

REPORT BY THE
AUDITOR GENERAL
OF CALIFORNIA

**COUNTIES SPEND ADDITIONAL TIME
PREPARING FOR JUVENILE COURT HEARINGS
AND DO NOT PROVIDE ALL CHILD WELFARE
SERVICES REQUIRED BY STATE LAW**

REPORT BY THE
OFFICE OF THE AUDITOR GENERAL
TO THE
JOINT LEGISLATIVE AUDIT COMMITTEE

P-332

COUNTIES SPEND ADDITIONAL TIME PREPARING
FOR JUVENILE COURT HEARINGS AND DO NOT
PROVIDE ALL CHILD WELFARE SERVICES
REQUIRED BY STATE LAW

DECEMBER 1983



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December 30, 1983

P-332

Honorable Art Agnos, Chairman
Members, Joint Legislative
Audit Committee
State Capitol, Room 3151
Sacramento, California 95814

Dear Mr. Chairman and Members:

The Office of the Auditor General presents its report concerning the progress the county welfare departments and juvenile courts are making in implementing Senate Bill 14, the foster care reform legislation. The report focuses on the amount of time counties spend preparing for court hearings and the level of child welfare services that counties provide under state law.

Respectfully submitted,


THOMAS W. HAYES
Auditor General

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SUMMARY

Chapter 978, Statutes of 1982 (Senate Bill 14), added new sections to the Welfare and Institutions Code and changed the court process that counties follow when administering child welfare programs. As a result, counties spend more time per case preparing for court hearings. Senate Bill 14 also reorganized the existing child welfare programs and mandated that counties provide families with specific types of child welfare services. County officials say that their current staffs cannot prepare for the required hearings and provide all the mandated services. Officials from the Department of Social Services (department), however, believe that the current problems experienced by the counties will decrease as the counties fully implement Senate Bill 14.

Counties Spend Additional Time Preparing for Court Hearings

Senate Bill 14 requires juvenile courts to review child welfare cases at least once every 6 months instead of at least once every 12 months. In addition, for families involved in foster care, Senate Bill 14 requires courts to resolve cases within 18 months by establishing permanent plans for minors. Finally, Senate Bill 14 shifted the burden of proof from parents to counties; courts must return minors to their parents unless the counties establish that returning the minors would substantially threaten the safety of the minors.

As a result of the changes in the court process, most counties spend additional time preparing for court hearings. Counties that responded to our questionnaire are spending varied amounts of time, up to 54 additional hours per case, gathering evidence and preparing reports for court hearings.

Counties Are Not Providing All Required Services

Before the passage of Senate Bill 14, the law did not stipulate the services that counties were to make available. Senate Bill 14 requires counties to provide certain services to families including counseling, training, transportation, and emergency shelter. In addition, department regulations require caseworkers to make regular visits to minors and families.

Fifty-six percent of the 43 counties responding do not provide all the required services. In addition, 60 percent of the 52 respondents limit the extent of services they do provide. A compliance review by the department found that county caseworkers are making approximately one-half of the visits required.

INTRODUCTION

Prior to 1977, counties generally removed abused or neglected minors from their homes and placed them in foster care for an indeterminate time. Because foster care did not create stable environments for these minors, critics and providers of child welfare services urged that the policy of removing minors from their homes be changed in order to reduce the use of foster care. In 1976, the California State Legislature authorized demonstration projects in San Mateo and Shasta counties to test policies that reduce the use of foster care. The projects began in fiscal year 1977-78, and they will continue through fiscal year 1983-84.

In 1980, the federal government passed the Adoption Assistance and Child Welfare Act, which discouraged states from placing minors in foster care programs and encouraged states either to return minors to their families or to place minors in adoptive homes. To bring California child welfare service policies into conformance with the federal law, the California State Legislature enacted Chapter 978, Statutes of 1982, (Senate Bill 14). To carry out Senate Bill 14, counties provide child welfare services to protect minors from abuse and neglect, to prevent the unnecessary separation of families, and to identify suitable alternative homes for minors who cannot remain at home. The Department of Social Services (department) is responsible for supervising the counties' administration of Senate Bill 14.

Demonstration Projects

In 1976, laws authorizing the demonstration projects in San Mateo and Shasta counties mandated specific child welfare services designed ultimately to keep minors in their own homes and to provide alternative homes for minors if they could not remain at home. In situations involving possible abuse or neglect of minors, courts in these counties determine whether the county welfare departments should intervene and whether the minors should be removed from the custody of their parents. When the county welfare departments do intervene, they must provide counseling, emergency housing, and other services to families that need services; when appropriate, minors live with their parents during this time. The courts in these counties are required to review cases at the end of specific periods in order to evaluate the services provided to the families, to evaluate the families' progress, and, if the situation warrants, to establish alternative permanent and stable environments for the minors.

The two demonstration projects have been effective, according to a report issued by the department in January 1981. Since implementing the demonstration projects, San Mateo and Shasta counties have reduced by an average of 25 percent the number of minors removed from their parents and placed in foster care. In addition, the two demonstration counties have reduced the total number of child welfare services cases they administer by 31 percent and 22 percent, respectively. The total number of minors placed annually for adoption in these two counties has increased by an average of 46 percent between July 1978 and June 1980.

The demonstration projects have also reduced the counties' costs for child welfare programs by \$1.1 million. San Mateo and Shasta counties spent a total of \$4.2 million to operate their child welfare programs during fiscal year 1979-80, the third year of the demonstration projects; the department estimated that without the demonstration projects, the counties would have spent a total of \$5.3 million.

Senate Bill 14

Senate Bill 14 created both child welfare services and programs similar to those provided in the demonstration projects. Before the passage of Senate Bill 14, the Welfare and Institutions Code did not mandate the type of child welfare services that counties must provide. Sections 16507, 16507.1, 16508, and 16508.1 of the Welfare and Institutions Code now require counties to make available the following services to families: counseling, emergency shelter care, transportation, parent training, and homemaker training.

Counseling services include psychiatric counseling, family therapy, divorce counseling, and employment counseling. Emergency shelter care provides a protective environment for minors who must be removed immediately from their homes. Counties provide transportation to minors and parents for such things as family visits and medical appointments. Parent training instructs parents in child development skills. Finally, homemaker training teaches nutrition, child care, and other home management skills to parents.

