

# Appendix II: Response from the Los Angeles County Department of Children and Family Services (DCFS), February 16, 2022

## Human Rights Watch/ACLU Q&As

### Poverty

- **What steps does DCFS take to confront and address the role poverty plays in child-welfare decision making? What policies have been implemented? How does DCFS monitor the implementation of these policies?**

Poverty alone does not constitute child abuse or neglect. However, it is often a factor seen in child welfare cases, along with many other risk factors such as mental health disorders and substance use. For example, a family may come to the attention of DCFS when there are several risk factors that, in combination, may negatively impact a parent's ability to care for their child. When that happens, our highly trained social workers will determine if a child is a victim of abuse and/or neglect and if they can safely remain home. When a child can safely remain in their home, the social worker will offer the family resources to strengthen their family and prevent them from coming to our attention again. Resources include concrete supports offered by other county departments and community agencies. When a child cannot safely remain in their home, a petition is filed with the Dependency Court to determine if foster care is necessary to keep the child safe. The court and the attorneys appointed to all parties, including parents and children, ensure the rights of the children and families are not violated and are protected in accordance with applicable laws. They further ensure the child is placed in the most appropriate homelike setting and provided with the services they need. Children and parents are also provided with links to services that may help a family out of poverty such as public social services, housing assistance and job training.

- **What data has been collected and what analysis has been undertaken to evaluate the impact of poverty in child welfare and to address the efficacy of measures implemented? We would be grateful for copies of any such data and analyses.**

Los Angeles Homeless Services Authority (LAHSA), our community partner and contract provider, conducts homeless and poverty-related studies throughout Los Angeles County, including the annual homeless count, and examines factors associated with the housing needs for non-minor dependents ages 18 to 24. LAHSA's annual homeless count will be conducted in February 2022, and the results of their findings should be available by May 2022.

[2020 Greater Los Angeles Homeless County Report](#)

## Substance Use

- **What policies does DCFS have in place to address the complex needs of parents with substance use disorders and promote family stability?**

The department works to prevent child abuse and neglect and keep families together whenever possible. During an investigation, DCFS puts families at the center of the conversation and actively listens to their needs and concerns. Our social workers partner with families to identify solutions that ensure child safety and well-being while keeping the family intact. DCFS partners with community-based organizations to give families the tools and support needed to make the home a safe and healthy place for the child to thrive, reducing the likelihood of DCFS involvement. When DCFS supportive services are necessary due to abuse or neglect, a case will be opened by DCFS. Depending on the severity of the situation, a petition may be filed with the Los Angeles County Juvenile Dependency Court, or DCFS may open a voluntary case without court involvement.

DCFS cases fall under one of two categories:

1. **Family Maintenance:** A child will remain at home with one or both parents. However, the parent may be court-mandated or voluntarily agree to complete required trainings or services, e.g., outpatient or inpatient substance use program.
2. **Family Reunification:** A child will be temporarily placed with a relative or in foster care due to child abuse and neglect while parents work towards reunification.

The DCFS Child Welfare Policy Manual includes the following policies to promote family stability and address the complex needs of parents with substance use disorders.

### [Child Protection Hotline](#)

This policy provides steps to take when a call is received at the Child Protection Hotline, including calls regarding drug-exposed infants.

### [Assessment of Drug and Alcohol Abuse](#)

This policy explains how to assess for drug and alcohol use and provides instructions on observing, gathering and assessing evidence to support the emergency response investigation.

### [Identifying and Arranging Appropriate Services for Children and Families](#)

This policy reviews services available to children and families who have come to the attention of DCFS due to allegations of abuse or neglect and/or who are currently involved in the Dependency process. Services include supports and community resources to strengthen families and prevent entry into foster care.

[Family Maintenance Services for Court and Voluntary Cases](#)

This policy provides guidance on when it is appropriate to offer Voluntary Family Maintenance services to families and how to provide Family Maintenance services for court and voluntary cases.

[DCFS Countywide Drug and Alcohol Testing Program](#)

This policy outlines the DCFS Countywide Drug and Alcohol Testing Program and provides instruction on alcohol and drug testing for participants.

