

## A LOOK AT SAN MATEO JUVENILE COURT PROCESS AND IMPLICATIONS FOR CONTRA COSTA COUNTY

Eloise Sotelo\*

### EXECUTIVE SUMMARY

#### INTRODUCTION

A primary responsibility for child welfare agencies is to achieve permanency for our children in the timeliest manner possible. As child welfare is court driven, our interaction with the court is critical to this process. The focus of this research project was to take a look at the juvenile court process and identify areas that delayed the overall goal of achieving permanency in a timely manner.

The juvenile court dependency process is a broad topic, and it first became necessary to identify the areas of primary focus for my research into this topic. Contra Costa County has been in the process of collecting data regarding the amount of time it takes for our cases to achieve disposition. It has been discovered that the process can often take four to six months. The time taken to achieve disposition is critical because it affects the amount of time a family has to complete its reunification plan. Per Welfare & Institutions Code § 361.5 (2) (3), the time it takes a case to achieve jurisdiction, the proving of the petition to be true, has a direct impact on the amount of time left for reunification efforts. Per the referenced code section, reunification timelines are determined to be the earlier of the date the case achieved jurisdiction *or* 60 days from the date on which the child was initially removed from the physical custody of their parent or guardian. In Contra Costa County, jurisdictional contests can take three weeks to several months to complete. A dispositional trial can take up to a

month or more. For reasons stated above, the focus of my project was the period of time a case was in the dependency process from detention through disposition. I decided to look at the court process in San Mateo County due their shortened timelines to disposition (four to six weeks). How does San Mateo County achieve disposition in such a timely manner? What is it that they are doing differently?

#### FINDINGS

San Mateo County has a number of court processes that they believe have increased their effectiveness in court and decreased their timelines to disposition. The specific areas researched are as follows:

- San Mateo County has a combined jurisdiction/disposition (juris/dispo) hearing and report to which they credit a major part of their success in achieving timely disposition. The advantage of this report and process are significant. The court and all parties are given information on the evidence and the position/recommendations of the child welfare agency at the beginning of the case. This information enables the case to be resolved more quickly and jurisdiction to be achieved in a timely manner, which affects time for reunification as discussed above.
- San Mateo County Child Welfare Agency requires their emergency response (ER) workers to prepare a detention report, which includes a listing of evidence and witnesses. This report is presented to the court at the detention hearing. The detention report forms the basis for the

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\*Eloise Sotelo, MA is a Program Analyst assigned to Juvenile Court for Contra Costa County Children and Family Services

jurisdictional part of the juris/dispo report. It provides supporting evidence for the allegations of the worker assigned to court and the court's request to detain the child.

- ER workers in San Mateo County appear at the detention hearing on behalf of the agency. This is helpful for a number of reasons: a) the ER worker conducts the original investigation and determines the need for removal and/or court involvement, b) the request for court involvement is determined by the ER worker's understanding of the allegations as described in the petition to the court, and c) parties to the case have a right to cross-examine the preparer of the report. The ER worker is present for the detention hearing and can directly answer the court's questions, which facilitates the hearing and process.
- The court officers' function in the court process is significant. They support the ER worker in court and ensure that child welfare agency policy is being followed in the court process. The quality of their assistance to staff and their interactions with the court directly affect the court process. Court officers in San Mateo County are centralized, allowing for easy communication between the Court Officers regarding court-related issues. They keep one another advised of unusual issues and are able to easily discuss department policy in relation those issues. They respond consistently and quickly to the court in relation to child welfare policy and procedure. This consistency and facility of response is believed to enhance the child welfare agency's relationship with the court. In San Mateo County, the court officer writes the petitions based on information provided by the ER Worker. This ensures uniformity of language in the petition, which is appreciated by their court. This also facilitates the court process by avoid-

ing the delays that can occur when petitions are written in a manner which do not conform to law.

