

County of Santa Clara
Social Services Agency
Department of Family and Children's Services



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DATE: June 1, 2010

TO: Supervisor Dave Cortese, Chairperson
Supervisor George Shirakawa, Vice Chair
Children, Seniors & Families Committee

FROM: 
Will Lightbourne
Agency Director, Social Services Agency

SUBJECT: Children of Color Annual Report and Plan

RECOMMENDED ACTION

Accept Children of Color Annual Report and Plan.

FISCAL IMPLICATIONS

There are no fiscal implications associated with the recommended action.

CONTRACT HISTORY

Not applicable.

REASONS FOR RECOMMENDATION

The Children, Seniors, and Family Committee (CSFC) requested this Children of Color Annual Report and Plan from the Social Service Agency, Department of Family and Children's Services (SSA/DFCS). On February 21, 2007, the CSFC adopted the first "Plan to Address Ethnic Disproportionality in Child Welfare Services" and SSA/DFCS committed to submit updated plans to the CSFC annually. This report and action plan reviews the most current analysis of issues of disproportionate entry into the Child Welfare System, ongoing efforts to reduce it, and the plan for continuing reduction strategies in Fiscal Year 2011. A mid-year report based on the Children of Color Plan will be prepared for the end of this calendar year for the Committee.

BACKGROUND

Beginning early in the current decade, there has been an increased awareness and concern nationally, statewide and locally about the disproportionate representation of children of color in the Child Welfare System. Nationally, the rates of entry into the system by African Ancestry and Native American children has been significantly higher than that of white children, and they have remained in the system longer with lower rates of reunification and adoption.

Santa Clara County's disproportionality trends are both similar and different from state and national trends. African Ancestry children are more likely than white children to enter the system, but so are Latino children, which is not the case in most jurisdictions. Conversely, Asian and Pacific Islander children are less likely to enter the system. In the case of Native American children, the numbers are very low and cannot yield meaningful information.

As explained in last year's annual report, understanding the dynamics of the issue of disproportionality defied easy answers or solutions. Research on prevalence of maltreatment or conditions that place children at risk of maltreatment is less than thorough and sometimes contradictory. Factors such as poverty, lack of access to or utilization of behavioral health services, over-reporting of visible minorities, and under-reporting of more affluent families overlap with such factors as racial, culturally and class biases in law enforcement, medical, educational, social work, and other professions. These factors could impact every key decision in the continuum of Child Welfare services, and each decision must be made on its own merits, regardless of the decision's impact on increasing or reducing disproportionality.

SSA/DFCS have employed a three-pronged approach to making meaningful progress towards eliminating bias-based disproportionality since 2003:

- Dialoguing with stakeholders inside and outside the Agency to identify those aspects of policy and practice that are within the Agency's control that might be contributing to disproportionality
- Identifying Policy and Procedure Changes that are likely to improve outcomes
- Developing and implementing a standardized case assessment instrument to reduce individual bias and provide a more robust database that controls for significant variables

Stakeholder Dialogue

In November 2005, several groups and individuals interested in disproportionality within the Agency and the community combined efforts to form the Children of Color Task Force, comprised of representatives of community agencies, the courts, the Ombudsman, civic groups, and the Agency. The group met monthly for several years, but now meets every other month. Discussion and activities primarily involve activities related to the Task Force's "Unified Children of Color Committee 2009-10 Goals." This plan includes monitoring various training, diversion, and joint decision making programs; reviewing data regarding key decision making points; initiating surveys of services, such as those involving general neglect; encouraging continual improvement in cultural fluency of Agency staff and stakeholders; and, tracking and monitoring court and non-court cases by ethnicity. In addition to discussing progress made towards the goals, the Task Force reviews the latest quarterly "Summary Children of Color Tracking Report," prepared by SSA staff from SPHERE tracking reports. The Summary Report draws attention to changes in the last quarter in relation to the preceding quarter or same quarter last year. The Summary Report is reviewed and discussed by the Task Force, as well as SSA/DFCS administration and management, to identify policy, procedure and practice enhancements that might reduce disproportionality and disparity.

