

San Joaquin County Grand Jury



Fractured Oversight Fails to Serve At-Risk Youth 2012-2013 Case No. 0412

Summary

The 2012-2013 Grand Jury (Grand Jury) received a citizen's complaint about alleged inappropriate activities in a Group Home located in San Joaquin County. Following initial review of the complaint, the Grand Jury expanded its investigation to a review of how well At-Risk Youth are being cared for in Group Homes throughout San Joaquin County.

There are 21 Group Home Providers operating 44 Group Homes within the County licensed by the California Community Care Licensing Division (CCLD). The Grand Jury investigated six of those Providers who operate a combined 28 homes in the County. In addition, the Grand Jury reviewed the role and responsibilities of the following designated Group Home oversight agencies: CCLD, San Joaquin County's Child Protective Services (CPS), a division of San Joaquin County's Human Services Agency (HSA), and the County's Probation Department.

At the conclusion of its investigation, the Grand Jury found that some Group Homes are well managed, following regulations aimed at protecting the youth and giving them a positive formative life experience. Other Group Homes appear to be operated on a financially motivated basis with lax adherence to regulations. The oversight of the Group Homes within San Joaquin County was intended by State regulations to be a collaborative effort with CCLD, HSA/CPS and the Probation Department involvement; the Grand Jury determined that these agencies are not as effective as they could be, and not to the extent required by State law and regulations.

Taken together, the issues revealed as a result of this investigation bring into question the overall effectiveness of the current oversight of Group Home Providers by the very agencies that have been charged with providing a positive life experience for the youth they serve.

The findings in this report address the collective effects of reduced audits conducted by CCLD, Group Home Providers not in compliance with Mandatory Reporting laws, improper Incident/Injury Reporting, incorrect Staff to Youth Ratio's and non-adherence to annual training requirements.

It is imperative that HSA/CPS and the Probation Department create and implement a *Group Home Monitoring Program* to include a comprehensive and enforceable Placement Agreement.

Glossary

AFDC-FC	Aid to Families with Dependent Children – Foster Care; a State program.
At-Risk Youth	Children who are, or may be at risk of being physically, sexually, or emotionally abused, neglected or exploited.
CCLD	State of California Community Licensing Division – responsible for oversight of group homes in the State.
CCR	California Code of Regulations (Licensing regulations are contained in Title 22, Division 6, Chapter 5 Group Homes).
CDSS	California Department of Social Services.
CPS	San Joaquin County Child Protective Services: a Division of the San Joaquin County Human Services Agency.
Group Homes	Residential Care Facilities used for placement of At-Risk Youth by CPS or Probation, and licensed in accordance with Title 22, Division 6, Chapter 5 of the California Code of Regulations.
GED	General Educational Development, an alternative degree indicating completion of high school level competencies.
HSA	San Joaquin County Human Services Agency.
HSA/CPS	San Joaquin County Human Services Agency and Child Protective Services.
Host Letter	Correspondence from a particular County stating the need for a Group Home and recommendation for a Group Home Provider.
IEP	Individualized Education Plan that must include the educational goals and list the services to be provided to Special Education Students.
Job Shadowing	A process whereby new caregiver staff follow and observe experienced facility personnel performing a specific job.
Mandatory Reporter	An employee of a child care institution, including foster parents, group home personnel and personnel of residential care facilities (California Penal Code (PC) Section 11165.7).

NPS	Non-Public Schools; privately-owned schools operated primarily for developmentally challenged youth.
Probation	San Joaquin County Probation Department.
Program Statement	A written plan submitted by the Group Home Provider which identifies the client population, program structure, supervision and provides specific program information.
RCL	Rate Classification Level; the degree of care and/or a service provided to youth which determines the amount of payment received for the care of youth in Group Homes.
Sex Offender Registry	An on-line registry of individuals who are required by State and Federal Law to register as Sex Offenders.
W & IC	California Welfare & Institutions Code

Background

Group Homes are licensed by the California Department of Social Services (CDSS), Community Care Licensing Division (CCLD), in accordance with Title 22, Division 6, Chapter 5 of California Code of Regulations (CCR) to provide 24-hour non-medical care and supervision to youth who are, or may be at risk of being physically, sexually, or emotionally abused, neglected or exploited. These youth, who are generally dependents or wards of the Juvenile Court, often have behavioral and/or emotional problems that prevent them from being cared for in a family and/or Foster Care environment.

Group Homes are classified into Rate Classification Levels (RCLs) from 9 to 14 (14 indicates the most severely mistreated or At-Risk Youth). RCL levels are based on the education and training of employees in the Group Home and the type of treatment offered. The Group Homes reviewed by the Grand Jury included facilities with RCL levels from 9 to 14, with a corresponding per child payment rate ranging from \$6,649 to \$9,419 per month.

At-Risk Youth are placed in a Group Home to ensure a structured and safe setting by either County Social Services or County Probation. Additionally, parents, individuals or families may place a child under their legal custody in a group home at their own expense. Such placements are referred to as private placements and are rare within San Joaquin County.

The Group Homes reviewed by the Grand Jury were not classified as Foster Care Homes licensed in accordance with Title 22 Division 6, Chapter 9.5 CCR. Foster homes are typically used for providing temporary or emergency care and assessment for youth who have been removed from their home

by CPS, are awaiting adoption or other more permanent placement. They do not have behavioral and/or emotional problems that would prevent their care in a typical family-type setting.