- San Mateo County Counsel employs a liaison who receives the report from the child welfare agency, assists in preparation of witnesses, and prepares the county counsel for the court hearing of an assigned case. They also work with child welfare workers on preparation of the court report. San Mateo County reports a very good relationship with their county counsel; one that they feel greatly supports them in their court process. The quality of this relationship is attributed to the liaison position described above.

## RECOMMENDATIONS

- Contra Costa County is in the process of implementing the juris/dispo report and process. Our bench recognizes the issues related to the delays in our court process and is looking to the juris/dispo process as a significant way to address this issue.
- There is no question that the detention report is a valuable document. I highly recommend that this report be implemented in Contra Costa County.
- It makes great sense for the detention hearing to be handled by the ER worker rather than the court worker. The ER worker is the individual who determined the need for removal and has the most knowledgeable about the case. As counsel more heavily represents detention hearings in our county, there will be a need for ER workers to be available for cross-examination.
- There are advantages to the decentralized court officer function we have in Contra Costa County. The biggest advantage is the involvement of the court officers in the district offices. Our court

officers are assigned to and have their offices located in a particular district. They are able to assist workers with preparation of their reports and to answer questions. The workers appreciate their involvement in their cases and the assistance they offer both in and out of court.

- The structure of our Office of the County Counsel differs from San Mateo County. Contra Costa County Office of the County Counsel has a separate juvenile division, with an assistant county counsel in charge of that division. The deputies assigned to the juvenile division prepare their own cases and subpoena and prepare witnesses. They also work closely with the workers in preparing the cases. There does not appear to be a need for that particular job function in Contra Costa County.

## **CONCLUSION**

Contra Costa County is now in the process of implementation of the juris/dispo report and process. This is a significant “culture change” for our agency – a change in the way we “do court.” This change involves communication with the public and private bar, county counsel, the bench and our staff. Committees have been formed, and feedback and discussion about the process with interested parties is on-going. We are also taking a close look at our emergency response function and have formed a committee to look at that process. These changes are being guided by good principals for organizational change, including: a) consideration of the need to provide direction, b) basing our changes on our organizational strengths, c) ensuring that the change is planned with clearly defined outcomes, and d) ensuring that talents of staff are respected.

## A LOOK AT SAN MATEO JUVENILE COURT PROCESS AND IMPLICATIONS FOR CONTRA COSTA COUNTY

Eloise Sotelo

### INTRODUCTION

A primary responsibility for child welfare agencies is to achieve permanency for our children in the most timely manner possible. As child welfare is court driven, our interaction with the court is critical to this process. The focus of this research project was to take a look at the juvenile court process and identify areas that delayed the overall goal of achieving permanency in a timely manner.

The juvenile court dependency process is a broad topic and it became necessary for me to focus my research in this topic. Contra Costa County is in the process of collecting data regarding the amount of time it takes our cases to achieve disposition<sup>1</sup> and discovered that the process can often take from four to six months. The period of time to disposition is critical to a case in that it affects the amount of time a family has for reunification efforts. Further discussion regarding this process is described later in this report. The focus of my project is the period of time the dependency process takes, from detention through disposition. I selected San Mateo County due to its shortened timelines to disposition (four to six weeks). I wanted to find out what they did that differed from our county to achieve disposition in such a timely manner?

### BACKGROUND

Contra Costa County Children & Family Services (CFS) has taken a good look at our timelines from

detention to disposition. We have tracked cases and documented the number of hearings and time to reach disposition. Our statistics show many continuances, which can delay the disposition of a case from four to six months. These delays are significant to a case and affect timelines to permanency for the following reasons:

- Welfare & Institutions Code Section § 361.5 (2) dictates that “in cases involving children under the age of 3, court ordered services shall not exceed a period of six months from the date the child entered foster care”. Welf. & Inst. Code § 361.5 (3) states that “a child shall be deemed to have entered foster care on the earlier of the date of the jurisdictional hearing...or that date that is 60 days after the date on which the child was initially removed from the physical custody of his or her parent or guardian.”<sup>2</sup> This means that delays in court, which result in delays in achieving disposition, can result in less time allowed for reunification efforts. The cases that come into the dependency system are often complex and families often have many issues to resolve in order to achieve reunification with their child(ren). They benefit greatly from an efficient court process to disposition in that they are then able to have the time needed to complete their case plans and achieve reunification.

