

Supervisors focus on reunification policies in child welfare cases

By **Anne Ternus-Bellamy** From page A5 | April 06, 2016

WOODLAND — A dispute between Yolo County Supervisor Matt Rexroad and the county's child welfare services department has moved from the courtroom to the board chambers, with Rexroad calling for significant changes to the way the county decides whether to return foster children to their biological parents or guardians.

Rexroad and his wife went to court earlier this year to prevent their foster child from being returned to what they believed was an unsafe home.

The effort was not successful, but Rexroad said his experience made clear "we've got some big problems here in Yolo County."

"While I desperately wish the court case my wife and I were involved in would have turned out differently, it didn't," Rexroad said during a two-hour presentation at the board's March 22 meeting.

"But the issues I'm bringing forward today would have been brought forward ... no matter what the outcome of that case was."

The primary issue, according to Rexroad: "The drive for reunification at all costs has basically infected our system. Our county process is to look for reunification opportunities every single time without the best interests of the child being included."

Reunification

Under state and federal law, reasonable efforts must be made to reunify families after a child has been removed. California code specifically states that whenever a child is removed from the custody of a parent or guardian, the juvenile court shall order the social worker to provide reunification services to the parent.

However, there are 17 exceptions allowing for the reunification process to be bypassed. Exceptions include when the parent or guardian is suffering from a diagnosed mental disability that renders him or her incapable of utilizing reunification services; when the parent or guardian has caused the death of another child through abuse or neglect; when the child is being removed for a second time for physical or sexual abuse; and where there has been severe sexual abuse or infliction of severe physical harm to the child or a sibling.

In order to bypass reunification in a given case, the social worker must make a recommendation to the court and the court makes the final decision. Rexroad believes bypass is not being sought when it should be.

Rexroad's attorney in his legal case, Michael Schaps of Davis, told the board, "the (Department of Health and Human Services) thinks it is far more important to reunify children with their biological parents than to protect them from abuse."

Schaps cited a 2014 study showing that within the first 18 months of reunification, 31 percent of parents who the department had deemed at "moderate risk" for repeat abuse or neglect were, in fact, investigated again, and abuse or neglect was substantiated in 11 percent of cases.

"This is only the first 18 months," Schaps noted, adding that the risk would be greater over time.

Rexroad's assistant, Mary Engstrom, also presented data showing high one-year and five-year rates of children re-entering the Yolo County foster care system following reunification with biological parents.

Another view

However, some took issue with the data.

"This hasn't been a balanced presentation," Daniel Webster, a UC Berkeley professor and principal investigator of the California Child Welfare Indicators Project, told supervisors.

"Because we have few such children in the county, those numbers are going to be subject to going up and down," he said, adding that the data showing the percentage of children re-entering the system includes probation cases — not just dependency cases.

"Yolo does not jump out as a county with an inordinately high re-entry rate," he said.

Meanwhile, Frank Mecca, executive director of the County Welfare Directors Association, noted that it is the court, more than county employees, who hold the final decision on bypassing reunification efforts.

"I know from being an advocate in the field that the federal government, state government and appellate courts have clearly decided that reunification is the priority," Mecca said.

"I think the decision to request bypass is an important one," Mecca continued, but, "the ultimate decision is the bench. There are fairly significant variations across the state ... in how the benches approach bypass. Many judges are very loath to bypass reunification."

He recommended that supervisors, as they continue to look into the issue going forward, “engage with the bench.”

‘Act today’

The board ultimately voted at the March meeting to create a subcommittee to examine the issues involved, but Rexroad wanted more.

“The problems are so severe that we need to act today,” he said at the time.

“Nothing’s going to change for dozens of kids in the next few months as we go through our bureaucratic process,” Rexroad said. “During this process, it’s highly likely that another child will be abused again.”

Rexroad’s preference was to appoint somebody new to oversee child welfare — in fact, to appoint a new director of health and human services altogether — but his colleagues on the board were clearly reluctant.

Supervisor Jim Provenza of Davis said he didn’t think appointing someone else to run the department would lead to different results and Supervisor Don Saylor, also of Davis, said, “I’m not at a ‘something needs to be taken apart’ point.”

Rexroad then suggested that the board approve language that the county would “seek bypass whenever possible” and the board unanimously did so at that March 22 meeting.

New policy

But during Tuesday’s meeting, there was some backtracking.

Under state law, County Counsel Phil Pogledich told the board on Tuesday, supervisors may exercise general direction and supervision of the director of health and human services — who has the final say on whether to recommend a bypass of reunification — but cannot control how the director does her day-to-day job.

Additionally, the social workers who work beneath the director act as an impartial arm of the court in dependency proceedings, Pogledich noted, and their duties include providing the court with their own recommendations on whether reunification services would be in the best interest of the child.

“That a social worker has to recommend bypass without regard to the best interest of the child ... that I think goes too far,” Pogledich said. “It conflicts with social workers’ duties under state law.”

Instead, under a policy approved by the board on Tuesday, a process will be created where when the county counsel determines that a case may fall into one of the exception categories, a committee of the social worker, two supervisors and the child welfare services manager would attempt to reach a consensus on whether to recommend bypass or not. If there is no consensus, the matter would go to the director of health and human services to determine what recommendation to make to the court.

“When the case is presented to my office, if there is any doubt whether it is bypass eligible, we would direct them to move forward (for the court to ultimately decide),” Pogledich said.

Reporting system

The board also voted to create a reporting system to track how many cases are recommended for bypass in Yolo County, why they are and what the outcomes are.

All cases would be assigned a unique number “so the board can keep track of it,” Provenza said.

The record would include the type of abuse or neglect, the exceptions that might apply, the determination that an exception does or does not apply, the recommendation by child welfare services to the court, the court’s decision on bypass and any appellate review or decision.

The goal, Saylor said, is to “shine a light on a process that’s very invisible to the public and the board.”

Rexroad objected to the policy favored by the rest of the board on Tuesday, saying, “time and again our department is pushing for reunification.”

“We’re talking about kids who are continuously abused and it happens over and over again. Bypass would save those kids’ lives,” he said. “If it doesn’t change the recommendation to the court, it doesn’t change anything.”

The policy ultimately was approved on a 3-2 vote with Rexroad and Supervisor Duane Chamberlain voting against it.

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