Policy and Practice Changes

Through the process of stakeholder discussions and inquires, and DFCS practice self-examination, a number of DFCS policies, procedures and practices were identified as having the potential to reduce disparities in entry and case-handling within DFCS, among them:

- **Reduction in Bypasses.** Under statute, there are 15 grounds under which the court can order that Family Reunification Services not be offered to parents (bypasses) and instead order that planning proceed to establish a permanent placement for children. Prior to late 2004, when DFCS implemented an administrative review process prior to recommending bypass of services, it was fairly common practice for DFCS to recommend bypasses. Children of color and particularly African Ancestry and Latino children were overrepresented in these bypass cases. Administrative review of cases is intended to reduce DFCS recommendations to very serious circumstances, such as the death of another child or conviction of a violent felony. In 2005, 104 cases were recommended for bypass, but by 2008 this number had declined to 15, 7 of which were the result of the parent waiving reunification services. In 2009, bypass was only ordered in the cases of 13 children.
- **Joint Response.** Prior to the incremental implementation of Joint Response by social worker and law enforcement officers to the scene of alleged serious child abuse or neglect, nearly 70% of children taken into protective custody by law enforcement officers were brought to the Children's Shelter without involvement of social workers. In 2004, the Joint Response protocol was established, beginning with the San Jose Police Department, to require that DFCS social workers had to be called, 24/7, to the scene of a situation that appears to involve serious allegations of abuse or neglect that could result in a child's removal from the family. The protocol was fully implemented with all law enforcement jurisdictions through the County by 2007. In FY 2009, nearly 60% of children assessed by DFCS Social Workers conducting Joint Responses were diverted from admission into the Children's Shelter before it closed on September 30, 2009, or from being taken to the Receiving Center when it opened on October 1, 2009.
- **Differential Response.** The circumstances described in many referrals to the Child Abuse and Neglect Reporting Center are assessed at initial screening to not constitute child abuse or neglect necessitating an active DFCS investigation, but do present concerns that the family may be experiencing stresses and challenges that, if left unattended, may worsen with time until a re-referral establishes a level of severity requiring intervention, including

possible child removal. These families may be referred to Differential Response (DR) Path I services. Other referrals are investigation and it is determined that the family would be best served by a culturally competent community service provider. These families may be referred to DR Path II services.

In 2004, the Agency began contracting with Gardner Family Care to provide DR Path I and II alternative community-based services. Gardner's programs emphasize outreach to families to engage them in assessment and planning for services that are tailored to their individual needs and culture. First 5 also collaborates with Gardner and DFCS to support Path I services by providing a coordinator for the program and additional case management services from their Family Partner agencies. In 2009, Unity Care group was awarded a contract to expand and better serve African Ancestry families through DR Path I, II and IV Services (Path IV services are an aftercare program for families leaving the court system and DFCS services). These program have contributed to a reduction in the number of court petitions file on behalf of Latino Children. In FY09, 729 families were referred to Path I services and 265 accepted services; 374 families were referred to Path II services and 297 accepted services; and, 35 families were referred to Path IV services and 17 accepted services.

- Sibling Protocol. Prior to 2007, it was common practice in Santa Clara County to frequently remove the siblings of children assessed to be seriously abused or neglected. In 2007, a policy was adopted that each child must be individually assessed for maltreatment and removal decisions must be based on the child's individual circumstances.
- Mandated Reporter Training. Disproportionate representation of children of color in the Child Welfare System begins with disproportionate reporting of abuse and neglect allegations about children of color. In 2007, the Agency contracted with a trainer to focus on mandated reporters among school and medical personnel to make them more aware of the patterns of reporting and the existence of alternative resources to which families in need could be referred.

