

1 XAVIER BECERRA
Attorney General of California
2 MICHAEL L. NEWMAN
Senior Assistant Attorney General
3 CHRISTINE CHUANG
Supervising Deputy Attorney General
4 CHRISTINA RIEHL
Deputy Attorney General
5 State Bar No. 216565
600 West Broadway, Suite 1800
6 San Diego, CA 92101
Telephone: (619) 738-9740
7 Fax: (619) 645-2271
E-mail: Christina.Riehl@doj.ca.gov
8 *Attorneys for* THE PEOPLE OF THE STATE OF
CALIFORNIA
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10 SUPERIOR COURT OF THE STATE OF CALIFORNIA

11 COUNTY OF HUMBOLDT

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13
14 **THE PEOPLE OF THE STATE OF**
15 **CALIFORNIA ex. rel. XAVIER**
16 **BECERRA, ATTORNEY GENERAL OF**
THE STATE OF CALIFORNIA,

17 Plaintiff,

18 v.

19 **HUMBOLDT COUNTY DEPARTMENT**
20 **OF HEALTH AND HUMAN SERVICES;**
21 **CONNIE BECK, IN HER OFFICIAL**
22 **CAPACITY AS DIRECTOR; HUMBOLDT**
COUNTY SHERIFF'S OFFICE; WILLIAM
HONSAL, IN HIS OFFICIAL CAPACITY AS
SHERIFF,

23 Defendants.

Case No. CV-180-143

PEOPLE OF THE STATE OF
CALIFORNIA'S NOTICE OF MOTION
AND MOTION FOR EXTENSION OF
MONITORING PERIOD AND ORDER
OF SUPPLEMENTAL JUDGMENT;
MEMORANDUM OF POINTS AND
AUTHORITIES IN SUPPORT THEREOF

Date: Jan. 15, 2020 (Requested)

Time: 10:30 a.m.

Dept: 4

Judge: Hon. Kelly L. Neel

Exempt from filing fees pursuant to Gov.
Code, § 6103

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1 **MEMORANDUM OF POINTS AND AUTHORITIES**

2 **INTRODUCTION**

3 In 2015, the California Attorney General’s Office initiated an investigation in Humboldt
4 County based on reports of failures to comply with California’s Child Abuse and Neglect Report
5 Act, Penal Code section 11164 et seq. (“CANRA”), and Welfare and Institutions Code. The
6 investigation uncovered severe breaches in Humboldt County’s child protection system, leaving
7 children in the County vulnerable to unchecked abuse or neglect. The Attorney General’s Office,
8 together with DHHS-CWS and HCSO, agreed to a long-term plan to rectify the practices that left
9 children at risk. The parties agreed to a Stipulated Judgment, which was issued as a Final
10 Judgment on February 14, 2018, attached hereto as Exhibit 1. The Final Judgment, which expires
11 on February 14, 2021, requires DHHS-CWS and HCSO to adopt policies and procedures to
12 ensure compliance with CANRA and related risk and safety assessments and investigations
13 arising under the Welfare and Institutions Code. Compliance with the Final Judgment is
14 supported by DHHS-CWS’ consultation with experts, including the National Council on Crime &
15 Delinquency-Children’s Research Center¹ and a tribal consultant. The Final Judgment requires a
16 third-party monitor subject to the approval of the Attorney General’s Office.

17 There is no dispute that DHHS-CWS and HCSO have made significant progress since the
18 initiation of the Attorney General’s investigation and the Final Judgment. Policies and
19 procedures have been updated and new programs are being formed. HCSO has achieved
20 compliance with nearly every obligation set forth in the Final Judgment, but there remains a
21 discrete requirement relating to the Community Task Force that is not yet completed. In contrast,
22 DHHS-CWS’ progress has been insufficient to rectify the violations and concerns that led to the
23 Final Judgment, and they have failed to demonstrate full compliance with the Final Judgment,
24 creating a child safety risk if the Final Judgment was allowed to terminate at the conclusion of the
25 original monitoring period. The Final Judgment not only requires the updating of policies and
26 procedures, but also requires the County to ensure compliance with statutory requirements and

27
28 ¹ The National Council on Crime & Delinquency-Children’s Research Center has changed
its name to Evident Change and will be referred to as Evident Change throughout this Motion.