DCFS staffs a Dependency Drug Court, which is a voluntary one-year program that can address the complex needs of parents with substance use disorders. The work of the Dependency Drug Court is guided by the following policy: *Dependency Drug Court (DDC) /Family Substance Abuse Treatment Program (FSATP) policy* ([LINK](#))

If the parent is accepted by Drug Court, the parent is expected to take part in an intensive outpatient program in their community. If the parent is not addressing their sobriety and continues to relapse, inpatient services may be required to further address their sobriety. If the parent fails to comply with the orders of the court after being accepted into Drug Court, they run the risk of being dropped from the program. Prior to the pandemic, a parent was expected to attend in-person Drug Court hearings every two weeks. If a parent did well, the frequency would shift to one hearing per month. Due to the ongoing pandemic, Drug Court is now virtual and takes place once per month. These hearings are very different from ordinary court hearings in that the commissioner provides each parent with personal attention and asks questions as to their recovery, their progress in programs, their therapeutic progress, their support system, and potential relapses, if necessary. Present at these hearings are social workers, substance use counselors, and attorneys. This is normally a more relaxed environment, barring the emergence of serious issues.

- **What data has been collected and what analysis has been undertaken to evaluate trends related to this issue? We would be grateful for copies of any such data and analyses.**

Substance use is a public health concern that negatively impacts many facets of an individual's life, including a parent's ability to function as a primary caregiver. The Los Angeles County Department of Public Health monitors trends pertaining to of alcohol and other drug use. Their reports and data are available [here](#).

## Domestic Violence

- **What kinds of training related to domestic violence does DCFS provide to child welfare workers? I would be grateful for details on the content and frequency of training, number and type of participants, and any other details DCFS can offer.**

Our communities must have a highly-skilled, culturally aware, trained, and supported workforce inspired by service to improve outcomes for those we are called to serve. To accomplish this, DCFS University was established in partnership with local accredited universities to provide an enhanced comprehensive learning experience for DCFS social workers. Newly hired DCFS social workers complete training over a period of 52 weeks.

Training includes:

- Twelve (12) consecutive weeks of classroom training covering a wide spectrum of topics;
- Simulation trainings for staff to apply skills learned during the classroom training;
- Visits to DCFS offices throughout the county to learn from experienced social workers; and
- Advanced classes to further refine and build skills.

### **12-Week Classroom Academy**

The academy includes DCFS modules and state-mandated modules.

DCFS modules cover a wide spectrum of child welfare topics such as investigation techniques, child safety, legal and multicultural issues, and methods for establishing effective relationships with families and at-risk youth.

The state modules are divided up into blocks:

- Foundation - content focusing on the cornerstones of child welfare practice
- Engagement - strengths-based interviewing strategies
- Assessment - critical thinking, standardized assessment, and child maltreatment identification
- Case Planning and Service Delivery - case planning in a child welfare setting, case plan management and placement
- Monitoring and Adapting - case plan management and placement
- Transition - permanency, trauma-informed practice, and teaming

The academy includes the module “Key Issues in Child Welfare: Social Worker as Practitioner,” which includes information about stages of change that social workers may use to identify strategies for engaging and motivating family members experiencing substance use disorders, intimate partner violence, and/or behavioral health issues. This skill-based training explores the role of the child welfare practitioner in working with families who are experiencing these issues, including practice with building case plan interventions used by child welfare workers to engage children, youth and families.

The DCFS University also offers Intimate Partner Violence training required by the Board of Behavioral Services for staff who are an Associate Clinical Social Worker, Licensed Clinical Social Worker, or Licensed Marriage and Family Therapist or Intern.

#### **Simulation Training**

Domestic violence scenarios are also part of our simulation training, which provides staff with a challenging, but controlled learning environment in which to develop and practice critical thinking, engagement, and assessment skills. Trained, multi-disciplinary facilitators use a Socratic approach where students are offered questions, not answers, in order to encourage them to probe deeper into issues, consider alternative interpretations of information, question their assumptions, analyze and consider all possibilities and alternative points of view, and think through potential consequences of their decisions.

The training focuses on real-world scenarios encountered by social workers assessing for child safety and is conducted in a realistic environment that affords the students — all Children's Services Workers — the most realistic opportunities possible to build, develop and practice basic skills that will help them to engage with and provide help to children and families on a human level.

- **What policies does DCFS have in place to address the unique circumstances of parent and child survivors of domestic violence?**

Every year, new child welfare bills are proposed and become law, impacting the well-being, permanency, and safety of children and families. The department's Policy Section updates and creates DCFS policies for staff based on new child welfare laws and initiatives. DCFS has the following domestic violence policies in place to meet the unique needs of children and adults impacted by violence in the home.