Contra Costa County has grown significantly in population over the years. The number of cases referred to court and set for contest has also increased significantly.<sup>3</sup> This increase in the num-

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<sup>1</sup>Please refer to the Appendix section and chart entitled “Contra Costa County Juvenile Court Process.”

<sup>2</sup>Taken from California Juvenile Laws and Rules, 2001.

<sup>3</sup>Refer to Appendix for charts “Juvenile Dependency Calendars” and Dependency Contests Set by the Courts.”

ber of cases and contests impacts the court process in a number of significant ways.

- Each court hearing requires the presence of a court worker, along with county counsel, the parents and their attorneys, and minor’s counsel. Anyone who has been involved in a court process can appreciate the amount of time each hearing requires, both for preparation and appearance. This impacts our clients in the areas of acquiring transportation to get to court and absences from jobs due to required court appearances.

## JUVENILE COURT PROCESS IN SAN MATEO COUNTY

My research in San Mateo County focused on answering the question: “What is it that they are doing differently?” I wanted the opportunity to examine their court process for possible implementation in Contra Costa County CFS. I visited their county and their juvenile court. My interviews included court supervisors, ER workers, court workers, court officers, and their county counsel liaison. I observed detention hearings and juris/dispo hearings. San Mateo County has a number of processes that they believe have increased their effectiveness in court and decreased their timelines to disposition. The four specific areas are: 1) the juris/dispo report, 2) the detention report and emergency response worker’s appearance at the detention hearing, 3) the centralized court officer function, and 4) the county counsel liaison.

### 1. The Juris/Dispo Report – San Mateo County

San Mateo County has a combined jurisdiction/disposition (juris/dispo) hearing and report. They credit a major part of their success in achieving disposition in such a timely manner to the combined

report. They have been using this report for approximately 13 years. The juris/dispo hearing is set at detention. Statute dictates that jurisdiction may be heard up to 15 days from detention. If parties are willing to waive time, the hearing could occur after that timeframe. The combined juris/dispo report gives the court evidence to support the allegations in the petition and offers the court the child welfare agency’s social study of the family and their recommendations as to the disposition of the case.

The advantage of this report and process are significant. The court and all parties are given evidence on the case and the position/recommendations of the department at the beginning of the process, allowing the case to be resolved more quickly. It is significant that jurisdiction is achieved in a timely manner, which effects time for reunification as discussed above.

### 2. The Detention Report and Emergency Response Worker Appearance at the Detention Hearing – San Mateo County

The emergency response (ER) investigation forms the basis for dependency cases. Allegations described in the petition are derived from the ER investigation. A significant component to the court process is the detention hearing. It is at the hearing that the child welfare agencies ask the court to detain a child. The information obtained by the ER worker during the course of the investigation provides the basis for the request. A thorough investigation provides more solid allegations of abuse and/or neglect. A thorough investigation and reporting of that investigation also helps the court worker prepare the case. The investigation of the case is therefore critical to the court process and can assist greatly in the timely disposition of a case and the reason it became a part of my research project.

San Mateo County CFS requires their ER workers to prepare a detention report, which includes a listing of evidence and witnesses. This report is presented to the court at the detention hearing. The detention report forms the basis for the jurisdictional part of the juris/dispo report. By providing detailed evidence, the report facilitates the court worker's preparation of the case as well as the request of the court to detain the child by supporting the allegation. It also describes in great detail the evidence needed by the court to make the finding of detention.