Before the passage of Senate Bill 14, counties administered two child welfare services programs: the Out-of-Home Services for Children Program and the Protective Services for Children Program.* Senate Bill 14 replaced the Out-of-Home Care Services for Children Program with the Family Reunification Program and the Permanent Placement Program; these new programs became effective October 1, 1982. In addition, Senate Bill 14 replaced the Protective Services for Children Program with the Emergency Response Program and the Family Maintenance Program; these programs became effective October 1, 1983.

Minors enter the counties' child welfare system in the Emergency Response Program. Under this program, counties receive reports of abuse or neglect, and they may temporarily separate minors from their parents. Once the counties become involved in these situations, juvenile courts hold hearings to determine whether the separation of the minors from their parents is appropriate, determine whether counties will continue to intervene, and determine the types of services that the counties will provide.

If the juvenile courts determine that the counties should not continue to intervene, the counties end their involvement. If the courts determine that the counties should continue and that the minors should

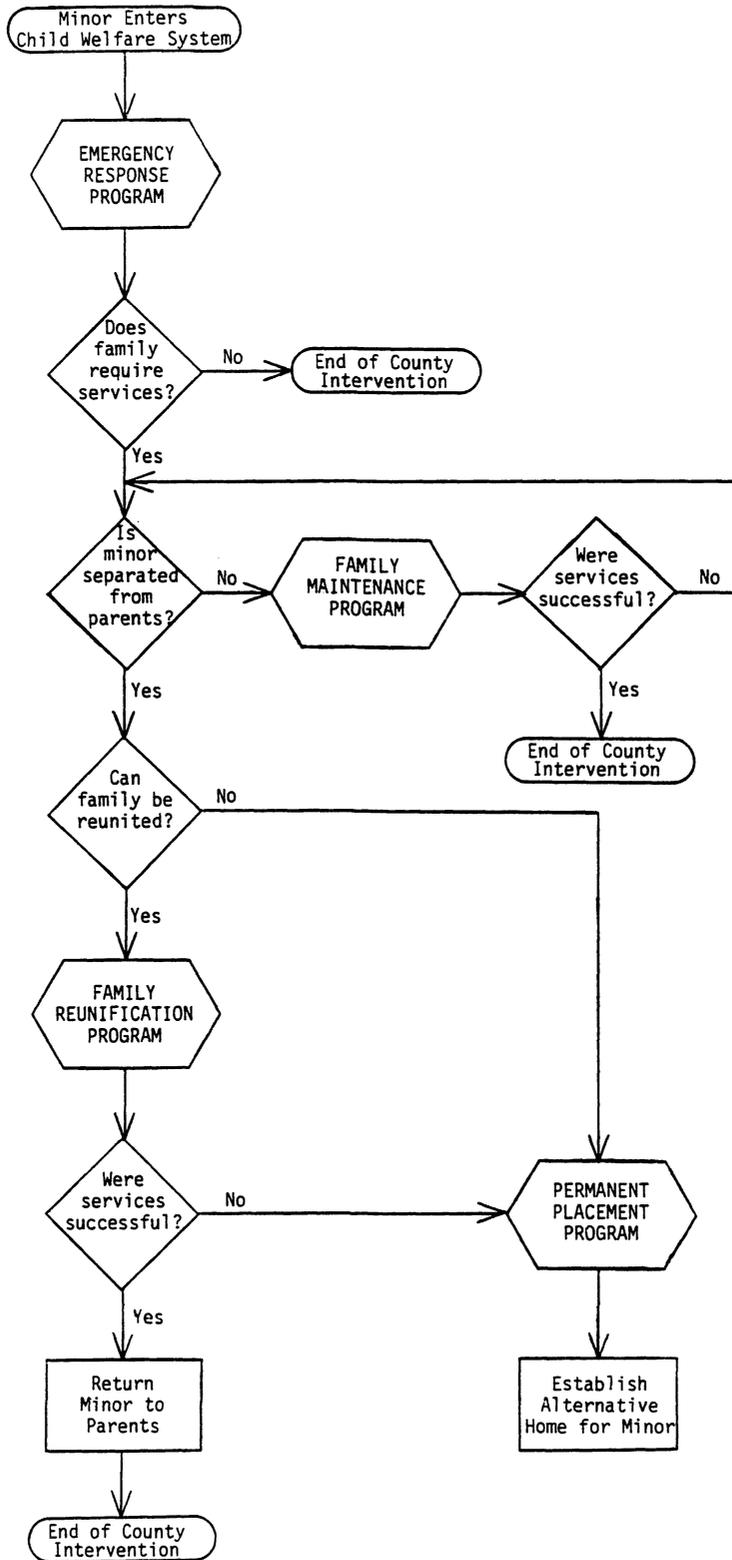
*In most instances, county welfare departments provide child welfare services. However, in five counties, county probation departments provide these services. We use the term "counties" to refer to both welfare and probation departments.

not be separated from their parents, the families enter the Family Maintenance Program. When the courts find that services under the Family Maintenance Program are successful, the counties end their involvement. However, if the services are not successful, the courts determine whether the minors should be separated from their parents and whether the families can eventually be reunited.

Under the Emergency Response Program, if the juvenile courts determine that the counties should intervene, that the minors should continue to be separated from their parents, and that the families might possibly be reunited, the courts place the minors in foster care and the families enter the Family Reunification Program. When the courts find that services under the Family Reunification Program are successful, the minors return to their parents and the counties end their involvement. However, if the court determines that the families would not benefit from the Family Reunification Program, the minors enter the Permanent Placement Program. Moreover, if the courts determine that services in the Family Reunification Program have not been successful and that the families will not be reunited, the minors enter the Permanent Placement Program. Exhibit 1 on the next page shows the relationship of the four programs.

EXHIBIT 1

RELATIONSHIP OF THE
FOUR CHILD WELFARE SERVICE PROGRAMS
ESTABLISHED BY SENATE BILL 14



In addition to establishing the four programs described above, Senate Bill 14 establishes time limits for county services, programs, and juvenile court hearings. It also requires courts to plan for stable environments for minors when these time limits expire. In the Family Maintenance Program, counties provide services such as counseling and parent training to prevent the separation of minors from their families. These services are provided for six months. Courts can authorize counties to extend these services for six additional months, if necessary.

