

County of Santa Clara
Social Services Agency
Department of Family and Children's Services



CSFC SSA05 081804

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DATE: August 18, 2004

TO: Supervisor James T. Beall, Jr., Chairperson
Supervisor Don Gage, Vice-Chairperson
Children, Seniors & Families Committee

FROM: 
Will Lightbourne
Agency Director, Social Services Agency

SUBJECT: Report back on the causes related to the accelerated speed in which some minority children in the child welfare services are being adopted.

RECOMMENDED ACTION

Accept Report Back on the causes related to the accelerated speed in which some minority children in the child welfare services are being adopted.

FISCAL IMPLICATIONS

There is no fiscal implication associated with this matter.

CONTRACT HISTORY

Not Applicable.

REASONS FOR RECOMMENDATION

The Children, Seniors and Family Committee requested a report that examines the causes relating to the accelerated speed in which some minority children in the child welfare services are being adopted.

Federal and state law state that whenever a child is removed from a parent's or guardian's custody, family reunification services are generally in the best interest of the child. However, Section 361.5 of the California Welfare and Institutions Code states that the Juvenile Court may not order family reunification services for a parent or guardian based on twelve legal grounds, unless the Court finds, by clear and convincing evidence, that reunification is in the best interest of the child. Based on three additional legal grounds, the Court may find that no family reunification services is needed if the Court finds by clear and convincing evidence that the legal conditions have been met.

The Department of Family and Children's Services reviewed all cases where parent(s) did not receive family reunification services as ordered by the Juvenile Dependency Court from January 2002 to June 2004. The Department made the following findings based on the cases of 138 children and 108 families:

- The number of children where both parents do not receive family reunification services has declined from 7% of the total children removed and made dependents in 2002 to 3% of the total children removed and made dependents in the first six months of 2004.
- Bypass cases where one or both parents do not receive reunification services make up a small but significant percentage (8%) of all cases where a child is removed and made a dependent of the Court.
- There is a disproportionate number of Latino and African American children for whom family reunification services are ordered bypassed.

- Children in bypass cases involving sibling groups equal 36%, and siblings are placed together about 46% of the time.
- Young children and particularly babies are most often subjects of court-ordered bypass of family reunification services.
- Children whose parent(s) did not receive reunification services in bypass cases are placed with caregivers of the same ethnicity about 74% of the time.
- The percentage of children whose parent(s) did not receive reunification services in bypass cases placed with kin (relatives or non-relative extended family members) increased from 41% in 2002 to 61% in 2003.
- The percentage of children whose parent(s) did not receive reunification services in bypass cases who are adopted or in the process of being adopted by kin (relatives or non-relative extended family members) increased from 75% in 2002 to 77% in 2003.
- About 67% of children whose parent(s) did not receive reunification services in bypass cases are adopted or in the process of being adopted by caregivers of the same ethnicity in the last two years.
- Most parents for whom family reunification services are ordered bypassed had family reunification services terminated previously.
- Of those parents whose family reunification services terminated previously, most continue to have a substance abuse problem.
- Of those parents whose family reunification services terminated previously, the period between the termination of family reunification services and the removal of the child in this review decreased from an average of 4 years in 2002 to 2 years in 2004.
- Cases where family reunification services were bypassed took longer to reach disposition by the Court, compared with all cases.

The following Bay Area counties statistics on bypass cases were surveyed: Marin, Alameda, Solano, and Contra Costa. Although contacted, San Francisco, San Mateo, Santa Cruz, and Napa counties did not respond to the inquiry. Alameda, Solano, and Marin counties do not keep statistics on cases where family reunification services were ordered bypassed. From October 2003 to May 2004, Contra Costa reported 1 child (African American) in 2003 and 12 children (6 Caucasian, 5 African American, and 1 Latino) up to May 2004 whose parents had family reunification services ordered bypassed.

Over the last year, all cases potentially considered for bypass of family reunification services for either one or both parents were discussed in a staffing attended by the social worker, supervisor, manager, and County Counsel assigned to the case prior to the final recommendation made to the Court. In addition, Team Decision Making meetings have involved DFCS staff, other agencies' staff, and community members in certain cases. As of August 5, 2004, all cases recommending the bypass of family reunification services will require the final approval of the DFCS Director.

BACKGROUND

None.

CONSEQUENCES OF NEGATIVE ACTION

The Children, Seniors and Families Committee would not accept the report on the causes related to the accelerated speed in which some children of color in the child welfare services are adopted.

STEPS FOLLOWING APPROVAL

The Clerk of the Board will follow usual procedures for a report of this type.

ATTACHMENTS

- Reunification Bypass Report (Resolution)