Standardized Safety and Risk Assessment

In 2004, it was decided that DFCS social worker should utilize a standardized safety and risk assessment tool to ensure that similar factors are taken into account in each investigation and at key decision making points early and ongoing in the case. After researching various risk assessment models nationwide, County and community partners recommended adoption of the Comprehensive Assessment Tool (CAT), which was found to be particularly sensitive to cultural difference among families. CAT is actually a set of tools designed for assessments at the response determination, referral disposition, continuing services (case opening and ongoing services), and case closing phases of a case. CAT was implemented in 2006. At that time, the Agency contracted with the developer of CAT, SPHERE Institute, to monitor implementation and practice fidelity, to provide ongoing tracking of date trends at the key decision making points, and to begin empirical analysis of the factors associated with differences in rates of entry. Because CAT captures essential information about the family and the child's situation, including variables related to risk, protective capacity, and family strengths, in a standardize process, a base of information can be created to help understand disproportionality

The potential for SPHERE empirical analysis informing policy and practice decisions became evident in 2007 at a time when emotional abuse allegations involving African American children far exceeded those of white children. In 2007, DFCS implemented managerial review of each referral alleging emotional abuse for African Ancestry children prior to a final decision to substantiate the referral. Subsequently, SPHERE reported that the difference between the rate at which

emotional abuse is substantiated for African American children and the same rate for which children was no longer statistically significant. Therefore, CAT not only has the potential to reduce unintentional social worker bias, but also provides data for analysis that allows for examination of patterns of disproportionality after controlling for the presence of risk factors that made particular decisions necessary and appropriate. In this way, it begins to be possible to see the extent to which decisions are supported by observable conditions and when there may be an influences on decision making due to some form of disparity or bias.

Review of FY 2010 Action Plan

Last year's Action Plan to Address Racial Disproportionality was built upon prior action plans involving ongoing staff training on culture and practiced changes designed in previous plans to reduce disparity and disproportionality. It was also built on knowledge derived from analysis of data that emerged from utilization of the CAT, which gave the Agency the ability to focus at particular decision making points and allegation types, and which, after factoring out the reasonable likelihood of actual abuse and neglect, appeared to reflect system or worker bias. The focus was not to exclude other "larger system" changes and reforms that were already initiated or contained in the DFCS Practice Enhancement Goals or System Improvement Plan, but to allow additional, surgical interventions at particular points which, like the in the case of emotional abuse allegation, seem to offer opportunities for correction.

The specific action plan items for FY 2010 were:

1. Address the disproportionate substantiations and case openings for physical abuse and substantial risk allegations for both African Ancestry and Hispanic referrals, and the disproportionate out-of-home placement for physical abuse allegations for African Ancestry cases.

- A. Continue the training, education, and awareness on issues of race, class and culture with managers, supervisors and line staff

SSA/DFCS has continued to mandate training to enhance the cultural competency of managers, supervisors and line staff. Effective December 1, 2009, the model for mandatory training change from a once-a-month, 3-hour, large group format to one that provides transfer of learning in small group (social worker unit) training following larger group presentations and greater flexibility for staff to schedule training. Mandatory trainings are scheduled around Agency priorities and System Improvement Plan goals and objectives. DFCS staff also have many opportunities to attend non-mandated training, nearly all of which have cultural learning components integrated into the curriculum, and are encouraged to participate in a variety of experiences to enrich their understanding of cultures. Please see Attachment A which contains information about training and other opportunities for DFCS Staff to increase their cultural sensitivity and competence.

- B. Implement the Differential Response program focused with African Ancestry emergency response cases.

As previously mentioned, Unity Care Group, Inc. was contracted to expand and better serve African Ancestry families through Differential Response. This is done by providing risk-appropriate services combined with a wraparound approach that is holistic, strength-based, family-driven with a focus on cultural competency and collaboration. In addition, all families regardless of age are eligible for Path I services. For Path II services, Unity Care offers greater flexibility in how families are served by being available for consultation in the field at the request of a social worker, who benefits from a more nuanced cultural understanding of African Ancestry families. Typically, these consultations occur for referrals determined to require a 10-day response for investigation. Path IV services are also available to African Ancestry families exiting care. In addition, Unity Care is available for consultation for Paths I, II, and IV cases.

C. Implement the Family Team Meeting process focused with African Ancestry families prior to the detention of the child when possible, and prior to the Dispositional Hearing in all cases, and expand Team Decision-Making activities to removal and initial placement decisions for all families.

In 2010, Unity Care Group, Inc. was contracted to facilitate Family Team Meetings for African Ancestry families. Two Unity Care facilitators have been trained. DFCS and Unity Care are in the process of developing referral procedures.

