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2013-2014 GRAND JURY RELEASES REPORT ON SAN JOAQUIN COUNTY HUMAN SERVICES AGENCY

Today, the San Joaquin County 2013-2014 Civil Grand Jury released its report investigating the San Joaquin County Human Services Agency. The Grand Jury is mandated by Penal Code Sections 925 and 933(a) to investigate and report on at least one county officer, department or function. The Grand Jury received a complaint and initiated an investigation based on a concern that there may have been incidents when foster parents were being paid to care for children that were no longer in their home.

As a part of its investigation, the Grand Jury conducted interviews with Human Services Agency staff and foster parents. Hundreds of pages of documentation were reviewed and analyzed including, but not limited to: court subpoenaed documents relevant to foster care materials, such as Human Services Agency financial documents, California Department of Social Services State Community Care Licensing Division Manual of Policies and Procedures for Foster Family Homes Title 22, Division 6, Chapter 9.5, California Department of Social Services Evaluator Manual, and California Department of Social Services Foster Child's Data Record (SOC158A).

In the course of its investigation, the Grand Jury found no evidence of such fraudulent payments. However, other concerns arose. These included the initial training and ongoing training provided for foster parents by the County. Also of concern was the poor communication among the various divisions responsible for foster care payments and the information provided by social workers following their required monthly meetings with the foster children. The Grand Jury's recommendations are meant to strengthen the San Joaquin County Human Services Agency's administration of the Foster Care program.

The San Joaquin County Board of Supervisors is required to submit a response to the Presiding Judge of San Joaquin County Superior Court within 90 days as to each finding and recommendation contained in the Grand Jury's report.

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(Copy of report attached)

San Joaquin County Grand Jury



San Joaquin County Human Services Agency: *Fostering Administrative Efficiency*

2013 - 2014 Case No. 0413

Summary

The Grand Jury initiated an investigation based on a concern that there may have been incidents when foster parents were being paid to care for children that were no longer in their home. During the investigation the Grand Jury found no evidence of such fraudulent payments. However, other concerns arose. These included the initial training and ongoing training provided for foster parents by the County. Also of concern was the poor communication among the various divisions responsible for foster care payments and the information provided by social workers following their required monthly meetings with the foster children. The Grand Jury's recommendations are meant to strengthen the San Joaquin County Human Services Agency's (HSA) administration of the Foster Care program.

Glossary

CCR	California Code of Regulations
County	San Joaquin County
CWS/CMS	Child Welfare System/Case Management System
Eligibility Payment Unit	The department of the HSA responsible for making payments to Foster Parents

Foster Care	A system in which a minor has been placed into a ward, group home or private home of a caregiver
Foster Parent	A caregiver for a foster child
HSA	San Joaquin County Human Services Agency
HSC	State of California Health and Safety Code
<i>SafeMeasures</i> report	A computer program where case management notes are entered
Social Worker	An HSA employee who provides social casework and related services for clients
SOC158A	Form completed by the social worker when a child enters or exits the Foster Care program
Title 22	Section of CCR governing child care programs in the State of California

Background

Human Services Agency administers the Foster Care program for San Joaquin County and also administers the payments for privately licensed foster homes. All foster care operates under Title 22 regulations pursuant to the State of California Health and Safety Code (HSC). San Joaquin County foster care operates in cooperation with the court system, foster care home licensing, permanent placement and financing of the programs.

The Child Protective Services section of the San Joaquin County Human Services Agency is vast and multi-faceted. Currently there are approximately 266 licensed foster homes in the County with approximately 150 having at least one foster child placed in it. The remaining homes are prospective adoptive homes. All homes require the services of many professionals performing a variety of tasks including licensing, placement and finally, monitoring to insure that all children requiring services receive appropriate care. Social workers, with an average caseload of 30 children, are first-line advocates for these children. San Joaquin County Foster Care Assistance has an annual budget of \$37,000,000. In addition, there is approximately \$22,000,000 paid in Adoption Assistance payments which are made after a child is adopted. These figures represent significant expenditures for necessary foster care services.

Reason for Investigation

The Grand Jury is mandated by Penal Code Sections 925 and 933(a) to investigate and report on at least one county officer, department or function. The Grand Jury received a complaint and chose to investigate HSA Foster Care due to concerns that there may have been incidents where foster parents were receiving payments for children who were not actually living in the foster home. Though these concerns were never substantiated, in the course of its investigation the Grand Jury found other issues of concern in the area of training, inter-departmental communication and documentation.