The CCLD, a Division of the California Department of Social Services, is responsible for the licensing and oversight of Group Home Providers who care for the state's At-Risk Youth. It is responsible for ensuring compliance with all requirements of Title 22, Division 6, Chapter 5, CCR, to include minimum levels of care, training, treatment, housing, meals and education.

HSA/CPS and Probation place youth within licensed Group Homes based on the youth's needs and the level and type of care offered and are responsible for the oversight of the youth. HSA/CPS and Probation also have the ability to place youth outside San Joaquin County and outside the state, if found to be a benefit to the At-Risk Youth. Those Group Homes outside the County and state, if used, are required to comply with CCL's regulations. HSA/CPS and Probation continue to be responsible for the oversight of the youth. Group Homes within the County may also house youth from other counties and from other states.

Issues

During its review of Group Home operations within San Joaquin County, the Grand Jury unveiled issues related to the oversight of the Group Homes by State and County agencies. Following detailed review of documents and sworn testimony, other issues were discovered pertaining to how well Group Home Providers were complying with state regulations in reference to training, incident reporting and staffing.

The Grand Jury's investigation disclosed that a number of Group Home Providers in the County were concerned with and provide good treatment of At-Risk Youth; some Providers appeared to serve At-Risk Youth with an unusual emphasis on increasing their profits.

During its investigation the Grand Jury focused on:

- CCLD and its role related to Group Homes
- Group Home approvals, initial licensing and operations
- Group Home Staff Training
- HSA/CPS and Probation oversight
- Monitoring and oversight by local agencies

Method of Investigation

Following its review of the original complaint regarding alleged inappropriate activities within a Group Home located in San Joaquin County, and initial interviews with management of HSA/CPS and Probation, the Grand Jury expanded its investigation. This included a review of the oversight and operation of six Group Home Providers who operate 28 homes throughout the County; all licensed by the State.

Beginning February 7, 2013, numerous requests were made by the Grand Jury to the California Community Care Licensing Division (CCLD) for documents and interviews with CCLD's Regional Managers serving San Joaquin County. The request for interviews, were denied by the Director of the California Social Services Department, stating *lack of staff time due to budget reductions*. CCLD did respond to the Grand Jury's Document Request on April 23, 2013.

Materials Reviewed

The following information was requested from each of the six selected Group Home Providers and reviewed in detail by the Grand Jury:

- Group Home Applications, including all attachments and/or exhibits submitted to the State of California Community Care Licensing Department (CCLD) for their approval.
- Host Letters requests made by Group Homes, and all Host Letters provided by San Joaquin County.
- Current Licenses issued by the State's Community Care Licensing Department, (CCLD) for the operation of Group Homes within San Joaquin County.
- CCLD post-site-review reports, findings and corrective action plans for each licensed Group Home from 2007 to 2012.
- Logs, or other written communication from Group Home Providers to HSA/CPS and Probation in reference to any and all Incident Report notifications from 2007 to 2012.
- Employee rosters of all current full-time and part-time employees, including contact information, for each Group Home.
- Employee rosters of all former full-time and part-time employees from 2007 to 2012, including contact information for each Group Home.
- Copies of all employees training material that had been provided to or presented to employees, including management and staff, relative to Mandatory Reporting Requirements.
- Monthly staffing schedules for 2011-2012 for each Group Home.

The Grand Jury reviewed the following information provided by the HSA/CPS and Probation:

- List of Group Homes and Group Home Providers licensed in San Joaquin County.
- Sample of a Group Home Placement Agreement.
- Sample of a Host Letter.
- List of Group Homes currently being used by the Probation Department.
- An explanation of RCL Levels.
- A cost analysis of youth placed in San Joaquin County.
- State of California, Department of Social Services, Community Care Licensing Criteria.
- Sample of Group Home Visit Check-List used by the Probation Department.

The Grand Jury reviewed the following information provided by the California Community Care Licensing Division of the California Social Services Department:

- An overview of CCLD's Group Home Selection, Monitoring and Enforcement processes and procedures.
- An overview of CCLD's expectations of Mandatory Reporting and verification of Mandatory Reporter training by Group Home Providers.
- The dates of Group Home Site Audits for the six selected Group Home Providers for the period of February 1, 2010 thru March 20, 2013.
- Copies of post-site Audit reports for the six selected Group Home Providers for the period of February 1, 2010 thru March 20, 2013.
- Staff to At-Risk Youth Ratio requirements for the six selected Group Home Providers.

Interviews Conducted

- Current Group Home Administrators
- Current and Former Group Home Facility Managers
- Current and Former Group Home Social Workers

- Current and Former Caregivers
- San Joaquin County Human Services Agency Managers
- San Joaquin County Child Protective Services Managers and Supervisors
- San Joaquin County Probation Department Managers and Supervisors
- Sacramento County Probation Department Managers and Supervisors

Discussion, Findings and Recommendations

1.0 Community Care Licensing Divisions Role

In accordance with Title 22, Division 6, Chapter 5 of the CCR's the Community Care Licensing Division (a division of the California Department of Social Services) is responsible for licensing and overseeing Group Homes that care for the state's At-Risk Youth. Review of the CCR's revealed that CCLD is not only required to perform an initial review and approval of a Group Home Provider's application, it has an ongoing statutory responsibility to investigate all incidents where a child was harmed or the child's personal rights were violated, perform annual inspections of the physical facility, as well as ensuring compliance with the provisions contained within the Group Home Providers *Program Statement*. The Grand Jury discovered through a detailed document review and sworn testimony from a number of witnesses, that CCLD's fulfillment of its ongoing regulatory and oversight role has deteriorated over time, allowing a number of Group Homes to go unmonitored or un-inspected for periods of up to four years. Further, investigations of major incidents are not being attended to or reported to either HSA/CPS or Probation in a timely manner. CCLD has cited budget cuts as the cause for its inability to fulfill many of its oversight responsibilities. This lack of oversight has allowed a number of Group Home Providers to become lax in fulfilling their basic responsibilities: providing a structured and safe environment for the At-Risk Youth with whom they are required to care for and protect. In an attempt to clarify CCLD's deteriorating oversight program, the Grand Jury made four requests for direct discussions with CCLD's staff, all of which were rebuffed by the Department of Social Services senior management.