In the Family Reunification Program, counties provide services such as counseling and transportation for up to 12 months. In the Permanent Placement Program, counties establish alternative homes such as adoptive homes for those minors who cannot safely remain at home or who are unlikely to return home. Counties must suggest to the courts permanent plans for those minors who have been in foster care for 12 months. Juvenile courts can authorize counties to provide these services for a total of 18 months if families can reasonably be expected to reunite at the end of that time.

Juvenile courts play a major role in determining how counties will serve abused or neglected minors and their parents. These courts review cases when minors first enter the child welfare system to determine if the counties should intervene and provide services to the families. Later, the courts conduct periodic case reviews to determine the status of the minors and the need for continued county involvement.

Finally, the courts resolve minors' cases through permanency planning hearings that determine whether minors should be permanently placed with their parents or placed in alternative homes. (Appendix A describes the juvenile court process in more detail.)

Before Senate Bill 14 was passed, the juvenile courts reviewed cases annually and were not required to hold hearings to resolve the cases permanently. Senate Bill 14 added Section 366 to the Welfare and Institutions Code; this section increases the frequency of court reviews from once every 12 months to once every 6 months. The bill also added Section 366.25 to the Welfare and Institutions Code establishing permanency planning hearings and requiring courts to conduct these hearings within 12 months after minors enter foster care.

Prior to the passage of Senate Bill 14, parents had to prove that returning minors to their custody would not be detrimental to the minors. Senate Bill 14 requires juvenile courts to order that minors be returned to the custody of their parents unless the counties can prove that reuniting the families would be detrimental to the physical or emotional well-being of the minors.

In Senate Bill 14, the Legislature did not appropriate additional funds to the counties. Section 2231 of the California Revenue and Taxation Code requires the State to reimburse local agencies for any increase in costs incurred because of the enactment of a state law. If Senate Bill 14 had created new programs or required that additional

services be provided in existing programs, the State would be required to reimburse the counties for those programs or services. Although Senate Bill 14 required that the counties make available specific child welfare services, the bill also reduced service requirements in an existing program. Because of this reduction, the counties could direct funds to provide the services required by Senate Bill 14.

Department of Social Services

To supervise the counties' administration of child welfare programs, the Department of Social Services develops policies, regulations, and procedures, and it periodically evaluates counties' performance. In response to the passage of Senate Bill 14, the department issued regulations for implementing the Family Reunification Program and the Permanent Placement Program established by the bill. These regulations provide counties with specific guidelines for handling child welfare cases. For instance, the regulations require county caseworkers to identify the problems that necessitate intervention by the county. Furthermore, the regulations require that caseworkers plan the services that will reunite families, and they stipulate how often caseworkers must visit the families.

Between May and October 1983, the department reviewed the counties' compliance with the regulations pertaining to the Family Reunification Program and the Permanent Placement Program. By examining case files, the department determined the extent to which counties were

complying with the regulations. The department then notified the counties of the extent of their compliance and provided goals that would bring them into full compliance. To ensure that counties improve their child welfare service programs, the department plans to conduct additional compliance reviews in April 1984.

The department also assists the counties and the juvenile courts in implementing Senate Bill 14 by designing training classes. The department has conducted workshops for county personnel that explain how to administer the Emergency Response Program and the Family Maintenance Program. In addition, the department, with the assistance of the Judicial Council of California, is designing training materials for judges, county counsels, and administrators of child welfare services that will explain the court procedures that must be followed to comply with Senate Bill 14.

SCOPE AND METHODOLOGY

This report discusses county activities relating to the Family Reunification Program and the Permanent Placement Program created by Senate Bill 14. We focused our audit on the amount of time that counties spend preparing for the juvenile court hearings required by the two programs and the level of services that counties provide under the programs. Because the Emergency Response Program and the Permanent Placement Program did not become effective until October 1, 1983, we did not include these programs in the scope of this audit.

We developed the information presented in this report by sending questionnaires to all 58 counties in California and by visiting county welfare departments, probation departments, and juvenile courts in Los Angeles, Riverside, San Bernardino, Stanislaus, and Tehama counties. These five counties constitute a representative cross section of California counties. We also visited Shasta County because it is one of the two counties that operated the demonstration projects that the Legislature created in 1976. We also reviewed the results of a recent compliance review by the Department of Social Services.

The questionnaires we developed were of two types: one distributed to county welfare departments and probation departments, and one distributed to juvenile courts. We received responses from 48 of the 58 counties (83 percent) and from 24 of the 58 courts (41 percent). When we present summary information on the responses to our questionnaire, we base our statistics on the number of respondents to individual questions rather than on the total number of questionnaires returned. This methodology more accurately presents the results of our survey because not all of the questionnaires were answered completely.

The 48 counties that responded administered programs for approximately 92 percent of the foster children receiving benefits from the Aid to Families with Dependent Children (AFDC) program during March 1983. Los Angeles County, which administered programs for approximately 32 percent of the foster children receiving AFDC benefits, was one of the counties responding to the questionnaire. Los Angeles County has seven

regional offices that provide social services independently of one another. We distributed questionnaires to each of the seven regional offices and, except in those instances where only the Los Angeles County central office could provide the answers, we included the responses of the regional offices in the summary information presented in this report. Hence, in those instances when the county central office answered the question, our report refers to counties; when the regional offices provided the answers, our report refers to counties and regions. Additionally, we excluded data from San Mateo and Shasta counties from our summaries because of their unique situation as counties administering demonstration projects.

Finally, we also include in this report information on the juvenile courts' and the counties' reactions to the changes in child welfare services mandated by Senate Bill 14 and the additional time that the courts spend on child welfare cases as a result of Senate Bill 14. (This additional information is included as Appendices B and C.)

ANALYSIS

Senate Bill 14 increases the frequency of court hearings and requires counties to return minors to their families unless the counties prove that reuniting the families would be detrimental to the minors. Before Senate Bill 14 was passed, the parents, not the counties, had to prove that reuniting families would not be detrimental to the minors. Thus, because of Senate Bill 14, counties spend more time preparing for court hearings. Senate Bill 14 also mandated the types of services that counties must make available to families in the Family Reunification Program and the Permanent Placement Program. Counties reported that they do not have sufficient staff to prepare for the required court hearings and to provide all of the mandated services.

