Shining a Light on Foster Care

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SHINING A LIGHT ON FOSTER CARE

SUMMARY

Foster children look just like other children. They can be found in strollers, on tricycles, in parks, and on playgrounds. They are riding in school buses, sitting in classrooms, and studying in libraries. There is, however, one important difference: foster children are three to six times more likely to carry the emotional scars of abuse and neglect. California statistics indicate that between 35-85% of children in foster care have developmental, emotional, or behavioral problems.

Abuse and neglect are on the rise due to parental substance abuse, domestic violence, untreated mental illness, multi-generational poverty and prolonged unemployment. According to Marin County social workers, “It is a myth that abuse and neglect cannot be happening in Marin.”

Over the past several months, the Grand Jury met with social workers from Children and Family Services (CFS) and an official of the Juvenile Court and found that they are highly focused on California’s mandated goals of child safety and family preservation. Yet, balancing child safety with family unity may be challenging. Can support services be provided to keep child and biological family together, or must the child be separated from his or her parents? The decision to remove a child is never made lightly and is ultimately decided by the Juvenile Court. The burden of making such decisions weighs heavily on all participants, making this a particularly stressful public service. As one court official said, “Some decisions are so close, it’s impossible to know exactly what to do...there is no science to this, no certainty.”

The Grand Jury also interviewed foster parents, exceptional people who open their homes and hearts to help raise a needy child. Fully committed to the children in their care, their importance to the community is vital. Unfortunately, due to a recent shortage of foster parents in Marin (cost of living and inadequate financial support often cited as reasons for the shortfall), some children are placed outside the County. When this happens, children may be unable to attend former schools, can be separated from friends, and family visitation can become more complicated.

Foster children often develop emotional issues as the result of abuse and neglect. To make matters more troubling, due to resource constraints, short-term intern-therapists provide

mental health services. Seasoned clinical psychologists or therapists could provide care that is more consistent.²

By shining a light on foster care, the Grand Jury hopes to raise awareness of the need for:

• Marin County Department of Health and Human Services to allocate additional funds for the recruitment of foster parents.

• The Marin Child and Family Services staff to improve its communication with foster parents by developing a protocol to return calls within 24 hours.

• Marin County Department of Health and Human Services to budget sufficient funds to provide foster children with therapy by licensed clinical psychologists or therapists rather than relying predominantly on interns.

Finally, Marin County youth services professionals stressed the importance of citizens reporting instances where they suspect child abuse. If there is concern, the Jury encourages adults to call the following emergency number, and a professional will follow up: (415) 473-7153.

BACKGROUND

The life of a child is precious. Their innocence and potential is so valued that when a child is abused or neglected the State intervenes by providing a safe haven (foster care) while the family gets their lives in order or a new family can be found to assume parental duties.³

In California, the responsibility for administering foster care services is delegated to each county, while the State retains oversight.⁴ Each county is responsible for case investigations and the supervision of out-of-home placements. Depending on the circumstances, the county is also responsible for the stabilization of families following reunification. If reunification is not appropriate, the county is charged with finding an alternative home.

In performing this function, the county must balance child safety with a desire to restore family unification. The goal of reunification is to maintain the child in the home whenever reasonable while the county coordinates rehabilitative services. Much of the responsibility for protecting and providing for these children falls to the county Department of Children and Family Services (DCFS), under the supervision of the juvenile court.

² Though Medi-Cal insurance covers most foster children, officials informed the Grand Jury that many providers do not accept Medi-Cal.
In order to ensure safety, some situations require removal of the child from the home until parenting issues are resolved. Given the complexity of drug addiction, untreated mental illness and domestic violence, this is a difficult task.

When DCFS intervenes to protect the lives of children, it takes on a tremendous obligation. Despite best efforts, family reunification may fail. Foster care is intended to be temporary; however, some children remain in foster care while an extended process of balancing child and family rights plays out.

**APPROACH**

In conducting its investigation, the Grand Jury researched DHHS manuals and relevant publications, websites and County documents.

