

Introduction to Child Welfare

First Call for Families
Presented to Rocketship Schools
February 15, 2023

Introduction to First Call for Families

*“To advocate for thriving,
intact families, rooted in
strong communities.”*

First Call for Families

OUR TEAM

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Child Welfare 101



Common Reasons for CPS Reports

- General Neglect
- Failure to Protect
- Substance Use
- Domestic Violence
- Mental Health Challenges
- Multiple Absences from School
- Sexual Abuse
- Physical Abuse / Discipline
- Caretaker Absence

What happens after you make a CPS report?

1. Investigation by Department of Family and Children's Services (DFCS)
2. Assessment
3. Possible Outcomes:
 - a. Case closed: allegations found inconclusive or unfounded
 - b. Referral to Differential Response (DR)
 - c. Open a non-court ("voluntary") case
 - Informal Supervision
 - Voluntary Family Maintenance
 - Voluntary Family Reunification
 - d. Removal

What happens when CPS is removing a child?

Protective Custody Warrant Issued

- Issued by the court without a hearing
- PC warrant not necessary if “exigent” circumstances

Removal

- Often no prior notice given to family - extremely traumatic for children & parents
- DFCS social worker has to begin initial considerations (placement, relative placement, “comfort calls,” initial recommendations for court)

Petition Filed, Detention Hearing

- First hearing held up to 3 business days after removal

What happens in dependency court?

Petition Filed

- Department is required to allege (1) abuse or neglect that meets statutory grounds, AND (2) there are no reasonable means by which child can remain safely in the home

Initial / Detention Hearing

Jurisdiction and Disposition Hearings

Status Review Hearings

- Family works towards reunification or case closure
- Case plan, visitation

“Permanency”

- Reunification with parents
- Adoption and Termination of Parental Rights (TPR)
 - this is the *legally preferred option* if reunification is not possible
- Legal Guardianship
- Continued Foster Care

What happens in dependency court?

1. Petition Filed & Initial Hearing Held

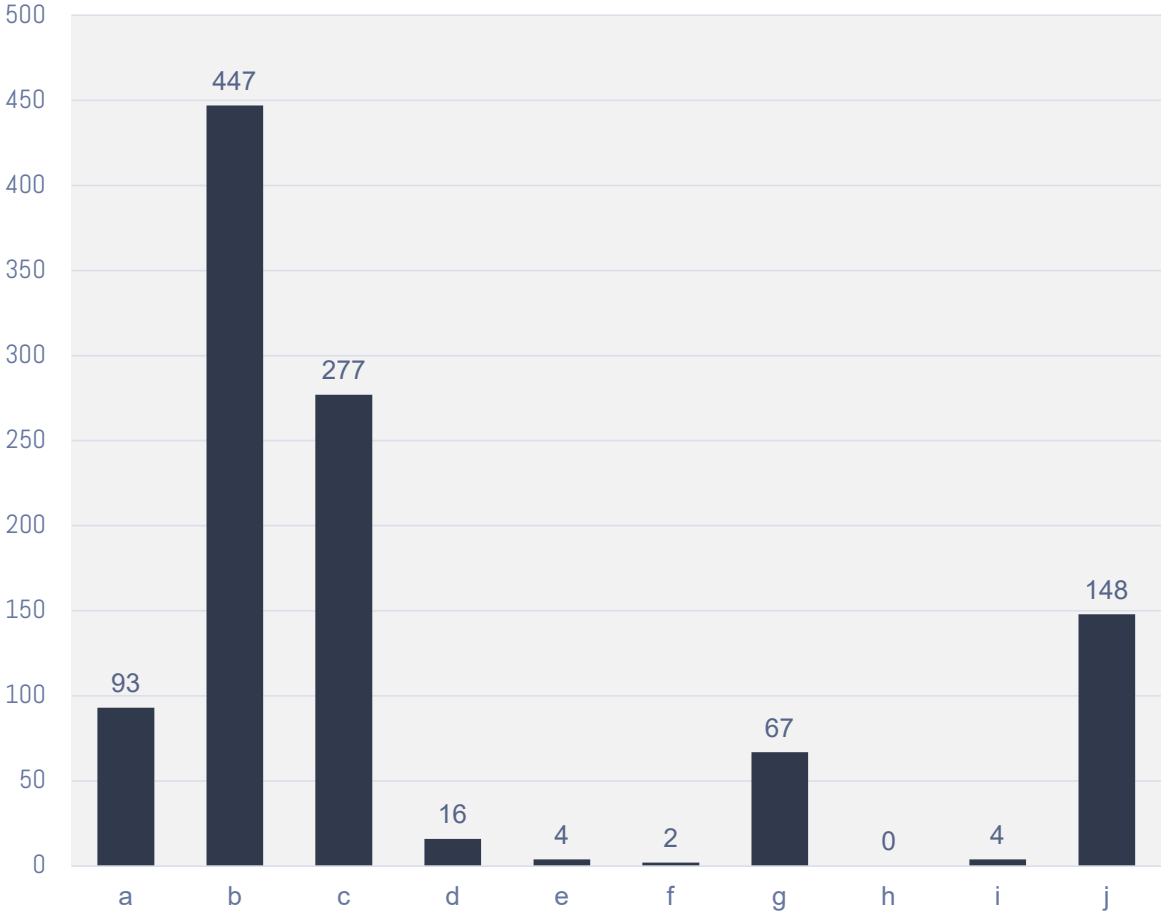
Legal Standard:

Prima facie evidence of “...substantial danger to the physical health of the child or the child is suffering severe emotional damage”

AND

“Clear and convincing evidence that there are no reasonable means by which a child could safely be kept in the home.”

Number of Petition Allegations in 2020



Welfare & Institutions Code section 300

- (a) Serious physical harm (non-accidental)
- (b) Failure to protect
- (c) Serious emotional damage
- (d) Sexual abuse
- (e) Severe physical abuse of a young child
- (f) Causing the death of another child
- (g) Child left without provision for support or voluntarily surrendered
- (h) Child freed for adoption
- (i) Acts of cruelty
- (j) Abuse or neglect of sibling

What happens in dependency court?

2. Jurisdiction and/or Disposition Hearing

Jurisdiction: Is the petition true?

IF NO, case is dismissed

IF YES, move to disposition hearing

Disposition: What are we going to do with the case?

What happens in dependency court?

3. Status Review Hearings

- Held every 6 months
- Family works towards reunification or case closure
- Case plan
- Visitation
- Time limits: **6-18 months**

What happens in dependency court?

4. “Permanency”

- Reunification
- Adoption and Termination of Parental Rights (TPR) – *legally preferred option* if parents are unable to reunify
- Legal Guardianship
- Continued Foster Care

What should parents know if facing a CPS investigation and/or dependency court case?

- Parents have rights! These include the right to refuse to speak with the social worker, to refuse services, etc.
 - BUT, if at all possible, parents should speak with a lawyer about how and when to exercise those rights.
- Everything is being recorded, and DFCS will take everything into consideration in their assessment of the case.
- Do not sign anything you don't understand, even if you feel pressured to do so!

Race, Disproportionality, and Equity



Race, Disproportionality, and Equity

Black / African American Families

13%

% of United States population

23%

% of children in foster care

Children's Bureau. (2021). AFCARS Report #28.
<https://www.acf.hhs.gov/cb/report/afcars-report-28>

