



# **SDM® SAFETY ASSESSMENT DEVELOPMENT TEAM: DISCOVERY FINDINGS**

**CALIFORNIA DEPARTMENT OF SOCIAL SERVICES**

# AGENDA

1 Welcome and Recap

2 Review Discovery Methods and Process

3 Share Discovery Themes

4 Discuss Findings

5 Group Share

6 Close and Recap



# DISCOVERY PROCESS

# DISCOVERY AREAS

## AREA 1: CONTEXT

Reasons to develop and implement a safety assessment for the congregate care (CC) setting, including background and theory of change and goals for implementation

## AREA 2: ASSESSMENT STRUCTURE

What the assessment may look like, informed by what we can learn about the incidents and investigations during which the new safety assessment will be used

## AREA 3: IMPLEMENTATION

Supports and barriers for successful implementation of a new safety assessment

## METHODS AND PROCESS

- **Literature Review:** Review current literature to learn about common characteristics of persons involved with investigations of abuse or neglect in congregate care, and about best practices for investigating and responding to incidents.
- **Policy Review:** Review current policy and compare with state statutes and current Structured Decision Making<sup>®</sup> (SDM) guidelines.
- **Practice Review:** Learn about policy and practice regarding investigations of allegations in congregate care settings through child welfare services (CWS) survey, tribal staff survey, key informant interviews, and statewide case reviews.
- **Data Review:** Examine characteristics of investigations and alleged victims of abuse and neglect in congregate care settings between fiscal year (FY) 2018–19 and FY 2020–21.

# CHALLENGES OF USING CWS/CMS DATA

- Referrals on CC settings are not consistently identified.
- Policy guidance suggests recording information in a text field (referral name), which is not ideal for data analysis.

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## OUR APPROACH

Several data points from the child welfare services case management system (CWS/CMS) were used to identify CC referrals.

- Allegations
- Alleged perpetrator relationship to alleged victims
- Referral names
- Referral address, including address coordinates
- CC facility names
- CC addresses, including address coordinates

## THE REFERRAL PERTAINS TO A CONGREGATE CARE SETTING IF:



Allegation record pertains to a CC facility



Referral address matches address of a CC setting AND any alleged perpetrator's relationship to an alleged victim is "residential facility staff"



Certain keywords appear in the referral name (e.g., shelter, receiving home)



Referral name shares similarity with any CC facility name; excludes if all alleged perpetrators are parents of alleged victims

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## DISCOVERY AREA 1 FINDINGS

- Policy
- Screening
- Documentation
- Role clarity
- Assessing safety

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# STATE AND LOCAL POLICY

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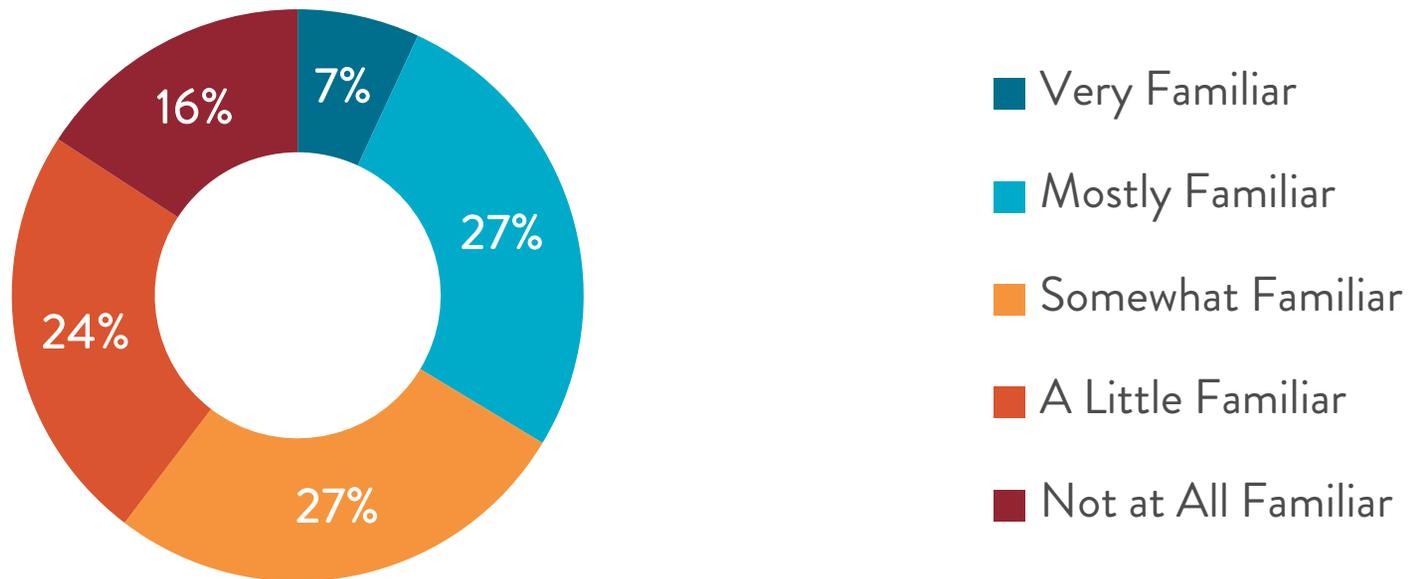
# **POLICY ESTABLISHES AND DESCRIBES THE REQUIREMENT FOR CHILD WELFARE RESPONSE IN CONGREGATE CARE SETTINGS**

