

## **DO YOU KNOW WHAT I KNOW? JUVENILE COURT HEARINGS**

### **SUMMARY**

Being a Resource Family Home for a foster child can be both very rewarding and frustrating. You become part of a large system in place for the protection, development, and reunification of children with their biological parent(s). Your mission, which can be gratifying, is to provide the child with shelter, food, clothing, schooling, and love. You are told how to interact with Humboldt County Child Welfare Services (CWS) and the biological parents, and that your job is to assist with reunification. Your success is not measurable by any tangibles, only by the children's eyes as they see a better future for themselves and hopefully their families.

You enter this commitment hoping you can make a difference in a child's life. You envision a tough road ahead, but are confident that through proper training and CWS support you can be a life changer. You find early on there is much to learn before you can consider yourself an expert within the child welfare system. Having training and mentoring available becomes a necessity for your effectiveness and success.

Then it happens. You feel like you are making a positive difference in a child's life. Your foster child is beginning to show acceptance of their situation and making strides in normal childhood development. Whether reunification is possible or not, you want to share with those in control what you are observing. You may know how to do that, or you may not.

The Humboldt County Civil Grand Jury (HCCGJ) received a number of complaints about the ability of childcare providers to offer input to Juvenile Court hearings. These complaints included concerns from grandparents, friends, and foster parents. The HCCGJ understands foster parents have daily contact with their foster child, provide for the child's needs, and present an acceptable role model for the child's development. In many cases, the success of reunification and child development/safety is directly related to the foster parents' involvement. How then does the foster parent provide input to the courts at the 6-Month Review Hearing and every six months thereafter?

The HCCGJ opened an investigation to determine if Child Welfare Services (CWS) has procedures and instructions in place to assist foster parents with these hearings. We found CWS is improving their foster parent training while there are still areas for improvement.

### **BACKGROUND**

California Welfare and Institutions Code Section 293(f) gives foster parents the legal right to submit documentation at the 6-Month Review Hearing and the 12/18-Month Permanency Hearings. They also have the right to attend and, if permitted by the presiding judge, speak at these hearings.

The Humboldt County Civil Grand Jury (HCCGJ) received a number of complaints concerning the ability of childcare providers to offer input to Juvenile Court hearings. These complaints included concerns from grandparents, friends, and foster parents. The HCCGJ learned grandparents and friends are not part of the official reunification process unless they have guardianship of the child. The foster parents, however, are part of Child Welfare Services' (CWS) policy and procedures to reunify foster children with their biological parents. The HCCGJ asked:

- Are uniform procedures in place allowing foster parents to provide child development and safety information at the 6-Month Review Hearing and beyond?
- Are foster parents instructed how to provide child development and safety information at the 6-Month Review Hearing and beyond?
- Are foster parents encouraged by CWS to provide child development and safety information at the 6-Month Review Hearing and beyond?
- Are the procedures, instructions, and encouragement applied consistently throughout CWS?

## **METHODOLOGY**

In preparation for this report, the Humboldt County Civil Grand Jury:

- Conducted interviews with Humboldt County Child Welfare Services (CWS) employees
- Reviewed CWS documentation provided by interviewees
- Attended training sessions offered by CWS to prospective foster parents
- Conducted interviews with current foster parents
- Conducted interviews with Court Appointed Special Advocates (CASA)
- Attended a Humboldt County Superior Court 6-Month Permanency Hearing
- Interviewed one complainant, and reviewed in detail two other written complaints
- Researched California foster care law
- Researched sections of the *Humboldt County Child Welfare Services Desk Guide - Discovery, Court Report Submission Guidelines, and Court Routing Sheet*
- Attended multiple Blue Ribbon Task Force meetings

## **DISCUSSION**

### **The Law and Procedures**

Humboldt County Child Welfare Services (CWS) procedures are addressed in the *Humboldt County Child Welfare Services Desk Guide*. Specifically, there are numerous ways a foster parent can provide input to the 6-Month Review Hearing, as well as the 12/18-Month Permanency Hearings. They can:

- Submit Caregiver Information Form (JV-290) to the Superior Court prior to the hearing
- Provide information to the child's social worker and/or attorney in either written or verbal form
- Submit a letter to the Superior Court discussing their input or requesting to be allowed to speak at the hearing

CWS places responsibility on social workers to inform foster parents of their right to provide information to the court hearings.

The Humboldt County Civil Grand Jury (HCCGJ) found CWS to be compliant with California law by setting forth procedures which notify foster parents of their right to submit child development and safety information at the 6-Month Review Hearing and the 12/18-Month Permanency Hearings.

### **Foster Parent Training**

In January 2017, California laws changed in relationship to foster families and their required training. A foster home is now called a Resource Family Home. The training required to obtain a license has been condensed from that required prior to January 2017. The same training material is contained in the new training modules, but the time spent in the classroom has been reduced. During this training and licensing process, which can take over 6 months to complete, the foster parents are exposed to information about their rights to provide child development and safety information to the courts. The information is scattered among different training modules and handouts, and is not easily located.

Required continuing education training for foster and resource families is available through CWS courses as well as online courses offered by various approved sources. These courses include training on the *Foster Family Bill of Rights*. This *Bill of Rights* specifically identifies the foster parents' right to be notified of scheduled juvenile court hearings involving their foster child and the right to have limited participation in those hearings. Foster parents are required to complete eight hours annually of approved continuing education training of their choosing. Since topics for continuing education training may be selected by the foster parent, and there is no requirement for juvenile court hearing participation training to be selected, foster parents reported they tend to select other topics.

