

# Case of Baby Justice continues to play role in child-welfare services workshops

By Anne Ternus-Bellamy From page A1 | November 13, 2016



Samantha Green is led into Yolo Superior Court for a hearing in March 2015. Her trial on charges of causing the death of her infant son is due to start this spring. Sue Cockrell/Enterprise file photo

WOODLAND — Yolo County supervisors returned to the issue of child-welfare services last week during a three-hour workshop held on Election Day.

This, the third workshop on the topic in the past three months, focused on how social workers handle child-welfare cases through structured decision-making, a process that guides everything from whether a child should be removed from parents in the first place, to what services need to be provided and deciding when a child can be returned and a case closed.

But as with previous workshops, the topic turned again to one specific case in Yolo County that resulted in the death of a child: that of Baby Justice.

Decisions made by social workers in child-welfare cases, as well as their consequences, generally occur outside of the public eye. But the recent homicide trial of Samantha Green provided a glimpse into social workers' thinking when they decide whether it's safe for a child to remain with his or her parents.

Green was convicted of second-degree murder in September in the death of her 19-day-old son, Justice. High on methamphetamine, Green had taken baby Justice down into the Ridge

Cut Slough in Knights Landing during a cold winter night in 2015 and remained with him there overnight. The baby died of exposure.

Both Justice and his mother had tested positive for methamphetamine following his birth and both Green and her former fiancé Frank Rees had a long history of meth use. In addition to the positive drug screenings, there were indications that Green was under the influence at the hospital, a social worker testified during the trial.

### **Safety plan**

But drug abuse by Green and Rees alone didn't warrant Justice's removal from their custody, the social worker said, and he was released to them following their pledges to remain drug-free, undergo random drug screening and live with Rees' parents — all part of a prescribed "safety plan."

However, no screenings were conducted and Green admitted in court to getting high prior to Justice's death.

On Tuesday, supervisors returned to that case with more questions.

Supervisor Jim Provenza of Davis asked if the use of structured decision-making "can become a road to bad decisions?"

In the case of Green, the social worker determined that Baby Justice would be living with his parents in his grandparents' home and that Green had agreed to drug testing and treatment — thus checking off a couple of boxes on the safety plan worksheet, Provenza said.

However, he continued, "in the testimony before the court, there's doubt expressed about whether (Green would actually get treatment). In fact, it turns out the social worker didn't even believe the person was going to seek treatment, or that the treatment would be successful, and had serious doubts about that sort of 'check-the box' grandparent that would be available.

"Yet we sent the child back into that situation," Provenza said. "And I'm wondering if we have to be really careful with structured decision-making that we don't just check the boxes, but that we keep rational human decision-making as part of that process."

"Great point," replied child-welfare expert Jesse Russell, who was presenting the workshop material.

"Structured decision-making tools are like any tool.... Can it be misused? Yes. So the question really then becomes ... how to fundamentally train workers to begin with so that

they can use the tools in a good way because the tools are not a replacement for good social work,” Russell said. “What they are is a supplement to good social work.”

Additionally, Russell said, there needs to be an extra layer of quality assurance involving supervisors, managers and coaches, an active conversation about cases and looking at outcomes.

Russell added that child protection services “is considered the worst job in all of government, because it is enormously difficult. It’s hard, hard work, and it doesn’t always go well. There’s almost nothing you can do to prevent tragedies from happening and you’re almost destined to go out on a low note.”

### **Need more**

As in the Baby Justice case, parental substance abuse, particularly methamphetamine, has significantly impacted Yolo County’s child-welfare services program and the work of its social workers.

Child-welfare services expert Kimberly Giardina said the law requires a connection between the parent’s substance abuse and an adverse impact on a child in order to take action.

“Substance abuse, in and of itself, is not child abuse or neglect,” she said. “We have to show some impact.”

“Is the child not going to school? Is the child being left home alone and they’re too young to be left home alone, or caring for siblings that they shouldn’t be? Is there a lack of food in the house? Is the parent driving under the influence while the child is in the car and the child can be injured?

“When the parent is under the influence does it cause them to go into rages and physically abuse their child? Is substance abuse at the heart of intimate partner violence that’s occurring in front of the child and causing emotional trauma?”

In the case of Samantha Green, there was no previous contact with child-welfare services – the first contact occurred because Baby Justice was born with methamphetamine in his system.

“I don’t know that (that) is an indication that she’s not capable of caring for her child,” Giardina said, “(but) it’s certainly an impact on the child. If a baby is born (positive for drugs), that’s an impact. That child is going to have medical problems right from the beginning.”

“So there’s an impact,” said Supervisor Matt Rexroad of Woodland. “But do you believe the law allows the child to be taken by child protective services as a result of the child being tox-positive alone?”

Giardina replied that child-welfare service workers are required to demonstrate that they have tried to provide pre-placement services to families prior to removing the child.

“We can’t just remove a child when we haven’t tried to do anything,” she said. “Under the law we have to give parents an opportunity to have pre-placement preventative services before we go to court and ask for removal of the child.”

Safety plans — like that used in Green’s case — have to be very rigorously laid out for the child to stay with the parent, Giardina added.

“They have to be directly addressing the danger that is apparent for that child, as well as providing the necessary supports for that family,” she said. “There might be times when we would leave that child with the family but we would need a really solid safety plan ... (and) ongoing monitoring.”

According to Russell, babies born tox-positive are sent home with their parents about 40 percent of the time.

“Across the state of California, and it varies by county and family circumstance, it’s about 55 to 60 percent of the time that there is a removal. It depends on ... the network around the mother. It’s not just a matter of services ... but the network that can step in to help keep that child safe.”

Two out of five times, Rexroad noted, “to me that seems like a lot of children we’re sending home.”

### **What happens?**

Supervisor Don Saylor of Davis, meanwhile, requested data on the outcome of these cases and what happens when the child is allowed to stay with his or her parents after being born tox-positive.

The board will hold one more workshop, where members will receive that information as well as recommendations for any changes to the system in Yolo County. That workshop is scheduled for Nov. 22.

Karen Larsen, head of the Department of Health and Human Services, previously told supervisors that changes have already been made in the wake of the Baby Justice case and that the department is “dedicated to restoring the public’s faith.”

“We are continuing to do a lot of improvements,” she told supervisors in September.

Among those efforts is updating investigation policies for babies born with drugs in their system and increasing oversight of decisions made in those cases, as well as the hiring of analyst staff to update all policies and procedures for social workers.

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