

Restructuring and Expanding the Function of Emergency Response (ER) to Include Involvement in the Juvenile Dependency Court Process in Three Bay Area Counties

Implications for Santa Clara County

EMILY TJHIN AND CILLA SHAFFAR

EXECUTIVE SUMMARY

This case study explores the implications of establishing a new process by which the Emergency Response (ER) Social Worker's assignment is expanded to involve the dependency investigation in the process after the child is placed in protective custody. Additionally, the study explores the possibility of expanding the ER social workers' responsibility to include filing the petition, writing the detention hearing court report and attending the Detention Hearing in Juvenile Dependency Court. Three Bay Area counties were visited which are adopting some of these concepts—San Francisco, San Mateo and Santa Cruz. In addition, extensive analysis was done regarding the Emergency Response (ER) and Dependency Investigation (DI) staff perception of such a change and its possible implications on the DFCS function in Santa Clara County. After reviewing the programs in these three counties and receiving feedback from management, supervisors and line staff, we recommend that this program be replicated and implemented in Santa Clara County as it is being performed in the other counties visited. We suggest that the function of the ER social worker be expanded following the removal

of the children to include filing the petition, writing the detention hearing report and attending the detention hearing. We suggest that the ER Bureau use petition specialists to draft the petitions along with the ER social worker and that the petition specialist functions be part of the ER bureau. We recommend developing work groups to discuss the development and implementation plan, including time line and an intensive mandatory training program to enhance the forensic knowledge of the social workers. We suggest a slow and gradual process involving a pilot unit. Since Santa Clara County is facing a budget crisis, we suggest a plan to shift existing staff and currently available resources to the ER bureau from other bureaus. This is a major workload issue, and the union will have to be involved in the transfer. We suggested reassessing and restructuring the credit system in ER and ensuring Team Decision Making (TDM) availability for the front end. We believe that implementation of this program will generate great resistance at the initial stage, but ultimately is doable, beneficial and consistent with the Santa Clara County Self Improvement Program (SIP).

Cilla Shaffar, Continuing Social Work Supervisor,
Santa Clara County Department of Family and
Children's Services

Emily Tjhin, Emergency Response Social Work
Supervisor, Santa Clara County Department of
Family and Children's Services

Restructuring and Expanding the Function of Emergency Response (ER) to Include Involvement in the Juvenile Dependency Court Process in Three Bay Area Counties

Implications for Santa Clara County

EMILY TJHIN AND CILLA SHAFFAR

Background and Introduction

In 1990, the Department of Family and Children's Services (DFCS) took over the Dependency Investigation (DI) function from the Probation Department in Santa Clara County. Until that time, probation officers were delegated the responsibility of investigating and removing children from the custody of their caretakers due to allegations of abuse or neglect. The probation officers placed the children in protective custody, prepared and filed the respective 300 Welfare and Institutions (W&I) A through J Petitions, and carried the case through the Detention, Jurisdiction, and Dispositional Hearings. DFCS received the case from the Probation Department only after the child had become a dependent child of the Santa Clara County Juvenile Court. In November 1985, DFCS began assuming partial responsibility for the dependency process by filing the petitions and completing the initial court cases where there was a connection to an existing dependency case. The program manager since 1988, Ken Borelli, was in charge of the transfer of his function from the Probation Department to DFCS. That process happened gradually over a period of six months in 1990. Initially, three units consisting of experienced social workers were established to perform Dependency Investigation. DFCS reviewed the three models. The models involved different types of interaction between Emergency Response (ER) and the Dependency Investigator (DI) social workers in regards to the stage in which the case would be completely transferred from ER to DI. It was finally determined that ER would transfer the case to DI immediately after the child was placed in

protective custody. This model selected was known as the "Service Modular System."

Since then, DFCS has maintained the model where ER Social Workers are responsible for the removal of children along with law enforcement, preparing the required papers and transferring the case to the Dependency Investigation bureaus immediately following the removal of the children. At that time, the DI social workers assume full responsibility for the case and the Dependency Court process. The DI Bureau usually receives most of the cases by the next day. The supervisors in the DI bureau review the cases daily and assign them to DI social workers. The DI social worker receives the case while the child is in protective custody and has the responsibility to reassess the risk to the child. The DI worker has 48-hours from the time the child is taken into custody to determine whether court intervention is needed or the child could be safely returned to his/her caretakers. The DI worker has the authority to release the child to his/her caretakers without filing a petition or to initiate a court action by filing the petition. If it is determined that court intervention is needed, the DI worker prepares and writes a 300 W&I Petition that must be filed within 48 hours from the time that the child is placed in protective custody. In reality, the DI worker has only about a day and a half to learn about the facts of the case and to interview the child, parents, siblings and as many family members and professionals as possible who are associated with the child. If a child cannot be returned home, a relative or NREFM (Non-Relative Extended Family Member) is immediately assessed for placement. In some cases,

the DI worker has to rely mainly on the Investigative Narrative, which the ER worker prepared at the time the child was removed, and the Juvenile Contact Report (JCR) submitted by law enforcement. It should be mentioned, that in Santa Clara County the ER social workers and DI social workers are in two separate bureaus of DFCS.