Perhaps the best source of foster parent training information is through the Foster Parent Association. It normally meets once a month to offer training, support, and an opportunity to share concerns regarding the law and CWS. In addition, the Foster Parent Association forms support groups to help foster parents deal with foster children's behavior and developmental issues.

### **CWS/Foster Parent Interaction**

During interviews with current foster parents, the HCCGJ heard an array of responses to our questions regarding their knowledge of foster parent input at the 6-Month Review Hearing and

the 12/18-Month Permanency Hearings. The longer the tenure as a foster parent, the more likely they were aware of their rights and of the methods to provide information to the courts. Newer foster parents were aware they may pass behavioral and developmental information to the child's social worker, but were unaware of their ability to provide input directly to the courts.

Discussions with CWS social workers confirmed what we had heard from foster parent interviews and learned from our research. Social workers reported they are required to visit with the foster child at least once each month in the foster home. Sometimes overwhelming caseloads prevent these visits, so the requirement is completed by a phone call. In all cases, the social workers indicated they obtained basic information about the foster child from the foster parent to include in their report to the court.

The response from social workers was inconsistent regarding notification to the foster parents of their right to be heard at the 6-Month Review Hearing and the 12/18-Month Permanency Hearings. All indicated they would attempt to notify the foster parents in writing of all upcoming hearings. Some followed that notification with a verbal discussion. More than half the social workers we interviewed were not familiar with the Caregiver Information Form (JV-290), and therefore were unable to detail how it was used to provide caregiver information to the court.

Social workers interviewed cited heavy caseloads as the main reason for not notifying foster parents of their right to provide input at the 6-Month Review Hearing and the 12/18-Month Permanency Hearings. Humboldt County social workers reported average caseloads of 30 foster youth. The state average hovers around 18 foster youth, with a recommendation that caseloads not exceed 15. A caseload of 30 foster youth/families leaves social workers very little time to meet with and assist foster parents just to explain the CWS law and the court hearing process.

### **Opportunities for Improvement**

The HCCGJ found the county CWS employees to be dedicated, knowledgeable, committed, and overworked. The Humboldt County Juvenile Court process has procedures in place which allow all parties to contribute information regarding a child's status. This process is sufficient.

However, the HCCGJ believes there are opportunities to improve the court hearing process through foster parent training and better communication between CWS and foster parents. A prime example of a way to enhance training effectiveness exists within the initial training format and, in particular, the section called *Quality Parenting Initiative*. Additional opportunities may be suggested by CWS social workers themselves. To improve communication among social workers, caregivers, and the courts, Form JV-290 should be included with the Notification of Hearing sent to foster parents.

CWS management can improve consistency by reaching consensus about how CWS social workers address and use foster parent input. Foster parent rights must be considered when sending notifications of court hearings.

## **FINDINGS**

F1. Foster parents generally are keenly aware of their foster children's daily behavior and developmental issues so their input is valuable at the 6-Month Review Hearing and the 12/18-Month Permanency Hearings.

F2. Procedures are in place to allow foster parents to provide child development and safety information at the 6-Month Review Hearing and the 12/18-Month Permanency Hearings. These procedures are not always followed, preventing the court from making fully informed decisions about the status of the foster youth.

F3. Initial training provided by CWS during the Resource Family Home licensing process is limited in scope and focus, causing new caregivers to sometimes misunderstand their rights to provide input at the 6-Month Review Hearing and the 12/18-Month Permanency Hearings.

F4. It is important for CWS social workers to improve communication with foster parents prior to the 6-Month Review Hearing and the 12/18-Month Permanency Hearings in order to facilitate overall communication to the court.

F5. Foster parents are not consistently trained and encouraged by CWS to provide child development and safety information at the 6-Month Review Hearing and the 12/18-Month Permanency Hearings, leading to confusion about the foster parents' role at hearings.

## **RECOMMENDATIONS**

R1. The Humboldt County Civil Grand Jury recommends Humboldt County Child Welfare Services update its Resource Family Home licensing training to include a handout on the rights of foster parents to provide input at the 6-Month Review Hearing and the 12/18-Month Permanency Hearings. This handout should include a discussion on Caregiver Information Form (JV-290), and be completed prior to October 1, 2018. **(F3)**

R2. The Humboldt County Civil Grand Jury recommends Humboldt County Child Welfare Services attach a copy of Caregiver Information Form (JV-290) to each copy of the 6-Month Review Hearing and 12/18-Month Permanency Hearings notification letter sent to foster parents, and encourage their participation. This requirement should be in place by October 1, 2018. **(F1, F2, F4, F5)**

R3. The Humboldt County Civil Grand Jury recommends Humboldt County Child Welfare Services include, during its annual training requirement for social workers, the need for encouraging foster parents to provide child development and safety information to the courts using the Caregiver Information Form (JV-290). This additional training should be in place and documented by December 31, 2018. **(F2, F3, F4, F5)**

## **REQUIRED RESPONSES**

Pursuant to Penal Code section 933.05, the Humboldt County Civil Grand Jury requires a response from the following governing body:

- Humboldt County Child Welfare Services (**R1, R2, R3**)