Counties Spend Additional Time Preparing for Court Hearings

Juvenile courts conduct jurisdiction hearings when minors first enter the child welfare system. When appropriate, the courts conduct periodic reviews to determine the status of the minors and the need for continued county involvement. The courts also hold permanency planning hearings to determine whether minors should be returned to their parents or placed in alternative homes.

Since the passage of Senate Bill 14, counties have spent additional time gathering evidence for court reports and preparing those reports for court review. Thirty-nine (80 percent) of the 49 counties

and regions responding spend additional time preparing cases for jurisdiction hearings. Furthermore, 47 (94 percent) of the 50 counties and regions responding spend additional time preparing cases for the subsequent hearings that are required by Senate Bill 14.

Table 1 below shows the counties' estimates of the additional hours that nine large counties spent preparing each case for review by juvenile courts. These counties administered programs serving 69 percent of the minors who received AFDC-foster care benefits during March 1983. The table shows the additional time that the counties spent preparing for the jurisdiction hearings and the additional time counties spent preparing for hearings after minors were declared dependents of the courts.

TABLE 1
ADDITIONAL TIME SPENT
PREPARING CASES FOR COURT HEARINGS
 (Hours per case)

<u>County or Region</u>	<u>Preparation for Jurisdiction Hearing</u>	<u>Preparation for Subsequent Hearing</u>
Alameda	0	Increase*
Contra Costa	2	9.5
Los Angeles, Region 1	5-6	5-6
Los Angeles, Region 2	0.5-1.0	1-2
Los Angeles, Region 3	4	21
Los Angeles, Region 4	15	16
Los Angeles, Region 5	0	7-8
Los Angeles, Region 6	0	2
Los Angeles, Region 7	No answer	24-30
Riverside	4	4
Sacramento	1.75	1
San Bernardino	4	6-18
San Diego	3-4	5.25
San Francisco	14	54
Santa Clara	0	8

*No estimate provided.

As the table shows, the counties' estimates ranged from 0 to 15 additional hours preparing a case for jurisdiction hearings and from one to 54 additional hours preparing a case for court hearings after minors have been declared dependents of the courts. Other counties also reported spending additional time preparing for court hearings. (Appendix D presents information, as provided by all the counties and regions responding to our questionnaire, on the additional time needed to prepare cases.)

Counties attribute this additional time to the new requirements imposed by Senate Bill 14. Twenty-two of the 49 counties and regions responding reported spending additional time gathering evidence to support their recommendations in jurisdiction hearings; estimates ranged from one additional hour to eight additional hours per case. Fifteen of the 49 counties and regions responding reported that they spend additional time preparing court reports for jurisdiction hearings; estimates ranged from one-half hour to two hours per case. Twenty-five of the 50 counties and regions responding stated that they spend additional time gathering evidence to support their recommendations in subsequent court hearings; estimates ranged from one hour to twelve hours per case. Nineteen of the 50 counties and regions responding reported that they spend additional time preparing court reports for subsequent court hearings; estimates ranged from one-half hour to eighteen hours per case.

Thirty-three (75 percent) of the 44 counties that responded experienced problems meeting the department's deadlines for periodic case reviews and permanency planning hearings.* Twenty-one of these 33 counties had not completed all required case reviews by March 31, 1983. Only 6 counties, however, had not completed these reviews by July 31, 1983.

Department officials told us that counties are experiencing a temporary increase in workload that will decrease once Senate Bill 14 is implemented completely. According to these officials, the counties that participated in the demonstration projects did not experience increases in the total number of court hearings. Although each child welfare case requires more frequent court hearings, courts must resolve a case within a specific time limit. Before the demonstration projects began in 1977, courts in those counties did not have to hold hearings to resolve cases within specific time limits. Consequently, with the passage of Senate Bill 14, counties may prepare for fewer hearings in total. In addition, department officials stated that counties have been primarily involved in conducting permanency planning hearings for minors who were in foster care prior to the implementation of Senate Bill 14. As counties and courts make permanent plans for these minors, thus resolving the cases, the counties will have fewer cases to administer.

*Thirteen of the 44 counties that experienced these problems did not understand when the 6-month, 12-month, and 18-month periods between court hearings begin and end. Some counties thought the periods begin when the courts determine the services that counties are to provide to the families. In August 1983, the department clarified the matter in an All-County Letter stating that the periods begin when counties initially remove minors from parents' custody.

Although the counties experienced problems preparing for court hearings, court officials stated that the quality of case preparation has not suffered. Eighteen (82 percent) of the 22 juvenile courts responding said either that there has been no significant change in the quality of case preparation or that the quality of case preparation has improved since the passage of Senate Bill 14. Finally, 39 (87 percent) of the 45 counties responding expected that all cases requiring permanency planning hearings during August and September 1983 would be completed during those months.

Counties Are Not Providing All Required Services

Senate Bill 14 requires counties to provide counseling, emergency shelter care, transportation, parent training, and homemaker training to families. However, 56 percent of the 43 counties responding stated that as a result of the department's method of allocating funds, they are unable to provide all required services. For example, Region 4 in Los Angeles County does not provide homemaker training and must rely upon other agencies to train parents in infant care and child discipline.

In addition to not providing all the mandated services, 60 percent of the 52 counties and regions responding limit the extent of the services they provide. For example, Stanislaus County provides transportation services to parents only if absolutely necessary. Similarly, El Dorado County relies heavily upon a limited number of foster homes to provide emergency shelter care for minors.

One way that caseworkers provide and monitor family reunification services is by visiting minors, parents or guardians, and foster care providers. These visits allow the caseworkers to observe the minors' physical and emotional well-being and help them safeguard the minors' growth and development. State regulations require caseworkers to visit minors at least monthly. Caseworkers are also required to visit with foster care providers and with the minors' parents or guardians. For minors in foster homes, caseworkers must arrange at least monthly visits between minors and their parents, unless the caseworkers' supervisors approve less frequent visits.

Recently, the Department of Social Services reviewed county case files and found that caseworkers perform approximately one-half the required visits. Caseworkers stated that other responsibilities do not allow them enough time to visit with each minor, parent, and foster parent each month.