The Purpose of This Case Study

This case study explores the implications of establishing a different process by which the ER social worker's job description is expanded to include further involvement in the process of the risk assignment after the child is placed in protective custody. This study explores the possibility of expanding the ER social workers' responsibility to include filing the petition, writing the detention hearing court report and attending the initial hearing in Juvenile Dependency Court. According to this concept, the DI Social Worker will only become involved in the case after the Detention Hearing is held in Court. The ER social worker's involvement will end at the time the child is detained by the court. A Team Decision-Making (TDM) meeting should be initiated by the ER worker soon after removal of a child or after the Initial Hearing. A pre-detention hearing assignment of a DI social worker should be considered for a seamless transition from one worker to another. In 2008, a Santa Clara County report entitled "The Disproportionality in Child Welfare," stated that children of color are overrepresented in all phases of child welfare services, beginning with initial reports of child abuse and neglect from the community. Reducing this overrepresentation is a critical concern for DFCS and the broader community. This Unified Children of Color Task Force continues to study and address this complex issue and focus on ways to reduce the number of unnecessary removals of children from their homes. The expectation is that more diversion options and services will be offered whenever appropriate. The Children Welfare Services Outcomes and Accountability Quarterly Data Report (January 2009) states that reducing disproportional representation remains a top priority

and a major concern for Santa Clara County Social Services. In order to explore this issue, these writers visited three other counties which are adopting some of these concepts—Santa Cruz, San Francisco, and San Mateo Counties. In addition, these writers have conducted extensive analysis regarding the ER and DI staff perception about such a change and its possible implications for DFCS in Santa Clara County. The writers have interviewed the director's of the social services agency, as well the DFCS deputy director, program managers for the ER and the DI bureaus at the Julian office, and the program manager for the South County Bureau. The writers have attended both the ER and DI supervisors' bureau meetings to discuss this issue and received feedback and suggestions. The writers have elicited feedback from line staff in the ER, the DI, and the South County bureaus. The main leaders in the process were interviewed, including two retired program managers, who were involved in the process at the time the Dependency Investigation function was transferred from the Probation Department in 1990. These leaders were in charge of the ER and DI functions in Santa Clara County for many years. The writers have also solicited legal feedback from county counsel.

Lessons Learned from Observation in the City and County of San Francisco

These writers interviewed the two program directors from the (Emergency Response) ER and Court Dependency Unit (CDU) bureaus, two supervisors from the ER bureau, and three ER social workers at the City and County of San Francisco main office. We reviewed different forms, such as the "first packet" statistics and samples of detention hearing reports, as well as a sample of a 300 petition. In Fiscal 2006/2007, 5,497 children were alleged victims of abuse in San Francisco County. Twenty percent of these referrals were substantiated, and about 1,144 children were eventually removed from the custody of their caretakers by the ER workers due to serious concerns about the children's safety. The ER workers are the ones who prepare the detention court reports, attend the detention hearings and remain the active

caseworkers until the time of the detention hearing. The City and County employs eight social workers in the hot line unit and thirty two ER workers who are responsible for eight to sixteen referrals a month.

The process of ER being involved with petition preparation and the detention hearing has been the practice in San Francisco for many years. The process of the ER's involvement with the case is as follows: At the time the child is removed by the ER worker with police assistance, a mandatory TDM is scheduled immediately after the removal of the child. The TDM is utilized for identifying relatives and NREFMs for the purpose of placement. There is also a discussion about visitation and the necessity of the removal of the child from the parents. There is a great emphasis in San Francisco on empowerment and engagement of the families without the involvement of the Juvenile Court. The agency's mission is to keep children with their families with the least amount of court intervention. The participants in the TDM look at any informal/voluntary services that could help the families. If the decision remains that the child needs to stay in protective custody, the ER worker prepares a very detailed detention report that describes the factual basis for removal, reasonable efforts, services provided, and the need for continuing detention. The detention report also addresses the child status under the Indian Child Welfare Act, his/her legal history, current placement information, paternity issues, criminal and child welfare history, siblings, visitation arrangements, relatives' availability and the placement plan. The completed detention report is submitted to a specialized court unit social worker, who prepares the petition for that specific case based on the facts described in the detention report. The court unit consists of six social workers who act as court officers in court and are specially trained in the legal aspect of social work. The court officers are supervised by the Juvenile Court Unit, and their assignment in this case is limited to translate the detention report into a 300 petition based on the facts described in the report. This petition is filed within 48 hours from the time the child is placed in protective custody. The ER social worker attends the Detention

Hearing in Juvenile court, which is scheduled a judicial day following the day the petition is filed, and testifies in court, if needed. About two to five days after the detention hearing the case is transferred to CDU. The Court Dependency Bureau (which is equivalent to the DI unit in Santa Clara County) consists of 25 social workers. These workers follow the case from the Jurisdictional/Dispositional hearing.