State statute and policy describes the responsibility of child welfare agencies to investigate suspected maltreatment in congregate care settings to protect and ensure the safety of children in placement, independent of Community Care Licensing (CCL) or law enforcement response.

(Penal Code [PC] 11165.5, California Code of Regulations [CCR] Title 11 § 930.52, All County Letter (ACL) No. 05-09, ACL No. 17-107).

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## FAMILIARITY WITH STATE POLICY RELATED TO INVESTIGATIONS IN CC SETTINGS



N = 101 survey responses

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## MY COUNTY HAS LOCAL POLICY GUIDING INVESTIGATIONS OF ALLEGATIONS IN CONGREGATE CARE SETTINGS



N = 101 survey responses

Note that results may reflect more than one response per county.

# POLICY CLARIFICATIONS REQUESTED

There was a large response rate to wanting clarification in state policy about investigations in congregate care settings . . .

- Role clarity during investigations
- Culturally appropriate consultation and expectations for notification/collaboration with tribe
- What facilities are considered congregate care
- Process when the alleged perpetrator is facility staff
- Assessing safety of other youth in facility
- Safety plan monitoring

# SCREENING

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## SCREENING POLICY

The Manual of Policies and Procedures (MPP) Division 31-100 regulations require counties to respond to all referrals alleging abuse or neglect of a child by completing the emergency response protocol to determine if an in-person investigation is necessary. ACLs 05-09, 06-15, and 17-28 reiterate this requirement applies to all incidents of suspected maltreatment of a child placed in out-of-home foster care who is a dependent or a ward of the court.

The CWS agency should not determine or delay its response based on licensing authority (ACL No. 03-61).

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## REPORTING AND CROSS-REPORTING DUTIES

- *Law Enforcement:* All reports made to a law enforcement agency and alleged to have occurred in an out-of-home care facility shall be cross-reported by law enforcement to (1) Child Welfare, (2) Licensing Agency, if the case involves a licensed facility, and (3) the District Attorney's Office, in cases of abuse, as defined by PC 11165.6.
- *Child Welfare Agency:* All reports made to a child welfare agency . . . shall be cross-reported immediately, or as soon as is practically possible, to the appropriate licensing agency if the case involves a licensed facility; the appropriate law enforcement agency; and the District Attorney's Office in cases of abuse.
- *Licensing Agency:* Any licensing worker or evaluator who knows or reasonably suspects that a child has been the victim of maltreatment in an out-of-home care facility shall report the known or suspected abuse to the appropriate child welfare agency, or if the facility involved is an exempt facility, to a law enforcement agency.

(CCR § 930.40 – 930.41)

