the basis of current state child welfare services statutes. Testimony was delivered on behalf of the Department by Mr. Loren D. Suter, Deputy Director, Adult and Family Services Division. The testimony describes significant strides county welfare department staff have taken in the refocusing of service delivery to emphasize family preservation and permanency planning for children. It summarizes data which indicates the realization of the desired effects of the new child welfare services standards: a decline in the proportion of children coming into the system who end up in foster care; the shorter period of time, on average, a child remains in foster care; and a decline in the number of changes in placement a child makes while in foster care.

The testimony also summarizes several public policy and program administrative issues needing careful consideration which have been identified during our three-year experience in implementation of the new child welfare services law and which have been brought to my attention during county visits throughout the State. These include a major concern about the tension between the statutes' emphasis on family preservation, and the general public's expectation that an abused child should be provided absolute safety from further harm. A major contributing factor to this problem is the imprecision of the existing statutory definitions of abuse and neglect, and the resultant difficulty in determining when intervention is appropriate and justified.

Another significant public policy issue is the seeming difference in the statutory objectives and criteria for juvenile court permanency planning hearings as compared to those governing decisions by the Superior Court in termination of parental rights actions (Civil Code Section 232). Particularly troublesome for permanency planning purposes is the propensity

of Superior Court judges to continue to maintain a relationship between the parent and the child after the juvenile court has named adoption as the permanent plan of choice for the child following the failure of family reunification efforts.

An additional issue pertains to defining the appropriate role of county welfare departments in responding to child abuse reports where the perpetrator is not a member of the child's family. There is a need for a clearer delineation of county welfare department responsibilities in such situations.

With regard to program administrative issues, the Department plans to review current regulatory requirements in cooperation with county staff to identify mandated activities which may not contribute significantly to child welfare services objectives. We also plan to develop a county evaluation review which clearly focuses on the desired outcomes for children as well as compliance with process requirements.

The complete text of Mr. Suter's testimony presented at the hearing is attached. In general, it presents a very positive picture of the progress we have made toward accomplishment of Senate Bill 14 goals. We look forward to working with the Legislature and the counties to further strengthen California's child welfare services through resolution of the issues mentioned above. If you have any questions regarding the testimony or the issues cited please contact Mr. Loren D. Suter, Deputy Director, Adult and Family Services Division at (916) 445-6410.



LINDA S. McMAHON
Director

Attachment

cc: CWDA

TESTIMONY ON THE IMPLEMENTATION OF SB 14
PROVIDED BY LOREN SUTER, DEPUTY DIRECTOR,
STATE DEPARTMENT OF SOCIAL SERVICES

OCTOBER 17, 1985

Pre-SB 14 Problems/Conditions

Prior to SB 14, Child Welfare Services (CWS) was designed with the primary goal of protecting children. Law and regulations gave a social worker wide latitude in exercising professional judgment to determine whether intervention would be in the best interest of the child, what services should be provided and the length of time services should be provided. Judicial oversight existed, but was again primarily concerned with protecting children by conferring dependencies. Statutory authority for direct, court ordered placements afforded juvenile court judges wide latitude in deciding under what circumstances and into what type of environment a child could be placed. Ongoing court monitoring of children in placement consisted of annual court reviews to verify that the child remained in a safe environment.

Because the paramount concern of the Pre-SB 14 system was the safety of abused/neglected children, so long as a child was "safe", i.e., removed from the threat of neglect or abuse that existed in the family home, the primary goal of the CWS program

was satisfied. As a result, children once removed from home remained in foster care indefinitely, with few other service objectives than to maintain their "safety".

Similarly, if a child was abused/neglected to a degree sufficient to warrant CWD intervention, but not severely enough to warrant removal from the home, the social worker could maintain an open services case indefinitely and provide virtually any service which in their professional judgement was necessary and appropriate for purposes of assuring the child's continued safety while remaining at home.

In short, CWS Pre-SB 14 was characterized by the absence of a clear description of specific time limited, objective-oriented services. Without these characteristics, program accountability was also difficult if not impossible to establish.

How SB 14 "Fixed" the Problems

SB 14 put into State statute a clear statement of program purpose and priorities. It established preservation of the family as a goal equal in priority to protecting children. It provided a specific listing of services to be available statewide and to be provided on the basis of individual assessed need. While the priority of preserving the family is co-equal to the priority of protecting children, services designed to resolve family problems

are time-limited to guarantee that each child brought into the CWS system will have an individual, long-term plan established for him/her in a reasonable timeframe. This concept of "permanency planning" is a guiding tenet of the CWS structure established by SB 14. "Permanency planning" means that each case must have a service plan with a long-range goal, and services are provided to accomplish specific service plan objectives consistent with reaching that goal.

SB 14 also establishes a much closer relationship between CWS and the dependency process. Court oversight provided through the periodic review and permanency planning hearing process builds upon the services planning features in CWS and enhances the public accountability of the entire CWS system. SB 14 court processes also serve to safeguard parents' due process rights and work to prevent arbitrary actions resulting in dissolutions of families.

What Have We Done with SB 14 to Date?