Lessons Learned from Observation in San Mateo County

One of the writers went to San Mateo County as part of the 15-day BASSC project. In fiscal year 2007/2008, about 3,930 children were alleged victims of abuse in San Mateo County. Only 5%, or approximately 182 children, were eventually removed from the custody of their caretakers by the ER workers and had petitions filed due to serious concerns regarding the children's safety. The ER workers are the ones who prepare the detention court report, attend the detention hearings, and remain the active caseworkers until such time as the child is detained by the court. San Mateo County has a total of five ER units, one Hot Line unit, one Investigation Unit (which is equivalent to the DI units in Santa Clara County) and one Court Services Unit. These are centralized services except for the ER services which are located in the community throughout San Mateo County. Each of the ER units consists of five or six ER social workers and one voluntary worker and a nurse. There are eight investigation social workers and four court services workers. The ER workers are responsible for eight to thirteen referrals a month. The process of ER being involved with petition preparation and the detention hearing has always been the process in the Human Services Department of San Mateo County.

San Mateo County has a similar ER function and process as the City and County of San Francisco. At the time a child is removed by the ER worker with police assistance, a mandatory TDM is scheduled immediately after or before the removal of the child and at times after the Detention Hearing. The TDM is utilized to identify relatives and kinships for the purpose of placement, a discussion about visitation and/

or the necessity of the removal of the child from the parents. There is great emphasis in San Mateo on empowerment and engagement of the families without the involvement of the Juvenile Court. In addition, this county works closely with Community-Based Organizations (CBOs) for Differential Response Services (DR) who can work with families whose children are at risk of abuse or neglect. The participants in the TDM look at any informal/voluntary services that could help the families without court intervention. If the decision remains that the child needs to stay in protective custody, the ER worker prepares a very detailed detention report that describes the factual basis for removal, reasonable effort services offered, and the need for continuing detention. The completed detention report is submitted to the Court Services Unit social worker, who prepares the petition for the case based on the facts described in the detention report.

In addition to writing petitions for social workers in the agency, the court services workers also act as court officers in court and are specially trained in the legal aspects of social work. The court officers are supervised by the Juvenile Court Unit, and their assignment in these cases is limited to translating the detention report into a 300 petition based on the facts described in the report. This petition is filed within 48 hours from the time the child is placed in protective custody. The ER worker attends the Detention Hearing in Juvenile Court, which is scheduled a judicial day following the day the petition was filed and testifies in court, if needed. About two to five days following the Detention Hearing, the case is transferred to the Investigation Unit. These workers follow the case from jurisdiction to disposition. Prior to transferring the case to the Court Dependency Unit, the ER worker completes a checklist that is reviewed by the ER supervisor to ensure that all requirements are met. The ER worker is responsible to initiate relative/kinship placement with assistance of the placement/relative finding unit. The ER worker must participate in a TDM. As in the City and County of San Francisco, all the presenters interviewed in this county believe that having services

during the ER phase is very positive and helpful to the families involved and ultimately reduces the number of children placed in protective custody.

Lessons Learned from Observation in Santa Cruz County

Two writers participated in the BASSC Internship Orientation in Santa Cruz County and Emily Tjhin attended the second day of internship. Both writers reviewed and analyzed the collected material together. Santa Cruz County Front/End services are very similar to that of Santa Clara County with some variation. Instead of writing out the details, the basic function of the Emergency Response (ER) worker and the Dependency Investigation (DI) worker will be summarized. ER is divided by function, into Immediate Response (IMR) and Emergency Response (ER). The IMR unit responds to referrals within two hours (which is agency policy, not the law) and the ER unit responds to referrals within ten days. Each of the units has five or six staff in the North County office and four or five staff in the South County office. There are about four DI social workers in North County and two in South County. There are two hotline workers, and total of three ER supervisors and two DI supervisors. All three of these units are under the same bureau with the same manager. The ER social workers and DI social workers work closely with each other and are housed in the same building for both North and South counties. When an ER worker determines that the removal of a child is necessary, he/she immediately notifies/alerts the DI worker of the possibility. Once a child is removed, the ER worker contacts the DI worker and the placement worker. The ER worker prepares a very detailed detention report that describes the factual basis for removal, reasonable effort services provided and the need for continuing detention. The detention report also addresses the status of the Indian Child Welfare Act, legal history, current placement information, paternity issues, criminal and child welfare history, siblings, visitation arrangements, relatives availability, and the placement plan. The completed detention report is submitted to a DI social worker, who

prepares the petition for that specific case based on the facts described in the detention report.

