

CALIFORNIA CITIZEN REVIEW PANELS
Ninth Annual Report
October 1, 2008 – September 30, 2009

Background and Purpose:

The Child Abuse Prevention and Treatment Act (CAPTA) was originally enacted in 1974 to provide annual grants to states. The purpose of the grant was to improve the state's child protective services system and was based on the population of children under 18. Since 1974, there have been additional amendments to CAPTA. In 1996, an amendment added a new eligibility requirement for states to establish Citizen Review Panels (CRPs) as oversight to the states' child protective services system. Under the legislation, each state was required to establish no less than three CRPs, with the exception of states that receive the minimum allotment under the statute. The panel members were to be volunteers who were broadly representative of the community at large to include concerned citizens, experts in child protection and prevention, advocacy, foster care, education, mental health, the court system, law enforcement, and children services. The mandate of the CRPs is to "evaluate the extent to which the agencies (state and local) are effectively discharging their child protection responsibilities." The panels are required to examine policies, procedures, and where appropriate, specific cases handled by the state and local agencies providing child protective services.

The federal statute broadly defines the function of CRPs. The panel must meet not less than once every three months and shall produce an annual public report containing a summary of their activities. In June 2003, CAPTA was amended when the "Keeping Children and Families Safe Act" was signed by the President. This revised the CRP duties to include: 1) requiring each panel to examine the practices (in addition to policies and procedures) of the state and local child welfare agencies, 2) providing for public outreach and comment in order to assess the impact of current procedures and practices upon children and families in the community, and 3) requiring each panel to make recommendations to the state and public on improving the child protective services system. In addition, the appropriate state agency is required to respond in writing no later than six months after the panel recommendations are submitted. The state agency's response must include a description of whether or how the state will incorporate the recommendation of the panel (where appropriate) to make measurable progress in improving the state child protective services system.

Program Structure:

The California Department of Social Services' (CDSS) Office of Child Abuse Prevention (OCAP) administers California's CRPs. Currently there are panels in Calaveras and San Mateo counties and a statewide panel which reviews the policies, practices and procedures of California's child welfare services system. These panels are reflective of the demographic, economic, social, and political climate found in different areas throughout the state depicting the varied conditions of child protective services in California. Technical assistance, guidance and

coordination are available through OCAP. Additionally, technical assistance via a sub-contract with a consultant is provided through Strategies, Region II. During this reporting period approximately 140 hours of technical assistance have been provided by the consultant to the county panels, state panel and to OCAP.

Overview of Current Activities at the State Oversight Level:

The OCAP staff, in conjunction with the CRP consultant and the CRPs, is focusing on building strong panels that are reflective of their communities and are able to partner with local and statewide child protective service systems, as well as each other, to enhance the safety and well being of children.

The following activities/goals were established by OCAP in response to these requests:

- Convening of representatives from each panel at one site to provide information sharing, technical assistance and networking opportunities. The meeting was held on January 6, 2009, and was very successful. It provided an excellent opportunity for the panels to share successes and challenges and for OCAP staff to clarify guidelines and expectations.
- Promote information sharing and networking within the three California panels as well as with panels in other states. At the January meeting, panels were able to network and make connections with one another. Panels now have access to the national CRP website www.uky.edu/SocialWork/crp.
- Encourage panels to review the PIP developed in response to California's CFSR. The CDSS staff shared the PIP with the panels at the January 6, 2009, meeting and encouraged their involvement in implementation and monitoring components of the plan impacting their communities.
- Continue to contract services with the CRP consultant. The consultant is a valuable source of information and is helping to train and provide technical assistance to the panels.

The CAPTA requirements are broadly defined. The OCAP is reviewing current guidelines and considering their value to the structure of California CRPs.

- Some modifications and deletions to these guidelines have been made.
- OCAP is planning to create regulations to formalize the CRP processes.

A new funding cycle for CRPs begins July 1, 2009, and will end June 30, 2012.

- The selection process for the next funding cycle has begun with the issuance of an ACIN requesting applications from counties to operate a CRP. Current participants will be invited to continue with the possibility of having three-to- five panels in California.
- Applications submitted will be reviewed using a point system based on the responses to the questions which are outlined in the ACIN. Counties will be selected by these criteria and notified of the selection. Panels chosen will have funding available to assist in covering the cost associated with the operation of their panel.