## REFERRAL INVESTIGATION RATE BY FISCAL YEAR



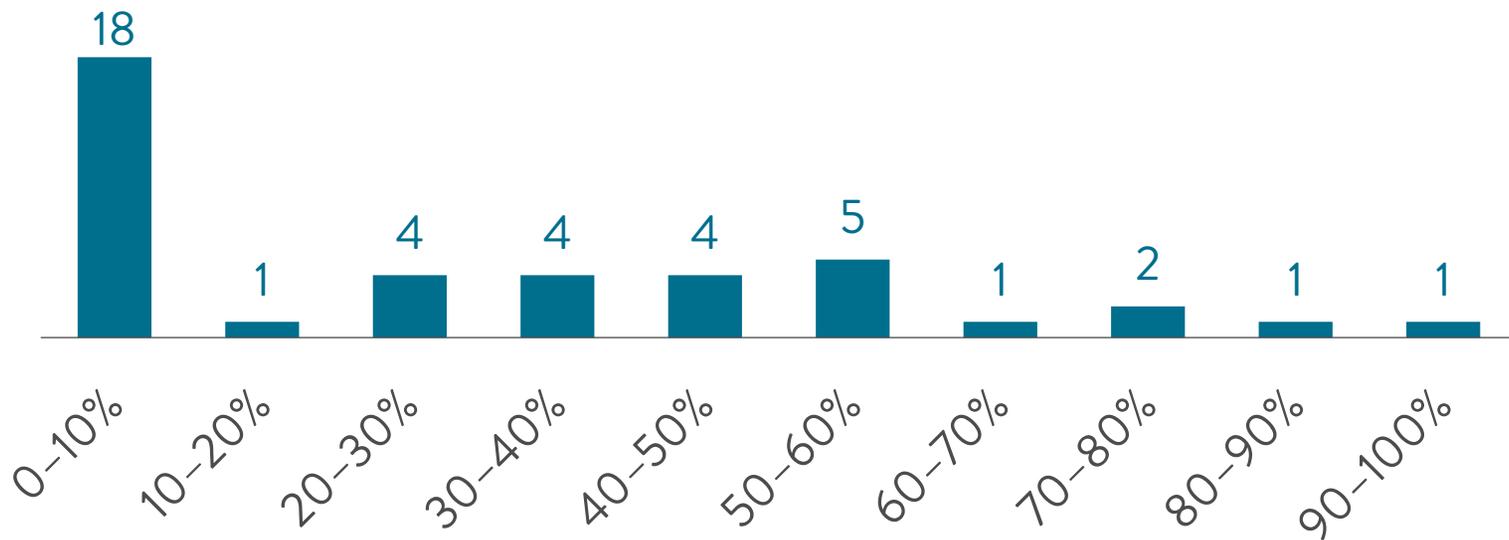
FY 2018-19  
N = 1,612

FY 2019-20  
N = 1,480

FY 2020-21  
N = 1,502

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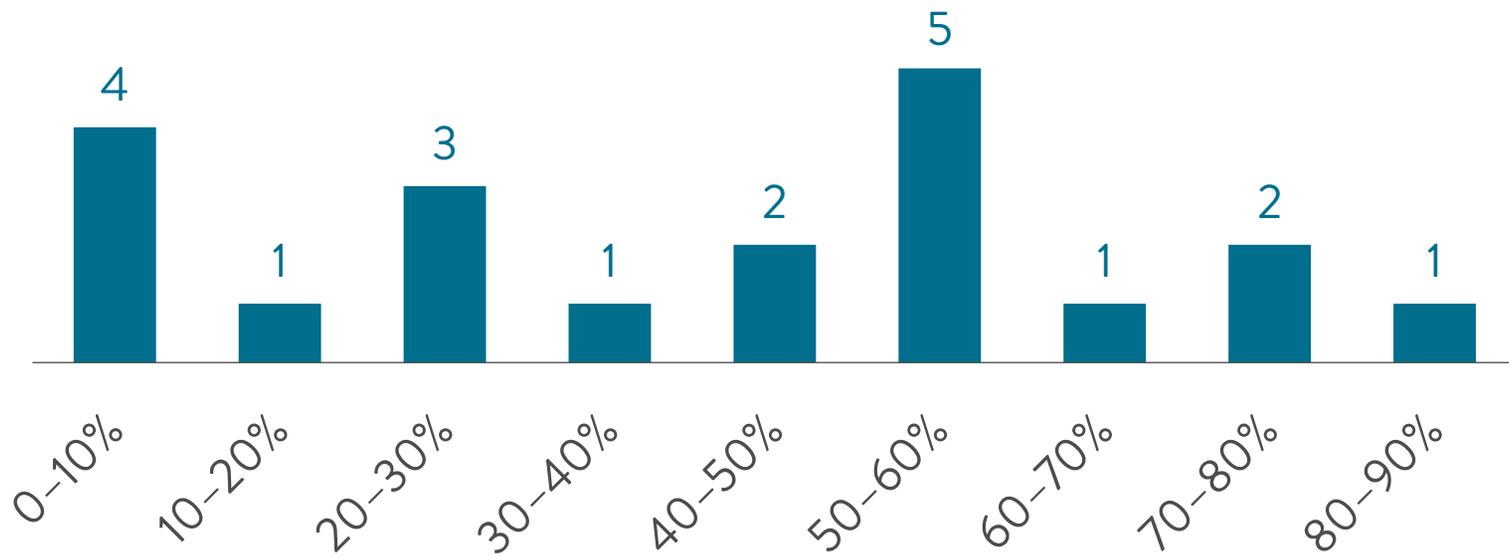
# NUMBER OF COUNTIES BY SCREEN-IN RATE



Note: Includes the 41 counties with at least one referral during the year.



## NUMBER OF COUNTIES BY SCREEN-IN RATE



Note: Includes only counties with more than 10 referrals during the year.

