

STATEMENT OF UNDERSTANDING

Between

THE SANTA CLAM COUNTY

DEPARTMENT OF FAMILY AND CHILDREN'S SERVICES
FAMILY PRESERVATION PROGRAM

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And

PROBATION DEPARTMENT

I. PURPOSE

The purpose of this statement is to clarify the roles and responsibilities of the Department of Family and Children's Services's Family Preservation Program and the Probation Department, Adult Services Division, for interagency cooperation in the provision of services to families in the Family Preservation Program. Cooperation between the two Departments primarily involves the provision by the Department of Family and Children's Services of assessment and evaluation information about parents convicted of felonies to the Probation Department and the Court for consideration of sentences that may allow for preservation of the family.

The County Board-of Supervisors, the Department of Family and Children's Services and the Probation Department have a long history of commitment to the alleviation of child abuse and neglect, and to the provision of services to preserve families and avoid out-of-home placement of children whenever they can be safely maintained with their own parents, or to shorten the duration of placement when children must be placed.

II. STATEMENT OF NEED

In California, nearly 80,000 children (1'out of every 100) are currently in out-of-home placement to protect them from **further** abuse or neglect.

In Santa Clara County there are currently approximately 3,000 children in out-of-home care an increase of 67% from 1986 to 1989. The number of children under four years increased by 130% and the number of babies by 170%. The goal of the Family Preservation Program is to reduce this alarming trend.

The children have been removed from families with such problems as parental drug abuse (including alcohol), parental emotional and intellectual disorders, severe poverty, family breakup and single parenting, teenage parents or lack of parent education. Many of these families can be helped and foster care placement prevented or shortened in duration by providing Family Preservation Services.

Family Preservation is a strategy to eliminate or decrease the time children spend away from their families and parents, while still insuring their safety from abuse and neglect. Its focus is on strengthening the family. Family Preservation is not one service, but rather a coordinated set of services provided to the family with the goal of helping the family to help themselves by learning to use community resources, learning new skills in parenting and home management, and learning new ways to relate to one another in order to strengthen themselves as a family. These learned skills will enable the family to make the home safe for the child to remain in the home or to return home as soon as possible.

Family Preservation requires the active participation of parents, and therefore their availability to continue or to resume parenting responsibilities is critical. The consequences of parental criminal behavior, and particularly sentences involving incarceration can at the very least limit, if not eliminate the possibility of parents participating in the Family Preservation Program. For some parents convicted of a felony, it may be preferable to provide the Criminal Justice System, of which the Probation Department is a part, with an alternative to incarceration if doing so furthers the interests of justice as well as the preservation of the family.

III. THE ROLE OF THE DEPARTMENT OF FAMILY AND CHILDREN'S SERVICES

The Santa Clara County Social Services Agency and its Department of Family and Children's Services is a Child Protection Agency, and as such accepts reports for assessment of risk to children and the need for services to child victims and their families when there is evidence of or reasonable suspicion that a child is or is at substantial risk of becoming a victim of:

- A. Physical Abuse
- B. Sexual Abuse
- C. Severe Neglect
- D. General Neglect
- E. Emotional Abuse
- F. Exploitation
- G. Caretakers Absence or Incapacity

Social Services interventions include a continuum of services ranging from reasonable efforts, to prevent removal of children from their families; and family reunification, when removal is necessary; to permanency planning, including the termination of parental rights. The Family Preservation Pilot Program:

1. Expands ~~current~~ reasonable efforts to prevent removal of children by providing 90 days of intensive, comprehensive direct services to families with problems in the care and treatment of the children, thus preventing the need for out-of home placement which would be otherwise necessary if such services were not available.
2. Enhances current reunification efforts to expedite the return of children to their homes by providing 90 days of intensive comprehensive services

The parents must be committed to **work** with social workers and other professional staff to overcome their problems.

IV. THE ROLE OF THE PROBATION DEPARTMENT

The Santa Clara County Probation Department Adult Division is an integral part of the criminal justice system. A **major** task of this Division is to provide to the Courts a comprehensive pre-sentencing report with objective recommendations for a sentencing disposition.

The Department's goal in these recommendations is to provide sufficient protection to the community at large, ensure that victims' rights are protected, and provide for the rehabilitation of the offender.

The Probation Department recognizes that efforts towards rehabilitation are multi-faceted and require that some consideration be given to the defendant's family involvement and his responsibilities thereto when making recommendations to the Court.

The Probation Department agrees to consider and incorporate into the pre-sentencing report, verbal information provided by the Family Preservation staff and/or consider and attach similiarly provided written material. The Family Preservation Program's input to the Probation Department's formulation of recommendations and the Court's ultimate decision regarding sentencing of defendants participating in the Family Preservation Program will thus be ensured.

V. COOPERATIVE AGREEMENT FOR COLLABORATIVE SERVICES BETWEEN THE PROBATION DEPARTMENT AND THE DEPARTMENT OF FAMILY AND CHILDREN'S SERVICES' FAMILY PRESERVATION PROGRAM

To promote and support cooperative and collaborative efforts on behalf of shared client cases, the Probation Department and the Department of Family and Children's Services establish the following guidelines:

- A. Understanding of the services provided by each agency, and particularly the Family Preservation Program, is promoted during new staff orientation and informational sessions for continuing staff members.
- B. Family Preservation Program staff will provide orientation and informational sessions to Probation staff.

- C. With the authorization of the parent who is pending sentencing, and within existing statutory requirements regarding confidentiality, the social worker will share information with the probation officer. in writing and in sufficient detail to accurately present the family's and parent's problem(s), service plan, progress and prognosis.
- D. If necessary, with the authorization of the parent who is pending sentencing, and within existing statutory requirements regarding confidentiality, the probation officer will solicit additional input from the social worker necessarily to clarify the person's status in the Family Preservation Program.
- E. It is understood that the court ultimately decides the appropriate sentence for a convicted individual.
- F. The Probation Department agrees to extend consideration to the Family Preservation Program and acknowledges that keeping families intact is a substantial factor to be considered in formulating sentencing recommendations and case work plans.
- G. Each Department shall have a designated liaison to the other to facilitate communication, coordination of services and problem solving. The liaison will act as the key person on systems issues or particular problems that go beyond individual cases.
- H. Each Agency will keep the other informed of any major changes in legal, regulatory, or operational areas that would bear on interdepartmental relationships.

VI. AGREEMENT CONDITIONS

This agreement is to be reviewed annually, and will be considered in effect until or unless either agency revokes it with notice or there is mutual agreement to a revision.

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