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Contra Costa County 2008-2009 Grand Jury Report 0910

RESTRICTIONS IMPEDE GRAND JURY INVESTIGATION

Children and Family Services Bureau Prevents Oversight

TO: Contra Costa County Employment and Human Services Department

SUMMARY

Are the County's most vulnerable young people being adequately served by Contra Costa County's foster care program? This question remains unanswered.

The Contra Costa County Grand Jury, which is charged with providing independent oversight of County operations, is unable to offer its judgment because its efforts to review current and complete foster child case files maintained by the Children & Family Services (CFS) Bureau have been repeatedly thwarted. The current restrictions limiting access to individual foster child case files now imposed by CFS must be removed.

BACKGROUND

Bay Area newspapers and other local publications have featured a number of articles in recent years about problems associated with county child welfare services. These problems include foster children:

- being placed in abusive, unsafe, and/or unstable family environments,
- not being provided with appropriate medical care, and/or
- not attending school.

These articles also state that foster care agencies often fail to comply with the rules and provisions required by various levels of government. CFS, which is part of the Employment and Human Services Department, is the agency responsible for serving and protecting foster children.

A responsibility assigned to the Contra Costa County Grand Jury, established under California Penal Code Section 925, is to investigate and report on all County operations, including those services provided for foster children by CFS. The best way by which the Grand Jury can determine whether CFS is serving the County's most vulnerable children is by reviewing a randomly selected sample of the current and complete case files in addition to having access to agency personnel.

Case files should provide basic information about the children including all of the various services and protections required under CFS policies and procedures, federal and state laws, and court mandates. In order to determine compliance by CFS with these requirements, the Grand Jury requested a random selection of a small number of files. CFS insisted upon censoring the files prior to the Grand Jury gaining access to them, making it impossible to know what may be missing.

FINDINGS

1. Section 925 of the California Penal Code requires that *“The grand jury shall investigate and report on the operations, accounts, and records of the officers, departments, or functions of (Contra Costa) county ”*
2. Section 919(c) of the California Penal Code requires *“The grand jury shall inquire into the willful or corrupt misconduct in office of public officers of every description within (Contra Costa) county.”*
3. Section 939.9 of the California Penal Code requires that *“A grand jury shall make no report . . . on any matter except on the basis of its own investigation of the matter made by such grand jury.”*
4. Section 827 (a) (1) (P) of the Welfare and Institutions code provides that a case file may be inspected by: *“Any other person who may be designated by court order of the judge of the juvenile court upon filing a petition.”*
5. The Contra Costa County Children & Family Services Bureau of the Employment & Human Services Department of Contra Costa County is subject to the oversight responsibilities of the Contra Costa County Grand Jury.
6. There have been numerous newspaper articles and anecdotal stories state-wide about foster children being placed in unsafe or abusive homes, not attending school and not receiving appropriate medical treatment. There have also been reported incidents during which a lack of oversight resulted in death.
7. Interviews by the Grand Jury suggest that the rapid turnover of assigned caseworkers and recent budget reductions are detrimental to the welfare of the foster children.
8. CFS establishes a case file for each foster child. CFS maintains that they have detailed records covering such things as the cleanliness of the living facilities, school attendance, indications of domestic violence, substance abuse and all medical records. CFS has taken the position that these files may not be reviewed in their entirety by the Grand Jury.

9. The Grand Jury spent many months attempting to gain full access to a random selection of case files. This effort began in September, 2008 and has continued to the present. These efforts included numerous meetings, electronic correspondence, and telephone conversations with CFS senior personnel as well as attendance at court hearings.
10. The Grand Jury has repeatedly requested that CFS provide access to review a random selection of complete current case files. This review would be conducted by a select group of Grand Jurors in a secure CFS location. Each request has been denied or indefinitely postponed. CFS contends that significant portions of the files be redacted before they can be reviewed by Grand Jurors. The redaction included all parties' names (including children, parents and mandated reporters) and addresses, excluding the names of towns. The first names of the children did not have to be redacted.
11. As a result of a Superior Court hearing dated January 21, 2009, and based on of Welfare and Institution Code 827, CFS agreed to provide Grand Jury access to requested case files, but due to the lengthy redaction process imposed by CFS, the Grand Jury has been unable to review any complete files.
12. Over 200 Court Appointed Special Advocates (CASA) have immediate and direct access to the complete current un-redacted case files of County foster children to which they are assigned. Conversely, the Grand Jury, in its legally authorized oversight role has consistently been denied access to complete case files.
13. The oversight provided by federal and state authorities appears to involve comparing reported CFS statistical information with similar statistical information from other foster care agencies. No review or oversight is apparent from any non-agency personnel inspecting actual current and complete case files. (Note: No peer review documentation, though requested, has been made available.)

CONCLUSION

It is the Grand Jury's understanding that CFS has not previously been asked or directed to make its foster care case files available for inspection and review by an outside, independent entity. It has become evident that CFS believes it should not be subject to any Grand Jury oversight. Specifically, CFS has required substantial alterations be made to any case file requested for review. The outcome of the CFS policy is to delay and deny the Grand Jury the ability to review complete un-redacted case files in a timely manner.

RECOMMENDATION

That the Employment and Human Services Department require CFS to allow full and unrestricted access by the Grand Jury.

REQUIRED RESPONSES:

Findings:

Contra Costa County Employment and Human Services Department: 1 through 13

Recommendation:

Contra Costa County Employment and Human Services Department.