PANEL INFORMATION

Calaveras County

County Profile:

Calaveras County is located in the foothills of the Sierra Nevada Mountains – 133 miles east of San Francisco and 135 miles west of Lake Tahoe, midway along state Highway 49, which links the towns of the Gold Country.

The population for Calaveras County is approximately 46,844 residents of which 8,140 are children 18 years and younger. The breakdown of the county racial demographics are as follows: 93 percent Caucasian, 10.1 percent Latino/Hispanic, 1.8 percent Native American Indian, 1.4 percent Asian, 1.2 percent Black and the remaining 2.6 percent represents all other groups. The county child protection agency received 925 child abuse referrals of which 132 were substantiated cases. There are 67 children in foster care placement which represents 8.2 percent of the children population under the age of 18.⁵

Activities:

- Calaveras CRP actively recruited members after losing some during a transition to a new fiscal agent. Members spoke to agencies serving families and children and issued a press release to local print and internet media to specifically include parents on their panel.
- All members have signed a statement of confidentiality regarding the security and privacy of information obtained. Each member received a binder with the reference manual for California CRPs and CRP Guidelines and Protocols. Members understand that the scope of work defines the goals to be achieved for the year and reviewed it for clarification.
- Each panel member completed a self-evaluation, "Panel Member Perspective on the Citizen Review Panel Process" in October 2008. Panel members were unified in their purpose and strengths, but burdened by a loss of members and focus during the fiscal agent transition.
- Calaveras CRP focused on assessing the effectiveness of new policies and procedures of the Calaveras County Child Welfare System and consumer agencies regarding re-entry into the foster care system. The work resulted in improvements addressing parent education, parent involvement in developing case plans, and training for social workers.
- The SIP, effective until May 2011, was approved by the Board of Supervisors on September 16, 2008. One focus was on reducing the rate of children re-entering foster care within 12 months of reunifying with their parents. The CRP recommendations were included in the SIP.

⁵ Information provided by the Census Bureau and the Center for Social Research, University of California at Berkeley.

- According to the AB 636 Quarterly Data Report received, the number of children re-entering foster care from the time that the CRP made its first recommendation report to the most recent Quarterly Data Report has been reduced from 18.2 percent to 12.2 percent. The National Standard/Goal is 9.9 percent or less.
- A committee interviewed the Children's Services social workers and court-ordered parents to evaluate their understanding of case plans and ensure their involvement in the development and implementation of case plans. Based on the CRP recommendations last year, parents feel the process has improved.
- Internal policies and procedures were updated and a 12-week training program for all Children Services social workers and all new staff. Social workers were interviewed to access their understanding of new policies and procedures. Their responses support the policy changes.
- The Calaveras CRP annual report is provided at the regular public meeting of the Prevent Child Abuse Council Calaveras and is made available to county agencies and partners, foster care agencies, law enforcement, and the Board of Supervisors.

Recommendations and Responses

- 1. Utilize the new Perinatal Substance Abuse Program. Drug relapse has been a common reason for parents' inability to make positive life changes outlined in the case plans. Coordinate the efforts of Drug and Alcohol Abuse and Mental Health to reduce the rate of foster care re-entry in Calaveras County.**

The Calaveras County Behavioral Health Services' (BHS) Substance Abuse Program (SAP) began the Perinatal Program in February 2008 that is consistently full, with many referred clients. The Calaveras Works and Human Services Agency (CWHSA) consider their partners at BHS SAP the experts in this arena and defer to their recommended treatment plans. The philosophy of BHS SAP is that the client should be placed in the least restrictive environment, and CWHSA supports that. Therefore, female clients-in-common are typically referred to the Perinatal Program. During this first year, the program was massaged as needed to continually improve. The program has one main counselor who came to the CWHSA to give an overview, and she is quick to contact the CWHSA Program Manager and staff with updates, new ideas, and suggestions. In fact, the Perinatal substance abuse counselor recently contacted the CWHSA Program Manager to schedule a morning session at the Perinatal Program to provide an overview of the Child Welfare Services system and a Q&A session with the Perinatal attendees. This in-service occurred on February 11, 2009. Another suggestion by the Perinatal substance abuse counselor was to have the Children's Services social workers bring their referred clients to the Perinatal Program before they begin sessions to meet the counselor, see the facility, and learn about the program. This counselor is a regular member of the Calaveras County Multi-Disciplinary Team who provides valuable information and suggestions during these meetings. She has also participated in TDM meetings when invited, and she is also a Prevent Child Abuse Council/CRP member.

