

**County of Santa Clara**  
**Board of Supervisors**  
Supervisory District Three  
Supervisor Dave Cortese




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BOSD3 12 051909

Prepared by: Rabia Chaudhry  
Chief Board Aide

DATE: May 19, 2009

TO: Board of Supervisors

FROM:   
Dave Cortese  
Supervisor, District 3

SUBJECT: Children, Seniors and Families Committee - 4 -30 -09

**RECOMMENDED ACTION**

Accept report from the Children, Seniors and Families Committee relating to the meeting of April 30, 2009.

Possible Actions:

- a. Adopt resolution amending General Assistance Policy 141: Residence of an Alien. (Item 4)
  
- b. Approve a resolution recognizing the child welfare court population as a priority population of the County of Santa Clara and directing each county agency to coordinate its services to meet the needs of this population in a collaborative justice model; and direct staff to report back to the June 25, 2009 CSFC meeting with an inventory of county agencies serving the child welfare system (CWS) population and other data points as outlined in the April 30, 2009 transmittal from Supervisor Cortese to the CSFC. (Item 6)

c. Direct staff to report back to the June 25, 2009 CSFC with an update on the detention of minors at juvenile hall, including alternative placement options and other data points as discussed at the April 30, 2009 CSFC meeting. (Item 12)

d. Accept items 7-11 and 13-15 as information only.

### **REASONS FOR RECOMMENDATION**

The Children, Seniors and Families Committee met on April 30, 2009.

### **BACKGROUND**

The committee approved the consent calendar without dissent.

The committee voted to defer item #11 until May 28, 2009.

The committee voted to hear item #6 no earlier than 1:30PM.

Item 5:

The Committee gave an opportunity for members of the public to comment on the proposed budget reductions for consideration in the 2009 budget workshops. No members of the public spoke on this item and there was no committee discussion.

Swine Flu

The committee voted to hear an update on the Swine Flu, under the authority of Government Codes section 54954.29(2). Deputy County Executive Luke Leung updated the committee on how there were federal, state and countywide "state of emergencies" declared as a result of the HN1N virus. There are 4 probable cases of swine flu in Santa Clara County. Nationwide there are about 100 schools closed. He elaborated on the county's efforts (led by the Department of Public Health) to inform the public and mitigate the spread of this virus. Supervisor Shirakawa expressed concern over people attributing this virus to certain ethnicities/regions and displaying racist behavior as a result. Supervisor Cortese asked how the workforce here at the County should be prepared to respond if the virus escalates in terms of emergency preparedness and if large segments of our workforce succumb to the virus. Leung responded that our County has been a leader in preparedness and if the need arises we will further activate such protocols to account for employee loss. He indicated that such a plan has been prepared and that he would distribute it to the Board of Supervisors.

### Item 13

SSA Will Lightbourne commented as part of his standing verbal report that our county is working with San Mateo County and others to put on a forum for families who are not yet receiving public assistance but are facing personal difficulties and may be future candidates for such assistance.

### Item 14

No verbal report from DCSS Director Ralph Miller.

### Item 12

Cortese prefaced by explaining that this item was agendaized at his request as a result of an incident that arose in February 2009, about which the Board was made aware in March 2009. The February incident prompted Cortese to ask about the protocols in place in dealing with such situations, what the decision tree is, sequence of response, etc. When a child under the age of 13 is charged with a specific violation (as delineated in the judicial order signed by Judge Len Edwards), what are the steps that may or may not lead that minor to be placed in Juvenile Hall?

Staff from SSA and Probation Department gave an overview of the procedures in place among county departments and other agencies when responding to situations in which children ten years of age and younger may be facing arrest, referring back to the standing order of judicial approval for minors under certain age to be placed at Juvenile Hall, the dual status protocol for the handling of cases of juveniles moving between dependency and delinquency and the joint response protocol for situations when an immediate response is needed where a minor is facing arrest. Staff noted that the judicial order is being considered for revision by Judge Tondreau and that the joint response protocol is being considered for revision to more broadly include other county departments in the evaluation of placement of a minor.