The Grand Jury interviewed:

- Management staff in the Marin Department of Health and Human Services
- Senior staff including social workers in Marin Children and Family Services
- Senior staff member in Sonoma County Children’s Services
- Marin Juvenile Court official
- Spokesperson for Marin Advocates for Children
- Foster parents

**DISCUSSION**

Situated just north of San Francisco, Marin County has approximately 258,365 residents, an estimated 53,000 of whom are children. An affluent community with a median income of $89,605 in 2011, Marin exceeds California’s median income of $61,623 by 43 percent. Median home prices in the County are among the highest in the state at $840,000.

In spite of this prosperity, Marin County is not immune to economic need. According to the San Francisco-based nonprofit Center for the Next Generation, Marin had approximately 4,600 children living in poverty in 2013, a number that increased by 9.2 percent over the past five years.

**Overview**

The number of children in the Marin County’s foster care system fluctuates year to year. For example, in July 2012 there were 79 foster children. That number grew to a high of

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5 [http://quickfacts.census.gov/qfd/states/06/06041.html](http://quickfacts.census.gov/qfd/states/06/06041.html)


101 during 2013. In February 2014, the number was 91. Though the numbers may appear small, their need is great.

The safety of children suffering from abuse and neglect has long been the focus of county child welfare departments around the country. In the 1980s, the focus shifted from social workers having an authoritarian role of removing the child from the home to the goal of maintaining and reunifying families. Reflecting this new focus, the County changed the child welfare department name from Child Protective Services to Children and Family Services.

The challenge is the successful balancing of child safety with the preservation of families. In seeking to fulfill that mandate, CFS offers a continuum of programs and services designed to safeguard the well being of children and families. The services include:

- Response by social workers to allegations of child abuse and neglect;
- Ongoing assistance to children who are victims or potential victims of abuse and neglect, and to their families;
- Services to children removed from their homes temporarily or permanently because of abuse or neglect.

With regard to child welfare services, California is one of eleven states that operates pursuant to a state-supervised, county-administered model. Each of California’s 58 counties administers its own child welfare programs under the auspices of the California Department of Social Services (CDSS). CDSS provides regulatory oversight, administration, and the development of policies and laws. The challenge is balancing federal and state standards while delivering a successful outcome.

In Marin County, CFS (a branch of DHHS) is the primary provider of child welfare services. Ninety percent of the 30 CFS social workers hold graduate degrees in social welfare. The Grand Jury interviewed several social workers and found them to be experienced and highly focused both on child safety and family preservation.

The unit components of CFS are Emergency Response, Family Maintenance, Family Reunification, Permanent Placement, and Foster Care Licensing and Recruiting.

**Emergency Response Unit**

The Emergency Response Unit receives and documents referrals of suspected child abuse or neglect. The majority of referrals originate with a call to CFS’s 24 Hour Reporting Hot Line, (415) 473-7153. Most reports are made by mandated reporters, who are required by State law to report suspected abuse or neglect, though anyone can and should report their reasonable suspicions.

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10 ibid pg. 8
When a referral is made, social workers assess the urgency of the situation to determine whether an in-person investigation is needed. The focus is on how the parent or caregiver's behavior is impacting negatively on the child. If the facts lack sufficient evidence to suspect abuse or neglect, a case is not opened and the family may be referred to services within the community.

If an in-person investigation is warranted, CFS opens a case. If the child is deemed to be at imminent risk, the social worker’s in-home visit must be made within 24 hours, though CFS advises that their response time is significantly less than the 24 hour requirement. If the facts do not indicate an imminent risk, the County has up to ten days to respond. According to CFS, in the year ending June 30, 2012, the Emergency Response Unit received 1,928 referrals. 1,018 needed no in-person response, 291 required an immediate response, and 629 received a response within ten days.

Once a home visit is made there are three potential conclusions. The report of abuse or neglect is deemed substantiated, unsubstantiated, or inconclusive. Even if unsubstantiated, a concerned social worker may still open a case.

If a case is opened, the child’s situation is assessed. The possible outcomes include family maintenance, removal of the child from the home on a temporary basis, or permanent placement. See Table 1 below.

