

The background of the slide features a blurred image of a calendar on the left side, showing dates from 1 to 28. Overlaid on the right side are several overlapping, semi-transparent green geometric shapes, including triangles and polygons, creating a modern, abstract design.

Pre-Detention Activities that Impact Permanency

Investigations



4 KEY ASSESSMENTS / 4 KEY METRICS

1) IS THE CHILD SAFE?
Safety Assessment

2) HAS CHILD ABUSE OR NEGLECT OCCURRED?
Penal Codes 11165.1 -.6

3) SHOULD THE REFERRAL BE PROMOTED TO A CASE?
Risk Assessment

4) DOES THE EVIDENCE SUPPORT COURT INVOLVEMENT?
WIC 300

Is the Child safe?

PRIOR TO LEAVING ANY CHILD IN THE HOME/PLACEMENT, SW MUST...



Assess for
child safety

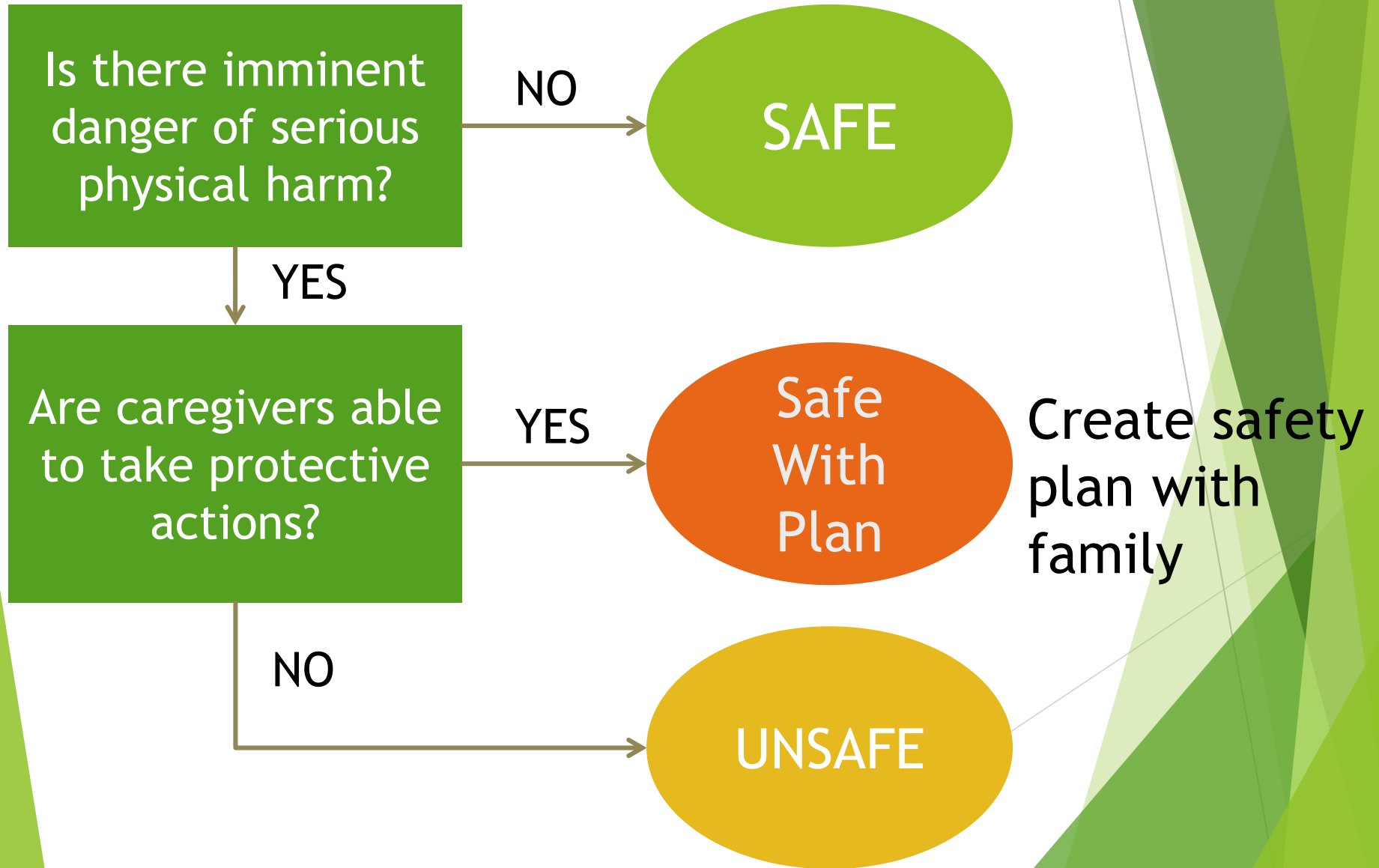
Identify
safety threats

SDM and Safety Assessments

PURPOSE OF THE SAFETY ASSESSMENT

- ▶ The purpose of the Safety Assessment is (1) to help assess whether any child is likely to be in immediate danger of serious harm/maltreatment and (2) to determine what interventions should be initiated or maintained to provide appropriate protection.
- ▶ This tool helps staff assess the level of risk to the child. The result of the Safety Assessment is either Safe, Unsafe, or Safe with Plan. If Safe With Plan is the Safety Assessment's determination, a Safety Plan is required.

SDM and Safety Threats



SDM Safety Plans

SAFETY PLAN IS A SHORT-TERM ACTION PLAN

- ▶ Responds to safety threats from the Safety Assessment
- ▶ Contains clear action items that family and support members will take to address the threats
- ▶ Has clear procedures for backup plans if the SDM Safety Plan is not followed
- ▶ Has clear plans for CSW monitoring
- ▶ Designates a clear timeline for when, where and how the plan will be reviewed to determine if it is working
- ▶ Answers the questions: "How can we ensure the child is safe for the immediate future?" and "How can we keep the child safe until we can have a family/support system meeting?"

Types of Evidence Gathered

RP/Child/Parents

Photos

Collaterals

Police/Forensic Reports/Other
Documentary Evidence

Safety Organized Practice

CHILD WELFARE PRACTICE MODEL

- ▶ Engagement strategies in Safety Organized Practice:
