



SANTA CRUZ COUNTY
Civil Grand Jury

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Best Interest of a Child – Report on Child Protective Services

Perception Is Reality

Summary

The 2023-2024 Santa Cruz Civil Grand Jury investigated the Child Protective Services (CPS) Agency since there was a perception by some Resource Families (Foster Families) that CPS in Santa Cruz County was reunifying children with their Birth Families at all costs. The investigation concluded that based on metrics it could not find any evidence to uphold this perception.

This report suggests improvements in three areas:

1. Publish outcome based metrics on the website to improve transparency. This will allay concerns of ideological bias in the decision making process by Child Protective Services.
2. Update and publish the complaint process - who gets involved at what stage and the metrics associated with it. For example, number of complaints, time to resolve them and number of complaints that get escalated to different levels.
3. Record Child Family Team meetings. This will be valuable when there is a dispute between the social worker's notes and the accounts of any other members who are involved in these meetings.

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Background

The Civil Grand Jury started this investigation for the following reasons:

1. The Civil Grand Jury had received complaints from Resource Families over the past year. The complaints reflected that Santa Cruz County Child Protective Services were “reunifying” the child with Birth Parents at “all costs.” In some cases, the reunification was claimed to cause harm to children with behavioral issues.
2. CPS operations have not been reviewed by the Grand Jury since 2002-03.

CPS provides protective services and support to abused and neglected children and their families in Santa Cruz County. Services include emergency response, in-home family preservation services, family reunification services, and foster care. CPS also issues licenses for Resource Homes (formerly called foster homes) and family day care homes. In addition, the Division operates programs to prevent child abuse and domestic violence and to provide adoptions. Services are mandated by state statute pursuant to the California Welfare & Institutions Code (WIC) which defines its area of purview as

WIC §300 (b) (1) A child that has suffered, or there is a substantial risk that the child will suffer, serious physical harm or illness as a result of any of the following:

- (A) The failure or inability of the child's parent or guardian to adequately supervise or protect the child.*
- (B) The willful or negligent failure of the child's parent or guardian to adequately supervise or protect the child from the conduct of the custodian with whom the child has been left.*
- (C) The willful or negligent failure of the parent or guardian to provide the child with adequate food, clothing, shelter, or medical treatment.*
- (D) The inability of the parent or guardian to provide regular care for the child due to the parent's or guardian's mental illness, developmental disability, or substance abuse.^[1]*

CPS is allowed to remove children from any home suspected of child endangerment. This wide-ranging authority allows staff to remove children from homes, levy allegations and refer cases for possible criminal prosecution.

As of December 31, 2023, the CPS was overseeing the welfare of 173 children - 47 of them were resident with their Birth Parents and 126 were with Resource Families.^[2]

Scope and Methodology

The scope of this investigation is to probe into the CPS process and check if there is any validity to the complaints submitted to the Grand Jury by the Resource Families (formerly known as foster families). Is there a systemic problem within the agency? Due to privacy laws, it was not possible to investigate individual cases. Therefore, the Grand Jury decided to look at the data to see if it indicates any patterns that could reflect the validity of the complaints.

The sources of information gathered for this report include:

- Interviews with CPS personnel and the public.
- Relevant articles, published reports, newspaper articles, and documents found online regarding Child Protective Services.
- The Grand Jury report of 2002-2003 - “*Family and Children’s Services*”^[3]

Investigation

The Grand Jury heard reports of unsupervised custody handoffs in dark parking lots with no CPS personnel in attendance. There was also a complaint of the child being returned to the Birth Parents from a Resource Family who had not achieved the level of stability required for reunification.

The Grand Jury noticed a common theme with many of the complaints. They include:

1. **Failure to Apply Bypass Criteria**^[4]: Cases consistently show decisions prioritizing reunification over children's well-being, with social workers failing to consider established criteria meant to protect children at risk.
2. **Visitation Conflicts**: Frequent disputes arise around visitation schedules, particularly when children express fear or resistance.
3. **Trauma from Disruption**: Abrupt removals from stable foster placements create significant emotional distress for children. Hand-offs are not always warm, and lack of compassion was a constant theme.
4. **Potential Risk of Reunification**: Concerns are raised about reuniting children with potentially harmful Birth Parents who haven't addressed the issues that led to their removal.
5. **Social Worker Conduct**: Complaints of insensitive treatment, intimidation, and potentially falsified records highlight possible misconduct by social workers.^{[5] [6] [7] [8]}