The Grand Jury requested specific documents from CCLD on February 7, 2013 regarding the Group Homes under its review. Follow-up requests for the information were also mailed to CCLD. A response from CCLD was received by the Grand Jury on April 23, 2013.

After a review of the CCLD documents, the Grand Jury noted that since its initial request for the information (which identified the six selected Group Home providers), CCLD conducted audits of 21 of the 28 Group Homes under Grand Jury review.

The CCLD audits took place between February 21, 2013 and March 20, 2013, some of which according to the documents provided took as little as 15 minutes to complete. Following these audits, CCLD issued a total of 34 citations compared to 30 citations over the course of the prior three years (most of which were attributed to individual complaints rather than the results of audits of compliance with Group Home Program Statements).

Eight of the 34 citations were classified as Type A, which they determined would create, if not corrected, an immediate risk to the health, safety or personal right of At-Risk Youth. Please see Table 1 for an analysis of data provided by CCLD.

Group Home Providers	Feb 21, 2013 through Mar 20, 2013		Prior Three Years	
	Type A Citations ¹	Type B Citations ²	Type A Citations ¹	Type B Citations ²
# 1	4	3	5	0
# 2	1	2	0	1
# 3	2	4	7 *	0
# 4	1	11	2	3
# 5	0	2	0	3
# 6	0	4	5	4
Total	8	26	19	11

Table 1

* Attributed to one Sexual Assault Incident.

Note 1: Type A Citation is a violation of CCR's which would create, if not corrected, an immediate risk to the health, safety, or personal rights of the At-Risk Youth.

Note 2: Type B Citation is a violation of CCR's which could create, if not corrected, a risk to the health, safety, or personal rights of the At-Risk Youth.

Findings

F1.1 Citing budget cuts, CCLD's fulfillment of its regulatory and oversight role has deteriorated to the point of allowing some Group Homes to go unmonitored or un-inspected for periods of up to four years.

F1.2 There is no indication that CCLD provides follow-up review of the Group Home's *Program Statement* to assure that it is in compliance with new laws or regulations.

F1.3 HSA/CPS and Probation do not receive copies of CCLD inspections unless they specifically request them.

F1.4 HSA/CPS and Probation do not routinely receive copies of investigations of Group Home violations by CCLD.

F1.5 Investigations and inspections do not take place on weekends or after regular business hours.

F1.6 Investigations of major incidents are not always handled by CCLD in a timely manner.

F1.7 CCLD performed unannounced audits of 21 of the 28 Group Homes under Grand Jury review between February 21, 2013, and March 20, 2013.

F1.8 CCLD issued 34 citations to the Group Homes under Grand Jury review between February 21, 2013, and March 20, 2013.

Recommendations

R1.1 Within 90 days, CPS and Probation submit a written request to CCLD that it fulfill statutory requirements for annual Inspections of all Group Homes in San Joaquin County.

R1.3 Within 90 days, CPS and Probation submit a written request to CCLD clearly stating the requirement for immediate notification from CCLD of all investigations and/or inspections being conducted on Group Homes in the county, including correction plans and follow-up reports.

2.0 Group Home Approval Process and Operations

Group Homes are licensed by the California Department of Social Services (CDSS), Community Care Licensing Division (CCLD), to provide 24-hour non-medical care and supervision to children who are, or may be at risk of being physically, sexually, or emotionally abused, neglected or exploited.

A Group Home must be established and operated as a nonprofit organization, a requirement of receiving a license from CCLD and having an AFDC-FC rate assigned in order to accept placements from HSA/CPS or Probation Departments. These placements are funded by AFDC-FC with rates ranging from \$6,649 to \$9,419 per child per month. Payments are only made for Group Home Programs that have the written support of a Host Letter. Host letters are provided by the HSA/CPS and Probation of a host county, a primary placing county, or a regional consortium of counties, indicating there is a need for additional Group Homes within the County to support the needs of the placement agencies. The Host County is the county in which the facility or a majority of facilities is located.

Through document review and sworn testimony, the Grand Jury discovered that it has been a number of years since either HSA/CPS and/or Probation have provided Host Letters to a prospective Group Home Provider. No manager or supervisor from HSA/CPS or Probation interviewed could recall ever authorizing the issuance of a Host Letter while serving in their current positions. It was also noted that once a Host Letter is issued to a Group Home Provider (and they obtain their license) neither HSA/CPS nor Probation has the ability to rescind their original Host Letter for cause. The only recourse a placement agency has to deal with a non-compliant Group Home Provider is to remove the At-Risk Youth from the home and place them elsewhere. The Grand Jury found that Group Home Providers who had At-Risk Youth removed by HSA/CPS and/or Probation are still operating and serving At-Risk Youth from other counties throughout the state.