Table 1

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Family Maintenance Unit

When the investigation finds that the parents do not pose an immediate risk of harm to the child, or there is inconclusive evidence to substantiate abuse, the Family Maintenance program allows the child to remain at home.

The County may offer services to the parents on a voluntary basis. As one County employee said, “We can offer family maintenance… but we need the family to engage with us.” If the parents do not accept the services voluntarily, the social worker can seek an order from the Juvenile Court. Providing services to stabilize families has helped to reduce the number of children in foster care in Marin from 147 children in the year 2000 to 84 for the year ending 2012.13

Emergency services are offered if the social worker believes family problems can be improved within thirty days. The services may include emergency shelter, parental training, and drug testing.

Voluntary family maintenance is an option when there is insufficient evidence to meet the definition of exigent circumstances under the Welfare and Institutions Code. The program offers up to 12 months of services that target the needs of the family and may include counseling, parenting classes, and substance abuse treatment.

If family maintenance succeeds, the case is closed. If it fails or there is a new report of suspected child abuse, the matter is referred to the Juvenile Court.

Family Reunification Unit

If CFS social workers determine a child cannot remain safely in his or her home, a CFS supervisor approves the child’s removal to a safe environment. In August 2013, DHHS entered into contract with Seneca, a large family services agency, to establish and maintain a home for emergency placement. The child may be placed in emergency custody for up to 48 hours, allowing the social worker time to assess whether the child can be returned home with appropriate family support services, or if the Juvenile Court must intervene. If the social workers determine that the protection of the court is needed, CFS must file a petition with the court within 48 hours of the child’s removal from the home.14 The petition must set forth the allegations of abuse or neglect that show a “strong nexus” of the exact parental behavior noted and how that behavior is currently impacting the child. Given that both the Juvenile Court and CFS have strict standards for removal and permanent placement, the result is that the court denies only about 1 percent of these petitions.

The Marin Juvenile Court oversees the dependency process with the goal to reunify the child with the birth parents whenever reasonable. To this end, the law provides time-

13 Gutierrez, Melody, “Foster care population drops sharply in California,” SF Gate, December 29, 2013.
limited support services to the parents to make the home safe for the child to return. A
reunification plan agreed upon by the parents and CFS is monitored by the Court, and
must be fulfilled before the child is returned home.

According to a Court official, the reunification plan has intense structures that set forth
requirements such as child visitation, parental training, and substance abuse treatment.
Most parents do whatever is necessary to reunite with their child.

The 2013 Marin County Self-Assessment reports that behaviors leading to reunification
can include parents committed to: inpatient drug treatment, medication compliance, and,
strong family and community support systems. The parental behaviors that prevent or
delay reunification include: substance abuse relapse; failure to exhibit real behavior
change; domestic violence history; and mental health issues.\(^\text{15}\)

Juvenile Court dependency hearings are established by statute and must begin within ten
days of the child’s removal from the home.\(^\text{16}\) The purpose of the hearing is to decide if the
child can return home with family maintenance support services in place or if the child
must continue to remain in the out-of-home placement. If the Court decides the child
should remain in the out-of-home placement, the case is reviewed every 3, 6 and 12
months. There are many variables, which can impact the timelines of Family
Reunification within the Court system, including a child's age. Some families may take up
to 18 months to complete reunification with their child.\(^\text{17}\)

The parties represented at these hearings include the child, the parents, and CFS. An
attorney provided by the State represents the child. A member of Marin Advocates for
Children is present in Court to advocate for the child. The parents can chose to be
represented by their own attorney or one provided by Dependency Legal Services. CFS is
represented by County Counsel.

A spokesperson for Marin Advocates for Children explained that reunification, when
reasonable, is in the best interest of the child. “Even when parents are not very good
parents, the child loves and wants to be with his or her family.”

If the reunification plan fails to stabilize the family and the child cannot safely return
home, the court will determine the appropriate permanent placement of the child.
According to a Court official, some decisions are so close it’s often difficult to know
exactly what to do.

