

A REPORT BY
THE 2018-2019 CONTRA COSTA COUNTY GRAND JURY
725 Court Street
Martinez, California 94553

Report 1906

Protecting Children from Abuse and Neglect

A Review of Children & Family Services in Contra Costa County

APPROVED BY THE GRAND JURY

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Contra Costa County Grand Jury Report 1906

Protecting Children from Abuse and Neglect

A Review of Children & Family Services in Contra Costa County

TO: Contra Costa County Board of Supervisors

SUMMARY

Child welfare is one of the most important functions of county government. In Contra Costa, the agency responsible for protecting children from abuse and neglect is Children & Family Services (CFS). CFS is a bureau in the Employment and Human Services Department (EHSD). CFS is charged with intervening with families where abuse or neglect is suspected or evident, and making decisions that serve the best interests of the children. Those decisions can lead to recommendations to the court for removal of children from their families and the placement of children in foster homes, with relatives, or with adoptive parents. These actions can give rise to disputes with family members and other interested parties regarding what course of action is in the child's best interest.

CFS has a caseload of approximately 1,100 youths in foster care alone. It is also responsible for youths still living at home or with other relatives and those in the process of finding permanent placement through adoption. In addition, CFS responds to approximately 1,000 new abuse calls per month. The subsequent caseload is handled by approximately 175 social workers and social work supervisors out of an authorized staff level of 198. This staff shortage has resulted in heavier workloads for current personnel and is driving transfers and resignations. As a result, the ability of CFS to deliver needed services to at-risk children and their families is in danger of being compromised.

The workforce shortage is a problem that will not be easily remedied. This report examines the causes and effects of the staff shortage at CFS. It looks at ways CFS may be able to improve staff recruitment and retention. The Grand Jury recommends that the Board of Supervisors consider directing EHSD to review staff development and complaint resolution management practices at CFS, implement EHSD recruiting incentives, and streamline its hiring process to improve its ability to serve children and families.

METHODOLOGY

In the course of its investigation, the Grand Jury:

- Examined documents and websites from CFS and EHSD and from outside sources
- Conducted multiple interviews with current and former staff members and representatives of outside organizations that work with CFS
- Interviewed family members who had interacted with CFS
- Examined newspaper articles, court filings, and other documents provided by an organization that advocates on behalf of parents

BACKGROUND

Children come into the CFS system in a variety of ways, ranging from referrals by schools and medical practitioners to police intervention and complaints made by relatives, sometimes including the parents themselves.

Social workers and supervisors are available around the clock to respond to referrals. They handle approximately 1,000 calls per month. CFS social workers work with at-risk children, their parents, and other family members to determine a course of action that is in the child’s best interest. When this involves removing the child from the home, social workers identify the appropriate placement, whether it be with a relative, a foster home (now called a “resource home”), or a group home. Social workers monitor the child’s progress and, depending on circumstances, work with the family on a plan for reunification or permanent placement outside the home.

In Contra Costa County over the past ten years, CFS has averaged 1,120 children and teenagers in foster care, according to the California Child Welfare Indicators Project at UC Berkeley (Table 1).

Table 1 - Children in Foster Care – Point-in-Time (April 1)

Year	2009	2010	2011	2012	2013	2014	2015	2016	2017	2018
California	63,700	58,344	56,882	55,017	57,527	61,607	62,618	61,781	60,634	59,385
Alameda	2,219	1,928	1,694	1,533	1,575	1,708	1,695	1,644	1,523	1,468
Santa Clara	1,548	1,216	1,039	1,025	1,202	1,335	1,404	1,295	1,138	1,126
Contra Costa	1,294	1,025	990	990	1,153	1,155	1,203	1,197	1,102	1,099
San Francisco	1,482	1,383	1,233	1,072	1,072	1,058	1,013	922	880	776
San Mateo	332	303	311	318	361	361	362	341	284	259

Source: UC Berkeley California Child Welfare Indicators Project

In non-emergency cases, CFS social workers have 30 days to conclude an investigation and draft a plan for intervention, if warranted. If the plan calls for a child to be removed from the home, the social workers prepare a case to present to the Family Court which makes the final determination regarding the child. According to CFS officials, the court accepts the recommendations of social workers 80-85% of the time.