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# DOCUMENTATION

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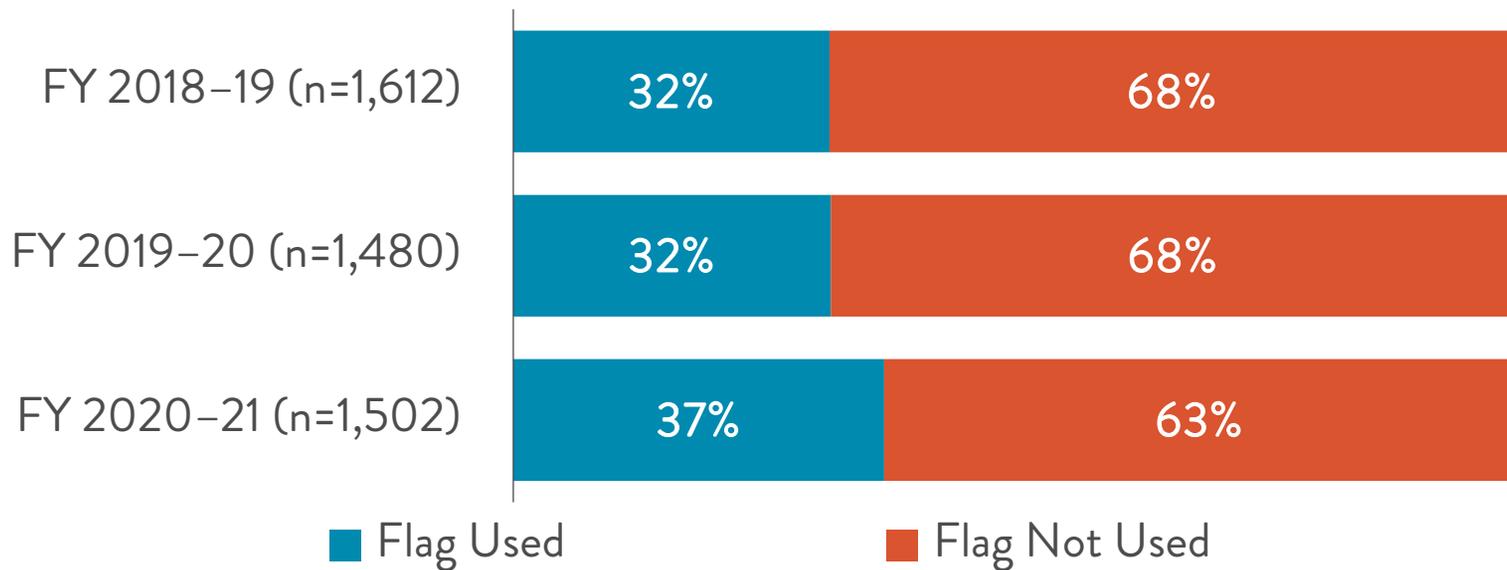
# DOCUMENTATION POLICY

[ACL No. 05-09](#) appears to provide the most recent guidance on how to document allegations in group homes in CWS/CMS, which describes a system workaround developed pending to-be-completed CWS/CMS updates.

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# CONGREGATE CARE ALLEGATION FLAG IS NOT OFTEN USED



# CWS/CMS ALLEGATION NOTEBOOK SCREENSHOTS

## PERPETRATOR TYPE

Allegation Notebook:

**- Perpetrator Type**

- Perpetrator
- Perpetrator-SCP/Res. Facility Staff
- Non-Protecting Parent
- Perpetrator Not Identified

## PLACEMENT FACILITY TYPE

Perpetrator ID Screen:

**Placement Facility Type**

- Guardian Home
- <None>
- County Shelter/Receiving Home(Nor
- Court Specified Home
- Foster Fam Agency Cert Resource
- Foster Family Agency
- Foster Family Agency Certified Horr
- Foster Family Home
- Group Home
- Guardian Home
- Lic Residential Sub Abuse Trmt Fa

Placement Information Screen:

Substitute Care Provider | Other Children | Other Adults | Chap/Prst | License Info | Cognments | Special Projects | Pages | LA Payee | Hold Status | Background Check

**Identification**

Name: [Redacted] Primary Substitute Care Provider

Type: [Redacted] Operated By: [Redacted]

Foster/Resource Family Home Type: [Redacted] License Number: [Redacted]

Age Range: From: [Redacted] To: [Redacted] Placements: [Redacted] Beds Avail: [Redacted] Ad. Cap: [Redacted]

Primary Phone: [Redacted] Ext: [Redacted] Fax: [Redacted]

Backup Contact: Name: [Redacted] Phone: [Redacted] Ext: [Redacted]

Comment: [Redacted]

**Address**

Street No: [Redacted] Street Name: [Redacted] City: [Redacted]

State: [Redacted] ZIP: [Redacted] ZIP Ext: [Redacted] Geographic Region: [Redacted] County of Location: [Redacted]

Foreign Country: [Redacted] Foreign ZIP: [Redacted] Foreign Address Description (Province Name, etc.): [Redacted]

**Placement Home End Date**

End Date: [Redacted]

Reason Type: [Redacted]

Comments: [Redacted]

This home is on hold. Please see the Hold Status page.  
 Home Inactivated by Process Placement Home Move  
 At Capacity  
 Adoption Only  
 Complaint Investigation

# SURVEY RESPONSES ON DOCUMENTATION

Survey respondents reported it is not clear . . .