The major task of State and CWD program administrators since passage of SB 14 in 1982 has been to bring about a dramatic change in the perspectives and operational approaches of social services systems and personnel dealing with child abuse/neglect

situations. Workers must now conscientiously strive to preserve families whenever feasible, and when that goal is not achievable, must work toward achievement of the most permanent alternative home environment for the displaced child.

Our joint efforts have largely paid off. CWDs have restructured their organizations to place greater resources and effort to bear at the pre-placement and reunification phases of services. Staff have generally assimilated the new concepts, or at least know what is required of them by regulation and from the juvenile court's vantage point.

Where the pre-SB 14 emphasis of social worker intervention was to attain the optimal home environment for an abused/neglected child, workers have had to adjust to the new, family preservation oriented standard that emphasizes raising existing family functioning to an "acceptable" level. "Acceptable" connotes a level of functioning and nurturing potentially well below the standards implied by "optimal". This fundamental change in focus of service delivery will not be fully absorbed by CWS workers overnight, but significant strides are being made in this direction, primarily because of the reinforcement of the new standards provided in court review criteria.

Available data suggest that the desired effects of SB 14 are being realized:

- o The proportion of children coming into the CWS system who end up in foster care is declining.
- o Children who enter foster care remain in foster care for shorter periods.
- o Children in foster care are in more stable environments as evidenced in decline in the average number of changes in placement.

What Now?

We believe that the underlying principles of SB 14 and the statutory framework are basically sound and are having and will continue to have a positive effect on abused/neglected children and their families brought to the attention of public agencies. Experience with actual implementation of the law over the past three years has raised several issues that warrant careful consideration.

A major concern centers about the seeming conflict between the new statutory emphasis on preserving families and removing children from their homes only as a last resort, and the general public's expectation that once an abused/neglected child has been brought to the attention of a public agency, that child should be

provided absolute safety from further harm. We all know how imprecise the human "sciences" are. We cannot yet, and likely never will be able to with a high degree of certainty, predict human behavior. Invariably, some children who are left in their family home, even with reasonably close CWD supervision, will be harmed. To protect themselves from criticism and to avoid the public outrage that always results from these unfortunate but unavoidable situations, some CWDs are in increasing numbers of instances resorting to investigative practices which border on "playing it safe". In the quest for all of the "facts", the interests of the child and the family are more and more frequently being overlooked, while the interest of the agency to avoid adverse public reaction is emphasized.

A major contributing factor to this growing problem is the imprecision of the statutory definitions of abuse and neglect. The vagueness of the definitions sets the stage for wide variances in interpretation by CWD staff and the courts, and leaves CWDs in the lurch when it comes down to determining when intervention is appropriate and justified. We believe that this issue calls for consideration of new alternatives by public policy makers.

Another issue which has been brought to our attention is a seeming major difference in the objectives and criteria for juvenile court dependency proceedings, all the way through the

permanency planning hearing (Welfare and Institutions Code Section 300, et. seq.) as compared to the objectives and criteria employed by the Superior Court in termination of parental rights proceedings (Government Code Section 232). The dependency proceedings focus on establishing the most permanent plan for an abused/neglected child who has been determined unable to return home after failed efforts at reunification. However, the most desirable permanent placement, adoption, often is delayed or rendered unfeasible because of the courts' reading of Government Code Section 232 provisions to give a parent every conceivable chance to retain the parent/child relationship, even if contrary to the juvenile court's plan for the child. This problem obviously must be dealt with and the public policy issues resolved if the permanency planning concept of SB 14 is to be fully implemented as it was originally envisioned.

An additional issue which is of growing concern as the number of abuse/neglect referrals continues to increase is the appropriate role of CWDs in responding to referrals of abuse/neglect where the perpetrator is not a member of the child's family. Counties are growing alarmed that more and more demands will be made on their Emergency Response staff resources to respond to situations where no CWS are warranted because no problem exists in the family relationships that contributed to

the abuse/neglect. Consideration should be given to more clearly delineating the responsibilities of CWS agencies in such situations.

At the administrative level, we have begun, in cooperation with the counties, to identify regulatory requirements which do not contribute to the accomplishment of SB 14 objectives. We are reviewing issues such as mandatory time frames for completion of certain case planning tasks, mandated number and frequency of client/social worker visits and extent of case documentation required.

In addition, our previous county evaluations have focused on compliance with SB 14 regulations which include very specific process requirements. One question that counties have raised is whether compliance with these requirements has a positive and significant correlation to the desired SB 14 outcomes. Therefore, we have been working closely with the counties to design a review that measures not only county compliance but also identifies regulations which contribute most effectively to obtaining the desired outcomes for children. The State of Pennsylvania has conducted a number of reviews which focus on compliance as well as outcomes and we are hoping that this work can serve as a model for our next review in California.

Although the Department has been unwilling to modify the provisions of the SB 14 statutes and regulations until we had an opportunity to test the concepts, we now believe the time has come to reevaluate the concepts.

Finally, although this is a topic more properly for tomorrow's agenda, I am pleased to report that the Governor has recently signed AB 454 which included additional child welfare funds. In his message regarding AB 454 the Governor pledged to include full funding of prior year cost-of-living increases for child welfare services in his budget proposal for fiscal year 1986/87.

I hope these comments will be helpful to the Legislature in considering possible legislative measure to deal with issues that surface during these hearings.