

**CHILD WELFARE SERVICES - FOSTER CARE****INTRODUCTION**

The Humboldt County Grand Jury has been asked by members of the Yurok Tribal Council to investigate the removal of two children, perceived to be covered by the Indian Child Welfare Act, (ICWA), from a relative's foster care by Child Welfare Services (CWS).

**PROCEDURE**

The grand jury in its investigation of this matter has interviewed nineteen individuals. These individuals were social service professionals, representatives of the tribal community, and friends of the family. The grand jury has reviewed many documents including copies of court records and proceedings, California Penal Code, several publications related to ICWA, written testimonials of friends and neighbors, California Child Abuse and Neglect Reporting Laws, Welfare and Institution Code,

section 827, and a Resolution of the Yurok Tribal Council concerning one of the children..

**FINDINGS**

F-1 Relatives of the children gave the grand jury permission to investigate the social service files of the children removed from their relative's foster care.

F-2 The grand jury's access to those files has been denied by the Department of Social Services.

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

F-4 All court records were furnished to the grand jury by relatives.

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

F-6 Using Form 827 created many problems and delays because of the requirements of the legal system.

F-7 The two children removed from their foster care relative were placed with non-relatives in a distant location.

F-8 At that time, no other family member was contacted by CWS to serve as a foster parent.

F-9 Court records reveal that CWS went to the Yurok reservation without following appropriate sections of ICWA and removed the children.

F-10 The Director of Social Services has not returned calls from Yuroks at the Hoopa Valley Tribal Council Division of Human Services (HVTCDHS) to express their concerns.

F-11 HVTCDHS staff believe that assigned CWS workers do not have adequate knowledge of ICWA and tribal laws and customs.

F-12 The Director of Social Services, County Counsel, and the Juvenile Court conclude that these children are not covered by ICWA.

F-13 HVTCDHS has been trying for three years to encourage CWS to hire a Native American, who has full knowledge of tribal laws and customs, as a caseworker. CWS has not done so.

F-14 According to HVTCDHS staff, the turnover of CWS emergency staff contributes to the lack of continuity in CWS services to the tribe's abused and neglected children.

F-15 According to professionals serving clients in the outlying areas, the frequent change in CWS staff and the closing of services too quickly contribute to distrust and lack of continuity.

F-16 According to professionals serving clients in the outlying areas, in-home support and parenting skills training are needed.

## **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, etc. 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 Institution Code section 827 appear contrary to the powers and duties of the grand jury.

C-4 The lack of cooperation by the Department of Social Services, the courts and the Department of Mental Health with the grand jury has contributed to an adversarial situation.

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

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

C-7 The frequent turnover of CWS staff contributes to a lack of trust and continuity of CWS services within the Native American community.

## **RECOMMENDATIONS**

THE HUMBOLDT COUNTY GRAND JURY RECOMMENDS THE FOLLOWING:

R-1 The Department of Social Services conduct more thorough investigations of all CWS cases and Suspected Child Abuse Reports as a means to monitor quality and appropriateness of services.

R-2 The Department of Social Services develop a climate of trust and cooperation between CWS and the people they serve in the Hoopa area.

## **RESPONSES**

THE FOLLOWING RESPONSES TO REPORT 01-05 ARE REQUIRED PURSUANT TO P.C. 933 AND THE STANDARD FORMAT FOR RESPONSES.

1. The Department of Social Services and Child Welfare Services respond to F-2, F-3, F-7, F-8, F-9, F-10, F-11, F-12, F-13, F-14, F-15, F-16, R-1, R-2.

