

Foster & Kinship Care Education Program
College of the Redwoods

Humboldt County Child Welfare Services 101



California
Community
Colleges

Foster and Kinship Care
Education

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Introductions

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PRE-TEST

1. *What are three Child Welfare core programs?*
2. *Prior to the creation of the case plan, a child and family team meeting should be held in which planning activities are discussed. TRUE or FALSE*
3. *What is one thing that should be happening at the time of the dispositional hearing?*
4. *Structured decision-making assessments are an option for the social worker to complete. TRUE or FALSE*
5. *At what age is a youth eligible for extended foster care?*

LAUNCH POLL

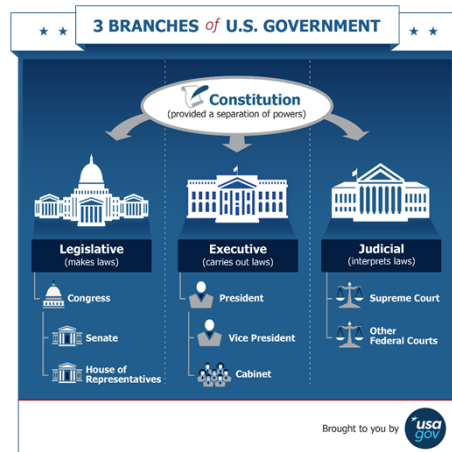
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Humboldt County Child Welfare Overview



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CWS and the Constitution:

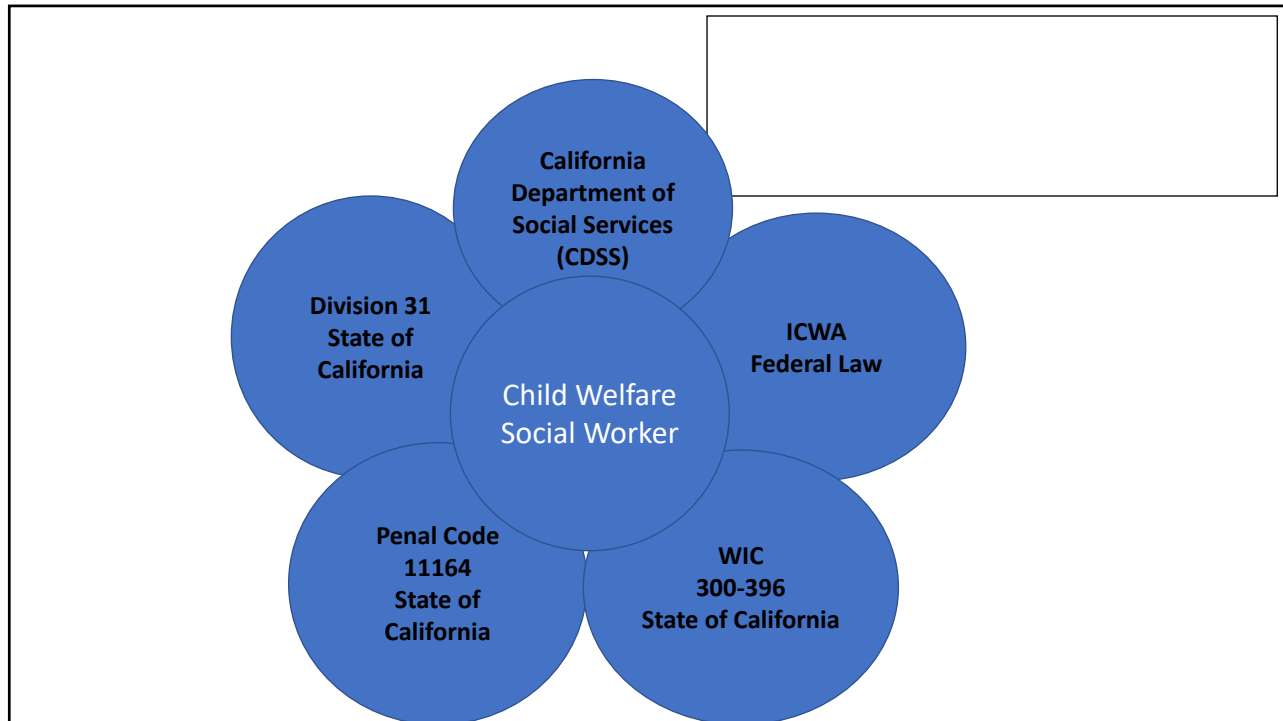


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CWS and the Constitution Cont:

- The Fourth and Fourteenth Amendments to the U.S. Constitution apply to CWS.
- The Fourth Amendment states people have the right to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures . . . and that Warrants shall be issued upon probable cause for a place to be searched or a person or thing to be seized.
- The Fourteenth Amendment has been interpreted that under the due process clause, parents and children have an essential right to live together without government interference.
- CWS has a duty to respond to allegations of child abuse and neglect though must abide by the Constitution, which means they must have a warrant, exigency, or consent prior to conducting a search or seizure.