Additionally, the BHS SAP recently implemented a "Dual Diagnosis" program for those individuals who suffer from both substance abuse issues and mental illness. Again, the CWHSA considers their partners at BHS SAP the experts in this arena and defer to their recommended treatment plans, which include this new Dual Diagnosis program.

2. Engage Families in developing case plans and selecting the support needed based on specific barriers. Individualize case plans.

Engaging families in the case planning process is vital to successful outcomes. Although CWHSA included engagement activities in our previous County SIP, we recognize that these efforts are important and need to continue. We implemented TDM meetings in October 2008. One use of these meetings is for family engagement in case planning. Additionally, our Juvenile Court is developing a Family and Juvenile Court Mediation program. Representatives from the Juvenile Court and other partner agencies (including CWHSA and Probation) met on February 10, 2009, to discuss this and other issues and the first actual mediation session occurred on March 2, 2009. It is anticipated that there will be heightened family involvement in the case planning process through these TDMs and mediation sessions.

Individualized case plans are also crucial. The CWHSA has representatives who are regularly participating in a statewide workgroup to develop a concise, user-friendly case plan that will be included in a future CWS/CMS release. In fact, Calaveras County is credited with the model that has been selected. It is a one page "refrigerator list" case plan that clearly outlines what each worker's responsibilities are. Until then, CWHSA has revised our case plan language to be more tailored to the individual's needs. CWHSA began using this language in January 2009. Feedback so far from the court, parents and their attorney is that the case plans do seem to be more individualized.

3. Adapt the intake/parent education/life skills program ("Beyond Talking") to trim redundancy. Parent Education needs to be tailored to the age of the child.

CWHASA is in agreement that the Parent Education classes that are currently available are inadequate to meet the needs of all parents in general (not just CWHSA-referred individuals). CWHSA began refining the Beyond Talking program in July 2008. Since that time, the Beyond Talking Coordinator compared the Life Skills and Parent Education curriculums as well as the curriculum that is being used at the Perinatal Program to identify redundancy and was able to eliminate half of the classes/meetings that our Children's Services clients were previously required to attend. Still, it was recognized that the curriculum is broad and is not tailored to the age of the children. CWHSA has partnered with BHS in their efforts to implement the "Positive Parenting Program" (Triple P) parent education program in Calaveras County. This is a large undertaking and will require considerable time and effort by many agencies and individuals. In the meantime, the First 5 Calaveras is working on an interim parent education model and have consulted with various CWHSA employees on

this project. CWHSA is committed to improving the parent education that is available to all Calaveras County parents and will continue to analyze the current parent education offerings and partner with our community service providers in their efforts, as well.

4. Consider ways to offer in-home Parent Education services for newly reunified families.

The CWHSA is in agreement that in-home parent education is needed, especially for newly reunified families. CWHSA does have a family preservation social worker who is assigned to work with families who are about to reunify for an intensive, short-term period of time, but unfortunately budgetary restrictions have prevented CWHSA from developing a larger-scale internal in-home parent education program. CWHSA has decided to first focus their efforts on revising the general parent education in Calaveras County, but are committed to this as a longer term goal. In the meantime, CWHSA will provide as much support as our personnel and budget allow to other community partners who are considering implementing an in-home parent education program.

5. Continue to update and revise CWHSA Policies and Procedures as needed, and share with staff and/or provide training on the newly updated or created Policies and Procedures as needed.

Updates were completed on all of the CWHSA Policies and Procedures for Children's Services in December 2008. The updates were distributed to all of the Children's Services staff and were included in all of the Policy and Procedure binders. We will continue to update them as needed and provide any necessary training to the Children's Services staff once the updates are complete.

To summarize, here are the commitments we have made in this response report:

- CWHSA will continue to use the Perinatal substance abuse program (as recommended by the BHS SAP) and will continue to partner with the Perinatal substance abuse counselor on suggestions to improve the program, as needed.
- CWHSA will continue family engagement efforts by using our new TDMs and the Court's mediation program, and will continue to represent Calaveras County at the statewide case plan redesign workgroup.
- CWHSA will continue to participate in Triple P committee meetings, and will continue to work with First 5 Calaveras on implementing the parent education session planning.
- CWHSA will continue to provide as much support as our personnel and budget allow to other community partners who are considering implementing an in-home parent education program.
- CWHSA will continue to update internal CWHSA Policies and Procedures for Children's Services as needed, and provide any necessary training to the Children's Services staff once the updates are complete.

