

**CHILD ABUSE EMERGENCY
RESPONSE EFFECTIVENESS**



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SUMMARY

The 2010-2011 Orange County Grand Jury has completed a review of the effectiveness of Emergency Response Units I and II (ERU), a division of Children and Family Services in the Social Services Agency (SSA). Due to the size and complexity of emergency response ERU are made up of two identical entities called units, each with a supervisor and social workers. Having two units make the ERU much more manageable and efficient.

The study focused on how effective the staff is in responding to reports of child abuse. This is a critical area involving a group of social workers who manage the first response to alleged abuse. They are the professionals who make the home or school visits and who must decide what appropriate action the SSA should take.

There are a number of indicators which illustrate the effectiveness of ERU. Response times for face-to-face contact with a child, both for an immediate response where danger is imminent, and a 10 day response for less serious cases, were found to be excellent. In the first quarter of 2010, the ERU met the regulatory times in 99.6% of the cases for immediate responses and 95.2% for 10 day responses. These exceeded the State of California averages (immediate – 96.9% and 10 day response – 93.8%).

Another indicator of success by the ERU is the percentage of children who received a monthly visit when required. In the first quarter of 2010, 96.9% of the children received a monthly visit compared to a State of California average of 93.1%. The ERU contributes to the SSA's performance level of 98% for the federal target rate for child safety through its efforts to increase the number of children who do not experience a recurrence of abuse or neglect.

Even though the ERU lost 22% of their staff over the past three years, the Grand Jury found the units to be well managed and effectively meeting the needs of abused children and their families.

REASON FOR STUDY

The State of California defines child abuse as: (1) a physical injury which is inflicted by other than accidental means on a child by another person, (2) sexual abuse, including both sexual assault and sexual exploitation, (3) willful cruelty or unsuitable punishment of a child, (4) cruel or inhumane corporal punishment or injury, or (5) neglect, including both severe and general neglect.¹

The County of Orange SSA provides child protective services through its Children and Family Services Division, which is divided into four sections:

- (1) Intervention and Prevention
- (2) Family Assessment and Shelter Services
- (3) Continuing Family Services
- (4) Planning and Permanency Services

This study focused on the ERU which are part of Intervention and Prevention Services in order to determine how effective they are in responding to reports of child abuse. This is a critical area involving social workers who manage the first response to alleged abuse. They are the professionals who make the home visit and who must decide the appropriate action the SSA will take.

Successive budget cuts in the past three years, and the resulting reduction in professional staff, created reasons to study this high risk and challenging County service.

METHODOLOGY

Information was collected from interviews with select staff personnel:

- Executive Management of SSA
- Executive Management of Children and Family Services
- Executive Management of Intervention and Prevention Services
- Supervisors of ERU

1. The California Child Abuse Reporting Law (Penal Code Sections 11165-11174.3)

- Social workers (5 in Unit I and 5 in Unit II)
- Intake Unit representatives
- Public health nurses
- Executive Management of the Child Abuse Registry (CAR), including an on-site visit; and an interview with 2 CAR social workers.
- Sheriff's department representatives from the Special Victims Detail
- Four members engaged in a "ride-a-long" with social workers to experience a home visit and a school visit.

Key indicators measuring the effectiveness of ERU were analyzed. This data included information provided by the SSA as well as data from the Center for Social Services Research at the University of California at Berkeley. The latter collects unbiased detailed information on all aspects of the response system.

The following documents were reviewed for the period 2008 – 2010.

- State statutes relevant to child abuse
- CAR Statistics reports
- Child Welfare Service Outcomes Report
- Organizational charts
- Staff levels in the ERU
- Caseload data

FACTS

Fact: In 1974, the Board of Supervisors established CAR to centralize the reporting of child abuse within Orange County. A 24 hour hotline to receive calls was initiated on February 1, 1975.

Fact: During 2008-2010, the CAR had a monthly average of 3,100 calls resulting in 83,249 referrals to the ERU.