#### **Child Protection Hotline**

This policy outlines steps to take when a call is received at the Child Protection Hotline, including calls regarding domestic violence.

#### **Assessment of Domestic Violence**

This policy guide offers direction on how to assess allegations of domestic violence and provides instructions on observing, gathering and assessing evidence during the course of the emergency response investigation.

#### **Obtaining Restraining Orders**

This is an overview of the different types of restraining orders that can be obtained through Juvenile Dependency, Family Law, Criminal and Civil courts.

#### Immigration Options for Undocumented Children and Families

This policy describes programs that may provide immigration relief to undocumented children and families as well as guidance on how to qualify and apply for them. Victims of domestic violence may qualify for immigration relief programs, e.g., U Visa for Victims of Crime, Violence Against Women Act (VAWA).

- **What data has been collected and what analysis has been undertaken to evaluate trends related to this issue? We would be grateful for copies of any such data and analyses.**

The Los Angeles County Domestic Violence Council (DVC) provides leadership in the creation and support of a survivor-centered, countywide-coordinated approach to addressing intimate partner violence. The DVC is housed in the Health Promotion Bureau of the LA County Department of Public Health. For reports and data available, please visit the Department of Public Health [website](#).

UCLA Pritzker Center issued this report in May 2021:

[Child Welfare and Domestic Violence: The Report on Intersection and Action](#)

#### **Participation and Due Process**

- **What steps does DCFS take to ensure there is genuine, meaningful, and sustained involvement of parents with lived experience of the child welfare system in its policies, practices and programs?**

DCFS has a Parents in Partnership program, which is comprised of parent partners (PIPs) who have successfully navigated the child welfare system. The PIPs support the department's new and existing policies by participating in policy workgroups, the Director's Advisory Committee, Invest LA, workgroups, Father Strong, and various other programs and initiatives. The PIPs provide a birth parent's perspective to assist in the development of programs and policies.

The PIPs support biological parents in practice; parents are able to receive ongoing one-on-one support from a Parent Partner to navigate the child welfare system. This is achieved by parents attending parent orientations to educate them on the child welfare system. Each regional office has a dedicated warmline. Parents are able to contact the warmline to obtain support, resources, referrals and generalized answers to questions regarding their referral or case. Parents receive intentional peer-to-peer support, where parents are able to express their successes, struggles, and needs. Parents are also able to attend weekly support groups to receive genuine and meaningful support from other parents, guided by a Parent Partner. Parent Partners also participate in Child and Family Team meetings to support parents in advocating for themselves and their families.

- **What steps does DCFS take to ensure parents' rights are protected during the investigation process and throughout the time they experience child-welfare involvement?**

During an investigation, parents are provided with written information informing them that their civil rights are protected if they are receiving social services in Los Angeles County. If they feel their civil rights have been violated, written information on how to file a complaint is also provided to them.

If a case is opened with the Juvenile Dependency Court, each parent is provided an attorney and advised to consult with them if they have any concerns about their case. In situations when a child is placed out of the home, legal custody is temporarily transferred to DCFS, and the child becomes a dependent of the court. Parents typically continue to hold the child's education and medical rights; this means they have the right to make most educational and medical decisions for their child unless the Juvenile Court limits those rights. In addition, while the child is placed in out-of-home care, parents typically have visitation rights and are entitled to regular telephone contact with their child, as long as that contact is not detrimental to the child. If it is safe for the child, in-person visits are arranged according to their Family Visitation Plan, as ordered by the Juvenile Dependency Court. If more than one child must be placed in out-of-home care, DCFS works to keep siblings together.

In general, parents' rights are limited or terminated if: 1) a child is under legal guardianship; 2) a child has been freed for adoption (i.e., parental rights have been terminated); or 3) the Juvenile Court has explicitly restricted the parental rights, at which point a surrogate is appointed.

#### **Disparity and Disproportionality**

- **What steps has DCFS taken to evaluate and confront the racial disparity and disproportionality that exists within the child welfare system? What mechanisms have been developed and implemented for minimizing implicit bias in child welfare case decision making? How does DCFS monitor the implementation of these mechanisms?**

Our Office of Equity is committed to examining the root causes of disproportionality and disparity by developing strategies to safely correct course. Among the strategies employed are the Four Principles of Execution, also known as 4DX, a methodology for enacting organizational change. Working closely with eight regional offices, we began identifying key behaviors that have the greatest impact on Black and African American children entering out-of-home care in January 2021.