- How to document allegations and information related to maltreatment in congregate care settings;
- How to enter the alleged perpetrator if they are facility staff;
- How to document multiple children in the facility potentially being involved; and
- Who is responsible for what between CCL and child welfare staff.

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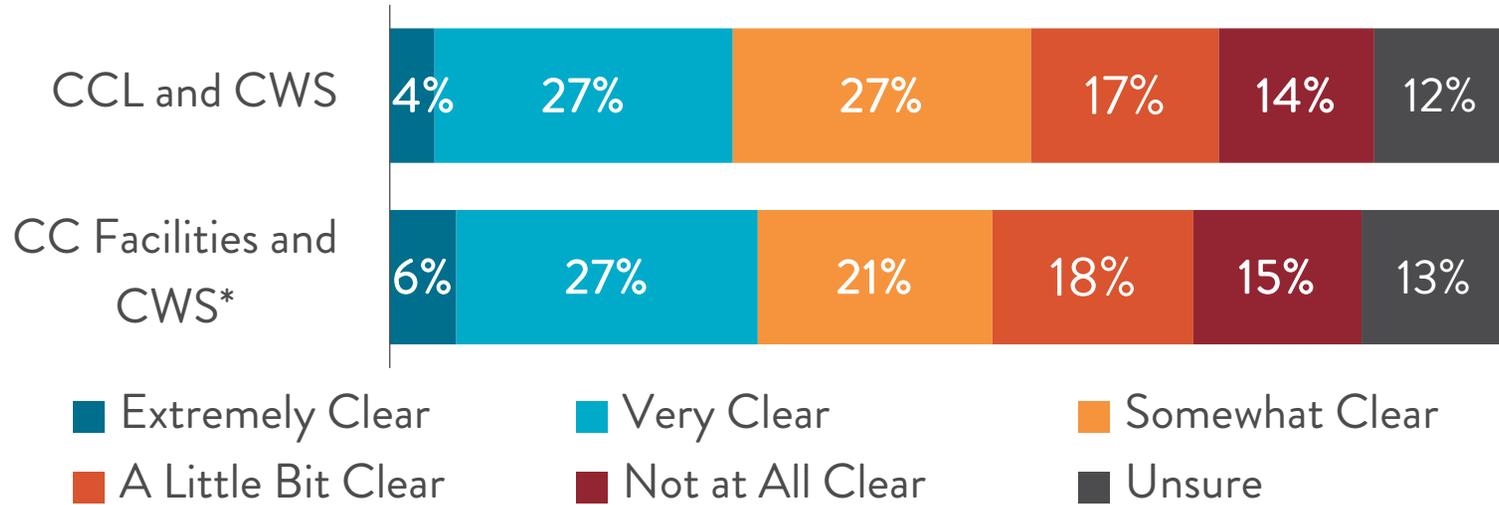
# ROLE CLARITY IN INVESTIGATIONS

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## STATE POLICY DESCRIBES DISTINCT ROLES AND RESPONSIBILITIES OF CWS AND LICENSING

- **Child Welfare:** The primary role is to investigate suspected abuse as necessary to protect and ensure the safety of children in placement. When necessary, has the authority and responsibility to remove a child, assess and recommend a placement, and coordinate an assessment or investigation with law enforcement and the licensing agency (CCR Title 11 § 930.52).
- **Licensing:** Responsible for the investigation of any violations of licensing regulatory requirements, including child abuse, violations of personal rights that do not rise to the level of child abuse, and violations of other licensing requirements such as building or food service standards (ACL No. 05-09).

## HOW CLEAR ARE THE ROLES BETWEEN STAFF WHEN INVESTIGATING ALLEGATIONS IN CONGREGATE CARE FACILITIES?



N = 101 survey responses

\*One missing response not shown.

# SURVEY RESULTS: ROLE CLARITY

## Areas of State Policy Needing Clarification

- The role of child welfare staff and CCL overall does not appear to be consistently understood (documentation, lead on investigation, outcomes, etc.)
- The child welfare and CCL timelines do not align; how does this affect roles and responsibilities?
- Cross-county jurisdiction makes role clarity more difficult to understand
- What information is required to be shared between child welfare, CCL, and Probation?

## Suggestions for Building Clarity

- Better definition of roles
- Better communication
- Training to staff/desk aids
- Clear leadership during investigations
- Ongoing updates and communication from the state about policy
- Education for stakeholders (congregate care facilities, hotline, etc.)