Fact: The California Penal Code states that it is a misdemeanor for certain professionals and laypersons who have a special working relationship with children not to report suspected child abuse.

Fact: The ERU responds to abuse allegations within 10 days when imminent danger to the child is not present. An immediate (same day) response is mandated for cases of serious abuse or where there is potential for further serious harm

Fact: Cases are to be resolved in 30 days following the initial contact except in exigent circumstances approved by the ERU supervisor.

Fact: A federal court decision (Greene v. Camreta) prohibits emergency response personnel from interviewing a student in a school setting without permission of at least one parent.²

Fact: All ERU employees are mandated to receive 40 hours of in-service training every two years.

ANALYSIS

Protection of a child, defined as 0 – 17 years of age, necessitates a wide range of professional services in four areas:

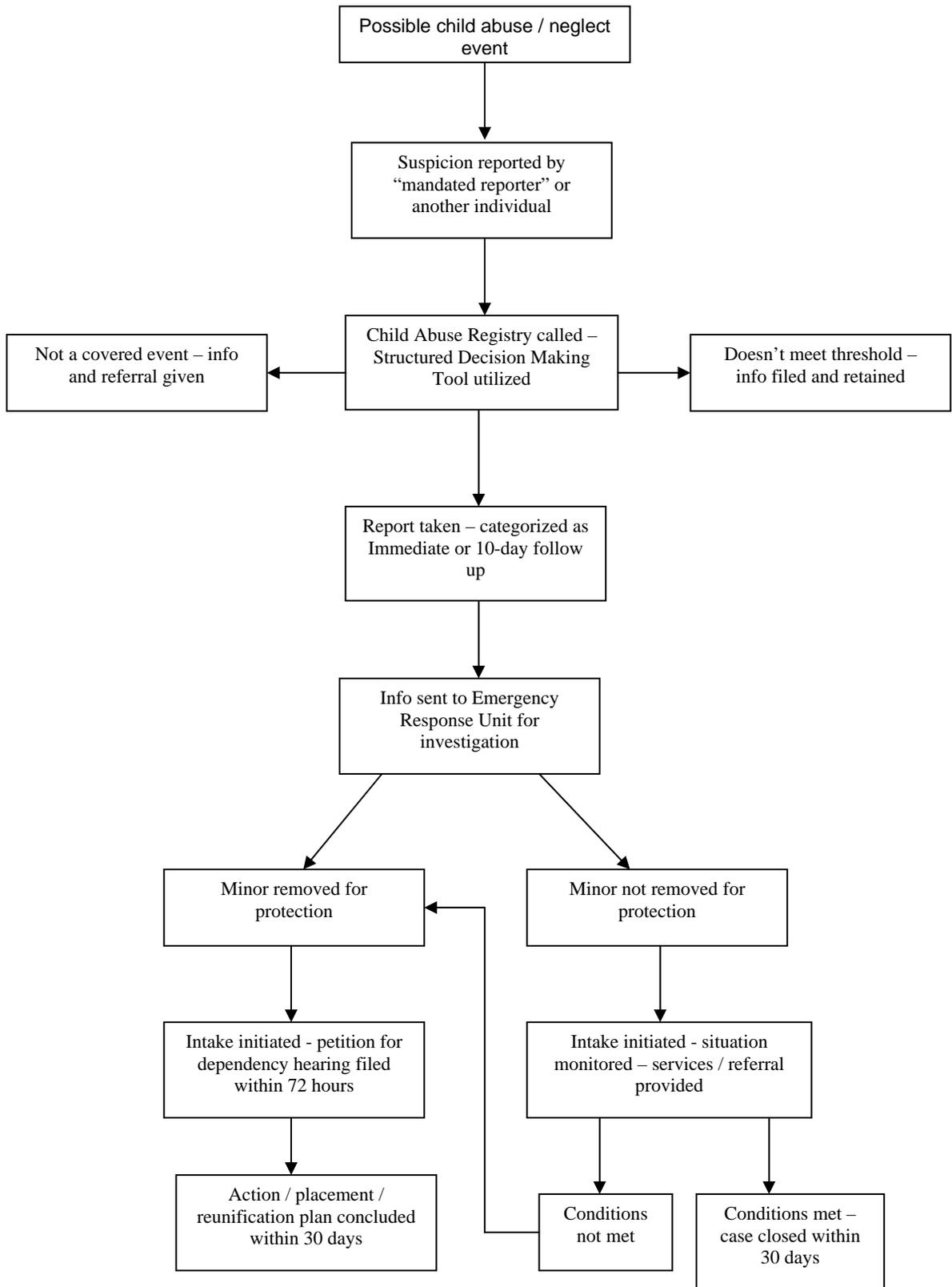
- CAR which receives the calls reporting possible child abuse.
- ERU which becomes the first responder to alleged abuse.
- Intake Unit which investigates the removal of a child from their home and can file a petition with the court or dismiss the petition.
- Child Abuse Services Team (CAST) which conducts sensitive forensic evaluations of children who are alleged to have been sexually abused.