Method of Investigation

The Grand Jury conducted interviews including Human Services Agency staff and foster parents. Hundreds of pages of documentation were reviewed and analyzed including court subpoenaed documents relevant to foster care.

Materials Reviewed

- HSA Financial Documents
- California Department of Social Services State Community Care Licensing Division Manual of Policies and Procedures for Foster Family Homes Title 22, Division 6, Chapter 9.5
- California Department of Social Services Evaluator Manual
- California Department of Social Services Foster Care Group Home Program Compliance Audit Protocols
- California Department of Social Services Foster Child's Data Record (SOC158A)
- California Department of Social Services Facility Review Tool Foster Family Homes (LIC 860 C)

Websites Viewed

- San Joaquin County Human Services www.sjgov/hsa
- California Department of Social Services www.cdss.ca.gov
- California Community Care Licensing www.cclcd.ca.gov

Interviews Conducted

- San Joaquin County Human Services Agency administrators and staff
- San Joaquin County Foster Parents

Discussion, Findings and Recommendations

1.0 Training for New and Continuing Foster Parents

Potential foster parents are required to complete a minimum of 12 hours of training prior to placement of a child in a home and a minimum of 8 hours of annual training as required in the California Health and Safety Code (HSC) Section 1529.2. In addition the

caregiver must complete first aid and CPR training as required in HSC Section 89405(a). HSC Section 1529.2 provides:

“(a) In addition to the Foster Parent training provided pursuant to Section 903.7 of the Welfare and Institutions Code, Foster Family agencies shall supplement the community college training by providing a program of training for their Certified Foster Families.”

The four Foster Parents and two Human Services Agency staff members indicated that the County-sponsored training was outdated and repetitious. The Foster Parents felt the terms used were boring, out of date and generic. Further they felt the training did not provide usable knowledge for foster parents. Training provided by the private licensing agencies was more up to date and relevant for new foster parents. The annual mandated training provided for continuing foster parents at San Joaquin Delta College is repetitive, of little use and provides few options for foster parents. The foster parents also reported that few choices in location and topics for training were provided. The Foster Parent Association which provided mentorship for new Foster Parents was dismantled approximately 4 years ago.

The foster parents said they found value in their own religious and social foster care support groups. The County did not offer assistance in providing or identifying support groups for foster parents.

Findings

- F 1.1** The County-sponsored training for new foster parents is outdated.
- F 1.2** Annual training for continuing foster parents is repetitive.
- F 1.3** The County does not offer nor identify support groups to assist foster parents.

Recommendations

- R 1.1** No later than November 1, 2014, the San Joaquin County HSA is to review and update its training programs for new foster parents as well as its annual training for continuing foster parents to assure relevance, interest to foster parents and a broader breadth of topics.
- R 1.2** No later than November 1, 2014, the San Joaquin County HSA is to identify community resources for support groups or provide support group opportunities for foster parents.

2.0 Lack of Productive Two-way Communication between HSA Divisions and Personnel

Social workers complete an eligibility report that is submitted directly to the Eligibility Payment Unit which makes payments to the foster families. At times the social worker

does not submit the paperwork verifying the children placed in the foster home or any changes in status in a timely manner which results in overpayment to the foster home. The Eligibility Payment Unit is required to continue making payments to the foster parents until they receive a change in status form, SOC158A, from the social worker. Overpayments due to administrative errors are not recoverable based on a 1997 *Anderson vs. Bass* judicial ruling. This results in a loss of revenue to the County. According to documents provided by the Eligibility Payment Unit, during a randomly selected six month period in 2013, \$20,433.00 was not recoverable due to administrative errors by social workers

Although the Eligibility Payment Unit prepares flyers encouraging social workers to file the SOC158A in a timely manner, the documentation is still sometimes late. The Eligibility Payment Unit does not receive the names of social workers who are responsible for overpayments, nor is it able to report those names to the social workers' supervisors for follow up actions

Findings

F 2.1 When social workers do not file a form SOC158A in a timely manner it may result in unrecoverable overpayments to foster parents.

F 2.2 Lack of information shared among the divisions responsible for foster care makes it difficult to track and hold the social workers accountable for submission of late reports.

Recommendation

R 2.1 No later than November 1, 2014, the Eligibility Payment Unit and the Children Services is to develop an information sharing and tracking system to identify and hold social workers accountable for submitting timely payment requests.