## TRIBAL COLLABORATION

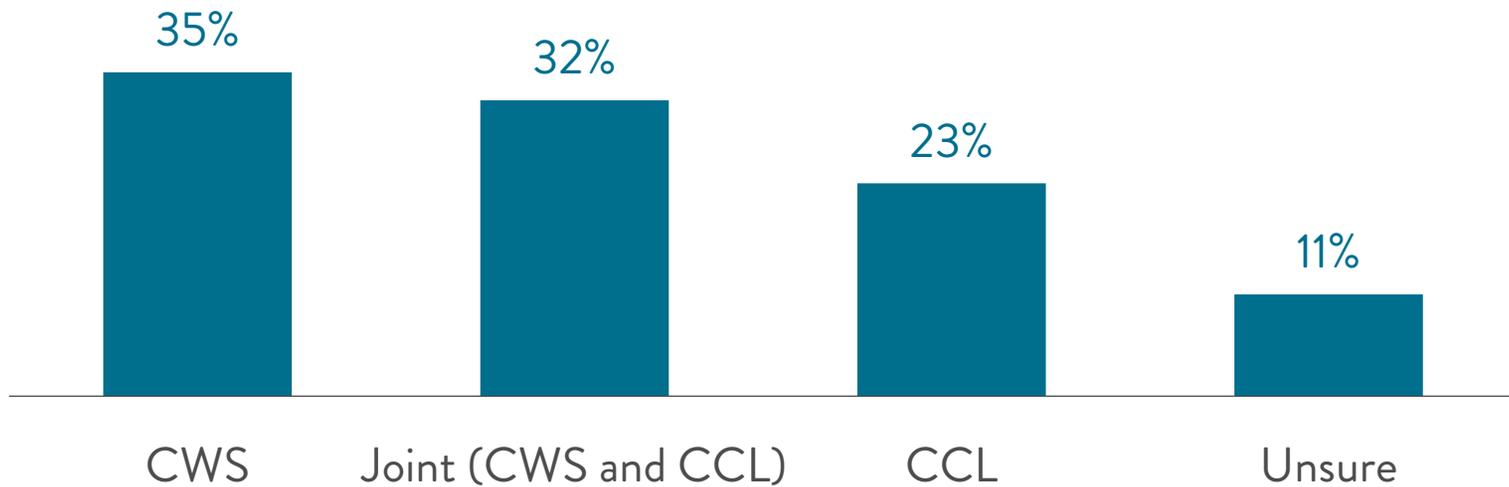
- Reports across the state showed varying degrees of tribal staff involvement in investigations for tribal youth.
- Tribal staff reported a lack of consistent and timely, ongoing communication throughout an investigation.
- Some tribal staff reported strong collaboration and being involved as a co-investigator.
- Tribal staff described multiple roles during investigations, including providing cultural collaboration for each child and family involved in an investigation, providing access to culturally appropriate services, providing information related to assessment, and supporting county staff in understanding cultural practice.

## **JOINT INVESTIGATIONS AS BEST PRACTICE**

A joint investigation between the child welfare agency and CCL is the desired model for minimizing trauma to the child.

- Because the agencies have two different statutory responsibilities and goals, investigations could result in two different dispositions.
- CCL investigations may extend beyond the timeframe that the child welfare agency has to investigate an allegation. After the child welfare agency makes a disposition, CCL's continued investigation could result in discovery of additional facts that would require child welfare to reopen the investigation process and possibly revise its disposition of the referral (ACL No. 05-09).

# WHO LEADS INVESTIGATIONS OF ALLEGATIONS IN CC FACILITIES IN YOUR COUNTY?



N = 101 survey responses

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# ENVISIONING COLLABORATIVE INVESTIGATION WITH TRIBAL PARTNERS

- Notify tribe of all reports in timely manner
- Social worker provides copies of initial report, keeps tribe informed during process
- Tribal social worker invited to all interviews with tribal youth
- True recognition of trust between tribal youth and tribal staff
- Tribe consulted for assessment and shared decision making for child needs and safety concerns
- Discuss each next step and assessment, seek input on modifications to case or safety plan, conduct placement planning if needed.
- Multidisciplinary team meetings with tribe present.
- Include tribal recs in investigation response

## **ROLE OF RESPONDING WORKER**

### CCR § 930.54. Conflict of Interests

(b) An individual child protective service worker or official who actually places the alleged child abuse victim, or has a direct personal relationship with the facility, the suspected abuser, or the alleged child abuse victim, which creates a conflict of interest, shall not be involved in or responsible for any part of the investigation or assessment of child abuse in that facility.

ACL No. 17-27 reiterates allegations with a child in an open case plan to be investigated by an emergency response social worker rather than the ongoing worker.