As part of their licensing requirement, Group Home Providers must include a Program Statement for each distinct program with their application to CCLD, pursuant to Welfare and Institutions Code (W&I) Section 11467(b).

A group home *program* is defined as a unique combination of services for a specific population of youth in one or more licensed group home facilities as depicted in Table 2.

Area	Content
A. Program Description	Purpose, Methods, Goals Planned Activities/Use of Community Special Services/Programs Offered Medical/Dental Transportation
B. Admission/Assessment/Discharge Policies and Procedures	Admission/Intake Needs & Services Plans/Assessment Discharge/Removal Visitation Rules and Policy House Rules
C. General Policies Affecting Children Placed	Discipline Policy Emergency Intervention Plan Run Away Prevention Plan Children’s Complaint/Grievance Procedures Handling of Children’s Funds, Allowances, and Salaries Chores Nutrition/Sample Menu Clothing and Incidentals
D. Staffing/Administrative Organization	Staff Schedule Staff Qualifications Job Descriptions In-service Training for Staff/Administrators Administration Volunteers Control of Real Property Facility Sketch AFDC-FC Warrants Board of Director’s Statement

Table 2

Group Home Providers are also required to submit revisions to the Program Statement to CCLD when any changes are made that will affect the license and/or the AFDC-FC rate. The Grand Jury’s review of the Program Statements for each of the six selected Group Home Providers revealed that all of the Program Statements, which were submitted to and relied on by CCLD to license the Providers, were in compliance with CCR’s. However, after review of the documents and sworn testimony, the Grand Jury found that a number of providers were not operating in compliance with their approved Program Statements.

The areas of non-compliance of most concern were related to:

Lack of a comprehension and/or a misinterpretation of their obligations under the Mandatory Reporting laws; and, incomplete and untimely filing of Unusual Incident/Injury Reports.

The *Office of Child Abuse Prevention (OCAP)* estimates that four children die each day in this nation as a result of child abuse and neglect. The *Federal Child Abuse Reporting Act* was passed in 1974 to address this issue. Over the years, numerous amendments have expanded the definition of child abuse and the list of persons who are required to report suspected child abuse.

According to recent data published in the *Child Welfare Dynamic Report System* (released by the California Department of Social Services in collaboration with University of California at Berkeley), 81,764 children in the state were found to be victims of child abuse or neglect from January 2012 to December 2012. Of those, 1,345 occurred in San Joaquin County.

In an effort to help reverse this alarming trend, CDSS and OCAP funded *the Child Abuse Mandated Reporter Training Project*. The expressed goal of this project is to have training available for mandated child abuse reporters so they can satisfy and fulfill their legal responsibilities.

Testimony from Group Home Administrators, Facility Managers and those responsible for providing training, revealed none were aware of DSS's Mandated Reporter Training Project. Nor did they know this Project provides On-Line Training, Testing and Certification. A majority of the Group Home Caregivers interviewed testified that they either received their Mandated Reporter Training through reading a *Talking Points Paper*, or through a *Power Point* presentation (developed in-house by the Group Home Caregiver). Most of the training was less than an hour long and did not include a written test to validate their comprehension.

A Mandated Reporter, as stipulated in California Penal Code (PC) section 11165.7 (a) (14) includes "An employee of a child care institution, including, but not limited to, foster parents, group home personnel, and personnel of residential care facilities." Therefore, all employees of Group Homes in California are Mandated Reporters.

Many Caregivers interviewed were unaware of their role or misunderstood who had the ultimate responsibility for notifying law enforcement, HSA/CPS and/or Probation about actual or suspected child abuse or neglect incidents. Others believed they fulfilled their mandatory reporting obligation if they reported their suspicions to a supervisor. Also of concern to the Grand Jury was the discovery that many of the Caregivers interviewed were unaware (as legally mandated reporters) they could be criminally liable for failing to report suspected abuse or neglect. Nor were they aware that the penalty is a misdemeanor punishable by up to six months in jail and/or a fine of up to \$1,000.

Information obtained during testimony indicates that a number of Group Home administrators/managers/employees do not fully understand or adhere to Mandatory Reporting Law requirements, i.e. who prepares and sign reports, when and how to submit/file reports.

As a result, the Grand Jury is left to wonder: Are there any incidents of child abuse or neglect of At-Risk Youth placed into Group Homes going unreported in violation of PC section 11165.9?

Separate from obligations as Mandatory Reporters, Group Home Providers also have a statutory requirement in accordance with CCR Section 84461 *et seq.* to report any unusual Incidents or injuries to the youth placed in their charge. Group Home Providers are required to give notice of an Unusual Incident/Injury within 24 hours to CCLD, the youth's placement agency, HSA/CPS or Probation. This 24 hour notification must be followed up by a written report submitted to the same agencies within seven calendar days of the event.

The Grand Jury reviewed Unusual Incident/Injury Reports provided by the Group Home Providers for the period 2007 through 2012. It found that many of the reports were incomplete, did not provide sufficient detail explaining the unusual incident or injury, and did not identify if the appropriate agencies were notified as required by CCR Section 84461 *et seq.* It was also noted that some of the Unusual Incident/Injury written reports were reviewed and approved for submission by the same individual who prepared the report, rather than a Supervisor. This lack of appropriate reporting heightens the concern, whether or not CCLD, HSA/CPS and Probation is being provided sufficient information, in a timely manner, to react appropriately and to ensure that At-Risk Youth placed in Group Homes are cared for properly.