ER workers in San Mateo County appear on behalf of the department for the detention hearing. This is helpful for a number of reasons: a) the ER worker is the individual who conducted the original investigation and determined the need for removal and/or court involvement, b) the request for court involvement is determined by their understanding of the allegations as described in the petition to the court, and c) parties to the case have a right to cross-examine the preparer of the report. The fact that the ER worker is present for the detention hearing and can directly answer the court's questions helps to facilitate the hearing process.

### **3. Centralized Court Officer Function – San Mateo County**

The court officers' function in the court process is significant. It is their job to support the worker in court and to ensure that department policy is being followed in the court process. The quality of their assistance to staff and their interactions with the court directly affect the court process.

The court officers in San Mateo County are centralized. That differs from Contra Costa County, where the court officers are assigned to the district offices.

San Mateo County finds the centralization of their court officers to be advantageous for the following reasons:

- The court officers are able to communicate with one another regarding court-related issues. They keep one another advised of issues and are able to easily discuss departmental policy in relation those issues. They respond consistently and quickly to the court in relation to department policy and procedure. This consistency and timely response to issues raised is believed to enhance the agency's relationship with the court.
- In San Mateo County, the court officer writes the petitions for the detention hearing. This ensures uniformity of language on the petition, which is appreciated by the court. This also helps to facilitate the court process by avoiding delays, which can occur when petitions are written in a manner which do not conform to law.

### **4. County Counsel Liaison – San Mateo County**

The relationship between child welfare agencies and their county counsel is another critical component to the court process. The Office of the County Counsel is the child welfare agency's attorney in court. The court process is greatly enhanced by clear communication and cooperation between these agencies. This relationship therefore became another factor of my research into improving the court process.

San Mateo County has a county counsel liaison, employed by county counsel. County counsel in San Mateo does not have a separate juvenile division. Their county counsels handle every variety of cases. Their liaison serves the function of receiving the report from the department, assists in preparation of witnesses, and prepares the county counsel

assigned to the case for the court hearing. They also work with the department on preparation of the court report. San Mateo County reports a very good relationship with their county counsel; one that they feel greatly supports them in their court process. Much of the quality of this relationship is attributed to the function of the liaison position described above.

## RECOMMENDATIONS

### 1. The Juris/Dispo Report and Process

Contra Costa County is in the process of implementing the juris/dispo report and process. Our bench recognizes the issues related to the delays in our court process and is looking to the juris/dispo process as a significant way to address this issue. CFS has been designated by the bench to facilitate the implementation of the juris/dispo report and process. The implementation process is significant. Our agency is meeting with the public and private bar and county counsel to discuss this policy change in our county. There are significant concerns from staff regarding this change. Concerns from staff include the impact on their workload due to the time required at the beginning of the case to prepare the combined report. These concerns are being discussed and addressed in a number of ways, including increasing staff, and identifying and designating many tasks that are now completed by social workers to other staff such as social worker assistants or clerical personnel.

### 2. The Detention Report and ER Worker Appearance at the Detention Hearing

There is no question that the detention report is a valuable document. It is also greatly beneficial for the detention hearing to be handled by the ER

worker as opposed to the court worker. There may come a time when Contra Costa County decides to implement these changes in our county; however, the implementation cannot occur at this time for a number of reasons. Those reasons include the need for additional staff to support the process and the time and focus necessary to support the implementation of the juris/dispo report. In lieu of implementation of the detention report, our county is taking a close look at our own investigation narrative and ER investigation. A sub-committee out of our program committee has been formed to look at the ER investigation and investigation narrative. Our goal is to achieve consistency and quality in our investigation narratives, and to ensure support of the detention process. We are also defining “best practices” for ER investigations in our county as part of this process. A follow-up to the conclusions and product from this committee will be training for staff on enhanced policy and procedure for ER workers.