Figure 1 (Flow Chart for Response to Child Abuse) shows the decision points of activity implemented by the SSA to address reported child abuse. While this study focuses on one sector - Emergency Response Units I and II - it is important to see how it fits into all aspects of addressing child abuse.

Reports of child abuse come to CAR from a variety of sources mandated by the California Child Abuse Reporting Law found in Penal Code section 11165-11174.3. The Penal Code lists 37 mandated reporters who receive absolute immunity, both civilly and criminally for making such reports. Any mandated reporter who fails to report an instance of child

² 588 F.3d1011 (9th Cir. 2009)

Figure 1 – Flow Chart for Response to Child Abuse



abuse is guilty of a misdemeanor with a punishment not to exceed six months in jail or \$1,000, or both. A majority of the reports come from counselors/therapists, law enforcement and school personnel and teachers. As a result of the diversity of reporters, the staff of CAR and ERU are required to interact with a wide range of individuals. Non-mandated reporters are usually a relative or other observers (e.g. neighbor).

The CAR has extensively trained social workers taking and processing calls to determine if they are appropriate for action by the ERU. If action is warranted, CAR makes a decision as to the severity of the case, potential injuries, age of victim(s), or potential for further serious harm and assigns it to the ERU as a timely (ten day) response or an immediate response. These are defined as:

1. Immediate response. Mandated for cases of serious abuse or where there is potential for further serious harm. There is no State mandate for the time for a response. The ERU has set a standard of two hours for an immediate response.
2. Timely Response (10 day response). Reported abuse is less serious and imminent danger to the child is not present. A face-to-face response is made within 10 days of the first contact.

A University of New Hampshire study reported a 5% decline in sexual abuse and no increase in rates for physical abuse and neglect nationwide.³ Orange County has followed the national trend in reporting the number of child maltreatment cases during a recession.

Table 1 presents the number of responses reported to ERU by CAR for the past three years showing a significant decrease from 2008 to 2010. Currently, CAR receives approximately 3,100 calls per month. In November 2010, 204 calls forwarded to ERU resulted in an immediate response (14% of the total).

Table 1
CLASSIFICATION OF CAR REPORTS REFERRED TO ERU

	2008	2009	2010
Immediate Response	8,289	6,641	6,270
10 Day Response	21,544	20,416	20,089

³ Finkelhor, D. U.S. Recession Didn't Raise Rates of Child Neglect. Crimes Against Children Research Center, University of New Hampshire, 01-12-11.

Response times for face-to-face contact with a child, both for an immediate response where danger is imminent, and a 10 day response for less serious cases were found to be excellent. In the first quarter of 2010, the ERU met the regulatory times in 99.6% of the cases for immediate responses and 95.2% for 10 day responses. These exceeded the State of California averages (immediate – 96.9% and 10 day response – 93.8%). Another indicator of success by the ERU is the percentage of children who received a monthly visit when required. In the first quarter of 2010, 96.9% of the children received a monthly visit compared to a State of California average of 93.1%. The ERU contributes to the SSA’s performance level of 98% or higher for the federal target rate for child safety through its efforts to increase the number of children who do not experience a recurrence of abuse or neglect.