Counties believe that the requirements for caseworker visits should be amended. County officials stated that caseworkers, not regulations, should determine the frequency and necessity of the visits because each case is unique. Department officials, however, said that the regulations contain provisions that allow counties not to perform all of the visits. For example, under certain conditions, caseworkers may make less frequent visits when minors are placed with relatives or when the minors are under the age of two.

Officials from 26 (57 percent) of the 46 counties responding said that they did not have sufficient staff to fully implement Senate Bill 14. For example, officials from Santa Barbara County said that the implementation of Senate Bill 14 initially required caseworkers to prepare a large volume of court reports; consequently, caseworkers did not have time to make the required family visits.

Counties that are not providing all required services cite the department's method of allocating funds as one reason for their limiting child welfare services. These counties cite unique conditions that the department does not consider in its allocation formula such as the geographical size of the county and the increasing demand for child welfare services. (Appendix E describes the funding for child welfare services.)

CONCLUSION

Senate Bill 14 changed the juvenile court process by increasing the frequency of periodic case reviews and requiring courts to return minors to their parents or place them in alternative homes after county services are completed. Furthermore, Senate Bill 14 shifted the burden of proof during case reviews and hearings from the parents to the counties. Because of these changes in law, the counties now spend additional time preparing for court hearings.

Senate Bill 14 also required counties to make available specific types of services to abused or neglected minors and their families. However, more than one-half of the counties in our survey are not providing all of the mandated services. County officials said that they cannot prepare for the court hearings and provide all the mandated services. Officials from the Department of Social Services said that the caseworkers' workload should decrease once Senate Bill 14 is fully implemented and the volume of court reviews is stabilized.

We conducted this review under the authority vested in the Auditor General by Section 10500 et seq. of the California Government Code and according to generally accepted governmental auditing standards. We limited our review to those areas specified in the audit scope section of this report.

Respectfully submitted,


THOMAS W. HAYES
Auditor General

Date: December 27, 1983

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HEALTH and WELFARE AGENCY

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December 21, 1983

Mr. Thomas W. Hayes
Auditor General
Office of the Auditor General
660 I Street, Suite 300
Sacramento, CA 95814

Dear Mr. Hayes:

RESPONSE TO THE REPORT BY THE OFFICE OF THE AUDITOR GENERAL TO THE JOINT LEGISLATIVE AUDIT COMMITTEE ENTITLED "COUNTIES SPEND ADDITIONAL TIME PREPARING FOR JUVENILE COURT HEARINGS AND DO NOT PROVIDE ALL CHILD WELFARE SERVICES REQUIRED BY STATE LAW"

Thank you for providing our Agency with the opportunity to respond to your audit of the administration of the child welfare programs as modified by Senate Bill 14. The Agency is appreciative of the efforts of you and your staff.

I am attaching comments prepared by the Department of Social Services for inclusion in your report. Staff of the Department of Social Services would be pleased to meet with you at your convenience to discuss any of these particular subject areas.

Sincerely,


for DAVID B. SWOAP
Secretary

Attachment

cc: Linda S. McMahon, Director, SDSS

STATE DEPARTMENT OF SOCIAL SERVICES (SDSS) COMMENTS REGARDING THE DRAFT REPORT OF THE OFFICE OF THE AUDITOR GENERAL ENTITLED, "COUNTIES SPEND ADDITIONAL TIME PREPARING FOR JUVENILE COURT HEARINGS AND DO NOT PROVIDE ALL CHILD WELFARE SERVICES REQUIRED BY STATE LAW"

Page i, summary -

The Auditor General states that "counties that responded to our questionnaire are spending up to 54 additional hours per case gathering evidence and preparing reports for court hearings." To appreciate the variance of this data, the readers should consult page 14 and note that the range on additional hours is from 0 to 54 hours. ①

Page 17 -

The report states that 56 percent of the 43 counties which responded indicated that they are unable to provide all the required services due to the Department's method of allocating funds.

The report, however, fails to note that the Department allocates funds under a block grant concept. This methodology affords the local agencies the flexibility and discretion to evaluate program need and distribute funds accordingly.

Additionally, the report does not recognize that counties have granted cost-of-living increases in excess of that provided by the Legislature. Such discretionary increases will directly affect a county's ability to provide the required services.

Page 19, paragraph continuing at top of page - ②

The wording of the last sentence of this paragraph could be misconstrued by the reader to imply that DSS regulations provide children placed with relatives of children under age 2 with less protective supervision than other children because caseworkers are not required to visit the child as frequently. In fact, the regulations stipulate other conditions which must be satisfied before the lesser visit standard may be applied. These conditions are intended to safeguard the child while freeing up the caseworker's time to perform other essential functions, such as to visit and counsel the parents more frequently.

Conditions which must be satisfied to allow for less frequent visits to the child include a) the child has no severe physical or emotional problems caused by the placement, b) the placement is stable, and c) the caseworker has obtained review and approval by a second level supervisor for the plans for less frequent visits.

Auditor General's Comments:

- ① Text changed.
- ② The agency's response was to a draft of this report. This paragraph now appears at the bottom of page 18.

Page 19, first paragraph -

This paragraph cites comments from officials from Santa Barbara County to the effect that caseworkers were initially required to prepare a large volume of court reports during implementation of SB 14. We believe this statement from the County very clearly underscores the Department's contention that much of the increased workload being experienced by counties as they implement SB 14 provisions is attributable to the one-time task of processing court hearings in a relatively short time for the large numbers of cases already open at the time the law went into effect. Now that this glut of court reviews for these pre-existing cases have been dealt with, counties are able to handle case review scheduling and attendant workload on a more routine, ongoing basis.

Page A-5, Table A-1 -

Readers of this table should be wary of the validity of the data for purposes of projecting likely outcomes of permanency planning hearings in the future. We believe the overall results of permanent plans developed for cases reviewed during the period covered by the table, August and September 1983, are highly colored by the large number of cases reviewed during this time involving children already in placement for lengthy periods at the time of SB 14 implementation. To the extent that these children were already de facto in permanent placement and this status was ratified during the hearing, the data are likely to be skewed in that direction.