Again, as in San Francisco and San Mateo Counties, the ER worker is responsible to initiate relative/kinship placement. The placement unit is responsible for the placement of the children in foster care when relatives are not identified. The case is transferred to DI immediately following the detention hearing or, at the latest, two days after the hearing. Santa Cruz does not have the policy of having a TDM before or after the removal of children at this time.

Benefits of the Changes in the ER Function

The following are the benefits of this change in the function of the ER based on feedback from focus groups and findings from other counties that were visited:

- **Compliance with the SIP (Self Improvement Plan)**

The transition to the new process requires a major cultural change in the agency and shifting towards better practice in the work field. It is consistent with SIP requirements for improvement at the front end, further diversion, and maintaining children with their families as much as possible. According to the Santa Clara County 2008 Disproportionality Plan, the Agency should continue to identify substantial number of cases that can be referred safely to Differential Response Path 2 or other voluntary and informal services. The Child Welfare Services Outcome and Accountability January 2009 Quarterly Data report indicates that reducing disproportional representation of children of color remains a top priority and major concern in Santa Clara County.

- **Increasing Level of Forensic Concept** Gaining work experience would impact the way the worker treats the family when conducting investigations of child abuse. It gives the worker further familiarity with the law and a better comprehension of the requirements of the Juvenile Dependency court. The worker would develop a broader forensic view as well as the ability and knowledge to think in a more forensic manner

which will result in a more thorough forensic interview. The ER worker would conduct the assessment in the field and have a broader comprehension of the 300 W&I code. The worker would develop a better concept of the expectations of the Juvenile Court and the legal arena. The current disconnect between ER and Juvenile Court would be minimized with the ER worker's involvement in the court process.

- **Consistency** It would allow more consistency with the workflow, as the worker who removed the child is the one who is able to support his/her own decision.
- **Accountability and Less Unnecessary Removals** It creates much more accountability on the part of ER workers as they "have to finish the job". It is no longer "getting out of the picture", following the removal of the child. The ER social worker would need to justify his/her assessment and decision in court. The worker would gain a better understanding of the documentation process based on the feedback received in court (trial and errors) which will lead to fewer unnecessary removals.
- **Competency** Every social worker in the department who holds an MSW degree should be competent enough to make a forensic decision and carry the case through the petition and the initial hearing stage. It requires the right training and supervision. Saying that ER would not be able to do it is "selling the social worker short."
- **Engagement of Family in the Process** The ER worker would do a better "social work job." The worker would make more of an effort to better engage the family in the process, as he/she is aware that there will be more work with the family following the removal of the child using a strength-based approach. With the current process the involvement with the family is terminated when the child is placed in protective custody.
- **Firsthand Knowledge** The ER worker has the most familiarity with the case and he/she is the one who is the most familiar with the specific

family situation that led to the removal of the child. The worker was there at the scene, has first hand knowledge of the case and can testify based on that knowledge.

- **Educating the Family About the Court Process at the Early Stage** Since the ER worker is dealing with the parents and the family members at the time of the removal, he/she would be able to explain the court process and procedures to the parents and let them know about the detention hearing time and answer questions accordingly.
- **Reducing the Number of Interviews at the Initial Stage** The fact that the children and all parties have already been interviewed by the ER worker prior to the removal of the children would reduce the need to re-interview children, family and witnesses right away by different people (ER and DI) for the purpose of getting information for the detention hearing. It is more efficient.
- **Amendment of Petition at a Later Time** Some DI workers have expressed concern about the petition being prepared by someone else. However, having ER workers responsible through the Initial Hearing makes the most sense, as they are the first workers on the scene and have the first hand knowledge about safety and risk factors that led to the removal. This way the family can continue working with the same worker until the Court makes the initial decision. The DI worker begins to work with the family from the point that the “Second Phase” of the proceedings begins. At that time, the DI worker can amend the petition as necessary after more information is gathered.
- **Fairer Process** It is much fairer to the family when they have an opportunity to work directly with social worker who made the decision to remove their child.
- **TDM During Removal Process** It is imperative and consistent with the SIP plan to schedule a TDM prior to the removal of the child or immediately after. The purpose is to explore placement options. The ER worker needs to schedule a TDM meeting before or immediately after the initial hearing.
- **More Time for Preparation of Petition** It allows

more time for the ER worker to prepare the case for the petition filing. In many situations they have more time to work with the family before the child is removed. Currently DI workers have only a day and a half to prepare the case before the petition is filed. With the new process, DI social workers will gain more time to do their job right and provide services to the family.

- **Smooth Transition** A re-structuring of pre-detention transfer could result in a smoother transition between ER and DI workers, which is a beneficial practice. The two workers can collaborate in a manner similar to the “pre-dispositional transfer” between the DI worker and the continuing worker.