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Significant legislation from the 20th century

- **ICWA of 1978**
 - Provides definition of an “Indian child” *
 - Provides that tribes have *exclusive jurisdiction over child welfare issues involving an Indian child.
 - Requires “active efforts” instead of “reasonable efforts.”
 - Outlines placement preferences from children in care.
- **Adoption Assistance and Child Welfare Act (AACWA) 1980**
 - Outlines reasonable efforts (documentation!) as a finding the court must make about preventing the need for removal and efforts to return as a requirement for CWS to get federal aid in paying for foster care.
 - Promotes timely adoptions through provisions of incentives and funds post-adoption known as Adoption Assistance Program (AAP)
 - *Minimum sufficient level of care*

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Significant legislation from the 20th century Cont.

ASFA – Adoption and Safe Families Act 1997

- Promotes timely, safe, and permanent placements for children in the child welfare system.
- Mandates for time limited reunification services.
- Requires permanency hearings within 12 months of out of home placement and initiation of potential termination parental rights (TPR) *

Multi-Ethnic Placement Act (MEPA) of 1994

- Prohibits the delay or denial of foster home or adoption placement on the basis of the race, color, or national origin of the child or the potential foster or adoptive care providers.

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California Laws

Child Abuse and Neglect Reporting Act (CANRA)

- Required the states to enact a uniform set of laws regarding child abuse and neglect.
- Also broadened mandated reporting.
- Penal Code 11164 provides definition of abuse and neglect, defines who is a mandated reporter versus discretionary reporters, and defines unfounded, inconclusive, and substantiated for concluding investigated allegations.

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California Laws cont.

Welfare and Institutions Code (WIC) sections 300-396

- WIC describes what CWS does, why it does it, when it does it, and to some extent how it does it.
- WIC 300(a-j) provides the counts of abuse and neglect and when applicable affords CWS the jurisdiction of the Juvenile Court to adjudicate that a person be a dependent child of the court.
 - Physical Abuse
 - Neglect
 - Emotional Abuse
 - Sexual Abuse
 - Severe physical abuse of a child under age 5
 - Parent caused the death of another child through abuse or neglect
 - Child left without any provision for support
 - Child has been freed for adoption
 - Child submitted to acts of cruelty
 - Sibling has been abused

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Key California Legislation

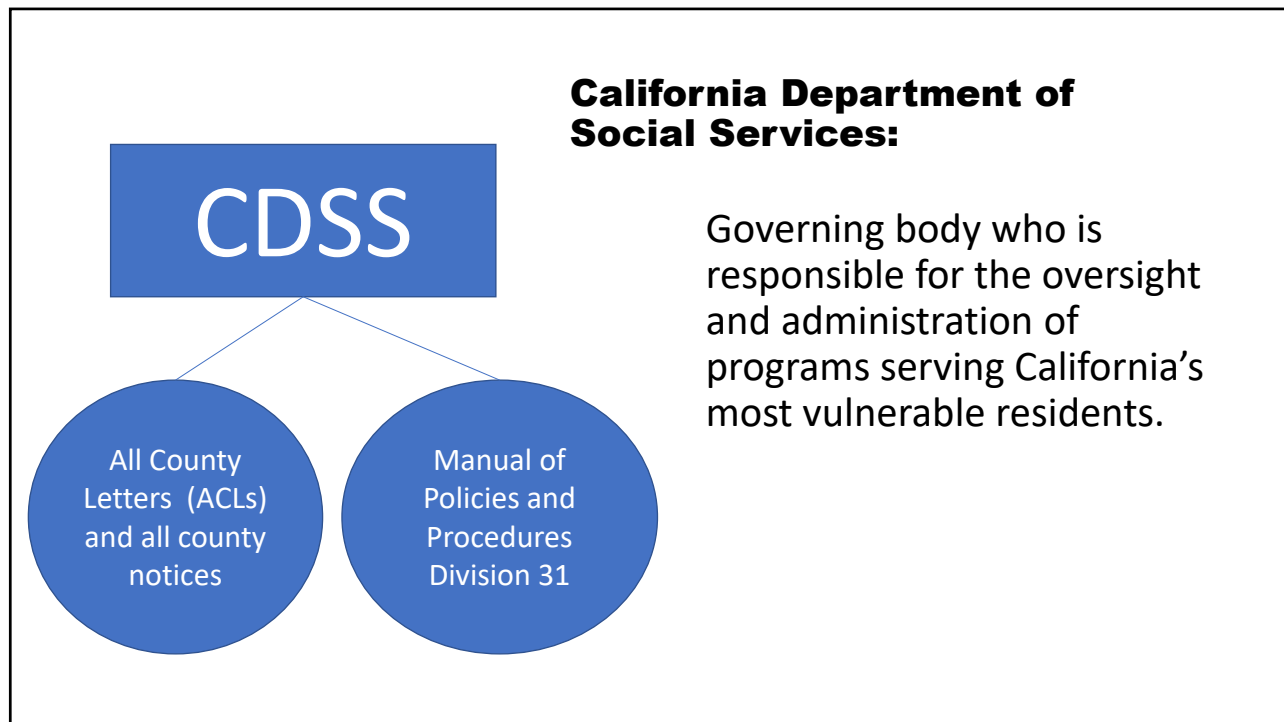
Assembly Bill 12 (AB12)