Submitted to Calaveras CRP on 2/13/09

Submitted to CDSS/OCAP on 2/16/09

San Mateo County

County Profile

San Mateo County is located in the western portion of the San Francisco Bay Area, directly below the city and county of San Francisco. It is one of California's most affluent counties and part of the "Silicon Valley," home of many high-tech firms.

The population for San Mateo County is approximately 706,984 residents of which 163,565 are children 18 years and younger. The breakdown of the county racial demographics are as follows: 46 percent Caucasian, 23 percent Latino/Hispanic, 24.1 percent Asian, 3.3 percent Black, 1.4 percent Native Hawaiian and other Pacific Islanders, less than 1 percent Native American Indians, and 3.2 percent report two or more races. The county child protection agency received 4,397 child abuse referrals of which 591 were substantiated cases. There are 389 children in foster care placement which represents 2.4 percent of the children population under the age of 18.⁶

Activities

- Working with a site developer, CRP planned and implemented an interactive website www.smcrcp.org. It is designed to be the cornerstone of CRP's outreach efforts providing information about the mission and goals of the group, products of past work, and an opportunity for members of the public to contact CRP with thoughts and input and also a restricted access section for CRP members.
- The CRP developed and printed an informational brochure to use in outreach efforts. The brochure corresponds with the web site, utilizing the logo that exists on the web. A distribution plan is being developed and the brochure will be translated into Spanish in the next quarter.

The CRP developed an outreach plan for 2008-09:

1. Place an article in the Community Information Program (CIP) newsletter.
2. Develop two-way links from the CRP website to related websites.
3. Add CRP information to the CIP website.
4. Place CRP brochures in areas where members of the public have access (libraries, schools, adult education, Youth and Family Enrichment Services Hotline).
5. Use member connections to place articles about CRP in appropriate newsletters.

⁶ Information provided by the Census Bureau and the Center for Social Research, University of California at Berkeley.

- The San Mateo CRP developed an orientation manual for new members and made it available to all Panel members.
- For the second year, the CRP completed a self-evaluation process, using a scaled rating system and written comments.
- The CRP reviewed the recommendation related information it received during the past year and agreed to a “finding” for each recommendation.
- The CRP followed up on the prior year’s annual report recommendation, including any county and state responses to the recommendations.

Recommendations

1. **Children and Family Services (CFS) should explore the thoughtful use of collaborative decision-making models (Team Decision Making, Family/Student Study Teams, Family Group Conferencing, Family Mediation, etc.) to engage families and caregivers in productive partnerships to benefit children. The CFS should look for opportunities to maximize the use of these models, increase referrals between models and promote quality and consistency in the implementation of these models.**

In the 2008-09 term, Children and Family Services expanded its use of Team Decision Making (TDM) meetings as part of its overall strategy to ensure families are engaged and participating in decisions involving youth in the child welfare system. Through the TDM process, a collaborative child support network consisting of HSA, Mental health, CBOs and family members is convened at each instance in which a child changes placement. The goal of these collaborative meetings is to allow families to select individuals with whom they feel comfortable to participate in discussions surrounding placements, who may then assist the parents in advocating for themselves. By encircling families in a network of support, TDM meetings empower families to take an active role in the design and implementation of an action plan, which leads to more cooperative participation and higher reunification rates.

CFS has taken steps toward working with County Counsel and the Private Defenders Office to educate them on the purpose and goals of TDMs, and to secure their support and participation, when necessary, in the process. It is expected this promising relationship will continue to grow in the coming year, as CFS and the legal team pursue cooperation in refining the TDM model.

In addition to engaging families in child welfare decisions and family plans, the TDM process has also been an important tool in CFS’s commitment toward addressing disproportionate outcomes for children of color involved in the system. The TDM meeting environment allows CFS to take a more thoughtful approach to considering cultural norms and how they affect families.