Challenges of Changing the ER Function

The following are the challenges of the change in the function of ER based on feedback from focus groups and findings from other counties that were visited:

- **Expansion of Resources** It seems clear that ER cannot expand their function without an expansion of resources and the right preparation and training. It requires slow and gradual transition, restructuring and shifting of resources.
- **Workload Issues** Changing the ER function represents a major workload issue which is associated with caseload standards. The agency will have to negotiate with the union to reach a resolution.
- **Scheduling ER, IR, and JR ER** would not be able to perform this function with their current ER, IR and JR scheduling and staffing. They will have to get adequate resources. The current work schedule with “being on the board” needs to be changed and figured out to allow to accommodate petition preparation and participation in detention hearings. This concept requires a great deal of clerical support and reorganization. ER and DI bureaus would have to be restructured to be prepared for this change.
- **Extensive Training in the Forensic Area** The new process requires a great deal of training and guidance for the ER workers and their supervi-

sors regarding the 300 W&I code and the legal requirements.

- **Enhancement of ER Supervisory Skills in the Forensic Area** Most of the ER supervisors have a limited work experience with court system. Therefore, there is a strong need for extensive training in the forensic area, especially in petition writing and detention hearings.
- **Checks and Balances** Some think that having two different workers (ER first, then DI), assessing the specific circumstances as we have in the current process is a big advantage. The DI can reassess after at least a week from the removal of the children, when the family may be in a better space and have had time to reflect on what happened. The family may be willing to work with less resistance with the DI worker. Having a “fresh eye” to work with the family may be a positive change that will result in recommending a dismissal from court. The challenge is that the proposed plan suggested that the same worker that removed the child will be the one to prepare the petitions, thus not allowing the advantage of checks and balances.
- **Hostility of Family Towards the ER Worker** Some think that the family will be able to deal with a new worker that was not part of the removal process more positively. A “new” worker might be perceived as more objective and the family might be less hostile towards a different worker. The ER worker who removes the child may have to deal with a lot of hostility. The family and the child may be so traumatized by the removal that they will not want to talk or cooperate with the worker who was responsible for that action.
- **Court is “Taking Over”** Some think that if the ER worker filed a petition he/she might lose control of the outcome of the intervention, as the court system is “taking over.” However, the DI worker is still able to reassess the situation before he/she initiates a court action and may decide to return the child to the parents if safe.
- **Two Different Sets of Skills** ER and DI social workers may need a different set of skills for a re-

moval of a child and filing a petition, so it is better to have different people specialized in these two different actions.

- **Fear of Court** Some ER workers might be somehow fearful of court and the involvement in the legal arena which could be intimidating and result in reluctance to file a petition in a situation where one is needed. Gaining familiarity, training and exposure to the court system should reduce the level of anxiety and fear of the court.
- **Resistance to Change** Expanding the ER function is a major change in the way the ER and DI bureaus operate. The agency will have to take it slowly and deal efficiently with that fear and resistance. Workers may resent expanding their tasks and increasing their responsibilities. Some of them may not like that.
- **Prepare Their Own Petitions** Some DI workers stated that they do not like somebody else preparing the petition which they later need to substantiate in court. They would rather write their own petitions.

Recommendations

After reviewing the program in the three counties and receiving the feedback from the management, supervisory and line staff, we respectfully recommended that this program be replicated and implemented in Santa Clara County as it is currently being performed in San Mateo and San Francisco counties. We suggest that the function of the Emergency Response workers be expanded following the removal of the children and include: filing the petition, writing the detention hearing court report, and attending the detention hearing in Juvenile Dependency Court. We suggest that the ER Bureau use petition specialists to draft the petitions along with the ER worker. We further suggest that the petition specialist's function be part of the ER bureau.

Santa Clara County has a long-standing reputation for being an innovative county that provides exemplary services to its constituents with one of its main goals being to keep children out of the Juvenile Dependency Court System when it can be safely

done. We believe that the suggested plan to expand ER's responsibilities after children are removed from their caretakers is consistent with this goal. Based on the analysis of the benefits associated with this program and in an effort to successfully deal with challenges that were mentioned in the study, we are making the following recommendations for Santa Clara County:

- 1 Set up a work group, including county counsel, managers, social work supervisors, social workers and clerical staff from the two bureaus (ER and DI) to discuss the different steps and time lines towards the full implementation of this plan.
- 2 Plan an intensive mandatory training program for social workers and supervisors in the ER bureau in the effort to enhance their forensic knowledge and understating of the Juvenile Court system with a focus on petition writing, court report writing, and the court process in general.
- 3 Start with one or two pilot units, stationed in the ER bureau for a slow and gradual implementation. The units should include 3–4 petition specialists who would be experts in petition writing. Their assignment will focus on petition preparation, including the different kind of petitions that are filed in DFCS (i.e., 300, 387, 342 and Warrant petitions of the 300 W&I code). The unit also should include placement social workers, who deal with the immediate placement of children with relatives and non-relative extended family members. The placement worker could also deal with the relative approval at the time of the removal. The supervisor who would be selected to supervise the unit should have extensive experience and expertise in forensic social work, and Dependency Investigation County Counsel representatives should be working very closely with this unit and approve each of the petitions, prior to filing.
- 4 Develop a plan as to how to shift staff and available resources to the ER bureau. It is very clear that the ER Bureau in Santa Clara County would not be able to expand their responsibilities without getting more resources. Similar to most counties, Santa Clara is facing a budget crisis for fiscal year 2009–2010 and in view of the state's growing deficit, the availability of further fiscal resources for such a project will be unlikely. Since ER will take over some of the responsibilities from the DI bureau, it is logical to transfer resources from the DI Bureau to the ER Bureau. ER should be receiving major clerical support for the petition filing function. These writers are aware that this is a major workload issue, and the union will have to be involved in this transfer. It should be noted that appropriate staffing needs to ensure that cultural, language and ethnicity requirements are sufficiently met.
- 5 Structure a plan for ER workers to be available for petition preparation and attendance of detention hearings while also allowing time for the ER worker to prepare the detention report and attend the court hearing. The current credit system in the ER bureau should be reassessed with the involvement of the union. It is suggested that in some specific situations, the case be assigned directly to DI as determined by the workgroup, especially in cases where very minimal intervention was done by ER or the intervention was done by a worker from another bureau on an over time basis.
- 6 Schedule TDM's (Team Decision Making) meetings as a priority for the ER bureau and at the time of removal. A TDM should take place to explore placement options for the child(ren) with relatives or NREFM's visitation plan and diversion option.
- 7 Make a plan to increase the availability of informal supervision services and diversion programs so that more cases will be diverted without initiating court intervention. Emphasis should be made on keeping the children out of the court system at the front end.
- 8 Develop a process for smooth transition between the ER and the DI workers with some overlap as in a pre-detention assignment.
- 9 Develop a plan of effectively dealing with the resistance to change. This program involves a major

change and expansion of job duties which could create a strong resistance. Experts in change planning should be recruited and consulted. It is believed that implementation of this program will create a great resistance at the initial stage, but it is doable, beneficial and consistent with the Santa Clara County SIP.

See Attachment A for a chart summarizing an Action Plan.

Acknowledgments

These writers would like to humbly thank all the following individuals from our host counties: Ellen Timberlake, Deputy Director; Evelyn Hengeveld-Bidmon, Staff Development Program Manager; Andrew Stewart, Staff Development Program Coordinator; Melissa Delgadillo, Program Manager; Raven Harris, Social Work Supervisor; Stephanie Vikati, and Social Work Supervisor from Santa Cruz County. John Joy, Director of Program Support; Jerry Lindner, Northern Regional Manager; Sally Campbell, Social Work Supervisor; Matthew Radisch, Social Work Supervisor from San Mateo County. John Murray, Senior Analyst; Tracy Burris, Program Director; Sharon Bell, Program Director; Deborah Goldstein, Social Work Supervisor; and Pamela Connie, Social Work Supervisor from San Francisco City and County. We would like to thank them for providing us with program data, analysis and information about their program outcomes. Their great help has tremendously enhanced the learning process for both of us. We would like to extend a special appreciation to Santa Clara County,

in particular to Will Lightbourne, Norma Doctor Sparks, Lisle Cohen, Mary Grimm, and Frank Mota for supporting our participation in BASSC. We would like to express our gratitude to the people in Santa Clara County who provided us with their valuable comments and feedback throughout the whole project: Connie Vega, Barbara Watkins, Natasha Lemos, Gertrude O'Connor, Nicole Huff, Wendy Kinnear, Ken Borelli, Jonathan Weinberg and Sue Farr. Last but not least, our acknowledgment goes to all the dedicated child welfare workers in the four counties we interacted with. It is their daily work that makes a difference in so many children's lives.

Resources

- SSA Internet Santa Clara County DFCS On Line Policies and Procedures Guide 2009.
- Santa Clara County Disproportionality in Child Welfare 2008 plan.
- Child Welfare Services Outcome and accountability Quarterly Data Report January 2009.
- Working with the Courts in Child Protective user Manual Series. Child Welfare Information Gateway published by 2006.
- Decision Making in Unsubstantiated Child Protective Services Cases, Synthesis of Recent Research. June 2003 Child Welfare Information Gateway.
- Protecting children and reuniting families. The History of Juvenile Dependency Court, Superior Court of California, County of Santa Clara. April 2009