3.0 Required Monthly Visitations by Social Workers

Title 22 of the California Code of Regulations requires every child in foster care to have a scheduled face-to-face visit with the social worker at least monthly. Seventy-five percent of these visits must be at the foster home. The purpose of these visits is to check on the welfare of the child and to insure that there are no problems with the placement in the home. Additional unscheduled visits may occur if a complaint has been made about the foster home or caregivers or if the Social Worker deems it important to assure the child's welfare.

Following each visit the social worker is required to document the monthly visit in the CWS/CMS, which is used statewide in California for child welfare. This data base is used to track visitations of the foster children and verifies eligibility for funding under federal regulations.

The federal standard for Timely Monthly Caseworker Visits is 90%. San Joaquin County had a 91.2% overall visitation rate in 2013. This is comparable to other counties in the

State based on a review of a State-wide compilation of the *SafeMeasures* reports. This report provides an array of information based upon data entered into the CWS/CMS.

No testimony or materials reviewed indicated that there exists a standardized reporting form or checklist which may be used by the Social Worker during the visit or immediately after. Some social workers just write notes in their car following the visit which they then input into the CWS/CMS as time allows. Recently reported problems with State agencies dealing with child care have shown that a lack of documentation reduces investigative abilities and accountability of social workers charged with protecting youth placed under care. While no such incidents have been revealed in the County, precaution and preventive action may prevent future issues.

Findings

F 3.1 There is a lack of immediate detailed documentation of foster care site visits by social workers. This could result in problems in reviewing or investigating the accuracy of information about problems that exist in a foster home.

F 3.2 A lack of immediate detailed documentation may weaken the accuracy of the *SafeMeasures* report.

Recommendation

R 3.1 No later than December 1, 2014, HSA is to develop a standardized form or checklist to be used by social workers following their monthly on site visits with foster children.

Conclusion

Providing foster care to protect youth who have been abandoned or are from homes that no longer can care for them is an important County service. Just as important is the possibility that these youth will be placed in adoptive homes with parents who will love and care for them. Support for these children is an important role for society, and an organization that gives its best is critical.

The Grand Jury's investigation of the County's foster care programs administered by the Human Services Agency resulted in mixed findings. The people who work in the foster care program are dedicated to their jobs and helping the youth. As with many governmental agencies, they have been hampered by lack of resources, dated and out-moded tools and administrative procedures that do not place primary focus on their mission. In some areas of the foster care program, such as training for prospective and active foster parents, the private sector does a better job. The County's foster care program is regulated by a State Agency, the California Community Care Licensing Division, which has repeatedly been shown in news reports to be incapable of serving the at-risk youth of this State. Mandatory training under State regulations is repetitive, boring and often irrelevant. Initiative at the County level to make the foster care and

adoptive service process even more supportive, relevant and dedicated to the youth would be a clear sign to the community that County officials really care.

The County suffers from its own inertia. Regulations prohibit some administrators from knowing which social workers are behind or failing in their responsibilities. While this results in comparatively small financial impacts on the County, the inability to hold HSA employees accountable for their actions may have an operational impact on the foster families. Repeated changes in social workers assigned to a youth may impact both the child and the parents. The Grand Jury believes that there are relatively easy solutions to these concerns – the HSA administration needs to show resolve to identify, address and correct the problems.

The bright side of the Grand Jury's investigation was the commitment and love shown by the foster parents interviewed. Despite the obstacles placed before them, they care and persevere to give the children supportive home environments. While not practical, the Grand Jury would hope that all foster parents approved in the process could be of the caliber of those met.

Children are our society's future! Foster children deserve no less an opportunity and support than that given to all children.

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon the specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Sections 911, 924.1(a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

Response Requirements

California Penal Code Sections 933 and 933.05 require that specific responses to all findings and recommendations contained in this report be submitted to the Presiding Judge of San Joaquin County Superior Court within 90 days.

The San Joaquin County Board of Supervisors shall respond to all findings and recommendations in this report.

Mail or hand-deliver a hard copy of the response to:

Hon. Lesley D. Holland, Presiding Judge
San Joaquin County Superior Court
P.O. Box 201022
Stockton, CA 95201

Also, please email a copy of the response to Trisa Martinez, Staff Secretary to the Grand Jury at:

grandjury@sjcourts.org.