- **What data has been collected and what analysis has been undertaken to evaluate trends related to this issue? We would be grateful for copies of any such data and analyses.**

As a department, we have devoted significant time and resources to 4DX, including training, coaching and ongoing leadership accountability sessions to fundamentally change the way we practice social work and engage Black and African American children and families.

DCFS data from the eight offices engaged in 4DX reveals a 46 percent reduction in the number of Black/African American children entering out-of-home care compared to the baseline period (October 2019-September 2020).

Data also shows an increase in the number of Black and African American children diverted from in-person investigation to a warm handoff to a community provider, even as calls to the Child Protection Hotline returned to pre-pandemic levels.

Qualitative reviews further indicate that staff feel empowered to think creatively and co-design safety plans with families and community providers, differentiate safety vs. risk, and support one another in learning how to recognize bias and racism.

Phase II of the 4DX work, which just began, involves a formal evaluation of cases that have gone through the process to see if those families come back to the attention of the department for the same or different reasons.

- **What is the status of DCFS' blind removal pilot project, where social workers and supervisors decide on a plan of action for a child based on data that excludes race and related factors?**

As you may know, "blind removals" is an approach that removes references to race from the conversation when deciding whether to remove a child from the home.

The goal of this blind removal pilot project is to address disproportionality in child welfare, an issue that we are actively working to prioritize and explore ways to mitigate.

In particular, the data around racial disparities for Black children in care is troubling, which is why we have focused on an equity strategy to further our goals of reducing the number of Black/African American children entering foster care unnecessarily.

As previously mentioned, we have already seen some initial success from our ongoing 4DX efforts in eight of our regional offices that are working to safely reduce these numbers.



This blind removal pilot represents a different type of approach and yet another opportunity for us to explore ways to tackle this issue at the front end of our system.

Once implemented, blind removals will focus on lowering instances of unnecessary removal, keeping families together, and identifying and acknowledging where bias impacts decision making.

#### Transparency

- **What is the current stage of development and implementation of the predictive risk modeling supervision tool aimed at estimating investigation complexity and risk? What data informs this predictive algorithm? What sources are data gathered from? What policies govern the implementation and use of this tool? What steps has DCFS undertaken to ensure that this tool does not perpetuate and exacerbate the biases embedded in the data?**

A model was launched in August 2021 and is being piloted at three DCFS regional offices (Belvedere, Lancaster and Santa Fe Springs).

The purpose of the model is to notify supervisors and managers when there is an open investigation that has features suggesting a greater degree of complexity and a heightened risk of future system involvement.

The only data incorporated into this model is child welfare data — there is no data from criminal justice, mental health or other systems. The same policies that govern the confidentiality of data and information used by DCFS staff when carrying out an investigation govern the use of this model. There is no new data collected nor outside data included.

As part of the pilot, DCFS has engaged university-based research partners and a team from Mathematica to both monitor how the tool is being used in the pilot offices (i.e., what supervision practices are being implemented?) and confirm that there are no unintended consequences (i.e., the use of the tool is not leading to increased rates of detention).

Additionally, the model is being used to conduct a Racial Equity Review in which low-complexity investigations involving Black and African American children will be examined to better understand the factors that contributed to calls from the community, what concerns were communicated that resulted in an investigation, and what practice or policy changes would be needed to help safely divert more of those families to community pathways.

DCFS has had numerous meetings with internal and external members of our community and looks forward to sharing information from the pilot in the coming months.

- **Does DCFS publicly report disaggregated data regarding the families it serves in a way that is meaningful and accessible to external stakeholders? If not, what steps does ACS take to promote transparency?**

State laws seek to protect the privacy of children and families by keeping child welfare records confidential. However, we are able to post certain data and reports for the public to see on our [website](#). On our website, external stakeholders may find information such as compliance reports, monthly fact sheets and child fatality data. Our department has also held town halls to inform community members of our progress and occasional setbacks.

It's very important to us that the public gets a clear view of the work happening within DCFS. While we must always be mindful of confidentiality laws intended to protect the privacy of children and families, we strive daily to enhance transparency and advance public education wherever possible.