- Took effect on January 1st, 2012. Implements provisions to the Federal Fostering Connections to Success and Increasing Adoptions Act of 2008 to improve outcomes for youth in foster care.
- The Bill allows states to extend title IV-E assistance to eligible child welfare that come into foster care prior to 16 and remain in foster care up to age 21.

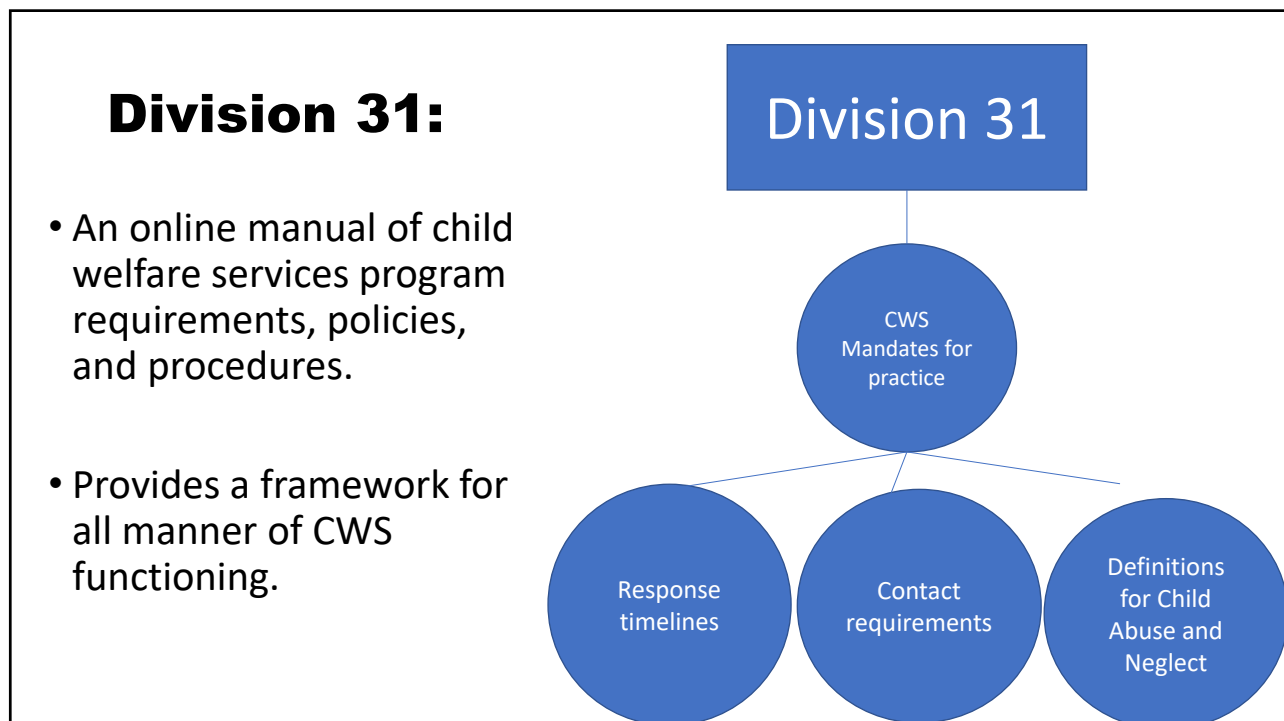
Assembly Bill 490 (AB490)