The ERU is comprised of two units, each with its own supervisor. The personnel assigned to each unit are social workers who hold at a minimum, a bachelor’s degree in social work from an accredited institution. The primary function of those working in ERU is case management. When joining the ERU staff they receive extensive training on ERU procedures and practices and are monitored by veteran case workers during their initial training. Each social worker is required to take 40 hours of in-service training every two years. ERU are located in the following communities: Aliso Viejo, Anaheim, Cypress, Laguna Hills, Orange, Santa Ana and Tustin. In addition, the SSA invited police departments to have ERU personnel at their location. The following communities are involved as a result: Fountain Valley, Fullerton, La Habra, La Palma, Newport Beach and Westminster.

Table 2 presents the number of social workers assigned to each unit showing a 22% decrease in full-time equivalent personnel over the past three years. Caseload has remained relatively constant over the past three years with new referrals per social worker averaging 12 new cases and 22-24 open cases per month in 2010. Interviews revealed that the number of cases assigned to each social worker is manageable as they have remained relatively constant over the past three years.

Table 2
ERU STAFFING (2008 – 2010)

	2008	2009	2010
ER UNIT I	73	65	56
ER UNIT II	61	51	48
TOTAL	134	116	104

The ERU respond to referrals from CAR by making critical analyses and decisions. This necessitates review of all information provided by CAR, review of “priors”, that is prior events (e.g. criminal records, previous reports) by all involved in the case. Clarity and detailed information coming from CAR is essential for the ERU social workers to make a logical, legal, caring response. Social workers are asked to respond to a wide range of cases, some requiring an immediate response and possibly removal of a child. They must analyze each case appropriately and then process their conclusions and recommendations with their supervisors to ensure that appropriate decisions and actions are taken. This is most pronounced when an immediate response is called for. The ERU social workers are often the first professionals to arrive at a scene where child abuse may have occurred or where children may be at risk for being abused or neglected. Their initial objectives are to evaluate and address immediate needs, both medical and psychological. Ensuring the safety of the child is paramount.

Cases assigned to the social workers vary in complexity. Some are very routine requiring less research and can be resolved quickly. Others can be very complex, requiring extensive research, multiple home visits and interaction with a number of agencies. For example, a case that involves a domestic dispute and a child removal requires considerably more time on the part of the social worker. Such cases may remain “open” beyond the 30 day close date expected of ERU. Supervisors were found to be sensitive to individual case loads (new and open) and assign new cases accordingly.

Recognizing the need to address complex cases requiring additional hours and the necessity for responding 24 hours a day, overtime pay is available on a limited basis. Overtime pay is allocated sparingly with some social workers indicating that flex-time was the norm rather than overtime. Flex-time allows work hours to be adjusted to change from an 8:00 to 5:00 schedule to accommodate evenings and/or weekends. Overtime paid for the past three years was:

- \$448,431 (2008)
- \$170,118 (2009)
- \$269,736 (2010)

Orange County law enforcement agencies work closely with ERU personnel with designated contacts in the Sheriff’s Department and 21 community police departments. Law enforcement gets involved in a number of ways: (1) some reports of child abuse are reported directly to law enforcement which they report to CAR, (2) they may discover abuse

cases while on duty and (3) social workers request assistance from law enforcement where there is danger present for anyone involved in a case.

Children and Family Services does not specifically track the number of referrals to law enforcement, however, they are involved in the majority of ERU investigations that involve a removal. Table 3 shows the number of removals for 2008 – 2010.

Table 3
NUMBER OF CHILDREN REMOVED
FROM THEIR RESIDENCE
(2008 – 2010)

2008	1,684
2009	1,499
2010	1,512

Removing a child from a home is an action taken only when a child cannot safely remain there. If removal is necessary, the social worker is responsible for transporting the child to a secure location such as the Orangewood Children and Family Center. California law allows a child to be detained for 72 hours. The Intake Unit can petition the court within 72 hours or dismiss the petition. It may propose a family maintenance agreement using strategies such as counseling, parenting classes, or referral to one of the 12 Family Resource Centers. The primary goal is to work with the parents for possible reunification as soon as possible. Input from the ERU case manager is critical.

