

MEMORANDUM OF UNDERSTANDING

**BETWEEN
DEL NORTE COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES
AND
CALIFORNIA DEPARTMENT OF JUSTICE**

This Memorandum of Understanding ("MOU") is entered into on this 1st day of May, 2018 by and between Del Norte County Department of Health and Human Services ("DHHS") and California Department of Justice ("DOJ") (collectively referred to as the "Parties" or individually as a "Party"), relating to California's Child Abuse and Neglect Reporting Act ("CANRA").

I. AUTHORITY.

As the head of the DOJ and chief law officer of the state of California, the Attorney General has authority under Article V, section 13 of the California Constitution to ensure that the state's laws regarding the welfare and safety of children are being uniformly and adequately enforced. The DOJ also has specific enforcement authority to oversee compliance with CANRA, set forth at Penal Code section 11164 et seq. As the child welfare agency of the County of Del Norte, DHHS has the authority and responsibility for administering the County's child welfare system and for accepting and evaluating reports under CANRA.

II. PURPOSE.

The County and the DOJ wish to take all reasonable steps necessary to ensure that the state's laws regarding the welfare and safety of children are uniformly and adequately enforced. Both parties wish to identify and address screening and intake policies, procedures, and practices at DHHS, which may be improved in order to better the outcomes for children of Del Norte County.

III. TERMS AND CONDITIONS.

A. Revision of Policies and Procedures

Within 15 days of the date of the MOU, DHHS shall circulate a memorandum to all employees that attaches a copy of the following All-County Letter dated May 10, 2017, available at this link: <http://www.cdss.ca.gov/Portals/9/ACL/2017/17-27.pdf>. DHHS shall fully incorporate the information set forth in the All-County Letter into its policies, procedures, and training. To the extent that any existing DHHS policy or procedure is on conflict with the All-County Letter, those policies or procedures will be amended within 45 days of the date of the MOU.

B. False Reporting Letters

Within 15 days of the date of the MOU, DHHS shall send a letter to all recipients of false reporting letters sent by any current or former DHHS employee. The letter will indicate that

false reporting letters are not considered by DHHS social workers with regard to the recipient's case and that a copy of the letter will be sent to the child welfare divisions of other counties that have current or former jurisdiction over a dependency case to which the recipient is or has been a party, to the extent such information is known to DHHS. A copy of the letter shall be placed in the case file of any case to which the recipient is or has been a party, and provided to DOJ. The false reporting letter sent by DHHS is attached to this MOU as "Attachment A." DHHS has indicated that the practice of sending such letters has ceased and will not be a practice moving forward. Within 15 days of the date of the MOU, DHHS shall circulate a memorandum to child welfare staff notifying them that this practice is prohibited. Within 20 days of the date of the MOU, DHHS shall provide the DOJ with copies of all letters sent pursuant to this section and the memorandum sent to child welfare staff.

C. Training

Within 90 days of the effective date of this MOU, DHHS shall provide mandatory refresher training to all child welfare staff on the following subject matters:

- CANRA and the duties of child welfare staff relating to receiving, screening, and evaluating referrals from mandated reporters and other reporters who report suspected or known child abuse or neglect; and
- The Structured Decision-Making tool with respect to screening and evaluating referrals.

D. Consultant

The DOJ has engaged an independent, qualified consultant to review DHHS-Child Welfare division's screening and intake policies, procedures, and practices and provide recommendations for improvement. The review shall consist of (1) trend analyses for all critical decision points at screening and intake; (2) written policy and procedure review; and (3) on-site observation and technical assistance. The County agrees to provide access to the consultant to all data, documents, and staff necessary to conduct the review, and endeavors to assist the consultant in completing the review within nine months of the effective date of this MOU. Any extensions of time needed to complete the review shall be subject to approval by the DOJ. Within 30 days of the end of the review, the County and DOJ shall work with the consultant to create a plan and schedule to implement the consultant's recommendations. The County agrees to make best efforts to implement the plan, subject to collective bargaining requirements imposed by the Meyers-Milias-Brown Act, Government Code section 3500 et seq. The County shall implement any recommendations by the consultant that are required by law. To the extent the County objects to any recommendation(s), the County shall raise the objection with the consultant and DOJ within 30 days of the end of the review and all parties shall meet and confer regarding an agreed-upon compromise to the particular recommendation, which may include an agreement as to the timeframe for implementation or an alternative method of achieving the goal of the recommendation.

IV. REPORTING.

DHHS shall provide DOJ with appropriate documentation of compliance with this agreement within 15 days upon request. DHHS shall, if additional false reporting letters are discovered, provide a written report to the DOJ within 30 days of completion of the corrective process set forth in Section III, subsection (B), above. The written report can be in the form of an e-mail to Deputy Attorney General Christine Chuang attaching evidence of the corrective process.

V. TERM.

This MOU shall take effect upon signature by the authorized representative of each Party and shall remain in effect until the consultant's plan is implemented pursuant to the agreed-upon schedule.