Also, Team Decision Making prior to child removal or very soon after removal is a key aspect of the program enhancement of front end services underway by SSA/DFCS.

D. Involve the existing Differential Response contractor in emergency responses involving physical abuse allegations for Latino families.

SSA/DFCS is considering the results of Unity Care's Unity consultation with DFCS social workers in the field to determine how best to expand this type of culturally enhancement for Latino Families. Gardner Family Care, Inc. is the primary contractor for Differential Response Path 1 and 2 services for Latino families. Gardner is typically capable of respond fairly quickly to referrals from DFCS Emergency Response social workers. Currently Gardner social workers are not going out in the field with the DFCS social worker on the initial contact with the family

E. Conduct management review of all case openings decisions regarding physical abuse allegations for African Ancestry and Hispanic families.

The Early Intervention Bureau manager over Emergency Response Services and the Court Services Bureau manager over Dependent Intake Services began reviewing referrals concerning substantiated physical abuse allegations for African Ancestry and Latino children prior to case openings in February 2010. Outcome data is not yet available

because procedures to ensure consistent data entry to identify reviewed cases were ineffective. Procedures have been corrected and reliable data is expected in the future.

Analysis of 2007-2008 data found a difference for African Ancestry and Latino children compared to White children with case openings for physical abuse allegations using the same analysis. In September 2009, the Agency was encouraged to set a target or benchmark goal for reducing the percentage difference between African Ancestry and Latino children compared to White children by the end of fiscal year 2010. The following discussion reflects that, ostensibly, we have met if not exceeded that benchmark, though certain caveats are in place.

The SPHERE Institute engaged in additional data analysis to determine what level of change occurred in the difference between African Ancestry, Latino and White children following a year of intentional programmatic activity. Attachment B provides their report.

The current analysis modified the original analysis slightly to include a much stronger proxy for socioeconomic status. This change in the construction of that risk variable seems to have modified the results of the original regression analysis. The current analysis indicates that in 2009, there is a decline in the disparity previously evident in the case opening of African Ancestry and Latino children for physical abuse allegations. It should be noted however, that given the dates of the comparative analyses, the sample size is small, thus reflecting only preliminary results pending the analysis of the full set of 2009 data. Although this is still a preliminary finding, the previously reported disparity has reduced to statistical non-significance.

F. Examine the extent to which substantial risk allegations are being used to enable voluntary services.

The Agency conducted further qualitative and quantitative analyses to better understand the potential reasons for the overrepresentation of African Ancestry receiving substantiated allegation for substantial risk.

The SPHERE Institute report previously referenced includes the most current analysis of the substantiated risk data. This analysis shows that the source of the disproportionate substantiation for substantial risk allegations is concentrated in cases that are opened as voluntary cases. The analysis also shows that DFCS workers tend to substantiate allegations of substantial risk when there is no other allegation being made in the case. These two factors seem to support the notion that workers may use this to provide services where no other access to services is apparent.

2. Continue to use the SPHERE tracking tool to monitor trends across the decision points of the “case life” of the child welfare system. This tool provides the means for managers and the Children of Color Task force to identify trends that reflect changes across time that may warrant further qualitative review.

As previously noted in this report, the SPHERE tracking tool is still used as a tool for discussion in the Unified Children of Color Task Force meetings.

3. Continue to work with SPHERE on the empirical analysis of between-group data differences throughout the “case life” of the child welfare system with special focus on analyses that will help to develop strategies to reduce disparities and disproportionality in exits from the child welfare system.

The SPHERE report referenced above also includes the preliminary comparison of exit trends by race. These results are purely representative of the demographic trends. This does not hold risk factors constant as has been done in the analyses for physical abuse and substantiated risk allegations. This deeper analysis will be conducted in the coming year.

In addition to the above strategic analyses that are critical for understanding how disproportionality and disparity is associated with key decision points in the continuum of child welfare services, it should be noted that ethnicity data is considered in all aspects of self-assessment and planning by SSA/DFCS. The SSA Information Systems Department provides hundreds of production and ad hoc reports that with rare exception include data on ethnicity, language and other essential demographic information.