Once a child is removed from the home, the social worker is responsible for working with the parents to create a plan for reunification where appropriate, including steps the parents must take to qualify for having the child returned. These might include psychological evaluation, anger management training, substance abuse counseling, or other actions.

Social workers are also responsible for conducting site visits to foster homes at least once per month for each child in their caseload. These site visits can consume a considerable portion of their time. This situation is worsened by the fact that some foster homes are located outside of Contra Costa County, some even outside the state of California, requiring significant travel time. Table 2 illustrates the location of foster care homes used by CFS.

Table 2 - Locations of Foster Children from Contra Costa County (January 2019)

Location	Number
Contra Costa County	729
Elsewhere in California	258
Outside of California	18

Source: CFS

CFS has an annual budget of just under \$135 million. Ninety-five percent of the budget is provided by the federal and state governments. The remaining five percent comes from the county's general fund. This money funds a CFS staff of approximately 400, which includes 198 authorized social workers, supervisors, and managers. However 23 of those social worker positions were vacant as of January 2019, and the state has advised the county that it will withdraw funding for unfilled positions. Contra Costa is a "no overmatch" county, which means that its policy is to not increase its financial support for CFS beyond its five percent match. As a result, if the vacant positions are not filled, they may be lost.

Since January 2017, child welfare programs have been changing due to a statewide reform mandate authorized by the passage of Assembly Bill 403. This mandate required that by the end of 2018, privately run group foster homes be replaced by Short-term Residential Treatment Centers (STRTCs). These facilities are used only for youth whose mental health and other needs are most extreme, and where youths will stay for

no more than six months to prepare for moving to a resource home. CFS is responsible for identifying potential STRTCs and certifying that they are in compliance with state standards. CFS has had to divert staff time to this effort, bringing increased pressure on an agency that is already shorthanded.

At the end of 2018, the state extended its deadline to June 30, 2019 and gave counties an opportunity to request further extensions until the end of the year.

DISCUSSION

Staff Vacancies

CFS has an authorized workforce of 198 social workers and supervisors as of March 4, 2019, with 23 of those positions vacant, down from a high of more than 40 vacancies in 2018. This gap was narrowed with the hiring of 17 new social workers.

However, new hires require several months before they are ready to take on full caseloads. Although these new employees completed their initial training in April 2019, EHSD said it will take another three to four months before they are able to handle full caseloads. Even then, CFS will still be understaffed by 23 social workers, as Table 3 shows.

Table 3 – Social Worker Vacancies as of March 4, 2019

	Social Worker II	Social Worker III	Social Work Supervisor	Total
Authorized for 2018-19	52	107	39	198
Vacancies	6	5	12	23
Vacancy Rate	11.5%	4.7%	30.8%	11.6%
Leave of absence	0	1	1	2
Current Staff Level	46	101	26	173

Source: EHSD

Management attributes this vacancy rate, and the difficulty of recruiting social workers to replace those who leave, mainly to lower salaries and benefits relative to other Bay Area counties. Table 4 shows that some Bay Area counties do offer better compensation packages.

Table 4 - Annual Compensation Comparison for Social Worker II (2018)

County	Annual Salary	Health Care paid by employer	Total (using starting salary)	Total (using high-end salary)
Contra Costa*	\$68,570-\$75,599	\$7,284	\$75,854	\$82,883
San Francisco	\$73,372-\$89,206	\$6,773	\$80,145	\$95,979
Alameda	\$80,028-\$91,845	\$8,190	\$88,218	\$100,035
Marin	\$75,982-\$91,436	\$12,350	\$88,332	\$103,786

Multiple Sources

**A new contract effective July 1, 2019 gives county employees a four percent across-the-board salary increase and commits the county to absorb cost increases in health insurance premiums.*

There appear to be other factors affecting the retention of CFS staff beyond pay and benefits. These include low morale caused by increased workloads, management issues, lack of opportunities for career growth, poor supervision, and a poor work environment.