As part of its expanded review of Group Home operations, the Grand Jury reviewed documentation and received sworn testimony regarding mandated staffing ratios as stipulated in their Program Statements and required by CCR's. Since Group Home Caregivers are caring for youth who often have behavioral and/or emotional problems, it is necessary to have a sufficient number of qualified staff per youths to supervisor and address issues that might arise. The Program Statements for the selected Group Home Providers stipulated staffing ratios of one Caregiver per every three youths during the hours of 7:00 am to 10:00 pm (Awake Hours), and one Caregiver per every six children during the hours of 10:00 pm to 7:00 am.

It was discovered through sworn testimony that while a majority of the Group Homes continuously met or exceeded the one to three staff ratio during Awake Hours, other Caregiver's testimony disclosed that at times they were required to care for up to six youths by themselves. This reduced staffing ratio contributed to an increase in the number of Awake Hour runaways during the periods of non-compliant staffing. One Facility Manager stated that because they held a higher position than a Caregiver, they could in fact care for a larger number of youths than stated in the Group Homes Program Statement; this practice is a violation of the CCR's. Although not a violation, testimony also showed that one particular Provider moved At-Risk Youth from one Group Home to another for short periods of time to meet their staffing ratio requirement. A process that unnecessarily disrupted the living environment of the At-Risk Youth, rather than ensuring the Group Home Provider met their required staffing ratios.

Testimony revealed that a number of Caregivers were terminated by Group Home Providers during the period of 2007 and 2012 for sexual misconduct or violations of the At-Risk Youth's personal rights.

The Grand Jury reviewed the background investigation process which varies greatly from state to state. Currently, only 10 states conduct a full criminal background review that includes fingerprints compared against state and federal criminal records, a search of child abuse and neglect registries, and a cross reference of the National Sex Offender Registry.

The California Health and Safety Code requires a background investigation of all applicants, licensees, adult residents, volunteers under certain conditions, and employees of community care facilities who have contact with clients. If the CDSS finds that an individual has been convicted of a crime, other than a minor traffic violation, the individual cannot work or be present in any community care facility, unless they receive a criminal record exemption from the CCLD's Caregiver Background Check Bureau (CBCB). Individuals convicted of serious crimes, robbery, sexual battery, child abuse, elder or dependent adult abuse, rape, arson or kidnapping, are not eligible for an exemption. The California Department of Justice (DOJ) conducts the required fingerprint background check. In addition, the CBCB conducts a Child Abuse Central Index (CACI) name search, which is an additional background investigation required for individuals associated with any facility that cares for youths. Department of Justice provides CBCB with notification of any subsequent child abuse reports after the initial inquiry.

An alarming discovery of this review revealed that California is one of the 43 states that do not conduct a cross reference of the National Sex Offender Registry as part of their Caregiver Background Check process. Also, the Group Home Providers are not required to conduct their own review of these online registries as part of their hiring process.

The Grand Jury further found that most of the Group Home Administrators interviewed relied solely on the State's Caregiver Background Check process and did not conduct reviews of past employment. This allowed Caregivers who were terminated for cause from one Group Home Provider to gain employment with another one.

Another essential part of a Group Home Program Statement addresses meeting the individual education needs of the At-Risk Youth who have been placed into their homes. All of the youth have been determined to be emotionally and or behaviorally challenged and are required to attend a full time school program geared to meet their educational and supervision needs. Some of these educational needs are fulfilled through the public school system, while other are satisfied through placements in a Non-Public School (NPS). The NPS school program is to be staffed with teachers holding a Master's Degree and/or Special Education Credential/s. The Grand Jury discovered that three of the selected providers owned, in addition to their Group Home, a Non-Public School as a separate entity. It should be noted that these Non-Public School entities receive additional funding, above and beyond the AFDC-FC rate that they receive per month per child to provide similar services to the At-Risk Youth.

The Individualized Education Program (IEP) is a written plan/program developed by a team including the student's special education teacher, other school personnel, the student's parent/guardian, and others as appropriate, to include HSA/CPS and or Probation Department.

The plan is required to specify the students' academic goals and the method to obtain these goals. Testimony revealed that one of the selected Group Home Providers moved a child from a Public School environment and placed them in a Non-Public School against the expressed directive of the Probation Department. Two of the Administrators, who were also operating Non-Public Schools, stated that their schools were certified by the California Department of Education and accredited by the Western Association of Schools and Colleges (WASC). The third Administrator was not able to confirm if their teachers had credentials beyond those needed to teach general education. They stated their schools had the proper certification as a Non-Public School, but were not able to tell the Grand Jury if their certification came from the California Department of Education or the San Joaquin County Office of Education.

Findings

F2.1.1 The distribution of the AFDC-FC Funds flow through HSA and are tied to a one page Placement Agreement between the Group Home Provider and HSA/CPS and or Probation Department.

F2.1.2 Neither HSA/CPS nor the Probation Department has the ability to rescind their original Host Letter. The only recourse a placement agency has with a non-compliant Group Home Provider is removal of the At-Risk Youth from the home and placing them elsewhere.

F2.3 Review of documents and sworn testimony revealed a number of providers were not operating in compliance with their approved Program Statements.

F2.4 There is a lack of comprehension and/or a misinterpretation of Group Home Providers and their staff regarding their obligations under the Mandatory Reporting Laws.

F2.5.1 Many State required incident report forms reviewed were filled out incompletely; specifically, the check-off sections indicating whether or not reporting requirements had been met.