Interviews with both social workers and law enforcement representatives revealed a very positive working relationship. A significant number of ERU personnel described a good working relationship with Orange County Sheriff's Department deputies. During interviews with ERU personnel and representatives of the Sheriff's Department, both recommended more joint in-service training so they could understand each other's role in order to increase efficiency.

When asked why the number of cases reported in Orange County has remained relatively constant, interviewees indicated that improvement in established prevention and intervention programs is a major factor. In addition, increased efficiency in screening calls has reduced the number of responses to unsubstantiated reports. Also, well coordinated efforts in the other three areas of Children and Family Services (Family Assessment and Shelter Services, Continuing Family Services, and Planning and Permanency Services) have reduced recidivism. When considering the percentage of children who were victims of substantiated or indicated child maltreatment, over 95% did not have additional

maltreatment during the subsequent six months. Orange County exceeds both state and national standards.

The interview process conducted with ERU staff revealed a highly motivated professional group who were very cooperative and open with their views. Their educational level, as well as their area of expertise, was commendable. Some social workers have worked in a number of other areas (e.g. Intake, Probation) which they feel gives them a broader perspective as they manage cases requiring interaction with other agencies.

In the interviews a number of social workers expressed a desire to get more detailed information from CAR in order to expedite their efforts. Interviews with CAR personnel revealed that their workload varies by the time of day, weekends, holidays and when school is in-session or not in session. When the CAR call load is heavy, reports to ERU might not be as detailed as when there is a light load. Immediate response calls are expedited with extensive interaction among CAR and ERU. Several social workers expressed concern about the extra time it takes to respond to a call when a team structured decision approach is used to process CAR information, that is, using a group of ERU personnel processing a case rather than a single social worker. There was no indication that such activity has hampered a response. Interviews revealed a very positive working relationship between CAR and ERU and their supervisors.

Interviews with ERU social workers revealed three primary concerns:

A first concern was the time required to complete the report for each case, indicating that the new format calls for too much information and has a number of redundancies. They indicated that the time to complete a report has lengthened dramatically. For most cases, 2- 4 hours are required. However, they were quick to point out that detail is essential for the record which may be used in subsequent venues (e.g. court, repeated abuse, parents acquiring reports). In addition, a number of social workers reported far more scrutiny by their supervisors than in the past, therefore much more detail is being provided. The protocol for report writing is now being reviewed within the SSA in order to increase efficiency, answering such questions as “What detail is sufficient information, are there redundancies, how might CAR help expedite the process?”

A second concern involved school visitations. If there is a situation in a school that deserves immediate and emergency attention, ERU will enter a school to investigate, usually accompanied by law enforcement. However, for non-emergencies, interviews in schools have been complicated by a court ruling that prohibits them from interviewing a

student in a school setting without permission of at least one parent. If the case is deemed serious enough, the social worker has the option to request a warrant which can be time consuming. This ruling is currently under review by the courts.

A third concern involved the high level of stress social workers must face. Beyond caseload/workload demands, as well as report writing, ERU personnel function in a challenging situation in that their schedule is unpredictable, that is, it relies on calls/reports. On a given day, their schedule may include a routine 10 day response or may escalate to an immediate response usually attended to within two hours. The resultant stress is unavoidable and understandable, especially when presented with cases that are especially trying, even to the veteran social worker. The stress level has not resulted in an increase in Workers Compensation claims. From 2008 – 2010 there were 18 claims, 14 of which were for accidents, falls and strains; 4 listed as miscellaneous; 7 resulted in time lost.