\(^{15}\) County of Marin, \textit{County, Health and Human Services County Self-Assessment 2013}, pg. 70
\(^{16}\) California Welfare and Institutions Code, Sections 245 et seq., \url{www.leginfo.ca.gov/cgi-bin/calawquery?codesection=wic}
\(^{17}\) Under federal law, a deadline for a permanency hearing is 15 months from the date the child entered foster care.
California law shortens the period to 6 months, during which services are offered to the family of infants or toddlers
under age 3. Services may be extended beyond 6 months for a child under age 3, or beyond 12 months for a child over 3,
if the court finds that there is a “substantial probability” that the child will be returned to the parent(s) or guardian within
the extended time or that reasonable services have not been provided to the parent or guardian. Reed, D.F., et ano.,
Permanent Placement Unit

When the court orders out-of-home placement, CFS social workers are required by law to place children with a non-custodial parent. Absent a non-custodial parent, placement with relatives is the preferred option, followed by close family friends. This reduces the risk of multiple placements and increases the likelihood that siblings can remain together. If a relative or family friend is unavailable, the County provides emergency short-term care pending placement with a foster family.

Concurrent planning is required to begin when the child is removed from the home. This is a two-track process in which diligent reunification efforts are made while at the same time social workers develop an alternative permanent placement strategy should reunification fail. However, some foster parents report that this is often not done “until things fall apart.”

When asked about concurrent planning, a CFS social worker stated that the goal is permanency. “If we know that reunification is likely within six months, we focus resources to transition the child back to the home. If we think there are major flags (such as other-sibling abuse or a history of parental abuse), our focus will be on finding a permanent home right away.”

In those cases where the child cannot return safely to his or her parents, adoption or legal guardianship is the preferred outcome. If neither is possible, the child may continue to remain in foster care until reaching the emancipation age.

Foster Care Licensing and Recruitment

Foster Parents

Foster parents open their homes and hearts to care for foster children. They are coaches, advocates, mentors and they help to create a sense of stability for a needy child. Some walk the floor at night with a crying infant suffering substance withdrawal passed on from an addicted mother. Others may sit in emergency rooms with a child whose fever spiked. Theirs is a labor of love, born out of concern for our most needy children.

There are a number of types of foster parents. There are those who want to foster children only on a temporary basis. In this situation, the individual or couple may foster a number of different children over time. Other parents intend to foster for a limited period of time but develop a bond with the child that results in a petition to adopt.

18 Ibid.
19 CFS social workers report a recent rise in the reentry of children into foster care following reunification. In February 2014, of the 32 children reunited with their families during the previous year, eight reentered the foster care system. The reasons for this increase are currently under review.
21 The issues of aging out in foster care are not addressed in this report.
Yet other parents (referred to as Fost-Adopt parents) enter the arrangement with the intention of adopting, knowing the possibility of the child’s reunification with his or her birth parents. Their anxiety, however, can be excruciating. In one instance, the Jury listened to a parent describe the emotional rollercoaster:

> We were fostering with the hope of adopting... There was to be a decision in six months, but it went to eight months of us not knowing. The weekend before the hearing date, our social worker called and said it looked like the court was going for reunification. I cried the entire weekend while gathering up the baby’s things…When the court said the parents’ rights were ended and we would become the adoptive parents after all, the birth parents and I sat outside the court and cried together. They are not bad people; they just didn’t know how to take care of their child. I still send the birth mother pictures; I know she appreciates having them.

This intention to adopt is usually incorporated into permanency planning. All foster parents accept the placement of a child in their home with the understanding that reunification is the goal. They accept the role of giving temporary care while the court and social workers offer services to the birth parents to provide a safe home for the child. The Grand Jury interviewed several foster parents who shared their joys, concerns, and sorrows. One experienced foster parent who has cared for several teens and infants over the years had this to say about an infant in her care: “My beautiful baby recently transitioned to a wonderful new family, and it was unbelievably satisfying to see a bright future bloom before my eyes. This child is off to a forever-family and a wonderful life, embraced in a loving home.”