- Took effect January 1st, 2004 and refers to California legislation that addresses many of the barriers to equal educational opportunity for foster children and youth.
- Recognizing how often children in foster care face educational disruptions, the bill requires provisions to be followed by school districts, county social services agencies, and other professionals in facilitating educational equity.
- Example of School of origin: if a child enters foster care or has a placement change, they have the right to remain in his or her school of origin for the duration of the school year.

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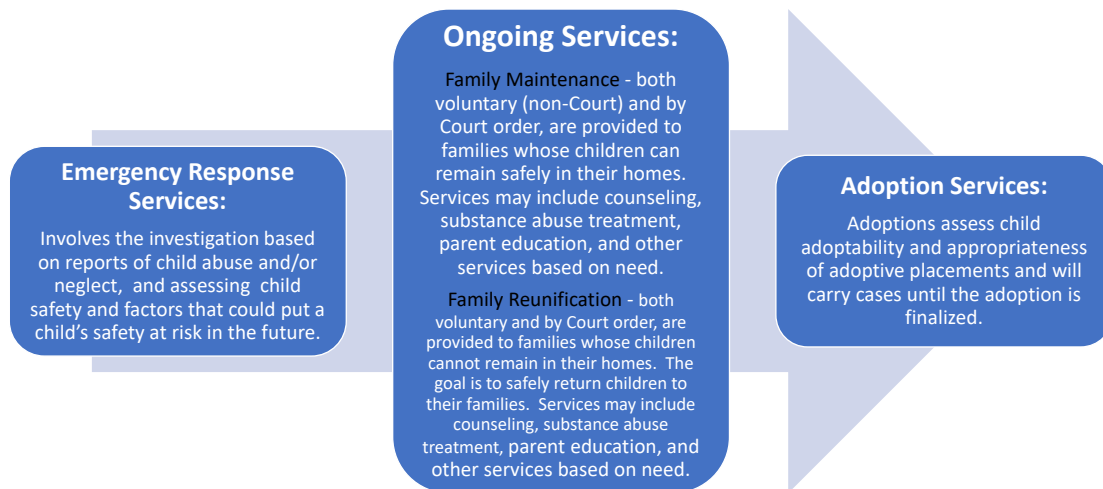
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Tools for the Social Worker:



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Child Welfare Services Programs:



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Support Programs:

Placement Unit

- consists of a Supervisor and social workers who manage and support licensed foster family homes.
- Locates and assists with placement of children when they come into out of home care (foster care).

Resource Family Approval (RFA) Unit

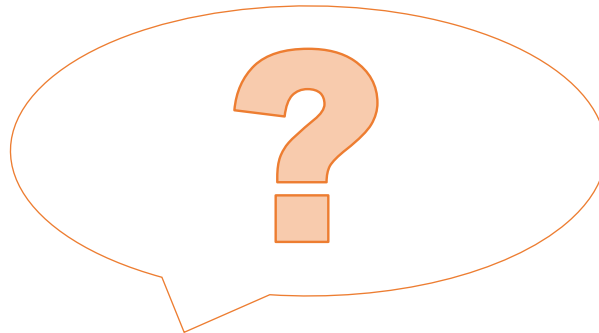
- consists of social workers trained to assist caregivers through the approval process of a state mandated program which requires all caregivers to be certified "Resource Families." The program involves a combined assessment and approval process for caregivers to become eligible for fostering, guardianship, and adoption.

Transitional Aged Youth (TAY) Division/Independent Living Services (ILS)/Extended Foster Care (EFC)

- TAY - are services for youth and young adults ages 16 to 26. Services are tailored, collaborative and based on a young person's strengths. The goal is to create an environment where young people thrive at home, school, work and in their community. TAY Programs include: counseling, case management, health, and employment trainings.
- ILS - are services for youth age 16 and up (youth are eligible to apply at age 14 ½). ILS services are designed to assist older youth in placement gain the skills and documentation needed to help them achieve independence.
- EFC – Available to youth who enter foster care prior to their 16th birthday to encourage the transition to and through adulthood at the age of 18 by providing case oversight and monthly living stipend.