Limitations Accessing CPS Data

The whole CPS process is protected by privacy laws and therefore no one from the outside (except the CPS staff and the court system) have access to the proceedings or documents. Therefore, the Grand Jury cannot investigate individual complaints. The Grand Jury could only look at the long term trend using data collected over the past ten years. After listening to and reading the complaints, the Grand Jury decided to interview CPS staff to understand if there is data available that can show any pattern pointing to a systemic bias. It was not easy to find the relevant staff in CPS to talk to about the CPS process since there is no organizational chart listed on the website. One of the interviewees acknowledged the shortcoming of not listing the organization chart on the website and promised that it will be corrected soon.^[9]

Origins of Perceptions of Bias

In public welfare systems such as CPS, generally the children who are removed from the Birth Families tend to come from a lower socioeconomic class. The Resource

Families tend to come from a higher socioeconomic background. In the past, the CPS system was thought to be biased towards the Resource Families. Yet the current law tends to lean towards equity which leads to some staff feeling that they should “over calibrate” towards the Birth Families. The staff strongly agrees that family reunification is of the highest priority unless there is a danger to the child. This inherently creates a conflict since during the reunification process, the Resource Families feel that their voices are not heard.^{[10][11]}

The Jury learned that what’s in the best interest of a child is extremely hard to determine and can be subject to some intense debates. Is the system trying to over-correct this past problem? This can also lead to a perception problem for all concerned parties.^{[10][11]}

Lack of Data Transparency

While the CPS website provides information about their services, there is no data regarding the outcome of their services. Also, the public cannot get insight into the volume of services. The specific statistic that the Grand Jury looked at was “how many children and teens exiting” the CPS system. The [California Welfare Indicators Project](#)^[12] maintained by University of California holds data related to reunification. (See Figure 1 below.) In contrast, none of the relevant data was available from Santa Cruz County’s public [website dedicated to CPS](#).^[13]