## CASE READING RESULTS

Role of responding worker: Case reading results indicated that of the 86 investigations conducted by social workers, 19% (n=16) were conducted by the case-carrying social worker.

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# ASSESSING SAFETY

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# **POLICY CLARIFIES THAT RESPONSIBILITY FOR ASSESSING IMMEDIATE SAFETY LIES WITH CHILD WELFARE**

## **Safety Assessment**

During the initial in-person investigation, case workers must determine whether the child(ren) may remain in the home or current placement or determine whether immediate removal is necessary by conducting a safety assessment, as defined in MPP Section 31-002 (s)(1). Case workers must assess for child safety and identify any immediate safety threats prior to leaving any child in the home or placement. (ACL No. 17-27)

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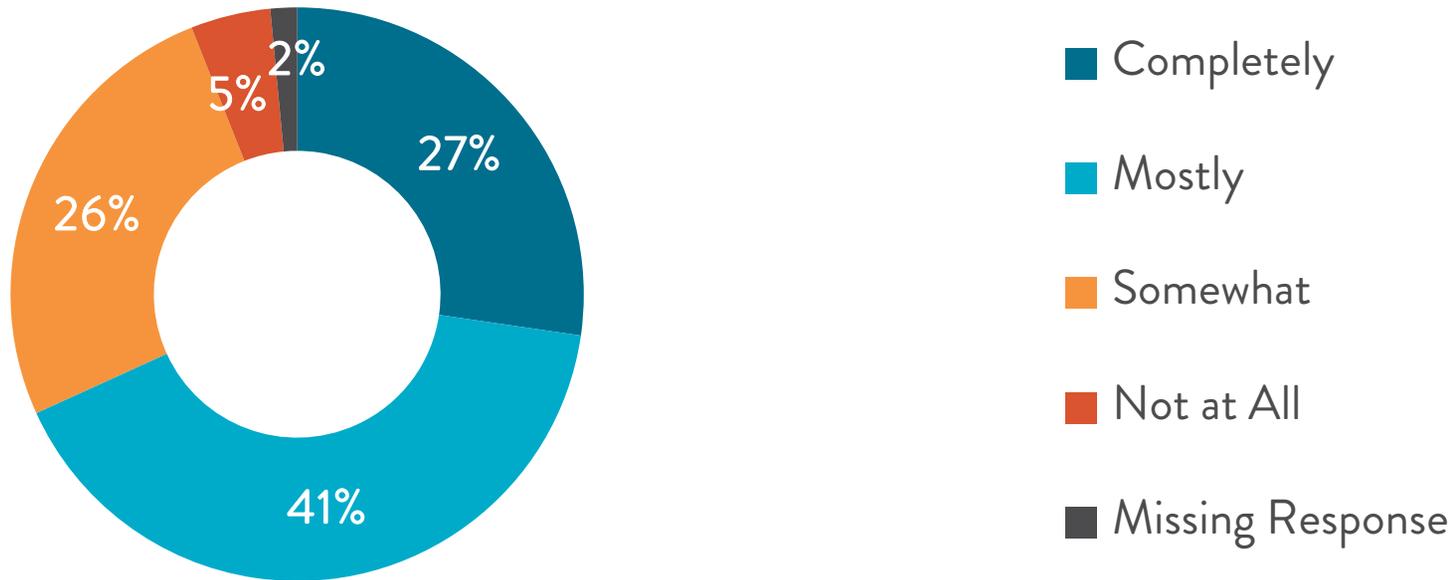
## ROLE OF PROBATION

When the county receives a report of maltreatment for a probation ward in out-of-home foster care, the investigation must also be conducted in accordance with the local memorandum of understanding (MOU) between the child welfare agency and probation department.

If a county CWS agency does not have an approved MOU with the probation agency, then child welfare is responsible for the investigation. If an MOU does exist and it states that the probation agency is responsible for investigating allegations of abuse or neglect, the county should assign the referral to the probation agency and keep the referral open until probation completes the investigation.

Upon receipt of the referral, the Probation Department conducts an in-person investigation as specified in MPP Division 31-110 et seq. as outlined in the Department of Justice (DOJ) regulations found at CCR Title 11, Article 3, § 930 (ACL No. 06-15).

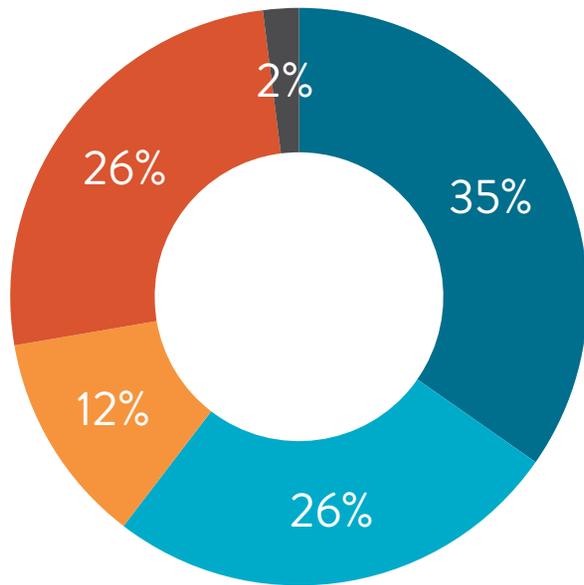
## DOES LOCAL POLICY ADDRESS ASSESSING SAFETY?