CFS provided the Grand Jury with a report on 20 exit interviews conducted with staff who resigned in 2017. Five former employees described their reasons for leaving as “punitive, unethical, retaliatory and poor leadership team, and toxic environment.” Four former employees cited “high workloads.” Three of the 20 cited low pay and benefits as their primary reason for leaving. The CFS 2017 Exit Interview Report excerpted below supports statements made to the Grand Jury by several current and former employees. They stated that CFS needs to recognize there are other aspects of the work environment that need to be addressed in addition to compensation.

Excerpt from the CFS 2017 Exit Interview Report

<i>Reasons for Leaving</i>
<i>Two reported leaving due to low pay and benefits</i>
<i>One left due to low pay and toxic environment</i>
<i>Four left due to high workloads. Two out of the four commented leaving for a number of reasons. One added leaving due to a toxic environment. The second individual added leaving due to a punitive climate and inability to work on their licensure hours.</i>
<i>Two left due to relocation</i>
<i>Two left for different employment opportunities</i>
<i>One left due to the lack of support by the Union</i>
<i>One left due to medical reasons</i>
<i>Two left due to the lack of support</i>
<i>Five left due to punitive, unethical, retaliatory and poor leadership team, and toxic environment</i>

EHSD has taken steps to formalize the interview process by contracting with an outside firm to conduct both exit interviews and “stay” interviews to determine more precisely why people leave and why they remain. EHSD hopes to collect data to justify programs that will reduce attrition and aid in recruitment of new staff members.

Another reason social workers leave CFS may be that CFS has to compete with other departments in the county that offer working conditions that some social workers find more attractive. Adult Protective Services (APS), for example, uses social workers to interact with elderly individuals who might be experiencing, or at risk of experiencing, various forms of elder abuse. Unlike CFS, these services are voluntary, so clients are not forced into relationships with social workers that they do not want to have. The caseloads are smaller and the work is significantly less stressful. As of January 2019, ten out of 29 authorized social workers in APS had transferred from CFS.

Caseloads for CFS social workers averaged 28 cases over the most recent three-year period in Contra Costa County, but were reduced to 21 during 2018, according to CFS. CFS attributes the caseload reduction mainly to social workers returning from leaves of absence. The Grand Jury was unable to determine whether this improvement indicates a trend, or is an anomaly. The Child Welfare League of America recommends caseloads of between 12 and 15 children per worker, and the Council on Accreditation recommends that caseloads not exceed 18 per worker.

The workload issues are not limited to social workers. Managers who receive promotions often have to keep doing their old jobs along with their new ones. Management says this overlap is not unusual when promotions occur. Of the 23 social worker vacancies, 12 are supervisory positions. Staff shortages this acute tend to create a situation in which workloads have to be increased to compensate for the vacant positions.

Preparing staff for future leadership positions is also a challenge for CFS. The bureau is not always able to promote staff to supervisory roles when they become available because of the difficulty of recruiting new staff members to backfill the vacated positions.

Addressing the Staffing Problem

While employees have been leaving the department for a variety of reasons, the difficulty in hiring people to replace them can be attributed to two main reasons:

1. Uncompetitive compensation as illustrated in Table 4
2. A shrinking pool of qualified social workers because fewer people are training for careers in the field

To encourage young people to consider social work as a career, EHSD has begun holding job fairs and sending recruiters into high schools and colleges to make presentations to students. EHSD has also proposed a number of financial incentives to

encourage applications. These include:

- A five percent premium over base pay
- Signing bonuses
- Tuition reimbursement
- Assistance with repayment of student loans

These incentives have not yet been implemented. Meanwhile, expanded recruitment initiatives may be working, as indicated by the reduction in vacant positions described in Table 3.

One obstacle to successful recruitment of social workers is the hiring process, which can take anywhere from three to six months. That lag gives candidates time to find jobs elsewhere. To address this problem, EHSD has established an executive task force to look at ways to simplify and shorten the hiring cycle, while still ensuring that new recruits are fully qualified for their jobs.

EHSD is also looking at diverting some staff from units which EHSD says are overstaffed. However, most of those interested lack the training and/or the education to qualify for social worker jobs in CFS. EHSD says that approximately 60 people have expressed interest, but in the past six months, only five or six actually made the move. CFS has also tried developing junior staff members, but found them to have little interest in taking on the additional pressures that come with social worker jobs.