CFS continues to make progress towards ensuring that TDM meetings are a collaborative process, and that when appropriate, families are referred to other county and community resources that meet their needs. CFS has relationships with an expansive network of family engagement partners, allowing CFS to make

referrals that reflect that dynamics of each family and their unique challenges. During the TDM meeting, families may be referred to providers for mental health services, intensive in-home services, differential response, mediation services, kinship support services, or to a regional Family Resource Center. Recommendations may be made during the TDM meeting that families participate in Family Self Sufficient Teams, or other types of Multi-Disciplinary Team meetings. Families may also be connected with community-based services such as the local YMCA or Boys & Girls Club. When appropriate, the Asian American Recovery Services is invited to TDM meetings, and for families involving children under the age of five, staff from the Pre-to-Three program are invited. The partners identified above are a representative, but not exhaustive, list of community resources families may be referred to.

In addition to serving as community resources that support families beyond the TDM meeting, many of these partners offer their buildings as locations in which TDM meetings can take place. The level of support offered to families by CFS and its partners during the TDM process contributes to the larger goals of reunification or other forms of placement stability.

- 2. CFS should fully implement its System Improvement Plan (SIP) goal of using the case review process as a tool for improving practices in re-entry cases. CRP will participate in this case review approach when possible and may, use an independent case review process for re-entry cases:**

As part of the System Improvement Plan (SIP) CFS has been conducting quarterly Qualitative Internal Peer Case Record Reviews, wherein identified cases are reviewed using an evaluation tool developed in alignment with the Council on Accreditation (COA) standards. CRP members Ginny Stewart and Jamila Pounds have been participating in this quarterly review process. It is anticipated that one hundred case records will be reviewed during the fiscal years 2008-09 and 2009-10 term, of which approximately 13 percent are re-entry cases.

The SIP evaluation tool ensures a systematic approach is applied to each case record review, and allows CFS to ensure best practice models of service delivery are being implemented. Through this process, CFS is able to identify and address any deficiencies that are discovered. Data from the quarterly case record reviews is analyzed for trends on positive outcomes and areas for improvement, and incorporated in larger agency-wide self evaluation processes. Results from the analyses are disseminated to program managers and supervisors, and made available for all CFS staff to review.

- 3. CFS should continue to implement its evidence-based parent education program (addressing barriers such as transportation whenever possible) and explore expansion of this program to include parents of younger children and parents of teenagers.**

CFS has a contract with Lutra Group, which provides training to social workers and childhood education instructors in the Strengthening Families Program (SFP) curriculum. The Parent Education program was expanded in fiscal year 2008-09 to

include an SFP curriculum component on parents of children ages 3-5 years. CFS also entered into a contract with Melissa Dulla to co-facilitate the

new curriculum, along with Cañada College. The SFP curriculum is an evidence-based parent education series, and has been well received by participating families.

In December, 2009, CFS purchased the SFP teen curriculum component, and offered one session during the 2008-09 term. The addition of this component allowed CFS to expand its collaboration with Juvenile Probation, as many of the parents and families participating in the teen courses have engagement with the Juvenile Probation Department. CFS will be increasing its capacity in the upcoming year to offer more sessions on parents of teenagers.

In addition to offering more sessions for parents of young children and teenagers, the Parent Education classes have been held in regional locations in community buildings throughout the county to make them more accessible for families. While transportation is not provided, the goal is that by offering the classes in regional locations, transportation will be less of an obstacle for parents. CFS views these classes as an important service that provides families with the tools to implement positive parenting techniques and learn life skills that benefit the family as a whole, and serve as a potential deterrent to negative engagement with the child welfare system.

In the upcoming year, CFS will be exploring the development of a 'Parent Partnership Program', using graduates from the Parent Education program who have demonstrated leadership qualities as parent mentors. The Parent Education forum will be a great opportunity for CFS to work with potential parent mentors, and leverage their success to engage even more parents in family support.

4. CFS should continue to pursue collaboration with Juvenile Probation to promote consistency in parent education programs and maximize resources directed to parenting education.

CFS is pleased to have been collaborating with Juvenile Probation with respect to the Parent Education program. Juvenile Probation families were invited to participate in the parent education classes, and their referrals represented approximately 2/3 of the parents present for the SPF teen curriculum class.