JUVENILE COURT PROCESS FOR REVIEWING CHILD WELFARE CASES
AND COUNTY SUGGESTIONS FOR PERMANENT PLACEMENT OF MINORS

Juvenile courts are involved in reviewing child welfare cases during three major periods: the courts review cases when minors enter the child welfare system; the courts periodically review the minors' cases while the counties are providing child welfare services; and finally, the courts review cases and determine the permanent plans for the minors.

County welfare departments and probation departments may take custody of minors when these agencies receive complaints of neglect or abuse or when parents voluntarily request the assistance of the county. Within 72 hours, juvenile courts hold detention hearings to determine whether the minors will be detained further by the counties or returned to the parents.

Within 30 days following detention hearings, the courts hold jurisdiction hearings to determine if the minors should be made dependents of the courts. Based upon evidence submitted by the counties, the courts determine if the minors are in need of effective parental control or care, are destitute, are physically dangerous to the public, are neglected or abused, or have been released for adoption for at least 12 months. Minors meeting any of these conditions may be made dependents of the courts.

Once the minors are made dependents of the courts, the courts hold disposition hearings, which determine the services necessary to resolve the cases. At these hearings, the courts decide whether minors should remain in their homes as dependents of the courts and be treated through the Family Maintenance Program or be placed outside the home and be treated through the Family Reunification Program. County welfare and probation departments then provide the court-ordered services.

After the counties provide the services for specified periods, juvenile courts review the status of the cases. The length of time that services are provided depends on court orders and on whether the minors are in the Family Reunification Program or the Family Maintenance Program. Under the Family Reunification Program, these periodic case reviews determine whether counties should continue to be involved with the families and whether the goals that have been established are appropriate for the minors. In addition, the reviews determine the progress that the minors and parents are making toward meeting those goals and the estimated dates that the minors may return home or be identified for alternative homes.

Senate Bill 14 requires juvenile courts to conduct permanency planning hearings no later than 12 months after minors have been placed in the Family Reunification Program. Prior to these hearings, county caseworkers evaluate the cases and decide upon a permanent plan for the minors. If the counties suggest that the minors be returned to their parents, the courts first determine, at permanency planning hearings,

whether minors should be returned to their parents immediately or within six months. If the courts immediately return the children to their parents, then the counties must make services available to the families for an additional 60 days. If the courts determine that the families will likely reunite after additional services have been provided by the counties, the courts extend the services for up to six months and schedule another permanency planning hearing at the end of that time.

If the courts decide that it is not appropriate to return minors to their parents, the courts determine other permanent plans for minors. The counties suggest to the courts the appropriate permanent plan for the minors. These permanent plans include adoption, legal guardianship, long-term foster care, or emancipation. Adoptions are legal actions in which persons take custody of minors as their own children and assume all parental responsibilities for the minors. Guardianships are legal relationships wherein individuals are responsible for the care and upbringing of the minors. Persons who provide long-term foster care to minors raise the minors as their own children. Finally, emancipations are legal processes that release minors from parental control entirely.

Once the courts hold permanency planning hearings, the minors enter the Permanent Placement Program and are subject to case reviews once every six months by either a court or an administrative review panel. Administrative review panels include three or more individuals, at least one of whom is outside the direct line of supervision of the

case under review. Courts must still review the cases once every 18 months. Although periodic case reviews may be conducted by either juvenile courts or administrative review panels, 76 percent of the 51 counties and regions responding do not use administrative review panels. Those counties that do not use administrative review panels indicated that administrative reviews are costly and that they duplicate the court review process. These counties also said that presently the courts are willing to conduct all of the case reviews.

Forty counties that responded to our questionnaire identified the permanent plans that they suggested to the courts for 4,572 minors during August and September 1983. The following table lists the 40 counties and shows the permanent plans that each county suggested to the courts. The counties suggested that 34 percent of the minors be placed in long-term foster care, 21 percent be returned home, 14 percent be released for adoption, 13 percent be placed in a legal guardianship, and 4 percent be emancipated. The counties suggested that the court extend the services in 15 percent of the cases.

TABLE A-1

COUNTY SUGGESTIONS FOR
PERMANENT PLACEMENT
AUGUST AND SEPTEMBER 1983

Permanent Plan Suggested By County

County*	Return Home	Extension	Adoption	Legal Guardianship	Long-Term Foster Care	Emancipation	Total
Amador	0	0	1	0	2	0	3
Contra Costa	25	13	25	13	162	12	250
Del Norte	0	0	0	0	0	0	0
El Dorado	2	4	3	5	20	1	35
Fresno	42	10	46	56	4	0	158
Humboldt	0	0	3	3	2	0	8
Inyo	0	0	1	1	1	0	3
Kings	0	0	2	2	0	0	4
Lake	0	1	0	5	0	0	6
Lassen	0	2	1	0	3	0	6
Los Angeles	540	333	111	127	412	63	1,586
Madera	0	24	5	3	5	5	42
Marin	9	0	4	1	8	3	25
Mariposa	1	1	0	0	0	0	2
Mendocino	0	9	5	5	19	0	38
Merced	2	9	13	4	12	0	40
Mono	0	0	0	2	2	0	4
Monterey	1	0	7	5	3	0	16
Napa	2	0	0	0	2	0	4
Nevada	0	2	0	3	10	0	15
Plumas	0	0	0	4	2	0	6
Riverside	33	0	10	3	16	3	65
Sacramento	34	18	42	63	263	0	420
San Benito	3	2	0	1	0	0	6
San Bernardino	36	54	54	110	91	18	363
San Francisco	131	0	210	79	79	26	525
San Joaquin	8	3	10	6	15	2	44
San Luis Obispo	2	3	3	1	2	0	11
Santa Barbara	2	19	0	4	8	0	33
Santa Clara	50	125	25	40	235	25	500
Santa Cruz	2	3	5	0	2	4	16
Siskiyou	7	3	0	2	0	1	13
Solano	7	14	0	9	13	0	43
Sonoma	2	3	3	2	12	4	26
Stanislaus	0	20	21	21	53	0	115
Sutter	0	0	0	0	2	0	2
Tehama	0	1	2	1	2	0	6
Trinity	0	0	1	0	0	0	1
Tulare	0	15	20	20	70	0	125
Tuolumne	0	0	0	0	7	0	7
Total	<u>941</u>	<u>691</u>	<u>633</u>	<u>601</u>	<u>1,539</u>	<u>167</u>	<u>4,572</u>
Percentage	20%	15%	14%	13%	34%	4%	100%

*Alameda County and San Diego County held permanency planning hearings for 1,090 minors during this period but did not identify the number of minors suggested for each category. Alpine, Imperial, Kern, San Mateo, Shasta, and Yolo counties did not identify the number of minors attending permanency planning hearings during August and September 1983.