Staff shortages at CFS have forced the agency to focus on its most critical functions: emergency response and preparation of cases for court consideration. As a result, CFS has fewer staff available to focus on areas such as staff development and client complaints.

Staff Development

Staff members describe inconsistencies in the agency's supervisory and performance management practices. While some staff members said they had frequent, regular meetings with their supervisors, others said these meetings were less frequent. According to the 2017 CFS Exit Interview Report cited above, supervisory support ranged from weekly to "as needed." Two individuals who left the department told the Grand Jury they had not received regular performance reviews.

To help address these issues, EHSD developed a Leadership Academy for supervisors and managers in all of its bureaus, including CFS. EHSD expanded this effort by including a mentorship program. The impact of the program in CFS is inconsistent due to competing schedule demands, lack of follow-up, and lack of flexibility with available training classes.

EHSD also consolidated a CFS leadership program into the Leadership Academy. This was done because some CFS managers and supervisors reported that they do not

always participate in leadership programs or follow up with their staffs.

Client Complaints

Complaints arise frequently when children are removed from their homes. It is traumatizing for a family to have a child forcibly removed from the home and taken somewhere else to live temporarily or permanently.

Complaints typically allege that children were wrongly taken from their homes or are unsafe in the homes to which they have been moved. Complainants often say they want their children to be either returned to them or moved to a custody environment that they perceive to be better than their current arrangement. This poses a dilemma for child welfare workers. On the one hand, they are charged by state law with trying to reunite children and parents. On the other hand, they must act in the best interest of the child, and sometimes that means keeping them separate from family members.

The Grand Jury was unable to confirm that CFS has a clearly defined set of procedures for investigating and resolving complaints and for evaluating and implementing recommendations for improvements in its policies and practices.

The CFS Ombudsman

Complaints about CFS are handled through a contracted ombudsman who reports to the director of CFS. The ombudsman receives complaints, resolves them where possible by providing information to the complainant, and brings them to the attention of the appropriate people in CFS if they require further consideration or action.

The CFS Annual Ombudsman Report for December 2017 - November 2018 cites 150 calls during that time period – a 62% increase over the previous year. The report attributes the increase to heightened awareness of the service.

The annual report also describes the ombudsman as “independent and impartial with the responsibility of addressing complaints as they relate to Child Welfare policy and procedures, and ensuring the rights of individuals involved with the department are upheld.”

However, CFS management interprets the ombudsman’s role as not to investigate, but only to bring complaints to the attention of CFS staff. A proposed new ombudsman contract issued to prospective applicants for the position in 2018 describes the CFS ombudsman’s main purpose as, “to promote and maintain good working relationships between all parties.” The contract, which was still being revised at the time this investigation concluded, places limits on the amount of time the ombudsman is allowed to spend on specific tasks and restricts their investigative role to “complaints as referred by the CFS director.”

In contrast, San Francisco’s Family and Children Services (FCS) ombudsman’s contract defines the Purpose of Service as to, “investigate, respond to and facilitate resolution of

complaints.” The contract states that the Human Services Agency reviews and takes the final action on the ombudsman’s recommendations. The Human Services Agency is a separate entity to which the FCS reports.

San Francisco’s contract is consistent with a report by the State of California Office of the Ombudsman for Foster Care, which describes the ombudsman’s primary role as, “to make objective inquiries into individual complaints and make recommendations for their resolution.” (State of California Office of the Ombudsman for Foster Care, Update Report, www.fosteryouthhelp.ca.gov).

A report on Governmental Ombudsman Standards published by the United States Ombudsman’s Association calls for the ombudsman to be independent of the offices they are investigating. The report states that, “Independence is a core defining principle of an effective and credible ombudsman.” To ensure that independence, the report calls for ombudsmen to be, “appointed by an entity not subject to the ombudsman’s jurisdiction” and which does not have operational or administrative authority over the programs or agencies that are subject to the ombudsman’s jurisdiction. (Ron Adcock, William Angrick II, Becky Chiao, *Governmental Ombudsman Standards*, United States Ombudsman Association, October 2003).