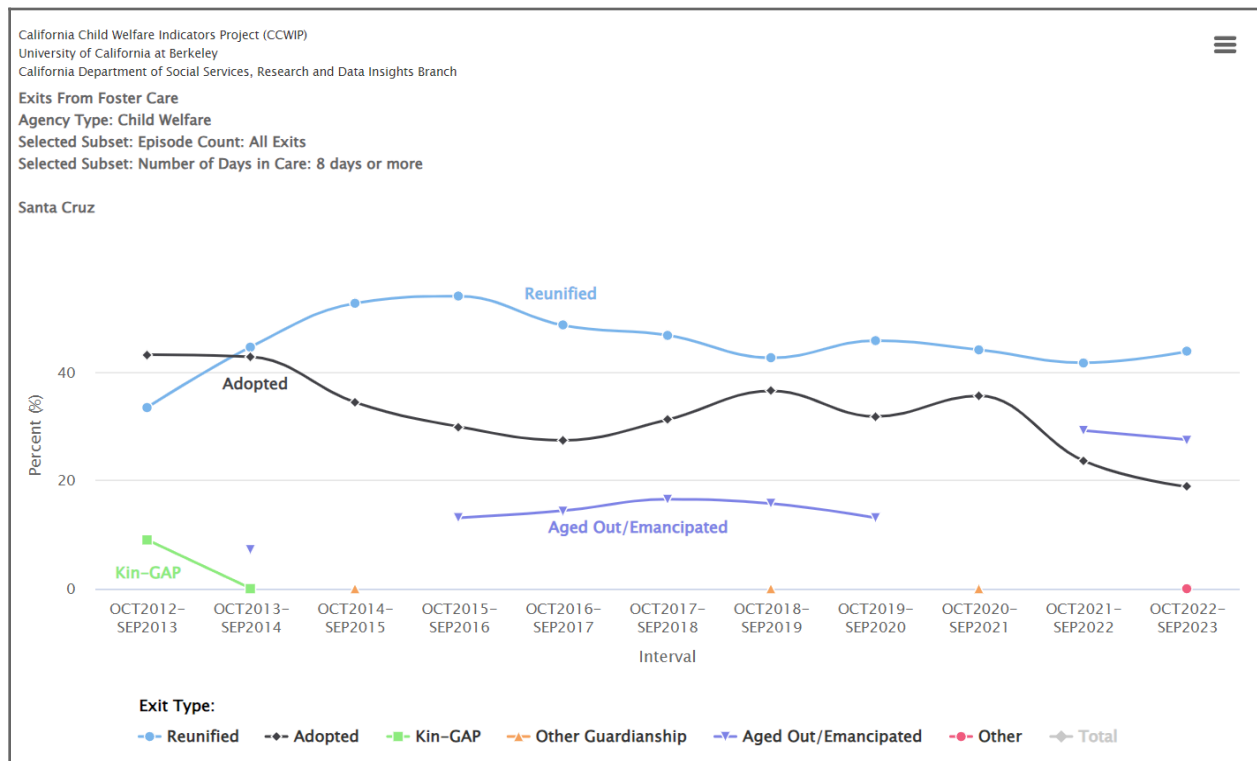


Figure 1. Data from the California Welfare Indicators Project for Santa Cruz County.^[14]

The blue line in Figure 1 represents the percentage of children and teens reunited with their Birth Families. Between 2012 and 2023, that percentage varied from 33% in 2013

to 43% in 2023 and peaked at 54% in 2016. The percentage graph or the actual number graph did not show any particular trend towards reunification or a bias against it.

Bypass Decisions Seem Arbitrary

Resource Families believed that the “bypass” criteria were not being applied in the County in some instances. The goal of CPS is to reunite with Birth Families as long as there is no danger to the child. Towards that goal, the CPS provides various programs for Birth Families to become eligible for reuniting with the child. The “bypass” refers to a situation where reunification services are not offered to parents after their child has been removed from their care. This means CPS won't work towards reuniting the child with the birth parents and will instead focus on finding a permanent placement for the child, such as adoption or guardianship.

Some examples where the “bypass” is applied are:

- Chronic use of alcohol or drugs
- Parent incarcerated or violent felony
- Severe physical abuse of child under 5
- Physical / sexual abuse again
- Prior termination of reunification services

For a full list see “Bypass-at-a-Glance” in the Websites section below.^[4]

The complainants felt that in some cases the “bypass” criteria should have been applied. In their opinion, if the “bypass” criteria were applied then the child would have never been a candidate for reunification and therefore would have avoided the emotional trauma for the child and the Resource Families.

Due to confidentiality restraints, the Grand Jury was unable to investigate individual cases to review how criteria were applied. However, for the past two years, thirteen cases were found to be eligible for bypass in Santa Cruz County. CPS applied the bypass criteria in seven of those cases. The children in these cases then became eligible for permanent placement.^[15]

Lack of Follow Up Data

At the present time, follow up by CPS happens only up to 18 months after the child is reunited with the Birth Family. This may not be enough time to determine the effects of reunification. In an interview with a complainant, the Grand Jury was told that five years after reunification, a child they had fostered was experiencing behavioral problems at school and was suffering from depression.^[16]

Complaint Process Transparency

There is no documentation of the complaint process in Santa Cruz County, either on the website or available through CPS personnel interviews.^[17] Currently complaints are lodged with the social worker. Supervisors are not advised of complaints unless the social worker brings the issue to the supervisor. Furthermore, there is no data available on the number of complaints received year by year and their resolution status.

The 2002-2003 Grand Jury report titled “*Family and Children’s Services*,”^[18] recommended, “The County Board of Supervisors create a Citizen Review Board as recommended by the Little Hoover Commission.”^[19] This Board should review child welfare services and make recommendations to the Board of Supervisors, local agencies and others regarding improvements. Membership should include representatives from education, foster care youth, health care, civic and business.

The Citizen Review Board should hire a Child Welfare Inspector General with the authority to recommend improvements. Responsibilities should include enforcement of rules for CPS, reform of the foster care program, and building a volunteer support network. The Citizen Review Board can look into these unresolved complaints to identify any systemic issues. This will also eliminate any appearance of the conflict of interest in the eyes of the complainants.

Team Meetings

Throughout the reunification process, multiple meetings, generally referred to as Child Family Team (CFT) meetings, take place. The CFT includes everyone who has an interest in the child: CPS staff, birth parents, resources parents, social workers, doctors, psychiatrists, teachers, and possibly more. Notes about the meeting are produced by a social worker after conclusion of the meeting. The notes are available to all the participants. The Grand Jury found some Resource Families felt social workers’ notes did not accurately reflect what happened during the meetings. Due to the nature of these meetings, they are not recorded. Therefore, there is no way to resolve these differences in perception to the satisfaction of all parties.