VI. AMENDMENT AND TERMINATION.

The Parties may amend this MOU only in writing, which amendment shall be incorporated into and become effective on the date the amendment is fully executed by both Parties. In addition, the Parties may terminate this MOU by mutual written agreement.

VII. ENTIRE AGREEMENT.

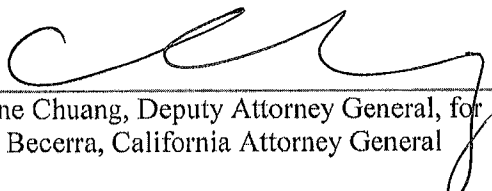
This Agreement does not in any way limit the DOJ's jurisdiction or ability to conduct any investigation or enforcement action with regard to DHHS's or the County of Del Norte's compliance with this agreement, any California law, regulation, or practice.

DEL NORTE COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES

By: 
Chris Howard, Chair
Del Norte County Board of Supervisors

3/27/18
Date

CALIFORNIA DEPARTMENT OF JUSTICE

By: 
Christine Chuang, Deputy Attorney General, for
Xavier Becerra, California Attorney General

05/11/18
Date

ATTACHMENT A

"False Reporting Letter"



COUNTY OF DEL NORTE
DEPARTMENT OF HEALTH AND HUMAN SERVICES

880 Northcrest Drive
Crescent City, California 95531

Heather Snow, Director/Public Guardian

Phone
(707) 464-3191

Fax
(707) 464-5227

March 13, 2017

RE: FALSE REPORTING TO LAW ENFORCEMENT AND CHILD WELFARE SERVICES

For your information, the Del Norte Department of Health and Human Services, Child Welfare Services has compiled the following information regarding false reporting. False reporting occurs in a number of situations and **IT IS AGAINST THE LAW.**

The California Penal Code §'s, pertaining to false reporting, are as follows:

PC § 148.3(a): Any individual who reports, or causes any report to be made, to any city, county, city and county, or state department, district, agency, division, commission, or board, that an "emergency" exists, knowing that the report is false, is guilty of a misdemeanor and upon conviction thereof shall be punishable by imprisonment in the county jail for a period not exceeding one year, or by a fine not exceeding one thousand dollars (\$1,000), or by both that imprisonment and fine.

PC § 148.5: (a) Every person who reports to any peace officer listed in Section 830.1 or 830.2, or subdivision (a) of Section 830.33, the Attorney General, or a deputy attorney general, or a district attorney, or a deputy district attorney that a felony or misdemeanor has been committed, knowing the report to be false, is guilty of a misdemeanor.

(b): Every person who reports to any other peace officer, as defined in Chapter 4.5 (commencing with Section 830) of Title 3 of Part 2, that a felony or misdemeanor has been committed, knowing the report to be false, is guilty of a misdemeanor if (1) the false information is given while the peace officer is engaged in the performance of his or her duties as a peace officer and (2) the person providing the false information knows or should have known that the person receiving the information is a peace officer.

(c): Except as provided in subdivisions (a) and (b), every person who reports to any employee who is assigned to accept reports from citizens, either directly or by telephone, and who is employed by a state or local agency which is designated in Section 830.1, 830.2, subdivision (e) of Section 830.3, Section 830.31, 830.32, 830.33, 830.34, 830.35, 830.36, 830.37, or 830.4, that a felony or misdemeanor has been committed, knowing the

report to be false, is guilty of a misdemeanor if (1) the false information is given while the employee is engaged in the performance of his or her duties as an agency employee and (2) the person providing the false information knows or should have known that the person receiving the information is an agency employee engaged in the performance of the duties described in this subdivision.

(d): Every person who makes a report to a grand jury that a felony or misdemeanor has been committed, knowing the report to be false, is guilty of a misdemeanor. This subdivision shall not be construed as prohibiting or precluding a charge of perjury or contempt for any report made under oath in an investigation or proceeding before a grand jury.

(e): This section does not apply to reports made by persons who are required by statute to report known or suspected instances of child abuse, dependent adult abuse, or elder abuse.

PC § 11172(a): Any person reporting a known or suspected instance of child abuse or neglect shall not incur civil or criminal liability as a result of any report unless it can be proven that a false report was made and the person knew that the report was false or was made with reckless disregard of the truth or falsity of the report. Any person who makes a report of child abuse or neglect known to be false or with reckless disregard of the truth or falsity of the report is liable for any damages caused.

While the reporting of child abuse and neglect is encouraged, it is important to understand that suspected child abuse or neglect must actually be occurring for a report to be made. False reporting most often negatively affects the children, the family, and community agencies. False reporting can also negatively affect the reporting party themselves in the form of criminal prosecution.

The Department wishes to avoid criminal penalties for false reporting. If you are unsure whether a child abuse or neglect report needs to be made, you may contact the Department and ask questions regarding your concerns. In many situations, Child Welfare Services can provide a family with resources and other forms of assistance, and avoid an unnecessary investigation of the children and their families.

Thank you for your cooperation and understanding in this matter.

Sincerely,

Department of Health and Human Services
Child Welfare Services