In contrast to this view, the CFS ombudsman reports to the CFS Director, which may limit the ombudsman’s independence. Elsewhere in EHSD, the ombudsman for Adult Protective Services reports to the director of EHSD, one level higher than the ombudsman for CFS.

This discrepancy between San Francisco, state, and national standards, and the positioning of the CFS ombudsman in Contra Costa County, caused the Grand Jury to look at how the role of child welfare ombudsman is defined in other Bay Area counties. In addition to the San Francisco example cited above, the Grand Jury found a potentially useful model in Santa Clara County. The following is an excerpt from the Santa Clara ombudsman’s 2014 semi-annual report to the Children, Seniors and Families Committee of the Board of Supervisors:

The Juvenile Welfare Office of the Ombudsperson is a designated neutral office established in Santa Clara County . . . in 1992. The office is located within the County Executive’s Office in order to preserve its independent function as distinctly separate from the Department of Family and Children’s Services and is governed by a set of protocols established by the Board of Supervisors. The ombudsperson focuses its resources . . . on complaint inquiry and resolution, and systemic examinations and improvements.

The independence of the Santa Clara ombudsman’s office, its oversight by the county Board of Supervisors, and its ability to recommend systemic improvements constitutes a successful working model that could be applied to CFS to help improve its services to children and their families.

FINDINGS

- F1. CFS has 23 vacant social worker positions.
- F2. CFS has an annual staff attrition rate of 28 percent.
- F3. CFS hiring practices take up to six months, during which time some job applicants find employment elsewhere.
- F4. EHSD has formed a task force to look for ways of speeding up the hiring process.
- F5. Compensation for CFS social workers is less than that for social workers in other Bay Area counties.
- F6. CFS staff cite high workloads, poor leadership, and a stressful work environment as reasons for leaving, in addition to compensation.
- F7. CFS does not have consistent practices for performance reviews to foster staff and management accountability.
- F8. EHSD has proposed incentives to encourage new hires to accept offers of employment. These include a five percent premium over base pay, signing bonuses, tuition reimbursement, and assistance with repayment of student loans.
- F9. EHSD has a Leadership Academy for all of its bureaus, but managers in CFS do not always participate or follow up with their staffs.
- F10. CFS does not have a clearly defined set of procedures for handling and resolving complaints it receives from parents and other stakeholders.
- F11. CFS has no formal process for handling recommendations from its ombudsman or staff members for improvements in its policies and practices.
- F12. The proposed contract for the new CFS ombudsman limits the amount of time the ombudsman can spend resolving complaints.
- F13. The independence of the CFS ombudsman is impacted because the position reports to the director of CFS.

RECOMMENDATIONS

- R1. The Board of Supervisors should consider directing EHSD to review social worker compensation to ensure that it is competitive with that of neighboring counties in the 2020-2021 budget cycle.

- R2. The Board of Supervisors should consider implementing EHSD’s proposal for incentives to aid in recruiting new social workers for CFS in the 2020-2021 budget cycle.
- R3. The Board of Supervisors should consider directing EHSD to continue its ongoing efforts to streamline the hiring process and reduce the amount of time it takes to make hiring decisions by December 31, 2019.
- R4. The Board of Supervisors should consider directing EHSD to hold CFS managers accountable for participating in its Leadership Development program by December 31, 2019.
- R5. The Board of Supervisors should consider directing EHSD to develop and implement a formal process for handling and resolving CFS client complaints by June 30, 2020.
- R6. The Board of Supervisors should consider directing EHSD to develop and implement procedures for evaluating recommendations by the CFS staff or ombudsman for improving policies and practices by June 30, 2020.
- R7. The Board of Supervisors should consider directing EHSD to require the ombudsman to report to the director of EHSD, rather than the director of CFS, by December 31, 2019.

REQUIRED RESPONSES

	Findings	Recommendations
Contra Costa County Board of Supervisors	F1, F2, F3, F4, F5, F6, F7, F8, F9, F10, F11, F12, and F13	R1, R2, R3, R4, R5, R6, and R7

These responses must be provided in the format and by the date set forth in the cover letter that accompanies this report. An electronic copy of these responses in the form of a Word document should be sent by e-mail to ctadmin@contracosta.courts.ca.gov and a hard (paper) copy should be sent to:

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