Conclusion

This investigation was undertaken as a result of complaints received by the Grand Jury. Complainants believed that CPS policies regarding child safety were not being followed. The investigation was hampered by data that was largely insufficient or unobtainable. This results in Resource Families’ perception that child safety is not being prioritized. The Grand Jury was not able to substantiate this claim based on the available data reviewed. The Grand Jury remains concerned that this perception will persist unless there is more transparency of both data and operations. This perception may prevent a sufficient number of Resource Families from signing up to provide this valuable service which is critical for the protection of neglected and abused children in our community.

Findings

- F1.** It is hard to contact the relevant people in CPS to get information since there is no organizational chart published on the website. People don’t know who they can contact for specific issues.

- F2.** The lack of readily available CPS data metrics accessible on the Santa Cruz County website can lead to perceptions based on individual experiences. Perception becomes reality if data is not provided which can lead to public distrust of the system.
- F3.** Lots of data is available on the California Welfare Indicators Project maintained by University of California for the whole state of California for each county. It is hard to sift through and find relevant data for Santa Cruz County.
- F4.** There is no formal complaint process. You can lodge a complaint only with your social worker. When the complainant is not happy with the resolution, complaints are lodged with the Grand Jury. This is ineffective and results in a lack of accountability or follow up on the complaint.
- F5.** Child Family Team members often dispute the accuracy of "official" meeting notes taken by the attending CPS Social Workers, leading to lack of trust between team members.
- F6.** The lack of data makes it difficult to determine whether bias is present either to Resource Families or Birth Families to the detriment of the child.

Recommendations

- R1.** The Grand Jury recommends that CPS publish an organizational chart by October 31, 2024. (F1)
- R2.** The Grand Jury recommends that CPS publish outcome based metrics, such as number of children moved to Resource Families, number of Resource Families available in the County, number of successful and failed reunifications, and identify success metrics for children under care, on an annual basis on their website to improve transparency by December 31, 2024. (F2, F3, F6)
- R3.** The Grand Jury recommends that CPS create and publish the complaint process. This published process should include a supervisor not vested in the outcome who can review the complaints. This process and the accompanying metrics like number of complaints and resolution times should be made available to the public by December 31, 2024. (F4)
- R4.** The Grand Jury recommends that the County Board of Supervisors establish a Child Welfare Oversight board and an Inspector General similar to what the 2002-2003 Grand Jury recommended. This could help resolve bias, impropriety and undue influence complaints and will help provide transparency and increase trust in the CPS process. The Grand Jury recommends that the planning for this should start by December 31, 2024, with the board fully implemented six months after the planning is finished. (F4, F5)
- R5.** The Grand Jury recommends that the CPS department begin to record the Child Family Team meetings by the end of December 31, 2024. (F5)

Required Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Santa Cruz County Board of Supervisors	F1–F6	R1–R5	90 Days September 16, 2024

Invited Responses

<i>Respondent</i>	<i>Findings</i>	<i>Recommendations</i>	<i>Respond Within/ Respond By</i>
Director, Santa Cruz County Child Protective Services	F1–F6	R1–R3, R5	90 Days September 16, 2024
Director, Santa Cruz County Human Services Department	F1–F6	R1–R3, R5	90 Days September 16, 2024

Definitions

- **CPS:** Child Protective Services
- **Resource Families:** Formerly referred to as Foster Families.
- **Birth Parents:** Biological parents of the child
- **Bypass Criteria:** Criteria used to “bypass” Birth Parents reunification services and move the child to a permanent placement^[4]

Sources

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<https://ihc.ca.gov/report/still-our-hands-review-efforts-reform-foster-care-california/>

Websites

SDM-Policy-Procedure-Manual-2021

<https://www.cdss.ca.gov/Portals/9/Child-Welfare-Programs/Child-Welfare-Protection/SDM-Policy-Procedure-Manual-2021.pdf>

What is Child Protective Services

<https://www.santacruzhumanservices.org/FamilyChildren/ChildProtectiveServices/WhatIsChildProtectiveServices>

Bypass-at-a-Glance

<https://www.courts.ca.gov/documents/BTB25-PreConJDLP-03.pdf>

California Child Welfare Indicators Project - <https://ccwip.berkeley.edu/>