COURT AND COUNTY RESPONSES TO
CHANGES RESULTING FROM SENATE BILL 14

Most juvenile courts responding to our questionnaire agreed with the legislative changes made by Senate Bill 14. The majority of the courts said that the time limits specifying when case reviews and permanency planning hearings must be held and the shift of the burden of proof to counties will enable the courts to accomplish the goals of Senate Bill 14. However, some counties want to lengthen the period before permanency planning hearings are held.

Sixteen (76 percent) of the 21 courts responding indicated that the required six-month case reviews for minors in the Family Reunification Program enabled the courts to reunite minors with their parents. Fifteen courts also said that the six-month reviews enabled them to place minors in permanent homes promptly. Generally, these courts said that because the time limits for the reviews force both counties and parents to act promptly, the courts can remove minors from the foster care system more quickly. In addition, 16 of the juvenile courts indicated that the shift in the burden of proof has enabled them to reunite children with their families; 13 courts said the shift in burden of proof has enabled them to place minors in permanent homes promptly.

Although courts agree that the time limits for case reviews accomplish the goals of Senate Bill 14, seven counties and regions want the law to be amended to lengthen, by 6 months, the period before permanency planning hearings are required. Counties provided two reasons for lengthening this period: first, each child welfare case is unique and may, in some cases, require more than 12 months for reunification services to be effective; and second, families may not receive a full 12 months of services.

The fixed period during which counties provide family reunification services may begin before the counties actually start providing those services. Currently, the periods of service start when the counties first remove the minors from the custody of their parents. Counties might not start services, however, until the courts determine in jurisdiction hearings that the counties should intervene and that minors should be made dependents of the court. The period between the initial removal of the minors from the parents and the jurisdiction hearing is between 17 and 30 days. Parents who disagree with the courts' rulings may appeal the decisions. Such appeals may delay the start of county services. Consequently, counties want the periods of service to start when the courts have established jurisdiction.

Eighty-eight percent of the 52 counties and regions responding to our questionnaire stated that the mandated services are necessary to reunite families or place minors in alternative homes. Furthermore, the counties suggested other services, including respite care (short-term

care of minors outside the home during stressful periods for the family) and child day care, may help accomplish the goals of Senate Bill 14.

ADDITIONAL TIME JUVENILE COURTS
SPEND HEARING CHILD WELFARE CASES

Juvenile courts have experienced an increase in workload as a result of Senate Bill 14. Courts expect this additional workload to continue because of the increase in the number of court hearings and the shift in the burden of proof.

Thirty-two (74 percent) of the 43 counties responding to our questionnaire reported an increase in court activity since the passage of Senate Bill 14: 16 counties cited increases in the number of case reviews and permanency planning hearings, 13 counties reported an increase in contested hearings, and 10 counties reported an increase in supplemental or modification hearings. Contested hearings occur when families deny the allegations made by the county. Courts hold either supplemental or modification hearings to change the placement of minors. For example, the courts may hold supplemental hearings to move minors from relatives' homes to foster homes; conversely, the courts may hold modification hearings to move minors from foster homes to homes of legal guardians.

The increase in court hearings, as well as the other requirements established by Senate Bill 14, has caused the courts to spend more time reviewing child welfare cases. As shown in the table on the following page, 19 courts reported that they are spending additional time each month reviewing these cases. The estimated additional time

ranged from 2 hours per month in Napa County to 88 hours per month in Madera County.

TABLE C-1

ADDITIONAL TIME THAT JUVENILE COURTS SPENT HEARING CHILD WELFARE CASES SINCE SENATE BILL 14

<u>Juvenile Court</u>	<u>Additional Hours Per Month</u>
Alameda	Increase*
Amador	0
Del Norte	4
Humboldt	0
Kern	Increase*
Los Angeles	Increase*
Madera	88
Mendocino	6-8
Monterey	4
Napa	2
Orange	40
Placer	10
San Bernardino	50-60
San Diego	60
San Francisco	0
Santa Clara	80
Solano	20
Stanislaus	12-15
Sutter	10
Tehama	3
Tulare	40
Yuba	7-10

*Courts in these counties reported increases but were unable to provide estimates.

Thirty-two (89 percent) of the 36 counties responding expect this trend in increased court activity to continue. Ten of the 32 counties said contested hearings or appeals will increase because the burden of proving substantial risk of detriment to minors is now placed with the counties. Counties also expect that court hearings will

increase because of the 6-month and 12-month deadlines. San Bernardino County estimated that, at a minimum, court activity will continue at 2.5 times the level that existed before Senate Bill 14.

ADDITIONAL TIME SPENT BY COUNTIES AND
REGIONS PREPARING CASES FOR COURT HEARINGS
SINCE THE PASSAGE OF SENATE BILL 14
(Hours per case)

<u>County or Region</u>	<u>Preparation for Jurisdiction Hearing</u>	<u>Preparation for Each Subsequent Hearing*</u>
Alameda	0	increase***
Amador	increase***	no answer
Contra Costa	2	9.5
Del Norte	1-2	1-2
El Dorado	8	15
Fresno	6	8
Humboldt	2-3	2-3
Imperial	1-2	2-3
Inyo	increase***	increase***
Kern	2	4.5
Kings	2	16-20
Lake	2	1
Lassen	0	13
Los Angeles, Region 1	5-6	5-6
Los Angeles, Region 2	0.5-1.0	1-2
Los Angeles, Region 3	4	21
Los Angeles, Region 4	15	16
Los Angeles, Region 5	0	7-8
Los Angeles, Region 6	0	2
Los Angeles, Region 7	no answer	24-30
Madera	2	1.0-1.5
Marin	0	0
Mariposa	0	60
Mendocino	2	0
Merced	2	4
Mono	0	0
Monterey	9-10	24
Napa	3-10	6
Nevada	5-20	20-50
Plumas	0	increase***
Riverside	4	4
Sacramento	1.75	1
San Benito	1-2	0.5-1.0
San Bernardino	4	6-18
San Diego	3-4	5.25
San Francisco	14	54
San Joaquin	0.5	6
San Luis Obispo	5	5
San Mateo**	8-10	4-8
Santa Barbara	increase***	increase***
Santa Clara	0	8
Santa Cruz	2	9
Shasta**	3	increase***
Siskiyou	5-6	4-6
Solano	8	6.5
Sonoma	no answer	increase***
Stanislaus	2	3.5-12.5
Sutter	0	42
Tehama	6	15
Trinity	4-8	8
Tulare	increase***	2
Tuolumne	3	6
Yolo	4-8	2-3

