

CHILD WELFARE SERVICES - CHILD PROTECTION

INTRODUCTION

The Humboldt County Grand Jury received a citizen's request to investigate the handling of a case by Child Welfare Services (CWS) and the Humboldt County Mental Health Department (MH). The case involves the murder of a 14-year-old boy by his mentally ill mother who was a client of MH.

PROCEDURE

The grand jury in its investigation of this matter has interviewed fifteen individuals. These individuals were personnel from the departments of mental health, social services, and school personnel. Also included in the fifteen individuals interviewed were concerned citizens and family members. The jury reviewed numerous documents including police reports, Suspected Child Abuse Reports, California Penal Code, Welfare and Institution Code, section 827, and the California Child Abuse and Neglect Reporting Law (Humboldt County Guidelines for Mandated Reporters), and other documents.

FINDINGS

F-1 The grand jury received written permission from relatives of the murdered boy to investigate CWS and MH records.

F-2 The grand jury's access to those records has been denied by CWS and MH.

F-3 The Director of Social Services, following the advice of Humboldt County Counsel, did not respond to the 2000-2001 Grand Jury questions regarding the handling of this case by CWS.

F-4 County Counsel is advisory to all county agencies and the grand jury.

F-5 According to County Counsel, the California State Attorney General, and the Humboldt County District Attorney's office, the grand jury must use Form 827 (Petition for Disclosure of Juvenile Court Records) of the Welfare and Institution Code to investigate juvenile files and court records. This form is mandated by the California State Legislature.

F-6 Using Form 827 created many problems and delays.

F-7 The Department of Mental Health would not accept a relative's report concerning the boy's safety while the boy was living with his mentally ill mother.

F-8 The mentally ill mother had been a client of MH for approximately five years.

F-9 According to mental health staff, any client of MH has the right to deny communications between MH and other relatives.

F-10 Mandated reporters are categorized as: health practitioners, child care custodians (includes school personnel), employees of child protective agencies (includes employees of a sheriff's or police department, or a county welfare or probation department), commercial film and photographic film processors, clergy, firefighters, animal control officers, humane society officers, and child visitation monitors; relatives are not included in the categories of mandated reporters.

F-11 Only mandated reporters have a legal duty to report suspicion or knowledge of abuse or endangerment.

F-12 In this case, Suspected Child Abuse Reports were filled out and sent to CWS by mandated reporters.

F-13 According to two mandated reporters, the boy told them that he feared for his life.

F-14 The boy was not removed by CWS or MH from his mentally ill mother's home.

F-15 According to relatives and friends, the mother had threatened suicide on numerous occasions.

F-16 The boy was murdered by his mentally ill mother on March 18, 2000; she then immediately committed suicide.

CONCLUSIONS

C-1 Even though the grand jury is responsible, by statute, for investigating citizens' complaints, it can be denied access to pertinent files, records, and other relevant documents on the advice of County Counsel and/or the courts.

C-2 County Counsel may have a conflict of interest when advising both a county agency and the grand jury about the same case.

C-3 The requirements of the Welfare and Institutions Code section 827 appear contrary to the powers and duties of the grand jury.

C-4 The Department of Mental Health does not appear to respond to calls by a relative to express concerns for the welfare of a child of a MH client.

C-5 Because the grand jury is required to be confidential, to investigate citizens' complaints, and to make recommendations, the grand jury needs to be included by the legislature in the Welfare and Institutions Code section 827 as those who may inspect case files.

C-6 The grand jury should request the advice of a superior court judge and the District Attorney when there appears to be a conflict of interest with County Counsel.

RECOMMENDATIONS

THE HUMBOLDT COUNTY GRAND JURY RECOMMENDS THE FOLLOWING:

R-1 Departments of Social Services and Mental Health staff, in responding to citizens' needs, inform citizens of other resources and procedures available to them for accessing these resources, as well as these departments' resources.

R-2 The Department of Social Services conduct more thorough investigations of all CWS cases and Suspected Child Abuse Reports as a means to prevent neglect, abuse, and possible death.

RESPONSES

THE FOLLOWING RESPONSES TO REPORT 01-04 ARE REQUIRED PURSUANT TO P. C. 933 AND THE STANDARD FORMAT FOR RESPONSES.

1. The Department of Mental Health respond to F-1, F-2, F-7, F-8, F-9, F-13, F-14, R-1.
2. The Department of Social Services respond to F-1, F-2, F-3, F-11, F-13, F-14, R-1, R-2.