### 3. Centralized Court Officer Function

An advantage to a decentralized court officer function is their involvement in the district offices. Our court officers are each assigned to a particular district office and have their offices located in the districts. They are able to assist workers with the preparation of their reports and to answer questions. The workers appreciate their involvement in the cases and the assistance they offer both in and out of court. The court officers meet monthly with the policy analyst assigned to juvenile court to ensure clear communication regarding court issues and policy and procedure related to court.

As stated above, court officers in San Mateo County prepare the petition to the court in order to ensure uniformity of language. Contra Costa County is a



larger county than San Mateo and implementation of this process would be very difficult. Our county counsel provides training for workers in the writing of petitions, which helps to achieve our goal of well-written petitions to the court.

#### 4. County Counsel Liaison Position

Contra Costa County Office of the county counsel has a separate juvenile division, with an assistant county counsel in charge. They handle dependency cases and LPS cases. The deputies assigned to the juvenile division prepare their own cases and arrange for witnesses. They also work closely with the workers in preparing the cases. There does not appear to be a need for that particular job function in Contra Costa County. Yet, the relationship between these agencies should be ignored. The relationship between the juvenile court, public and private bar, county counsel, and child welfare is significant. Good relationships enhance any process and the court is no exception. San Mateo Children & Family Services reports a very good relationship with their bench and opposing counsel. They attribute some of their success in moving cases through the system to these good relationships.

Contra Costa County has in place a number of regular monthly meetings with the bench and public and private bar directed toward resolving conflict and discussion of policy issues. My job as program analyst assigned to juvenile court includes acting as liaison with juvenile court, county counsel, the public and private bar, and CASA. I work directly with representatives from these entities, discussing and resolving issues related to policy and procedure in court. Our agency organizes and participates in forums and cross-trainings with our county counsel. Our county counsel deputies provide office hours in our district offices for workers and assist with train-

ing for workers. In combination, this has enhanced our relationships with one another. There will be continued efforts in this area.

### CONCLUSION

I greatly appreciated the opportunity given to me to participate in the BASSC Training. I particularly appreciate being allowed to write and conduct my own project on the dependency process. For the many reasons described above, this project was very timely for our county. I was given the opportunity to visit another county that had established a number of effective court processes that ensure quick timelines to disposition. It gave me a “big picture” of how the implementation of those processes could ultimately work.

There are differences that must be considered when comparing the two counties. San Mateo is a smaller county with different staffing issues and has had much of their process in place for close to 13 years. They have had a lot of time to work with their court and address issues related to that process.

Contra Costa County is now in the throes of implementation. A year from now, we will be able to measure our outcomes by utilizing statistics on our current court process and timelines. We will be able to compare past and present. This implementation involves significant organizational change regarding how we “do court.” Successful culture change includes a number of characteristics, as described by Rebecca Proehl, Ph.D. in *Understanding Organizational Change*. These characteristics include: a) the need for top managers to support change, but not to impose specifics; b) having a mission to provide direction; c) basing change on the organizational strengths; d) ensuring that the changes are holistic in that the functions of the agency are inter-



related; e) ensuring that change is planned and has clearly defined outcomes; f) ensuring that the talents of staff are respected by changing power relationships, reward systems and information access; g) identifying stakeholders and focusing attention on serving their needs; and h) ensuring collaboration between agencies. As we go through the process of culture change, we are mindful of these guidelines and are utilizing them as our guiding principles throughout this process.