*These hearings are held at least once every six months until the minors' cases are resolved.

**These counties operated demonstration projects and are subject to laws similar to Senate Bill 14.

***Officials in these counties said the amount of time increased, but they were unable to provide estimates.

COUNTY FUNDING FOR CHILD WELFARE SERVICES

Counties use federal, state, and local funds to provide information and referral services, adult services, and child welfare services. The Department of Social Services (department) distributes federal and state funds to county welfare departments using an allocation formula that considers the population of the county and the number of cases that the county serves in each of the above service areas. During fiscal year 1983-84, the department distributed \$176.3 million in federal and state funds to counties for these services. Counties provide local funds to augment the federal and state funds; each county provides up to 25 percent of the total funds that the department designates for the services listed above.

Based on funds received from the department, counties project their expenditures for the following social services programs: information and referral services, adult services, in-home supportive services, child welfare services, and other optional services. Counties may budget any amount they think is appropriate for child welfare services. As shown in the table on the following page, counties responding to our questionnaire estimate that expenses for child welfare services will constitute from 29 percent to 86 percent of their total expenditures for the social services programs during fiscal year 1983-84.

TABLE E-1

BUDGETED EXPENDITURES FOR
CHILD WELFARE SERVICES COMPARED
TO TOTAL BUDGETED EXPENDITURES FOR
SOCIAL SERVICES BY COUNTY
FISCAL YEAR 1983-84

<u>County*</u>	<u>Total Budgeted Expenditures For Social Services</u>	<u>Budgeted Expenditures For Child Welfare Services**</u>	<u>Percent of Total</u>
Alameda	\$ 12,209,359	\$ 8,493,155	70
Alpine	6,249	no answer	--
Amador	100,145	48,690	49
Contra Costa	12,834,667	7,698,450	60
Del Norte	210,712	129,835	62
El Dorado	402,377	115,084	29
Fresno	5,784,009	4,129,784	71
Humboldt	986,356	657,571	67
Imperial***	578,421	401,524	69
Kern	4,211,682	2,699,293	64
Kings	657,686	438,071	67
Lake	227,765	73,968	32
Lassen	160,795	71,500	44
Los Angeles	84,675,850	60,639,611	72
Madera	461,391	270,353	59
Marin	1,230,090	630,845	51
Mariposa***	90,433	no answer	--
Merced	1,092,459	833,656	76
Mono	71,000	36,000	51
Monterey	2,120,984	1,243,129	59
Napa	696,671	452,836	65
Nevada	302,927	no answer	--
Plumas	120,489	94,963	79
Riverside	6,323,584	5,410,370	86
Sacramento	10,681,903	6,831,564	64
San Bernardino	8,064,075	5,886,775	73
San Diego	16,402,499	10,287,824	63
San Francisco	14,843,229	7,368,941	50
San Joaquin	4,378,211	3,194,649	73
San Luis Obispo	873,723	658,068	75
Santa Barbara	2,130,518	1,196,065	56
Santa Clara	11,560,219	6,542,059	57
Santa Cruz	1,581,166	872,158	55
Siskiyou	242,339	161,018	66
Solano	1,764,224	1,164,990	66
Sonoma	2,342,623	1,321,173	56
Stanislaus	2,865,511	2,034,002	71
Sutter	451,006	293,154	65
Tehama***	228,141	70,771	31
Trinity	113,594	84,712	75
Tulare	2,182,184	no answer	--
Tuolumne	308,217	199,889	65
Yolo	944,352	584,458	62
Total	<u>\$217,513,835</u>	<u>\$143,320,958</u>	67

*Forty-three of the 58 California counties provided information. Because San Mateo and Shasta counties administered demonstration projects, they were not included in this comparison.

**The Child Welfare Services budget is a component of the Social Services budget.

***The county probation department also provides child welfare services. The figures reflect only the budgeted expenditures of the county welfare department.

A majority of the county representatives indicated that the existing funds are not sufficient to provide all the needed services. Consequently, counties pay for child welfare services by using funds from other sources, by reducing other social services, and by providing additional local funds. Officials in five of the counties and regions that limited their services said that certain services would have been limited further if the counties had not received funding provided by Chapter 1398, Statutes of 1982, (Assembly Bill 1733), which provides counties up to \$9 million for child welfare services. For example, during fiscal year 1983-84, Alameda, San Joaquin, and Trinity counties are using funds from Assembly Bill 1733 to provide homemaker training.

In addition to using funding from other sources, 19 (43 percent) of the 44 counties responding decreased funds for other service areas to provide funds for child welfare services. These counties have reduced the funding for other service areas by \$2.6 million since the passage of Senate Bill 14. For example, San Bernardino County estimated that in fiscal year 1983-84, \$241,922 will be cut from adult services and \$564,485 will be cut from informational and referral services so that the county can provide additional child welfare services. Even with these reductions, San Bernardino County officials said that they cannot make available all the child welfare services mandated by Senate Bill 14. Finally, 14 of the counties responding contribute more local funds than the law requires. During fiscal year 1983-84, the amount of additional local funds ranges from \$4,000 in Amador County to \$3.7 million in San Francisco County.

cc: Members of the Legislature
Office of the Governor
Office of the Lieutenant Governor
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Legislative Analyst
Director of Finance
Assembly Office of Research
Senate Office of Research
Assembly Majority/Minority Consultants
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