ATTACHMENT A

Sample Action Plan

Steps	Purpose	Responsible Party	Cost	Time Line	Who is Involved
Step 1 Create a workgroup by selecting and inviting the participants who have knowledge and experience in the subject. Also allow for volunteering.	To establish a list of participants who will be involved in the planning of the project. To set up workgroup meetings twice a week for 2 hours.	Emily and Cilla to facilitate	Reallocation of resources and staff's time at all levels	By June 15, 2009	DFCS management: ER and DI Social Workers and Supervisors; Office professionals and their supervisors; Supervisor of the Joint Decision Making Unit; Quality Assurance team; Union representative from 715 and 535; County Counsel
Step 2 Select a model	To explore different models and decide which would best meet our goals. To discuss barriers to successful implementation. To select a project manager from administration or Emergency Response bureau.	The selected manager to facilitate	Reallocation of resources and staff's time at all levels	By July 15, 2009	Same as Step 1
Step 3 Get approval for the initial plan	To present the plan for initial approval to the SSA Director and the Board of Supervisors	The selected project manager	Reallocation of resources and staff's time at all levels	By July 30, 2009	The project manager, Program managers of ER and DI. DFCS and SSA Directors
Step 4 Create the implementation plan	To continue with the work group to focus on specific issues and time lines. To meet twice a week for 2 hours. To develop a strategy to deal with expected resistance, to obtain and analyze data. To schedule work group meetings, to provide written material. To address the group's concerns and record results	The selected project manager to facilitate	Reallocation of resources and staff's time at all levels	By Sept. 30, 2009	Same people as in step 1 and manager of Staff Development.
Step 5 Obtain approval for the final plan	To present the plan for final approval to the SSA Director and the Board of Supervisors	The selected project manager	Reallocation of resources and staff's time at all levels	By October 1, 2009	The project manager, Program managers of ER and DI. DFCS and SSA Directors
Step 6 Train staff	To offer a training program to staff who will be involved in the project. To arrange training on resistance to change.	Staff development	Using internal resources. Possible allocation of funds for outside training	By October 15, 2009	Staff development, ER social workers and supervisors.
Step 7 Implement the plan	To restructure the ER function to include the full operation of the petition preparation function as determined by the approved implementation plan. Transition of staff. Presenting the plan to all staff members.	The selected project managers. ER and DI program managers.	Reallocation of resources and staff's time at all levels. Cost of moving associated with transferring people from one place to another.	By May 30, 2010	ER and DI staff on all levels, managers, and supervisors. Clerical staff. Union, County counsel
Step 8 Evaluate the plan	To evaluate and reassess the plan. Obtain feedback from workers and supervisors. Assess if there is a better compliance with the SIP plan. Are fewer children being removed from families? Is there greater use of diversion services? Checking the available State outcome for compliance. Check for improvement.	The selected project manager and program managers from ER bureau.	Reallocation of resources and staff's time at all levels	Starting on April 15, 2010 and on going every 90 days	Managers and Quality assurance team. Informational System's manager.

ATTACHMENT B

Analysis of Data in DI in Santa Clara County

The following are some data that were provided by ER and DI.

Year	Number of children referred to DI
2004	1,177
2005	1,317
2006	1,490
2007	1,426
2008	1,112

According to Table 1, 6,522 children were referred to DI over the last 5 years which averages to 1,315 children per year. The majority of the referrals were children who were placed in protective custody. About 20% were children who were transferred in from another jurisdictions, dual status youth, and courtesy hold for other counties or out of custody referrals.

Year	Children admitted to protective custody	Other referrals (dual status, transfer in/out of custody, and courtesy hold)	Total referred to DI
2007	1,069	357	1,426
2008	852	260	1,112

Data in this table indicates that in 2007, 1,426 children were referred to DI. 74% (1,069) were placed in protective custody, while the other 26% (357) were referred for other reasons. Data for 2008 indicates that 1,112 children were referred to DI. 77% (852) were placed in protective custody, while the other 23% (260) were referred for other reasons.

Type of petitions filed in 2008	Total
300	603
387	208
Amended petitions	313
342	18
300 warrants	103
387 warrants	23
Out of custody	87
Nunc P Tunc	04
Total	1,359

As was indicated in Table 2, 2,852 children were placed in protective custody by ER in 2008. The data indicates that DI workers filed petitions on behalf of only 603 children who were placed in protective custody, which is only 71%, compared to 29% (249 children) who had no petition filed on their behalf.