Race, Disproportionality, and Equity

Latinx Families in Santa Clara County

34%

% of children in Santa Clara County

72%

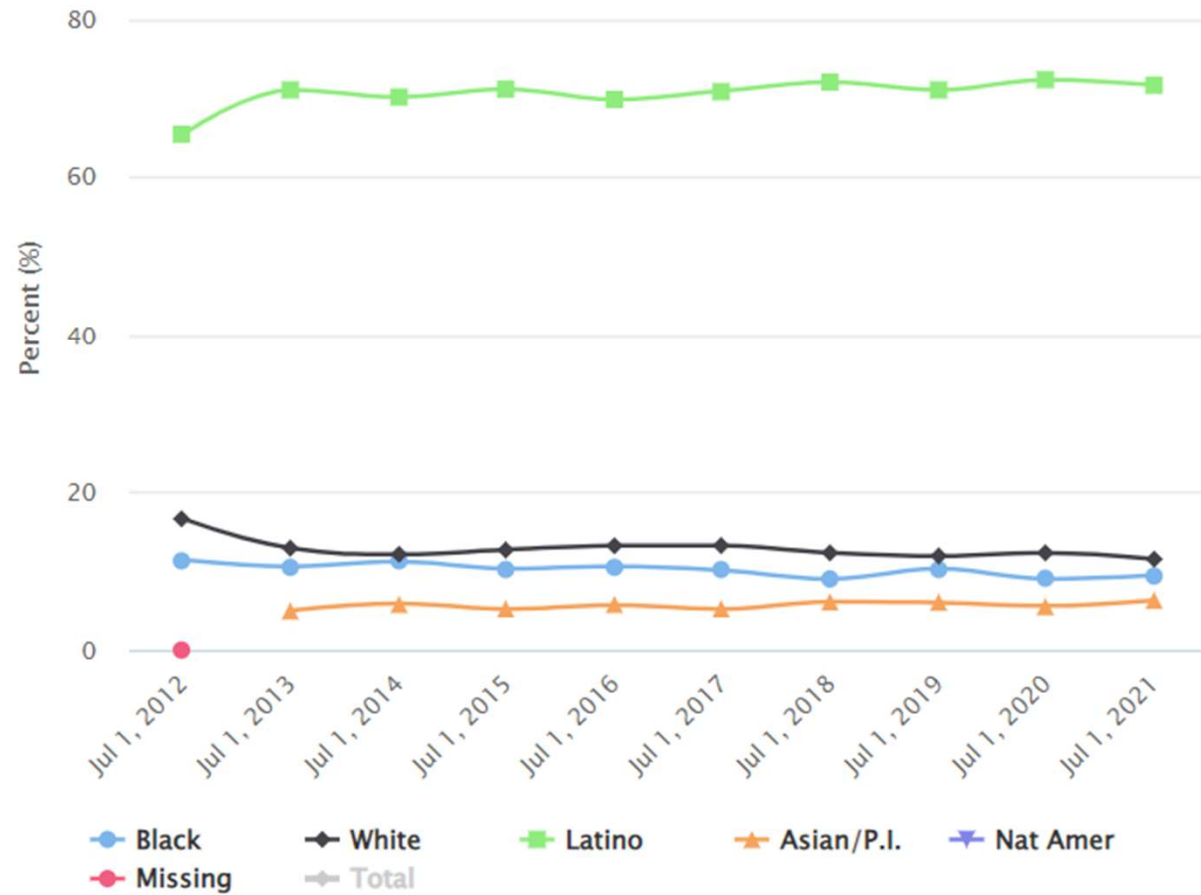
% of children in foster care

Webster, D., Lee, S., et al. (2022). CCWIP reports. University of California at Berkeley California Child Welfare Indicators Project website. URL: <https://ccwip.berkeley.edu>

Racial disproportionality in Santa Clara County

Children in Foster Care
Agency Type: Child Welfare

Santa Clara



Further Reading

“Black Families Matter,” Dorothy Roberts & Lisa Sangoi. <https://theappeal.org/black-families-matter-how-the-child-welfare-system-punishes-poor-families-of-color-33ad20e2882e/>

Roberts, Dorothy E. *Torn Apart: How the Child Welfare System Destroys Black Families--and How Abolition Can Build a Safer World* First edition., Basic Books, 2022.

“Disproportionality and Race Equity in Child Welfare,” National Conference of State Legislatures. <https://www.ncsl.org/research/human-services/disproportionality-and-race-equity-in-child-welfare.aspx>.

Racial Equity in the Child Welfare System, Dr. Jessica Pryce.

<https://www.youtube.com/watch?v=LwMASldEntA>

Preventing Child Welfare System Involvement



Why prevention matters

Ana's story

Why prevention?

- Avoiding the trauma of removal & the disruption of foster care
 - Child removal, foster care, long-term family separation, and the court system all inflict trauma
- Prevention allows us to shift focus from crisis management, to breaking intergenerational cycles and building thriving families & communities
- Legal advice and peer support at an early stage can be critical in changing the outcomes for families

First Call for Families Program Overview



First Call for Families

DEPENDENCY ADVOCACY CENTER STRUCTURE

Legal Services (court representation/main program)

- Staff Attorneys
- Social Workers
- Mentor Parents (drug treatment court)

Corridor

- Special interdisciplinary support for parents on adult formal probation in Santa Clara County
- Hybrid preventative and court representation
- Attorney-led interdisciplinary team model

First Call for Families

- Fully preventative assistance
- Attorney-led interdisciplinary team model

First Call for Families

PROGRAM COMPONENTS

Know Your Rights Presentations

Warm Line

Individualized Support

**priority given to families living in zip codes
95122, 95111, 95112, 95116, 95127, and 95020*

First Call for Families

REFERRALS TO OUR PROGRAM

Eligibility:

- Anyone in Santa Clara County may attend a Know Your Rights presentation or call the Warm Line for assistance
- Priority for Individualized Support is given to people residing in East San Jose (zip codes 95122, 95112, 95111, 95116, 95127, 95020)

How to make a referral:

- Call the Warm Line
- Email firstcall@sccdac.org with client's name, contact information, and brief description of need

First Call for Families

WARM LINE INFORMATION

Phone: (408) 856-2992

Email: firstcall@sccdac.org

Hours of Operation:

Mon-Thurs 9am-4pm

Extended Hours Thurs 5-8pm

poll

www.tinyurl.com/firstcallpoll

Questions?

Thank You!

FOR FURTHER QUESTIONS

Katie Joh
(669) 287-1569
kjoh@sccdac.org

TO MAKE A REFERRAL

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(408) 856-2992
firstcall@sccdac.org