Other concerns expressed by a significant number of social workers were:

- 40 hours of mandated in-service training required every two years. A number of interviewees felt that the training is often redundant and takes time from their schedule to serve children. They suggested that the training focus on specific intervention strategies and joint sessions with the other entities they deal with, specifically law enforcement.
- Several social workers indicated they would like to have more involvement with follow-up for families.
- Transportation of children. Concern was expressed about liability involved with the use of personal vehicles to transport children when removed from their home.

FINDINGS

In accordance with *California Penal Code* Sections 933 and 933.05, the 2010-2011 Grand Jury requests responses from the agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of Superior Court.

Based upon its review of the ERU of the Children and Family Services of the Social Services Agency, the 2010-2011 Orange County Grand Jury has arrived at seven principal findings, as follows:

- F.1:** Even though there has been a 22% decrease in personnel assigned to Emergency Response Units I and II (2008-2010), the needs of children who are referred to Emergency Response Units I and II in Orange County are being met.
- F.2:** While case load has not increased in ERU, workload has increased due to increased reporting requirements.
- F.3:** Response time to address child abuse, both 10 day and immediate, consistently exceeds mandated State requirements.
- F.4:** The percentage of children who receive a monthly visit for whom a visit was required, exceeds State standards.
- F.5:** The interaction between Emergency Response Units I and II, the Child Abuse Registry, Child Abuse Services Team, Intake and law enforcement are working effectively.
- F.6:** Mandated in-service training for social workers (40 hours every two years) is perceived by some social workers as redundant.
- F.7:** Social Workers sometimes use their personal vehicles to transport minors when removing them from their home, causing them concern about their liability.

RECOMMENDATIONS

In accordance with California Penal Code Sections 933 and 933.05, the 2010-2011 Grand Jury requests responses from the agency affected by the findings presented in this section. The responses are to be submitted to the Presiding Judge of the Superior Court.

Based upon its review of the ERU of the Children and Family Services of the Social Services Agency, the 2010-2011 Orange County Grand Jury makes the following three recommendations:

- R.1: Conduct workshop(s) jointly with law enforcement to enhance the role of each and ways to seek more efficient interaction when working together on child abuse cases.**
- R.2: Review and analyze procedures concerning the transportation of children in social workers personal automobiles in terms of liability and possible alternatives.**

R.3: Continue analyzing the ERU reporting requirements using social workers from both units to reduce redundancy and increase efficiency.

REQUIREMENTS AND INSTRUCTIONS:

The California Penal Code Section 933(c) requires any public agency which the Grand Jury has reviewed, and about which it has issued a final report, to comment to the Presiding Judge of the Superior Court on the findings and recommendations pertaining to matters under the control of the agency. Such comment shall be made *no later than 90 days* after the Grand Jury publishes its report (filed with the Clerk of the Court); except that in the case of a report containing findings and recommendations pertaining to a department or agency headed by an elected County official (e.g. District Attorney, Sheriff, etc.), such comment shall be made *within 60 days* to the Presiding Judge with an information copy sent to the Board of Supervisors.

Furthermore, California Penal Code Sections 933.05(a), (b), (c), details, as follows, the manner in which such comment(s) are to be made:

- (a) As to each grand jury finding, the responding person or entity shall indicate one of the following:
 - (1) The respondent agrees with the finding
 - (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefore.

- (b) As to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - (1) The recommendation has been implemented, with a summary regarding the implemented action.
 - (2) The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation.
 - (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This time frame shall not exceed six months from the date of publication of the grand jury report.
 - (4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefore.

- (c) If a finding or recommendation of the grand jury addresses budgetary or personnel matters of a county agency or department headed by an elected officer, both the agency or department head and the Board of Supervisors shall respond if requested by the grand jury, but the response of the Board of Supervisors shall address only those budgetary or personnel matters over which it has some decision making authority. The response of the elected agency or department head shall address all aspects of the findings or recommendations affecting his or her agency or department.

Comments to the Presiding Judge of the Superior Court in compliance with the Penal Code Section 933.05 are requested from the:

<u>Responding Agency</u>	<u>Findings</u>	<u>Recommendations</u>
Social Services Agency	F.1 through F.7	R.1 through R.3