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What is a program of child welfare and its function



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Screening

Mandated Reporter
California protection reporting guide

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Penal Code 11164

Child Abuse and Neglect Reporting Act

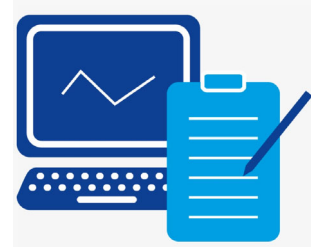
- Defines sexual abuse, physical abuse (and discipline that may result in a traumatic condition), emotional abuse, and neglect (general and severe).
- Defines who are mandated reporters versus discretionary reporters.
- Defines unfounded, inconclusive, and substantiated for concluding investigated allegations

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Who Must Report

PC 11165.7

- Childcare custodians, including childcare providers and teachers
- Child visitation monitors
- Public Assistance Workers
- Health practitioners
- Employees of a child protective agency
- Firefighters and law enforcement
- Animal control or Humane Society officers
- Clergy members
- Commercial film and photo processors
- And 30+ more...



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TYPES OF ABUSE



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Physical Abuse

“, the willful harming or injuring of a child” (PC 11165.3)

““unlawful corporal punishment or Injury” . . . A situation where any person willfully inflicts upon any child any cruel or inhumane corporal punishment or injury resulting in a traumatic condition” (PC 11165.4)

“A physical injury or death which is inflicted by other than accidental means upon a child by another person. (PC 11165.6)

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Physical Abuse

Physical Indicators

- Unexplained or improbably explained fractures, lacerations, bruises, facial injuries
- Burns (cigarette, rope, scalding water, iron, radiator)
- Bruises or fractures in different states of healing, indicating repeated trauma over time

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IT IS IMPORTANT TO CONSIDER:

- Child's level of development
- Shape of the injury
- Location of the injury
- Degree of force
- Type of injury
- New and old injuries



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Sexual Abuse

Sexual abuse means sexual assault or sexual exploitation, (PC 11165.1) the victimization of a child by sexual activities, including molestation, indecent exposure, fondling, rape, or incest.

Special considerations regarding Commercially Sexually Exploited Children.



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Emotional Abuse

Non-physical mistreatment resulting in the child suffering or being at a substantial risk of suffering serious emotional damage, evidenced by states of being or behavior, including but not limited to

severe anxiety,
depression,
withdrawal, or
untoward aggressive behavior toward self
or others. (PC 11166.05)



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Examples: Emotional Abuse

- Rejecting/degrading the child
- Cruel/unusual/excessive methods of discipline
- Exposing the child to brutal or intimidating acts
- Threats of physical abuse for the purpose of emotional abuse
- Exposure to Domestic Violence, ongoing or severe single occasion

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DOMESTIC VIOLENCE

- Children living in homes with domestic violence are maltreated at a rate 15 times higher than the national average.
- In 60-75% of families where a woman is battered, children are battered as well.
- The criminal justice system has responded by adding the charge of child endangerment to domestic violence cases when a child is placed in danger during an episode of domestic violence.

Source: State of California, Child Abuse Prevention Handbook (2000)

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Neglect

Neglect is the negligent treatment or maltreatment of a child by a parent or caretaker under circumstances indicating harm or threatened harm to the child's health or welfare.

It includes both acts and omissions on the part of the responsible person.

California law defines two categories of neglect: *Severe Neglect and General Neglect.*

(PC 11165.2)