F2.5.2 Cases reviewed reveal some incident reports were made by a supervisor, not necessarily the employee who witnessed the incident. This has resulted in delays in submitting the reports to CCLD, HSA/CPS and Probation.

F2.5.3 Unusual Incident/Injury Reports were found not to have been signed by both the writer and reviewer, as required by CCR's.

F2.5.4 Some Supervisors modified reports prior to submittal to CCLD.

F2.5.5 Many Unusual Incident/Injury Reports failed to indicate if any follow-up had been undertaken to determine why the youth had run away.

F2.6.1 Facility Managers and staff from both large and small Group Homes were unaware of State's minimum staffing ratio requirements.

F2.6.2 Caregiver's testimony revealed they were occasionally required to care for up to six youths by themselves, which they attributed to an increase in the number of runaways during the periods of understaffing.

F2.7.1 A number of caregivers were terminated by Group Home Providers during the period of 2007 through 2012 for sexual misconduct or violations of the At-Risk Youths' personal rights.

F2.7.2 Group Home Providers are not required to conduct their own review of National Sex Offender registries as part of their hiring process.

F2.8 Some Group Home Providers have created their own Non-Public School (NPS) to educate the special education youth in their charge.

F2.9 A Group Home Provider changed the educational placement of a county-placed youth without notification or consent of the placement agency.

Recommendations

R2.1.2 Within six months, HSA/CPS and Probation revise its current Placement Agreement with Group Homes to include a provision that HSA/CPS and Probation have a contractual right to rescind a Host Letter.

R2.3 Within six months, HSA/CPS and Probation develop a new comprehensive Placement Agreement including an on-site inspection process to ensure that Group Home Providers are in full compliance with their State approved Program Statements.

R2.4 Within six months, HSA/CPS and Probation include, within the more comprehensive Placement Agreement, a requirement that all Group Home Providers use the Mandatory Reporter training program known as the *Child Abuse Mandated Reporter Training Project*. Further, those Certificates of successful completion be maintained within the Group Home Providers employees individual training records, as required by law.

R2.5.2 Within six months, Placement Agreements between HSA/CPS, Probation and the Group Homes require Group Homes to notify the Placement Agency of any incidents/ violations at the same time as CCLD is notified, and within the timelines required by CCR's.

R2.5.3 Within six months, revise the Placement Agreement to require employees witnessing incidents involving youth to sign-off on all reports submitted to CCLD, HSA/CPS and Probation, as required by law.

R2.6.2 Within six months, Placement Agreements be revised to include requirements that Group Home Social Workers be required to investigate the reason/s a youth had run away and provide follow up reports to the CCL, HSA/CPS and Probation on their findings or impressions, to include staffing levels at the time the runaway took place.

R2.7.2 HSA/CPS and Probation require Group Home providers to include as part of fulfilling their Background Check requirements, the search of the National Sex Offender Registry for the names of prospective employees and provide documentation to substantiate that action on the appropriate form.

R2.8 Within 60 days, HSA/CPS and Probation request the San Joaquin County Board of Education review all Non-Public Schools associated with owners of Group Homes to ensure the goals, recommendations, and objectives of the IEP's are being met by appropriately credentialed staff.

3.0 Group Home Administrator and Caregiver Qualifications and Training

In order for Group Home Providers to be licensed, they must ensure their operations are properly staffed by a Certified Administrator, supported by Facility Managers, Licensed Social Workers, and Caregivers who each meet certain educational, experience or training requirements.

ADMINISTRATORS are the individuals designated by Group Home Provider's Board of Directors to act on behalf of the Provider in the overall management of their facilities, and who must meet one of the following specific requirements in accordance with CCR's Section 84064. Please refer to Appendix A for additional information.

The Grand Jury interviewed all six of the selected Group Home Administrators and found that most had a good understanding of their statutory responsibilities as Administrators, as well as the day to day operations of their facilities. However, through their testimony and testimony of current and former employees, some lacked knowledge in critical areas of operating their Group Homes. These included the lack of comprehension and/or misinterpretation of their personal obligation, as well as their staff's obligations, under the Mandatory Reporting Laws. Testimony revealed that some Administrators, responsible for multiple Group Homes throughout the County, visit the individual homes infrequently. Others Administrators, by practice, had delegated most of their Administrative responsibilities in violation of CCR Section 84064, to an individual classified as a Facility Manager without the prerequisite education or certification.

FACILITY MANAGERS have the authority and responsibility to manage and control the day-to-day operation of a community care facility and supervise the Caregivers and At Risk Youth. The individual is required to be at the facility at all times when one or more youth are present. Prior to employment as a Facility Manager, he/she must have had one year of full-time experience, or its equivalent, working with the client group being served, and be verified as having been employed as a paid or volunteer staff person whose duties required the direct supervision and care of the client group served. These requirements may be substituted by two years' experience as a member of a social work staff in a Group Home performing the duties specified in CCR's Section 84065.2(c).

SOCIAL WORKERS are licensed by the California Board of Behavioral Sciences (BBS) and are required by CCR's to hold a Master Degree of Social Work, as well as additional training in Child Abuse Assessment and Reporting, Human Sexuality and Alcoholism and Chemical Dependency.

From interviews with current and former Social Workers, the Grand Jury noted that the larger Group Homes Providers met their obligation by employing Social Workers and assigning them to a number of facilities to provide services. The smaller single home Providers met their obligation through entering into a contract with Social Workers who dedicated a stipulated amount of time providing client services, as well as assisting with annual training requirements to multiple Providers.