Supervisor Cortese asked several clarifying questions about how a youth can be ordered into placement at Juvenile Hall. He asked about the options available to a Judge besides placement at Juvenile Hall. Staff noted that a child could be released back to a parent/guardian/responsible adult, they could be detained at Juvenile Hall or they could be released to a community based setting, such as the Children's Shelter. Staff clarified that if charges are pending against a youth, then that youth cannot be placed at the Shelter because they cannot be commingled with other youth (Code 300 v. Code 600 youth). Cortese asked what other community options were available. Staff responded that the Bill Wilson Center is an option. BWC can take children up to the age of 18 (no lower limit on age). Cortese asked

if there were other restrictions besides age. BWC Director Sparky Harlan responded that BWC's license permits children ages 7 to 17 plus they have agreements with smaller homes that could be used for younger aged youth. As to which crimes will BWC allow youth a space in their facility, Harlan said that it depends on the circumstance of the crime and there are very few situations they won't take. Unless the youth is currently violent and a risk to others, BWC will generally take any child. Harlan urged for County protocols to consider children not just 12 and under but 10 and under as well. Cortese asked what needed to be done from a policy standpoint to ensure that Judges know they have options, besides Juvenile Hall, for the placement of youth. Harlan responded that CBOs need to be included in protocols, etc.

Cortese asked several more questions involving immediate response, options for youth placement on evenings and weekends. He reiterated the importance of having options, in every instance, for youth (particular young minors) to be placed in settings other than Juvenile Hall and his interest in moving whatever policy options forward in order to put this into effect. Supervisor Shirakawa agreed that 10 and 11 year olds should ideally not ever be placed at Juvenile Hall.

The committee asked staff to return to the June CSFC with the following:

- Description of CBO options for youth placement (pre-booking) as an alternative to Juvenile Hall.
- Discussion as to whether or not age should be a weighting factor in risk assessment.
- What protocols apply to youth offenders under the age of 13.
- Description of cross agency response team in the event such an incident occurs.
- Future efforts to decrease detention of the under 14 age group.

#### Item 6

Supervisor Cortese introduced a resolution in support of the child welfare system population as a priority population for the County of Santa Clara. He explained his concern over the difficult budget situation we are facing at the County and the importance of our county's most vulnerable residents, including youth (and their families) that are considered dependents of the county as defined by the State of California's Welfare and Institutions Code. This specialized population is unique because of their dependency, to the point where the County has an increased obligation towards their well-being. The resolution before the committee, along with the items proposed for study, is intended to better coordinate the resources of every department that touches this population, from Mental Health to DFCS to Public Health to the court system. He invited Superior Court Judge Lucero to speak on this subject. Judge Lucero

indicated that the Family Wellness Court is a model definition of collaboration and is showing promising results. She urged support of the resolution and a closer look by the County (across the board) at how to support the CWS population. Supervisor Cortese asked the Judge if she would be able to help in defining a future collaborative, to which she replied yes. Cortese commented that a model to pursue might mimic the "city service area" model utilized by the City of San Jose. Lightbourne commented that collaboration is being looked at at the state level, at the California Child Welfare Council. Supervisor Shirakawa thanked Judge Lucero for her devotion to the families of the CWS and reiterated the importance of supporting this population.

The committee voted without dissent to forward the resolution to Board for approval. The committee also asked staff to report back at the May CSFC with:

- An inventory of every county agency serving the child welfare system (CWS) population as well any non profits with whom the County contracts to provide said services;
- An outline of current and future efforts to coordinate the services of the agencies above;
- A plan to include on all committee and board agenda reports a performance based statement about the negative, positive or neutral impacts of any BOS action on the CWS population.
- Direct staff to schedule a study session as part of the May 28, 2009 CSFC meeting to discuss the information gathered above as well as discuss state and federally mandated performance measures applicable to the CWS population across all county agencies and how we can meet or exceed them. Staff should also be prepared to discuss how to develop an additional set of measures by which the BOS can evaluate each department's performance with respect to the CWS population. Such measures should include linking performance to budgetary decisions made by each agency.

## Item 9

Staff presented the Annual Foster Care and Out of Home Placement Report, touching upon Santa Clara County foster care and out-of-home placement resources, out-of-home placement statistics, County licensed foster families, Foster Family Agency certified foster families, relative families, non-relative extended family member families, and group homes, expanding on the Shelter population v. foster home placements.

Supervisor Shirakawa commented on the overrepresentation of children of color and how this issue could be mitigated. Staff responded that focused work is being done for both African American families and Latino families to reduce their representation and to understand why

referrals are occurring within these populations at a higher rate. The committee also discussed placement options in terms of whether or not they're being geographically dispersed or centered in one part of the county. Lightbourne noted that generally staff tries to achieve placements that are close to the youth's home and/or natural network (to make it easier for the youth).