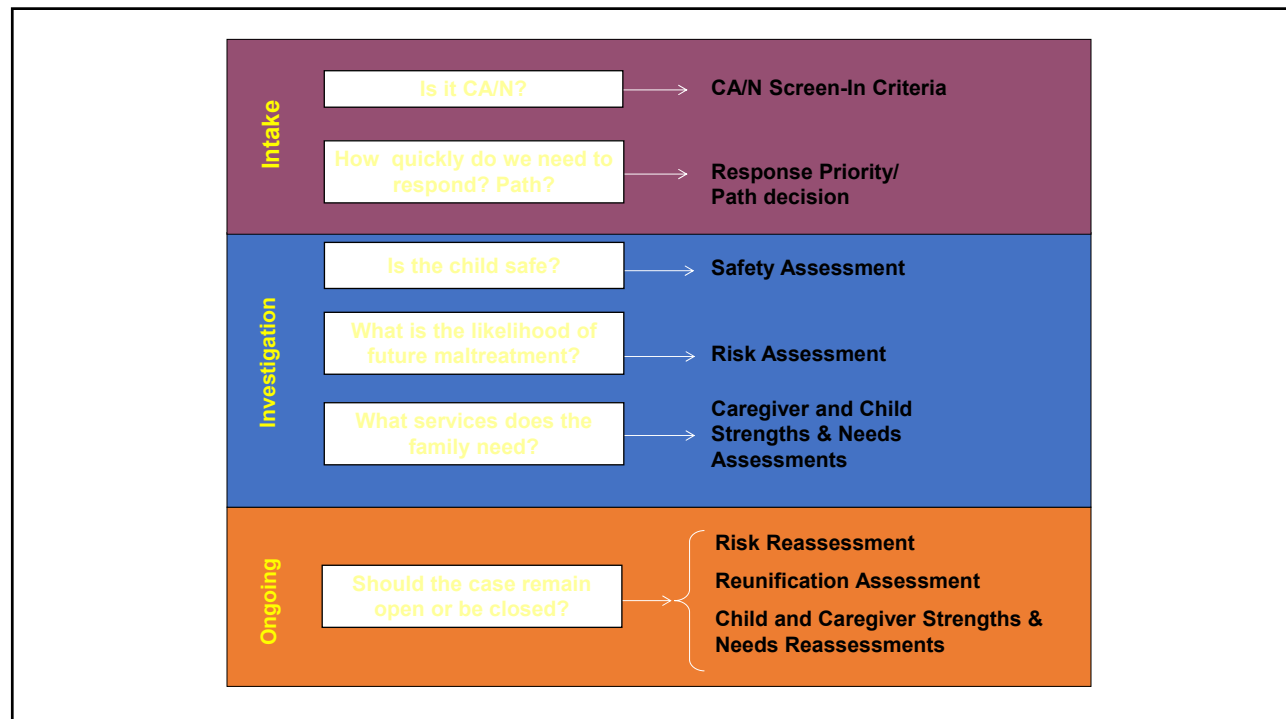
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DRUG & ALCOHOL ABUSE



- Parental substance abuse severe enough to make child maltreatment likely, should be reported.
- Positive toxicology screen at the time of delivery of an infant is not in and of itself a sufficient basis for reporting.

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Activity

Myth Buster



Only bad people abuse their children!
Thoughts??

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*“CHILD ABUSE
DOESN'T HAPPEN IN
GOOD FAMILIES”*



THOUGHTS??

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VC1

Emergency Response investigation



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CWS Policy for Emergency Response

- The CWS Emergency Response Program provides initial evaluation, safety and risk assessment and crisis intervention services, 24 hours-a-day/7 days a week, for children who are reported to be in danger of abuse, neglect, or exploitation.
 - *WHAT DOES THIS MEAN??*

- Assigned CWS Social Workers conduct thorough and accurate investigations of reported child abuse and/or neglect concerns using standardized tools for decision making, while following county protocol and complying with the requirements of California Department of Social Services (CDSS) Division 31 regulations.
 - *WHAT DOES THIS LOOK LIKE??*

- The goal is to provide the lowest level of intervention necessary to keep children safe from abuse and/or neglect.
 - *HOW DO WE DO THAT??*

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Slide 37

VC1 VonSavoye, Cherie, 9/21/2020

INVESTIGATION PROCESS

- SW receives assignment – reviews history – consult with supervisor – may speak to reporter or collateral, if needed.
- SW cross reports to Law Enforcement, if needed.
- In-person contact with all children – Assess safety.
- Contact parents – additional adults, if needed.
- SW concludes allegations.
- Assess risk of future maltreatment.
- Document
- Make referrals for services.
- Send response to Mandated Reporter – and DOJ, if needed.
- Transfer case to ongoing SW, if needed.



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Policy for Working with Tribes

CWS will collaborate with Tribes at every step of the investigation and follow the agreed upon Memoranda of Understanding between CWS and individual Tribes. The Tribal Collaboration Policy and Procedure will be followed for all Tribes.

Policy and Procedure: CWS 18-11 Tribal
Collaboration Effective Date: 11/9/18

Hoopa-CWS MOU



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Investigation Conclusion Definitions

➤ **Substantiated:**

Abuse occurred more likely than not, based on evidence.

➤ **Inconclusive:**

Not unfounded, but insufficient evidence to conclude that abuse occurred.

➤ **Unfounded:**

False or improbable, accidental injury, or does not constitute child abuse or neglect.