CAREGIVERS are members of the Group Home Providers staff having direct responsibility for the daily supervision and care of the At-Risk Youth. The minimum qualifications for this position consist of a high school diploma or GED and completion of 24 hours of education and training directly related to their specific duties and job responsibilities. A minimum of eight hours of training must be completed before new caregivers may be left alone with or supervise youth, or be counted in the youth to staff ratio. A maximum of four hours of the training requirement may be satisfied by successful job shadowing in a group care setting. Sixteen hours of training must be completed within the first 90 days of employment.

In addition to the 24 hours of initial training, all Facility Managers and Caregivers are required to complete 40 hours of annual training, of which five must come from an entity not affiliated with the Group Home Provider. This annual training is provided by the Group Home Provider and is delivered through weekly training session. The training sessions are to include at a minimum: injury and illness prevention, hazardous exposure, drug free workplace, child abuse reporting and harassment in the workplace.

The Grand Jury interviewed a number of current and former Caregivers. From their testimony it was determined that compliance for attendance at weekly training sessions, developed to meet state mandated annual training requirements, varied among the Group Homes. Testimony referring to one Group Home Provider in particular, revealed that Caregivers who worked the night shift, as well as those who were employed on a part-time basis, did not regularly attend the weekly training sessions provided by the Provider; nor, were they required to make up any session they failed to attend.

Findings

F3.1 An alarming number of Administrators demonstrated a lack of comprehension and/or a misinterpretation of their, as well as their staff's obligations, under the Mandatory Reporting Laws.

F3.2 Some Administrators responsible for multiple Group Homes throughout the County seldom visit these individual homes.

F3.3 One Administrator, by standing practice, had delegated most of the Administrative responsibilities to an individual classified as a Facility Manager who did not possess the prerequisite education or certification, in violation of CCR's.

F3.4 Compliance for attendance at weekly training sessions developed to meet state mandated annual training requirements varied among the group homes.

F3.5 Some Caregivers who worked the night shift as well as those who were employed on a part-time basis did not regularly attend the weekly training sessions provided by the Provider. Nor were they required to make-up any sessions they failed to attend in order to comply with the 40 hour annual training requirement, as required by CCR's.

Recommendations

R3.1.1 Within six months, HSA/CPS and Probation develop an enhanced Placement Agreement to include the requirement that all Group Home Administrators complete the Mandatory Reporter training program developed by CDSS and the *Office of Child Abuse Prevention (OCAP)* (known as the *Child Abuse Mandated Reporter Training*).

R3.1.2 Within six months, HSA/CPS and Probation develop a strengthened Placement Agreement that requires certificates proving successful completion of *Child Abuse Mandated Reporter Training* be maintained within the Group Home Providers Administrators training records for all employees.

R3.2 Within six months, HSA/CPS and Probation develop a new strengthened Placement Agreement to include the requirement for Group Home Administrators to visit each Group Home within their organization, no less than every 60 days, to ensure that all provisions of their Program Statements and the CCR's are fully adhered to and in compliance.

R3.3 Within four months, HSA/CPS and Probation conduct a review of the qualifications and duties being performed by Group Home Facility Managers.

R3.4 Within three months, HSA/CPS and Probation implement a program to randomly review Training records to ensure all employees meet the CCR's training requirements.

4.0 CPS and Probation Department Roles

CCLD is responsible for the licensing and oversight of Group Home providers which care for the state's At-Risk Youth. It is responsible for ensuring compliance with all requirements of Title 22, Division 6, Chapter 5, CCR, to include minimum levels of care and training, treatment, housing, meals and education. San Joaquin County HSA/CPS and Probation place youth within licensed group homes based on the youth's needs and the level and type of care offered. They are responsible for the oversight of the youth in accordance with various sections of the Health and Safety and Penal Codes. The Departments also have the ability to place youth outside San Joaquin County, as well as outside the state, provided those group homes comply with CCLD's regulations, while continuing to be responsible for the oversight of the youth.

The contractual relationship between Group Home Providers and HSA/CPS and Probation is the execution of a one page Group Home Agreement which stipulates the RCL Rate HSA is going to pay for room and board, clothing, personal needs, recreation, transportation, education, incidentals, supervision and social services. The Agreement also briefly covers the obligations of the placement agency which include: providing the Group Home Providers a social work assessment, medical reports, education assessment, psychological/psychiatric evaluations and identification of special needs of the youth. They are required to meet with the At- Risk Youth at least once a month to assess their progress and determine if there are other ongoing needs.

Testimony revealed that while CPS Social Workers and/or Probation Officers are required by HSA policy to visit their At-Risk Youth at least once a month, testimony also indicate these meetings do not always occur. Those visits can, and often do, take place at other than the Group Home i.e. at schools, shopping malls or the offices of the Group Home's administrator. This practice calls into question how often CPS Social Workers and or Probation Officers actually assess the Group Home's operation ensuring that their case plans are being fulfilled, as well as confirming that the structure and supervision levels being provided are appropriate.

Findings

F4.1 The contractual relationship between the Group Home Providers, HSA/CPS and Probation is the execution of a one page Group Home Placement Agreement which is inadequate to provide sufficient detail of living environment and allow for proper enforcement and oversight of the Group Home Providers and the At-Risk Youth that reside in them.

F4.2 CPS Social Workers and/or Probation Officers are required to visit their At-Risk Youth at least once a month, but they do not always comply with that requirement.

F4.2.1 CPS Social Workers and/or Probation Officers visitations with the At-Risk Youth may take place other than at the Group Home.