Other sources of useful information include SafeMeasures, which is an easy-to-use, web service for managers and supervisors that links CWS/CMS data with federal and state child welfare outcome measures; and the University of California, Berkeley (UCB) Center for Social Sciences Research Dynamic Website, which is the central source for child welfare services data for California and individual counties. As an example of the usefulness of UCB data, the “California and Santa Clara County Child Abuse Referral and Foster Care Entry Data for 2006 and 2008” summary report prepared by SSA/DFCS was provided to the Committee in March. The data illustrate encouraging trends in referral substantiations and entries into foster care for African American and Latino children. Data for 2009 is still not available. (Attachment C is the UCB Summary Data Report.)

Action Plan for FY 2011

This is the second year that data emerging from utilization of the Comprehensive Assessment Tool enables the Agency to refined identification and analysis of key factors contributing to disproportionality and disparity. This year’s plan continues to be grounded in the system changes that were previously initiated or are contained in the Practice Enhancement Goals and System Improvement Plan, and the plan continues to employ interventions at key decision making points that offer opportunities to reduce disproportionality and disparity.

The specific action plan items are:

1. Enhance training, education, and awareness on issues of race, class and culture with managers, supervisors and line staff, as well as key system partners.

2. Monitor the progress of the African Ancestry focus Differential Response program as it relates to diversion of families of African Ancestry from the Child Welfare System.
3. Proceed with implementation of the Family Team Meeting process focused on families of African Ancestry prior to the detention of the child when possible, and prior to the dispositional hearing in all cases; and expand Team Decision-Making activities to removal and initial placement decisions for all families.
4. Evaluate the outcomes of the African Ancestry focus Differential Response field consultation program to determine what circumstances are best suited for effective consultation and at what point(s) consultation is most impactful in minimizing disproportionality and disparity.
5. Continue to conduct managerial review of all case opening decisions regarding physical abuse allegations for African Ancestry and Hispanic families, with particular attention to improve data collection and analysis.
6. Continue to use the SPHERE tracking tool to monitor trends across the decision points of the “case life” of the child welfare system. This tool provided the means for managers and the Children of Color Task Force to identify trends that reflect changes across time that may warrant further qualitative review.
7. Contract with SPHERE to provide:
 - Continued work on empirical analysis of between-group data differences throughout the “case life” of the child welfare system, with special focus on analysis that will help to develop strategies to reduce disparities and disproportionality in exits from the Child Welfare System.
 - Verify and explain the apparent decline in case opening in 2009. Case opening may have occurred in one of two primary ways: i) social workers may systematically have weighted some risk factors more heavily than they had for white children, or more lightly for children of color; ii) social workers may have simply have refrained from opening cases for children of color that they would have opened in the past, or begun to open cases for white children that they would not have in the past. The analysis will seek to determine which of these accounts is correct.
 - Identify factors that social workers consider in opening cases and how they weight them. In particular, to identify the sources of disproportionality, SPHERE will identify the interaction between ethnicity and risk factors—for example, by determining whether family low-income status has a greater effect on case opening for children of color than for white children.
 - Specifically identify the role of SES. In its recent work, SPHERE has used a more sophisticated indicator of family low-income status—i.e. eligibility for CalWORKS. It remains to exploit this new information fully.
 - Explain why substantiation of substantial risk appears to be concentrated in referrals where there are no other substantiated allegations. It appears that social workers are more likely to substantiate substantial risk where there are no other substantiated allegations. It remains to say why this is true.
 - Test the hypothesis that children of color remain in the caseload for longer durations, after controlling for risk factors.

CONSEQUENCES OF NEGATIVE ACTION

The Children, Seniors and Families Committee would not receive the Children of Color Annual Report and Plan.

STEPS FOLLOWING APPROVAL

The Clerk of the Board will follow the usual procedures for a report of this type.

ATTACHMENTS

- Attachment A - Training and Other Opportunities for DFCS Staff to increase Cultural Sensitivity and Competence June 2009 – June 2010
- Attachment B - Disproportionate Entry into the Child Welfare Caseload in Santa Clara County: 2007 - 2009
- Attachment C - California and Santa Clara County Child Abuse Referral and Foster Care Entry Data for 2006 and 2008