The Grand Jury met another foster parent who has sheltered and cared for almost ninety children over the years, some staying one day to seven years, with the foster parent eventually assuming guardianship over a few. “The children have the same privileges, same rules as my own biological children. Our home offers lots of structure with chores, no television on school nights, and homework sessions at the kitchen table. One youth was failing at school, but is now earning A’s and B’s.” This foster parent laughed when relaying that this blended family led her biological daughter to inform her teacher that she lives in a “foster home.” “On holidays, our home is filled with youth, now emancipated, who return to celebrate with us.”

While eager to share their joys, many foster parents interviewed by the Grand Jury also expressed concerns:

- “They [the social workers] are notorious for not returning calls.”
- “We sit by the phone for days waiting for a response that may not come.”
- “Questions go unanswered 60 percent of the time.”
- “There is a lack of partnership between the social workers and the foster parents.”
- “Concurrent planning is weak.”
- “Concurrent planning doesn’t kick in soon enough.”
“There is a need to move quicker, 18 months is too long [if reunification fails].”

The monthly per child allowance “barely cover basic expenses for caring for the children.”

“Expenses for extra-curricular school activities are mostly paid for out of pocket. If the foster family cannot afford these costs, the children go without even though these activities would help to develop their badly-needed self-esteem.”

The Grand Jury believes that as a result of these interviews with foster parents, there is a need to improve communications between social workers and foster parents.

**Licensing**

State regulations require that every foster household be licensed and the required training be completed before a child is placed in the home. Eighteen hours of training is conducted quarterly at the College of Marin and can be completed in a single weekend.

State regulations govern the licensing of foster homes and require social workers to inspect the home for safety (for example, there must be a fence around a swimming pool and a landline phone in the home). Prospective foster parents must also demonstrate they have the financial resources to cover their own living expenses. This helps to insure that the additional foster care funds will be used to support the child. A criminal background check is completed for all household members, and they are interviewed and evaluated. According to social workers, “the assessment and interviews are not overly invasive. Questions are practical and not discriminatory…who’s in the home, their motivation, their work schedule; are there other children in the home?” The state requires the entire licensing process be completed within ninety days. In Marin, the process generally takes sixty days or less.

A major issue impacting foster care licensing in Marin is the high cost of housing. Often potential foster families cannot meet the state regulated bedroom requirements, which mandate (1) no more than two children can share a bedroom, (2) children of the opposite sex cannot share a bedroom unless each child is under five years of age, and (3) except for infants, children cannot share a bedroom with an adult.²²

The Grand Jury learned that these bedroom regulations could result in the social worker removing a child from the home when he or she turns five or when the foster parents have an addition to their own biological family.

The number of children in foster care fluctuates. The 2013 Marin County Self-Assessment reports that the number of children increased from 49 to 79 between July 2009 and July

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²² California Code of Regulations, Title 22, Division 6, Chapter 9.5, § 893187.
2012. In February 2014, there were 91 children in foster care with only 48 foster homes. According to a social worker, “There is never an abundance [of homes] but due to the retirement of some foster parents and an increase in the number of foster cases, there are barely enough [foster homes], and we have had to look out of the County for a few.”

When adoption is the outcome for a child, Marin County handles and finalizes all adoptions for Children in the Dependency System. CFS may refer Fost-Adopt parents, and others interested in adoption, to private service providers. One of the providers used by CFS is TLC Child and Family Services, a private adoption agency with offices in Marin and Sonoma. These agencies conduct the pre-adoption home studies.

Recruitment

The CFS annual budget allotted for foster parent recruitment is $5,000. The current recruitment strategy includes posting informational flyers in key locations around the County and publishing orientation advisory notices in local newspapers. A plan is underway to leverage both the Internet and social media to enhance recruiting efforts.

The 2013 Marin County Self-Assessment reports, “Recruiting foster parents continues to be a challenge…[T]he high cost of living in Marin County and the aging community are some of the factors that have limited the interest of residents to assume the role of foster parents.”

As a result of the Grand Jury interviews, we believe that Marin residents may not be fully aware that there is a need right in our own community to provide temporary (or permanent) homes for children who have been abused or neglected. This may be the most difficult barrier to overcome. However, additional funding for recruitment will help to bring more attention to this critical need.