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POSSIBLE OUTCOMES OF INVESTIGATION:

- Close
- Close with referral to other agency
- Open case with CWS for voluntary or court ordered services
- Service may be provided with child in the home or placed outside the home.

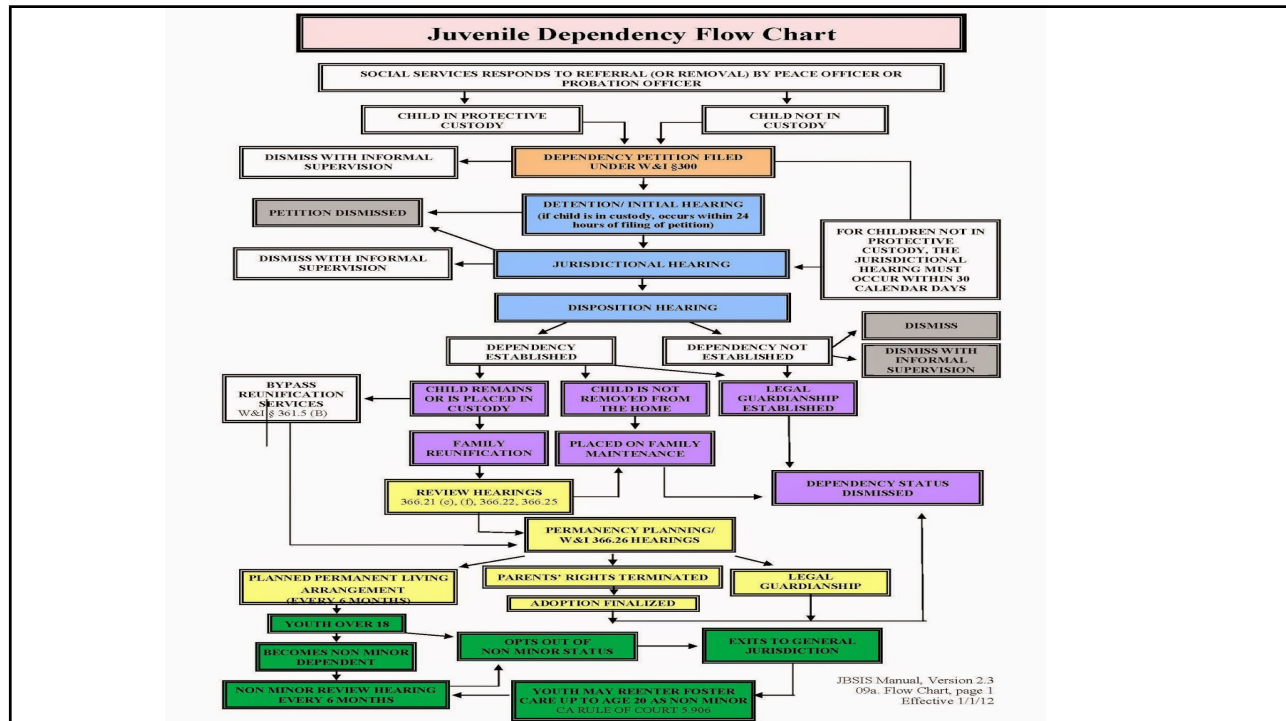


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Court Process

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PROTECTIVE CUSTODY

Deciding whether emergency removal is needed involves a balancing of the possible danger the child faces against the possible traumatic effects of removal from the parent's care.

In general, the more vulnerable the child, the greater the presumable need for protective custody.

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Dependency Petitions

In Custody

- (also know as Detention)
- Children placed either with relative or family, NREFM
- RFA process

Out of custody

- Children remain in the care of their care provider
- Under jurisdiction of the Court

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Jurisdiction hearing

Child welfare Services must provide proof and evidence that allegations of abuse and neglect have happened.

- Paternity Status
- ICWA Inquiry

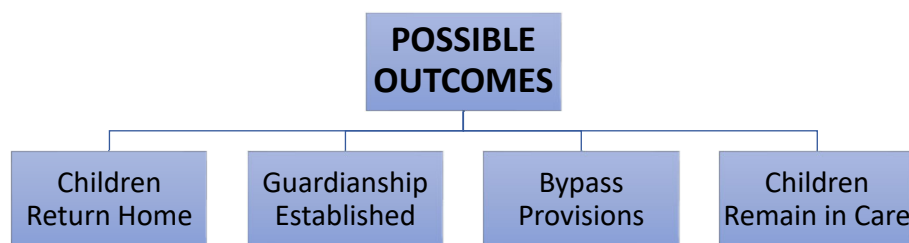


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Disposition Hearing

What are we going to do about it??