## **APPENDICES**

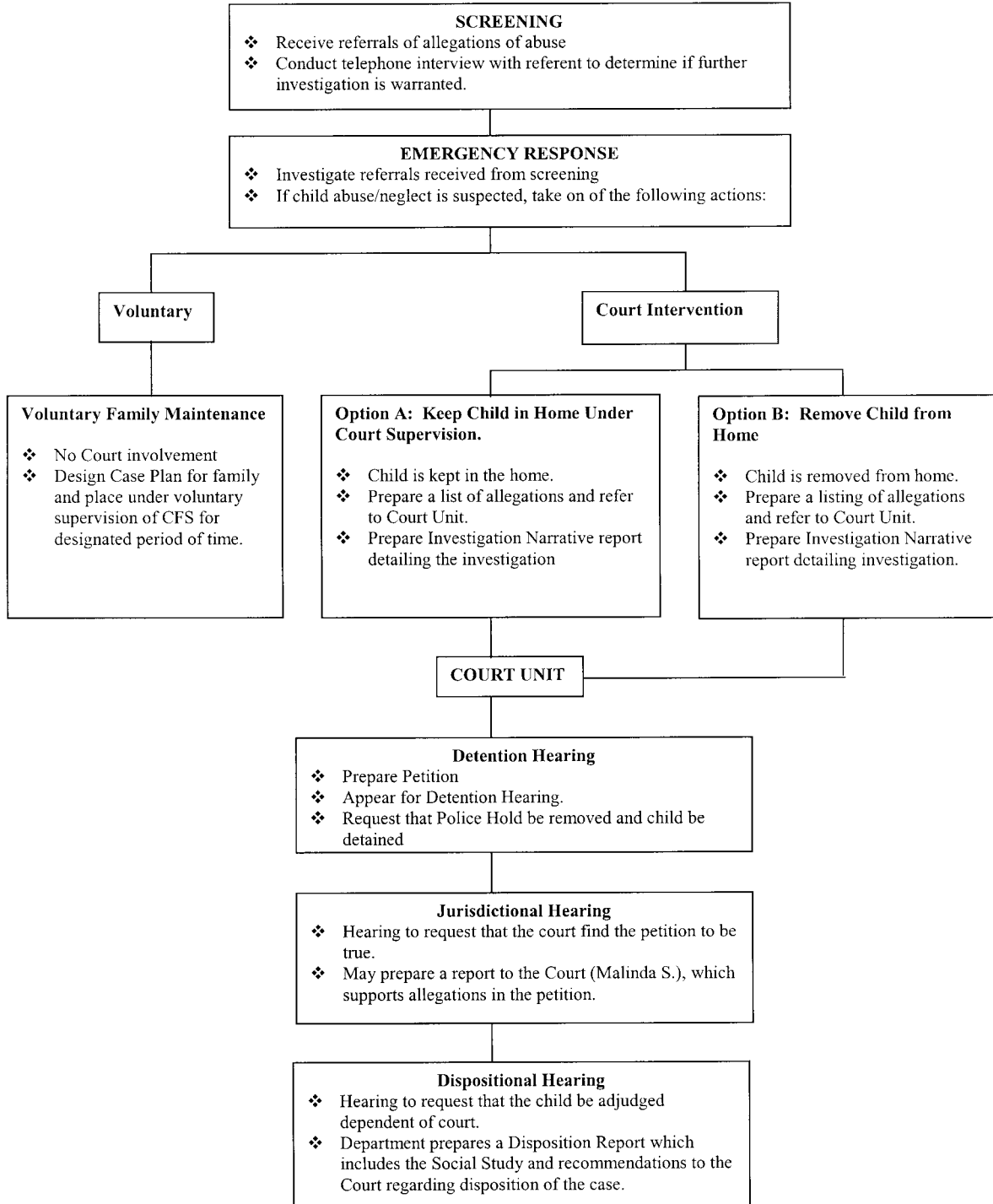
Contra Costa County Juvenile Court Process  
Juvenile Dependency Calendars  
Dependency Contests Set By The Courts

## **ACKNOWLEDGEMENTS**

I would like to thank the individuals from San Mateo County who so graciously took time from their busy schedules to meet and talk to me. Yours is a beautiful county and I enjoyed my time there. As you can see from my report, the research conducted in your county was invaluable and serves the basis for changes Contra Costa County is undergoing around our own court process. I would also like to thank my BASSC facilitator and liaison, who both smoothed the way for me. Thanks also to Hannah, Barbara and Judie for your patience and hard work. I extend great thanks to all of you.