 - ▶ The Three Questions: What is working well, what are we worried about, and what needs to happen next?
 - ▶ Solution-focused questioning
 - ▶ Motivational Interviewing
 - ▶ Appreciative Inquiry, which helps practitioners focus on what is already working in order to help it grow.
- ▶ Purpose of Child Family Team (CFT) meeting: to build agreements, decisions and plans between the Social Worker, families, providers and other members of the family's support network

Safety Organized Practice

CHILD WELFARE PRACTICE MODEL

SAFETY MAPPING: ASSESSMENT AND PLANNING

CONTEXT: Purpose of the Consult, Family/System; Cultural Considerations



Chen, S., Decter, P., Madsen, W., & Vogel, J. (2010). Enhancing risk assessment through organizational learning: A mid-stream report from Massachusetts. *Protecting Children*, 25(3), 7–20. Based on Turnell, A., & Edwards S. (1999). *Signs of Safety*. New York, NY: Norton

Did abuse or neglect occur?

PENAL CODE § 11165.6 DEFINITION OF CHILD ABUSE OR NEGLECT

CHILD ABUSE AND NEGLECT

Physical injury or death inflicted by other than accidental means upon a child by another person

Unlawful corporal punishment of a child

The willful harming or injury of a child

The endangerment of the person or health of a child

Neglect

Sexual Abuse

Did Abuse or Neglect occur?

THE PENAL CODE DEFINES
ABUSE AND NEGLECT

Sexual Abuse
PC § 11165.1

General/Severe
Neglect PC §
11165.2

Emotional Abuse
PC § 11165.3
and 11166.05

Physical Abuse/
Willful Harming
of a Child PC §
11165.3 and .4

What does the evidence tell us?

PENAL CODE 11165.12

Substantiated

- Credible evidence that makes it more likely than not that child abuse, neglect or exploitation occurred.

Inconclusive

- Not “unfounded” but findings are inconclusive and without enough info to determine if abuse, neglect or exploitation occurred.

Unfounded

- Determined to be false, an accidental injury or not constituting child abuse.

Should the referral be promoted to a case?

RISK ASSESSMENT

Factors of Prior Investigations
Factors of Current Investigation
Family Characteristics

Likelihood of Future Harm

LOW

MEDIUM

HIGH

VERY HIGH

CLOSE
REFERRAL

OPEN A CASE
(VOLUNTARY OR
PETITION)