Another barrier is the inadequate per child monthly allowance provided to foster parents by the State. In Marin, the per-child allowances are:

- Ages 0-4 $657.00
- 5-8 $711.00
- 9-11 $748.00
- 12-14 $783.00
- 15-19 $820.00

Social workers told the Jury, “it is an unfortunate myth that foster families are in it for the money. Nobody makes money fostering children.” Foster parents report the allowance falls short of the true cost of providing care. Expenses for extracurricular school activities and the cost of day care for working foster parents alone can exceed the total amount of the allowance.

There is a clothing allowance of $81 issued by the County following the detention hearing; however, foster parents report that the sum is inadequate “if a whole new
wardrobe is needed when a child arrives with little more than the clothes on their back.”
Depending on the age of the child, there is an additional clothing allowance that is paid
quarterly if the child remains in foster care. Currently the amount is $168 for ages 0-6
years; $272 for ages 7 and up.

Marin foster parents came together several years ago in an attempt to begin to address this
situation, along with other issues affecting foster families. The Marin Foster Parents’
Association was formed to provide foster parents with the opportunity to meet quarterly to
mentor and support one another. The group received a grant enabling them to lease a
location in Terra Linda where children’s clothing, furniture and other items are available
for distribution to foster parents.23

Mental Health Services

California statistics indicate that the incidence of emotional, behavioral and developmental
problems among foster children is three to six times greater than among non-foster
children.24 In a health study reported in the October 6, 2009 Lawrence World Journal,
researchers found that people who experienced considerable trauma during childhood died
20 years prematurely.

Many foster children in Marin require mental health services. According to a clinical
psychologist, Social Services pays a limited amount for private licensed therapists to work
with foster children. Unfortunately, many therapists consider the payment to be inadequate
and have chosen not to participate. As of the date of this report, very few private therapists
are accepting Medi-Cal insurance (which covers most Marin foster children) and the
impact of the Affordable Care Act remains a question. As a result, interns at Jewish
Family Services or Marin Family Services generally see Marin’s foster children.
Unfortunately, these interns rotate frequently, preventing the children from receiving
consistent and effective treatment. A foster parent related the experience of one foster
youth who was seen by five different intern-therapists and was so discouraged when faced
with another intern that the youth wanted to stop therapy.

Based on our interviews, the Grand Jury maintains that these children will benefit from
treatment by experienced licensed mental health professionals.

CONCLUSION

The Grand Jury understands that foster children are vulnerable and often overlooked. It is
therefore crucial to expand community awareness so that Marin citizens and County
government can work together to meet their needs.

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23 The Grand Jury learned that there are other community resources. One, “Movin’ On Up,” is a website offering
information about a foster family here in Marin. The family started a non-profit to provide emancipated foster youth
with a place to live that incorporates mental health services, career assessment and sober living while they attend
24 Marsenich, Lynne, “Evidence-based practices in mental health services for foster youth,” California Institute for
FINDINGS

F1: The Marin County Department of Health and Human Services annual budget for foster care recruitment is not adequate.

F2: Communication between social workers and foster parents needs improvement.

F3: Foster children are not receiving consistent therapy from licensed clinical psychologists or therapists.

RECOMMENDATIONS

R1: Marin County Department of Health and Human Services allocate additional funds for the recruitment of foster parents.

R2: The Marin Child and Family Services staff improves its communication with foster parents by developing a protocol to return calls within 24 hours.

R3: Marin County Department of Health and Human Services budget sufficient funds to provide foster children with therapy by licensed clinical psychologists or therapists rather than relying predominantly on interns.

REQUEST FOR RESPONSES

Pursuant to Penal code section 933.05, the grand jury requests responses as follows:

From the following governing body:

- The Marin County Board of Supervisors

The governing body indicated above should be aware that the comment or response of the governing body must be conducted in accordance with Penal Code section 933 (c) and subject to the notice, agenda and open meeting requirements of the Brown Act.

From the following individuals who are invited to respond:

- Director of Marin County Health and Human Services.
- Director of Marin County Children and Family Services.

Please Note: Some of the links listed in the footnotes may not be active and might require copying the information into a search engine. At the time this report was prepared, the information was available at the sites listed.