As well as being represented among the participating families, Juvenile Probation has collaborated with CFS in a significant way by having one of its Probation Officer staff attend the 'Train the Trainer' program, qualifying the Officer to now team with CFS in teaching future courses. This partnership will strengthen the relationship between CFS and Juvenile Probation in moving forward with the parent education classes, and will contribute to ensuring consistent messages are disseminated to families.

5. CFS should continue efforts to ensure that all materials used to educate families, caregivers and members of the public about the child welfare system are understandable and accessible and implement a consistent process to

ensure distribution of these materials to all parents involved in CFS:

As part of the COA accreditation process, CFS undertook a review of all materials provided to families to ensure the documentation was consistent with best practices. A “Your Rights Documentation” form was developed that is issued to every parent at the point of initial contact, which confirms all materials related to client rights were received, and that the parent’s preferred language choice is captured. The materials provided to parents during the initial contact include (1) A Parent’s Guide to Child Protective Services Investigation, (2) Publication 13 *Rights and Responsibilities Publication*, (3) Parent’s Guide to Foster Care, (4) Letter Regarding Shelter Care / Receiving Home, (5) Judicial Court Information Sheet (JV050), (6) Dependency Court: How It Works (JV055), (7) Child’s Right (if applicable).

Materials given to families are available online, and in seven languages: English, Samoan, Simple Chinese, Spanish, Tagalog, Tongan, and Traditional Chinese.

6. CFS should seek feedback from those who use the materials to ensure the distribution is effective:

A parent review system, wherein a sampling of parents reviewed all documentation for content and ease of understanding, was conducted as part of the COA accreditation process. During this test review phase, parents were given the opportunity to comment on the forms and recommend changes. This feedback was incorporated into the final documentation that is now given to clients.

Materials developed by CFS have been shared with community and contracted partners, and a quality assurance review process, consistent with COA accreditation standards, is underway. This review process will ensure that feedback is solicited from staff, contracted and voluntary partners who interact with CFS clients. Furthermore, an internal survey on customer service is available to clients in each regional office.

7. CFS should provide these materials to community partners so that they can assist parents to understand the child welfare system:

The forms and documentation given to parents regarding the child welfare system have been distributed and are available to community partners including the Family Resource Centers, contracted partners that are service providers to clients, and other county entities that engage with CFS clients such as Prevention and Early Intervention, Juvenile Probation and Mental Health.

While the clarification of the forms that came out of the COA accreditation process has resulted in a more simplified dissemination of information, CFS will examine opportunities for outreach to community providers to make sure a clear and consistent message is conveyed.

8. CFS should examine the impact of recent changes in the approach to differential response to determine if levels of family engagement have increased, and if participation in Path I has decreased the number of repeat referral and entry into the child welfare system:

Engagement rates for the Differential Response program have been between 75 and 80 percent, with Path I engagement comprising approximately 10 percent of all referrals. Currently the data suggests no correlation between Path I referrals and entry into the child welfare system, as families engaged through Path I are typically not likely candidates to have entered the system at the point of referral.

For Path II referrals, however, CFS is observing a trend towards less entry into the child welfare system for families engaged at this referral level. This decrease in referrals is particularly notable among families with children in the 0-5 age group population. The larger impact of this has been a decreasing caseload for CFS, suggesting the funds used to support differential response have resulted in an overall cost savings to the County. Secondly, diverting potentially at-risk families to community resources allows them to be proactively engaged in the early intervention supports required for positive family functioning, rather than having CFS respond once the family is experiencing dysfunction and crisis. In this capacity, differential response serves as a preventative measure against families entering the child welfare system. Further empirical analysis of the data surrounding differential response and entry cases is necessary to understand more fully how the two statistically correlate, but preliminary evidence suggests the program measurably benefits both families and CFS.

Submitted to CDSS/OCAP: November 19, 2008

Submitted to Beverly Beasley Johnson, Director San Mateo County Human Services Agency, November 19, 2008

State CRP

Membership

All California Citizen's Review Panel (CCRP) members are acting as individuals/citizens on their own accord and not as representatives of their organizations. If an organization does not feel that it wants to send a citizen member, the Panel would welcome a non-voting advisor from that organization. It was felt that if all the members had to go back to their organizations to reach an agreement on recommendations that the process would become cumbersome.

Meetings

In calendar year 2008, the CCRP met four times: January 15, April 8, August 11, and September 10. Two of the meetings were in Sacramento, one was in Burbank, and the fourth was a telephone meeting.