ATTACHMENT C

Current Job Responsibilities of ER Social Worker in Santa Clara County

The Emergency Response (ER) Program provides initial evaluation, risk assessment and crisis intervention services 24 hours a day, seven days a week, for children who are reported to be endangered by abuse, neglect, or exploitation. These services are provided as a component of pre-placement preventive services. Protective services are extended to any child assessed to be at risk, regardless of income or aid status, citizenship or legal residence status. There are seven Emergency Response units of social workers who investigate referrals made to the Child Abuse and Neglect Center (CANC) under the Early Intervention and Community Services Bureau. Of the seven units, one is specialized to respond to referrals involving African-American, one to and Asian, and two to Spanish speaking families. Five of the ER units provide coverage Monday through Friday and one of the units is in South County providing services to the Morgan Hill, San Martin, and Gilroy communities from 8:00 AM–5:00 PM One ER swing shift unit in San Jose provides coverage from 1:00 PM to 10:00 PM, Monday through Friday. After-hours social workers are scheduled to cover immediate response referrals received between 10:00 PM to 8:00 AM, Monday through Friday, and all day on holidays and weekends. Clerical staff in the Emergency Response Program research referrals, assign cases, organize case folders and complete cross reporting to the Department of Justice, among other functions that facilitate the work flow. The ER program is organized to offer the following:

- Immediate Response (IR) to child abuse reports alleging imminent danger to a child's life, health or well-being.
- Joint Response (JR) with 12 of the local law enforcement agencies with social workers responding to the scene within a half-hour to provide joint assessment of child abuse and neglect issues.
- 10-day ER referrals alleging child's abuse and neglect. In response to the above, culturally and linguistically responsive services are taken into consideration. In making the decision to place children in protective custody, the ER Social Workers must interview children and other parties involved in the referrals and determine what, if any, actions are necessary to protect children from further abuse. ER Social Workers assess whether children are at risk of being abused or neglected, determine whether children should be taken into temporary custody, refer families to community agencies or Department of Family and Children's Services (DFCS) support programs, and document the details of the case. If the child needs to be placed into protective custody, there must be parental consent, a court order or exigent circumstances. Exigent circumstances refer to immediate need, immediate danger or immediate threat. Law enforcement assistance for social workers is required in most circumstances. If the social worker determines that a child is at risk and cannot safely remain in the home, in most situations, the ER social worker and law enforcement jointly determine the risk for the child and the police/sheriff will place the child in protective custody. In cases where law enforcement does not agree with placing a child in protective custody, the social worker must file a petition in court requesting a Protective Custody warrant. Parents/caretakers are notified by either law enforcement or the social worker about the protective custody of the child, and information is provided to the parents/caretakers of whom to contact.

ATTACHMENT D

Current Job Responsibilities of DI Social Worker in Santa Clara County

After law enforcement or an Emergency Response social worker takes a child into temporary custody, the case is processed by an Assessment Center Worker. If the child is placed into protective custody on the weekend or a holiday, the case is assessed by an Early Intervention social worker, who provides diversion services when appropriate. The child may be returned home with or without voluntary child welfare services by an Early Intervention social worker. All cases in which the child remains in temporary custody are assigned to a Dependency Investigation (DI) social worker. The DI social worker assesses the validity of the abuse/neglect allegations and determines whether the child can be returned home safely, or whether it is necessary to file a petition with Juvenile Court. Dependent Intake (DI) is a centralized program in the Court Intervention Services Bureau. The seven DI Units are located at the Central office of DFCS in San Jose, California. The primary role of the Social Workers in DI are:

- **Investigator** The DI Social Worker obtains evidence through documents and conducts Interviews.
- **Assessor of Safety/Risk** The worker identifies areas of family strengths and areas of concern, evaluates the risk to the child of future maltreatment, and determines the validity of the allegations.
- **Service Provider** The worker makes a decision regarding the most appropriate intervention that will ensure the child's safety and well being, and provides appropriate services to the child and the family, based on the situation.
- **Prepare the Petition and Reports** If a child is removed involuntarily and continued detention is necessary for the child's protection, the DI social worker files a petition for detention and prepares a social study (court report) to recommend protective custody over the child within 48 hours of the child's removal from his/her home, excluding non-judicial days (CDSS Division 31-135).

The DI social worker represents the Department of Family and Children Services (DFCS) in court and attends the Juvenile Dependency Court Hearing. The worker determines appropriate recommendations to be made on behalf of the child who is the subject of the hearing. As soon as the DI social worker is assigned a case, he/she immediately begins investigating the circumstances of the child and the facts surrounding the child being taken into custody. The DI social worker must evaluate the risk to the child and decide what the most appropriate interventions would be in order to ensure the child's safety and well being. The strengths of the family are weighed in making that decision. By law, according to Welfare and Institutions Code (WIC) 309, the social worker must attempt to maintain the child with family through the provision of services. However, if the social worker believes that the child's safety and well-being cannot be ensured while returning the child to his/her home, the social worker files a Dependency Petition under WIC 300. If a petition is filed, the matter appears before the Juvenile Dependency Court. While the court process proceeds, the DI social worker's further responsibilities are to provide services, to continue assessing the child's and the family's situation, to write reports and present the information that has been gathered to the Court. In certain situations, the service portion of the case may be transferred as a pre-dispositional assignment to a continuing child welfare social worker prior to the Dispositional Hearing.