N = 66 survey responses that indicated county has local policy

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# WHAT DO YOU USE TO SUPPORT DECISION MAKING?

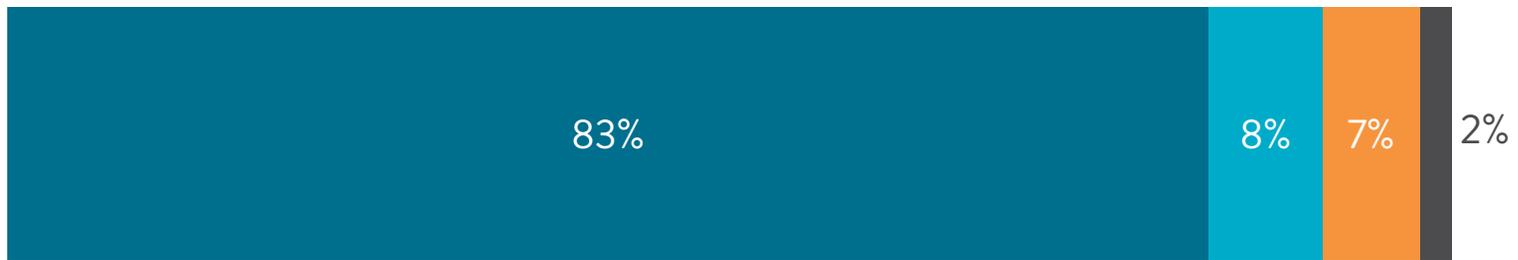


- SDM Safety Assessment
- SDM SCP Safety Assessment
- No Structured Tool
- I Do Not Assess Safety
- Missing

N = 101 survey responses

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# ACTION TAKEN BY INVESTIGATING WORKER



- No Further Action Related to Placement or Safety
- No Placement Change but Other Action
- Placement Change Initiated
- Missing

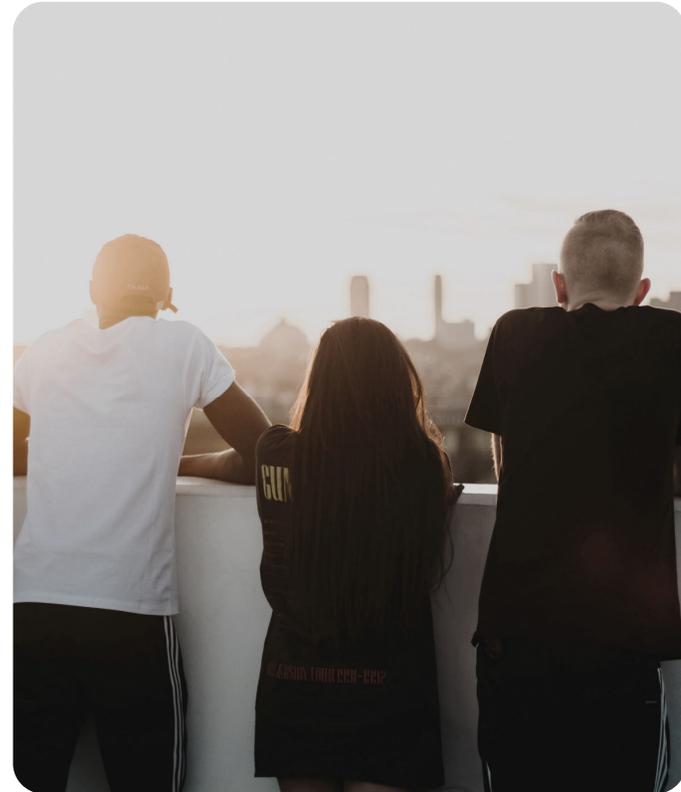
N = 89 case read results

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# ACCOUNTING FOR OTHER YOUTH IN PLACEMENT

- Survey themes: Need clarification on how to account for other children in the same facility.
- Case reading results: Showed no indication that children beyond those identified on the referral were at risk of maltreatment.

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## BREAKOUT GROUPS

- Group 1: Policy
- Group 2: Screening & Documentation
- Group 3: Assessing safety

All groups will discuss role clarity.

# NEXT STEPS



# THANK YOU & QUESTIONS

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