Activities

Panel Member Nanette Gledhill presented the issues facing the implementation of the ICWA which is a federal law enacted 29 years ago. The provisions of ICWA were further codified in state law through:

SB 678 in part to help the child welfare agencies focus on implementation of ICWA. The SB 678 was effective January 2007 and filters into Family Law, Probate and Delinquency. Compliance with implementation of the act continues to be a systematically problematic throughout California. The three biggest problems are noticing, active efforts, and placement issues.

- The April 8, 2008, meeting was held in Southern California. There was a presentation by Principal Deputy County Counsel Randall Harris who demonstrated a web based software system called Simple Notice Application Program (SNAP) that creates the various notice documents for every dependency hearing. The system was recently enhanced to create the various documents required for ICWA notice. It draws information from the court data base and CWS/CMS to create the documents, including the next case, the biographical information, and identifies the appropriate Indian tribe and registered agent from the National Registry. The system is being piloted in one regional office in Los Angeles County.
- There was also a presentation on TDM from Los Angeles County Department of Children and Family Services on case plan development and TDM. Staff described the process which involves parents and families into the creation of the case plan.
- The August 10, 2008, meeting was held in Sacramento. There was a presentation by Karen Gunderson, CDSS, on concurrent planning and its implementation on a state wide basis. One of the state's goals is to decrease the time dependent children spend in foster care by either a more expeditious return home or the timely selection of an alternative permanent placement plan. Concurrent planning permits the child welfare agency to identify an appropriate permanent placement plan at the same time the social worker is working with the family to effectuate a safe reunification.
- Concurrent planning is a topic that the state CRP intends to focus upon next year. There was a concern that some social workers are not as "upfront" with the families about what concurrent planning means resulting in parents not understanding their children could be taken away permanently. They view concurrent planning as a significant motivation factor inspiring some parents to become very involved in the programs.
- There was a discussion about California's pip in Response to the federal CFSR. There are concerns that the recent legislation changing the statutory preference to place relative adoptions on at least an equal footing with adoption, extending the reunification period for incarcerated parents, and creating a sibling exception to TPR, will make it very difficult for agencies to make the improvements required in meeting the permanence goals set by the federal government. In order to pass the federal audit, the states have to beat 75 percent of the other states, or make a marked improvement in a number of categories including decreasing the time line for permanence.

Recommendation

The California Citizen's Review Panel strongly recommends that the California Department of Social Services include the Simple Notice Application Program (SNAP) developed by the Los Angeles County Counsel in the rewrite of CWS/CMS. The California Citizen's Review Panel feels that in inclusion of SNAP into the new CWS/CMS system being developed for the State will

ultimately save money but most importantly it will save children further time in the foster care system.

The SNAP is a web based application which receives data from both the court data base and the CMS/CMS. It uses this information to complete notice documents and generate legally sufficient notices for all statutory dependency hearings. It reduces the notice legal analysis to a series of yes or no questions, which when answered correctly, will accurately identify what type of notice is required for the next scheduled hearings. It also will create all necessary Judicial Council forms and complete the necessary notices to comply with the provisions of the ICWA. It will also locate and address the notices to the designated agent for every federally recognized tribe and band. The system is also able to assimilate designated agents for non-federally recognized tribes which are important as recent legislation (SB 678) permits the Juvenile Courts to order notice to tribes who are not currently federally recognized.

The California dependency scheme contemplates that legal notices will be perfected by the social worker. The system is set up this way in part because the type of notice which is required in a particular case is dependent upon things that are solely within the social worker's knowledge, such as the parent's current residence or what the agency recommendation in a selection and implementation hearing will be. Many social workers have difficulty with what they view as complex legal work beyond the job description of a social worker.

In terms of ICWA documentation, successful notice requires a painstaking attention to detail. Many families who come before the Juvenile Court are poor historians of their family ancestry. This, coupled with the fact that many tribes have multiple bands, makes noticing the correct tribes a very difficult proposition. If the family is uncertain as to which band the child might be eligible for membership, notice is required for every possible band. As an example, the Chippewa tribes have twenty three separate designated agents and addresses. The social worker locates the appropriate tribes by referencing the Federal Register, which is not an easy document to search as it is organized by geographical location, and many tribes have entries in several geographical locations. As notices are required to return receipt requested, the social worker must organize and file the post cards with the corresponding notices to establish proper service. As membership in an Indian tribe is determined differently by each tribe or band, a seemingly innocuous misidentification of an ancestor's relationship to the child can cause notice deficiencies.