Recommendations

R4.1 Within six months, HSA/CPS and Probation develop a comprehensive and detailed Group Home Placement Agreement.

R4.2 Beginning immediately, CPS Social Workers and/or Probation Officers establish and maintain a 30 day schedule for youth visitations and conduct on-site visits at the Group Home facility at least every 60 days.

5.0 Enhanced Monitoring and Oversight

Various sections of the Welfare and Institutions, Health and Safety, and Penal Codes mandate evaluations of the quality of services being provided by Group Home Providers throughout the State of California. These evaluation requirements were established to ensure minors, who have been placed in Group Homes in California, as well as other States are safe and living in an environment conducive to change; that therapeutic, academic and recreational services, consistent with their case plan, are being provided; and, the structure and supervision level is appropriate. Information provided by HSA/CPS, Probation and others revealed that five counties in California have instituted enhanced local oversight of the Group Homes within their jurisdictions. Los Angeles, Sacramento, San Bernardino, San Diego, and Riverside have implemented their own *Group Home Monitoring Programs* in response to CCLD reducing its frequency of conducting audits. It was indicated by testimony that San Joaquin County HSA, CPS and Probation Department management would embrace a collaborative approach to enhancing the Monitoring of Group Home Providers in the County in response to the reduction of audits being conducted by CCLD.

Findings

F5.1.1 Five counties in California have instituted enhanced local oversight of the Group Homes within their jurisdictions to provide better services and protection for At-Risk Youth in an effort to fill the void created by the State's deteriorating oversight.

F5.1.2 HSA/CPS and Probation management would embrace a collaborative approach to enhancing the Monitoring of Group Home Providers.

Recommendations

R5.1.1 Within 90 days, HSA/CPS and Probation, in conjunction with the Department of Human Resources, initiate the establishment of an enhanced Group Home Monitoring Program in San Joaquin.

R5.1.2 Within six month, HSA/CPS and Probation, in conjunction with the Department of Human Resources implement an enhanced *Group Home Monitoring Program* in San Joaquin County.

Conclusion

The Grand Jury determined that the level of care provided by Group Homes Providers charged with providing care to the community's At-Risk Youth throughout San Joaquin County range from very dedicated to the youth's welfare and often exceeds their statutory obligations. Other Group Homes reviewed demonstrated through their day to day practices and lack of compliance with required regulations, appeared to be in the business only to make money.

In view of the State's deteriorating oversight of Group Homes during the last three years, it is incumbent upon San Joaquin County, through its Human Services Agency and Probation Department, to strengthen their current oversight of At-Risk Youth care. While much of the responsibility for regulation and oversight of Group Homes lies within State agencies, over which this Grand Jury has no authority, certain San Joaquin County agencies can take steps to improve the evaluation of care for its youth's environments. Whether alone, in cooperation with other counties having the same concerns, or taking the problem before State leaders, the County must institute corrective action as soon as possible.

We cannot turn our backs on the most vulnerable youth of our community. As a society, we have an obligation to make sure that they are provided a safe, healthy, healing living environment.

Disclaimer

Grand Jury reports are based on documentary evidence and the testimony of sworn or admonished witnesses, not on conjecture or opinion. However, the Grand Jury is precluded by law from disclosing such evidence except upon specific approval of the Presiding Judge of the Superior Court, or another judge appointed by the Presiding Judge (Penal Code Sections 911, 924.1 (a) and 929). Similarly, the Grand Jury is precluded by law from disclosing the identity of witnesses except upon an order of the court for narrowly defined purposes (Penal Code Sections 924.2 and 929).

This report was issued by the Grand Jury with the exception of one member of the jury. This juror was excluded for all parts of the investigation, including interviews, deliberations, and the preparation and acceptance of the report.

Response Requirements

California Penal Code sections 933 and 933.05 require that specific responses to all findings and recommendations contained in this report be submitted to the Presiding Judge of San Joaquin County Superior Court by (within 90 days).

San Joaquin County Human Services Agency, Child Protective Services
All Findings and Recommendations

San Joaquin County Probation Department
All Findings and Recommendations

Mail a hard copy of the response to:

Hon. David P. Warner, Presiding Judge
San Joaquin County Superior Court
P.O. Box 201022
Stockton, CA 95201

Also, please email the response to Trisa Martinez, Staff Secretary to the Grand Jury, at:

grandjury@sjcourts.org

Appendix A

Group Home Administrators Education, Experience and Training Requirements:

ADMINISTRATORS are the individuals designated by Group Home Providers' Board of Directors to act on behalf of the Provider in the overall management of their facilities, and who must meet one of the following requirements in accordance with CCR's Section 84064.

- (A) A master's degree in a behavioral science from an accredited college or university, plus a minimum of one year of employment as a social worker, as defined in CCR's Section 80001s.(4), in an agency serving children or in a group residential program for children; or
- (B) A bachelor's degree from an accredited college or university, plus at least one year of administrative experience or supervisory experience over social work, child care, and/or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of seven or more; or
- (C) Completed at least two years at an accredited college or university, plus at least two years administrative experience or supervisory experience over social work, child care, and/or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of seven or more youth; or
- (D) Completed high school, or equivalent, plus at least three years administrative experience or supervisory experience over social work, child care, and/or support staff providing direct services to children in an agency or in a community care facility with a licensed capacity of seven or more youth.

In order to retain an Administrators Certificate, an individual must complete 40 Hours of Continuing Education every two years, of which 20 hours may be taken through online courses from an approved vendor.