- Child and family Team Meetings should be happening.
- If this is a Tribal family, the Tribe must be involved in the process.
- A case plan is developed with the family and tribe to outline services to promote behavior change and safety



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Review Hearings

6 months at a time

Is it safe to return home/close case/permanency?

Family Maintenance

(Home with parent(s)/guardian)

In Care Family Reunification

- Parents of children under 3 years old get 6 months of reunification services
- Parents with children over age of three receive a minimum of 12 months of services
- Concurrent planning and permanency
- Out of state placement
- Incarcerated parents

- No minimum or maximum timeframe.
- CWS involvement does not result in best outcomes for children

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On-going case management services

- Monthly in-person visits with children
- Comply with court orders, including visitation
- School of origin
- Out of state travel
- Child and family team meetings
- Service provision for parents and children
- Monitor progress and children's well-being
- Case plan is the roadmap
- Coordinate and build the parents network
- Concurrent planning



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Parents' Visitation

Court ordered to continue up until the .26 hearing

- Visits can be decreased prior to the .26 with a plan for decreasing them, clearly stated in the case plan submitted at the review hearing in which we recommend termination of services to the parents.
- Explain in the status review report why decreasing the visits is in child's best interest.

After terminating parental rights (TPR)....

No parent visits in case plan

Relationship with family is encouraged (if safe and appropriate)

SCPs are not required to maintain relationship with Bio family

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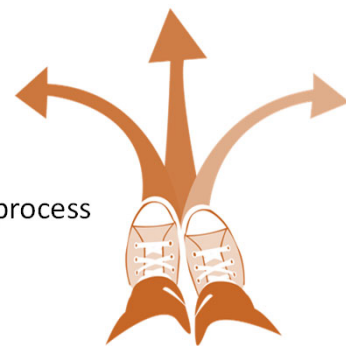
Transitions

Relatives out of the area

- Court approval needed for out of county placement
- Interstate Compact for the Placement of Children (ICPC) process
 - Estimated 90 days
 - Court approval needed for out of state placement

Visits with the child

- Build the relationship
- Help make it less scary for the child
- Arrange visits with proposed permanent placement as early as possible in the case to develop relationship, in case the child does not return home
- Involve the parents in this planning as much as possible (as safe and appropriate)



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Transition to Permanency

Family Reunification Services terminated as to parents

- Typically between 12 to 18 months of FR, could be at 6 months with child under 3.
- 366.26 hearing (“.26”) is set 120 days from termination of services.
 - Adoption
 - Guardianship
 - Another Planned Permanent Living Arrangement (APPLA) 16+ (extended foster care)
- .26 report– written by Ongoing Social Worker
- .26 addendum– Adoption Assessment written by Adoption Social Worker
 - Tells the court whether the child is “adoptable” or not.
 - Legal reasons in the WIC explain what children are legally considered adoptable or not
 - Written at each .26 hearing even if adoption is not the recommended plan.

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Permanency options

- Adoption
- Guardianship
- Another Planned Permanent Living Arrangement
(APPLA) 16+ (extended foster care)



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Extended Foster Care

- The youth must be at least 18 years old but under 21 years of age.
- The youth must be subject to a foster care placement order on their 18th birthday, placing them under the care, custody and control of a county child welfare agency, probation department or tribal agency.
- The youth must meet one of the following criteria after reaching age 18:
 - 1. Working toward completion of high school or equivalent program (e.g. GED); or
 - 2. Enrolled in college, community college or a vocational education program; or
 - 3. Employed at least 80 hours a month; or
 - 4. Participating in a program designed to assist in gaining employment; or
 - 5. Unable to do one of the above requirements because of a documented medical condition.
- Voluntary
- Transitional Independent living case plan (TILP)
- Extended Foster care funds available if youth is in an approved placement

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POST-TEST

1. *What are three Child Welfare core programs?*
2. *Prior to the creation of the case plan, a child and family team meeting should be held in which planning activities are discussed. TRUE or FALSE*
3. *What is one thing that should be happening at the time of the dispositional hearing?*
4. *Structured decision-making assessments are an option for the social worker to complete. TRUE or FALSE*
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LAUNCH POLL

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Questions/discussion



**Humboldt County Child Welfare
Services Hotline
707-445-6180**

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Foster and Kinship Care Education Program

**WE JUST WANT TO SAY...
THANK YOU!**

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