For all dependency hearings, notice failures are a common cause of continuances. These unnecessary delays are an additional expense for the agency, the parties, the attorneys, and court as they require additional reports, additional notices, and often delay outcomes for the children and families. Delays are particularly problematic in regards to the selection and implementation hearing as the continuance period is typically 120-days. The frequent inability of California counties to be consistent in their noticing procedures are causing delayed permanence for dependent children.

The notice problems caused by the dependency statute pale in comparison to the problems caused with noticing under the ICWA, which are wide spread throughout the state. Courts have repeatedly expressed frustration caused by the inability of child welfare workers to effectuate proper ICWA notice. ICWA notice deficiencies are most often identified on appeal from a termination of parental rights. The result is that the orders terminating parental rights are reversed and the cases are remanded to effectuate proper notice. As the overwhelming majority of the children are not eligible for membership in any tribe, these orders are reinstated once proper notice is completed. This process can postpone the finalization of adoptions and permanence for children for a year or more.

The primary causes of the delays are the failure to identify and serve the correct designated agent for all the tribes, the failure to adequately investigate Indian heritage usually because the necessary information is not provided to the caseworker, the failure to spell the Indian ancestor's name correctly, and misidentification of relatives. The ICWA SNAP was developed by a team of dependency attorneys in Los Angeles working with a computer programmer. The system was designed to proactively prevent or cure every identifiable cause of an ICWA notice failure. As the system draws biographical data from CWS/CMS, names are spelled correctly. The system has a family tree, so that the family ancestry is correctly identified by the program. The workers pick the applicable tribe, and all related tribes and bands are listed in a pick list with the correct designated agents and addresses. The worker would need to deselect a band that was inapplicable. When changes are made in existing data (e.g. the spelling of a name), the reasons for the change are documented and a legal affidavit is generated documenting why the change was made. The SNAP will search the postal services website twice daily to record when notices are received by the designated agents. Once notice is completed, SNAP will automatically create additional notices for subsequent hearings. This is very valuable as SB 678 requires subsequent notices be sent until a response is received from the tribes.

The system is currently being piloted in one regional office in Los Angeles County. This small pilot was very successful and it is being expanded to cover several regional offices. In 2005, Los Angeles County Counsel developed an e-mail system designed to improve notices in selection and implementation hearings. On all cases set for a section 366.26 selection and implementation hearing, the assigned attorney is sent an e-mail reminder. When the e-mail is opened, it creates an e-mail which is sent to the case carrying worker. Using the information contained in the County Counsel legal file, the trial attorney inputs data into SNAP. The SNAP sends a recommended notice to the worker with a suggestion that a notice conference occur. The program, which is far from fail safe as the caseworker may have different or more current information than County Counsel, improved notices in Los Angeles county selection and implementation hearings by approximately 25 percent. It received a Los Angeles County Quality and Productivity Award for saving a million dollars in 2006.

Submitted to CDSS/OCAP: May 14, 2009

Submitted to Teresa Contreras, Chief, Office of Child Abuse Prevention, California Department of Social Services, May 14, 2009

State Citizen Review Panel Roster, Appendix A

NAME	TITLE and ORGANIZATION
Debby Jeter	Deputy Director, San Francisco Human Services Agency
Mary Butler	Chief Probation Officer, Napa County
Casey Blake	City and County of San Francisco Human Services Agency, Family and Children Services Division, Principal Administrative Analyst
Corene Kendrick	Youth Law Center
James Owens	Assistant County Counsel, County of Los Angeles
John Neiman	Supervising Attorney, Office of Dependency Counsel
Kate Cleary	Consortium for Children, Executive Director
Kelly Cleary	Consortium for Children
Mara Bernstein	Center for Families, Children & the Courts, Judicial Council of California, Administrative Office of the Courts
Mike Carll	Parent Leader
Nanette Gledhill	Cal-ICWA, Director of Operations
Pamela Maxwell	Parent Partner
Percy Tejada	Dry Creek Rancheria of Pomo Indians, Indian Child Welfare Act Director