**CONTRA COSTA COUNTY JUVENILE COURT PROCESS**

**Dependency Process from Referral to Disposition**



**JUVILENILE DEPENDENCY CALENDARS**

MONTH		1997	1998	+OR - 97/98	1999	+OR - 98/99	2000	+OR - 99/00
JANUARY	TOTAL	1184	1207	+ 23	1296	+ 90	1418	+122
	APPEARANCES	787	822	+ 35	935	+ 113	1169	+234
FEBRUARY	TOTAL	1071	1229	+158	1335	+ 106	1226	-109
	APPEARANCES	711	811	+100	906	+ 95	1063	+157
MARCH	TOTAL	1122	1352	+230	1558	+ 206	1483	- 75
	APPEARANCES	753	929	+176	1173	+ 244	1237	+ 64
APRIL	TOTAL	1347	1457	+110	1374	- 83	1141	-233
	APPEARANCES	820	907	+ 87	1109	+ 202	1012	- 97
MAY	TOTAL	1382	1249	- 133	1347	+ 98	1419	+ 72
	APPEARANCES	862	854	- 8	1041	+ 187	1145	+104
JUNE	TOTAL	1104	1446	+342	1536	+ 90	1367	-169
	APPEARANCES	731	968	+237	1207	+ 239	1184	- 23
JULY	TOTAL	1383	1295	- 121	1326	+ 31	1180	-146
	APPEARANCES	861	927	+ 66	1030	+ 103	1028	- 2
AUGUST	TOTAL	1107	1262	+155	1254	- 8	1360	+106
	APPEARANCES	536	828	+292	1025	+ 197	1143	+118
SEPTEMBER	TOTAL	1061	1370	+309	1254	- 116	1111	- 143
	APPEARANCES	793	1064	+271	1028	- 36	952	- 76
OCTOBER	TOTAL	1238	1476	+238	1216	- 260	1340	+124
	APPEARANCES	897	1018	+121	1003	- 15	1149	+146
NOVEMBER	TOTAL	992	1490	+498	1365	- 125	1275	- 90
	APPEARANCES	646	1125	+479	1110	- 15	1112	+ 2
DECEMBER	TOTAL	1103	1494	+391	1460	- 34	1382	- 78
	APPEARANCES	775	1059	+284	1163	+ 104	1178	+ 15
<b>GRAND TOTALS</b>								
	TOTAL	14,094	16,327	+2,233	16,321	- 6	15,702	-619
	APPEARANCES	9,172	11,312	+2,140	12,730	+1,418	13,372	+642

DEPENDENCY CONTESTS\* SET BY THE COURTS

Year	Jan	Feb	Mar	Apr	May	Jun	Jul	Aug	Sep	Oct	Nov	Dec	TOT
1988	16	18	17	20	16	15	22	15	23	21	16	14	213
1989	20	19	19	24	25	33	33	31	26	32	28	28	318
1990	27	20	33	27	45	37	35	38	28	36	28	42	396
1991	34	31	35	32	35	41	29	23	35	50	37	40	422
1992	43	35	55	43	56	47	43	48	61	38	52	59	580
1993	46	44	69	41	58	60	56	53	49	48	48	55	627
1994	51	47	61	51	62	68	58	43	62	63	63	57	686
1995	59	54	73	79	81	74	73	68	83	73	75	56	848
1996	61	68	69	78	80	78	82	69	73	80	57	56	851
1997	57	69	85	83	73	88	77	64	79	61	80	71	887
1998	60	65	102	89	82	87	92	61	88	89	83	104	1002
1999	122	130	132	127	116	118	101	76	96	94	79	102	1293
2000	117	99	101	104	133	101	98	114	110	111	85	92	1265

\*Particular contests set may involve more than one child.