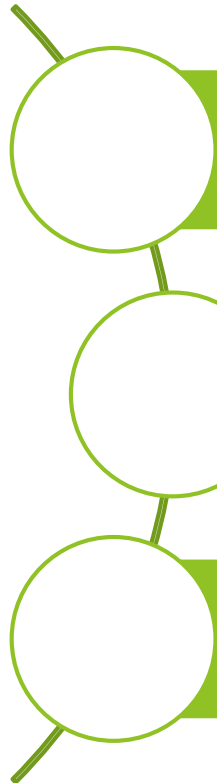
CHILD ABUSE CENTRAL INDEX

PENAL CODE 11169

- ▶ Central repository managed by DOJ of all substantiated referrals of physical, sexual or emotional abuse and severe neglect. (Defined by Penal Code sec. 11165.6)
- ▶ General Neglect is not reportable to CACI.
- ▶ Penal Code 11169(d)&(e): Any person listed in CACI has a right to an administrative hearing unless
 - ▶ Pending Criminal or Dependency proceeding
 - ▶ Court of competent jurisdiction determined abuse/neglect occurred
- ▶ DOJ shall make CACI available to placing agencies. (Penal Code sec. 11170(b)(4))

Does the evidence support court involvement?

WIC 300

- 
- Is the Child described by WIC 300a-j?
 - Is Court Intervention needed?
 - Is there sufficient evidence to support risk of future harm?

PRE-PREVENTATIVE SERVICES

DIFFERENTIAL RESPONSE OR VOLUNTARY FAMILY MAINTENANCE

- ▶ Reasonable efforts must be made to prevent or eliminate the need for removal before detention.¹
- ▶ Differential Response: linkage to voluntary services.
 - ▶ Perhaps referral allegations do not meet statutory definition of abuse/neglect but family needs services.
 - ▶ Dual Response w/ER SW: Assessments indicate that with targeted services family likely to make needed progress to mitigate risk.
- ▶ Voluntary Family Maintenance
 - ▶ For low/moderate risk cases where children can safely remain in the home where family agrees to participate
 - ▶ W&I sec. 301(a) authorizes SW to undertake VFM in lieu of filing a petition or subsequent to the dismissal

¹ (Welf. & Inst. Code, §§ 319(d)(1), 636(d)(2)(B), 11401(b); Cal. Rules of Court, rules 5.678(c)(1), 5.760(e)(3).)

Protective Custody Warrants

WELFARE & INSTITUTIONS CODE SEC. 340(A) & (B)

- ▶ A protective custody warrant may also be issued after the filing of a petition if it appears to the court that the circumstances of his or her home environment may endanger the health, person, or welfare of the minor.
- ▶ A protective custody warrant may be issued without filing a petition if the court finds probable cause that
 - ▶ The child is described by Section 300
 - ▶ There is a substantial danger to the safety or to the physical or emotional health of the child.
 - ▶ There are no reasonable means to protect the child's safety or physical health without removal.

Pre-Detention ICWA Inquiry

WELFARE AND INSTITUTIONS CODE 224.6

- ▶ Social worker has an affirmative & continuing duty to inquire whether a child is or maybe an Indian child.
- ▶ The duty to inquire begins with the initial contact
- ▶ The inquiry includes but is not limited to, asking the party reporting child abuse or neglect whether the party has any information that the child may be an Indian child.
- ▶ “A court must reverse where the record demonstrates that the agency has not only failed in its duty of initial inquiry, but where the record indicates that there was readily obtainable information that was likely to bear meaningfully upon whether the child is an Indian child.”

In re Benjamin M. (2021) 70 Cal.App.5th 735, 744

Pre-Detention Relative Placement

WELFARE AND INSTITUTIONS CODE 309

- ▶ If a relative is available and requests placement before the Detention hearing or pending the Disposition hearing, Social Worker must initiate an assessment pursuant to W&I code sec. 361.4
- ▶ 361.4 requires Social Worker to
 - ▶ Conduct an in-home inspection to assess safety of the home and the ability of the relative to meet child's needs
 - ▶ Cause a CLETS check to be conducted for all people over 18 living in the home or regularly present in the home
 - ▶ Check on all prior allegations of abuse or neglect concerning the relative and all other adults in home

Pre-Detention Relative Placement

WELFARE AND INSTITUTIONS CODE 309

- ▶ W&I Code sec. 309(e)(1) requires Social Worker to conduct an investigation within 30 days to identify and locate all grandparents, adult siblings, and other adult relatives unless the history of family or domestic violence makes notification inappropriate.
- ▶ The court may authorize the placement of a child on temporary basis in the home of a relative, regardless of the status of any criminal record exemption or resource family approval, if the court finds that the placement does not pose a risk to the health and safety of the child. (Welf. and Inst. Code § 319(h)(3))

Thank you for your time. Questions?

Jennifer Feige
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(Welf. & Inst. Code, §§ 319(d)(1), 636(d)(2)(B), 11401(b); Cal. Rules of Court, rules 5.678(c)(1), 5.760(e)(3).)