1 the revised policies and procedures, and to create processes to improve practices where
2 deficiencies occur. (*See, e.g.*, Final Judg., ¶ 3, subds. (E), (K), (M) & (N).) Thus, under the Final
3 Judgment, DHHS-CWS must be able to demonstrate fidelity by staff to the improved policies and
4 procedures that have been adopted in order to show that necessary systemic change has been
5 achieved for the safety of children in Humboldt County. DHHS-CWS, however, has not provided
6 any qualitative data nor demonstrated the type of systemic change based on identified
7 shortcomings needed to show that DHHS-CWS is managing by data assistance or leveraging data
8 resources to improve agency practices as mandated by the Final Judgment. (*See* Final Judg., ¶ 3,
9 subd. (CC)(4).) This work requires a robust continuous quality improvement (“CQI”) program,
10 which has been repeatedly recommended by the monitor and is required by the Final Judgment,
11 but which DHHS-CWS has delayed in implementing. DHHS-CWS has been unable to show
12 compliance with the provisions of the Final Judgment that require utilizing both quantitative and
13 qualitative methods of evaluation. To fully comply with the Final Judgment, DHHS-CWS needs
14 to demonstrate that the policies and practices are fully implemented and engrained in its work so
15 that children in Humboldt County are not left vulnerable to abuse or neglect that an effectively-
16 functioning county would be able to address.

17 **BACKGROUND**

18 **I. THE ATTORNEY GENERAL’S INVESTIGATION AND FINDINGS**

19 The State of California has a compelling interest in preventing and detecting child abuse
20 and neglect. To that end, the Legislature created two comprehensive statutory schemes to protect
21 the State’s children. CANRA is the State’s “mandatory reporting” law that functions as the
22 gateway to identifying potential victims of child abuse and neglect. (Pen. Code § 11164 et seq.)
23 The Welfare and Institutions Code and its “Division 31” regulations work in tandem with
24 CANRA, providing detailed requirements for social workers relating to the assessment of reports
25 and the subsequent investigation thereof. (*See* Welf. & Inst. Code §§ 16501, subd. (f), 16504;
26 Department of Social Services Manual (“DSS Manual”), Div. 31 Regs. §§ 31-101, 31-105, 31-
27 115, 31-120, and 31-125.) Beginning in 2015, the Attorney General’s Office investigated
28

1 concerns that DHHS-CWS and HCSO were not always receiving and investigating reports of
2 child abuse and neglect as required by law. As the chief law officer of the State of California
3 with the constitutional duty to ensure the State's laws are uniformly and adequately enforced
4 (Cal. Const., art. V, § 13),² and in light of the serious nature of the issues in Humboldt County,
5 the Attorney General authorized an investigation to determine whether Defendants were violating
6 the law.

7 The investigation revealed that Defendants had failed to comply with their legal duties to
8 respond to reports of child abuse and neglect, resulting in reports falling through the cracks and
9 widespread distrust within the community. The investigation found that in particular, DHHS-
10 CWS failed to ensure that all such reports were promptly and accurately evaluated by a social
11 worker to determine whether a child is in imminent danger in his or her own home as required by
12 Welfare and Institutions Code sections 16501, subdivision (f), and 16504. (Compl., ¶ 9.) For
13 example, DHHS-CWS screeners were not always available to take reports by telephone and
14 messages were sometimes not returned for days, weeks, or months, if at all. (Compl., ¶ 9.)
15 DHHS-CWS also did not investigate referrals in a timely manner, as required by Welfare and
16 Institutions Code sections 16501, subdivision (f), 16504, and Division 31 regulations, sections
17 31-101, 31-105, 31-115, 31-120, and 31-125, leading to delays in response times for many
18 referrals. (Compl., ¶ 17.) The investigation also found lapses in both agencies' cross-reporting
19 duties as required under Penal Code section 11166, subdivisions (j) and (k), and the failure of
20 both agencies to coordinate their responses to reports of child abuse and neglect. (Compl., ¶¶ 36
21 & 44.) Defendant Sheriff's Office did not have policies or procedures in place to ensure that all
22 reports received were investigated promptly and that reports that fell outside of its geographical
23 jurisdiction were transferred to the appropriate agency. (Compl. ¶ 10.) These gaps left children
24 for whom a report of alleged child abuse or neglect was made vulnerable to continued harm with
25 inadequate investigation by the entities charged with protecting their safety.

26 ² The Attorney General, as head of the Department of Justice (Gov. Code, §§ 12510,
27 15000), is authorized to "make investigations and prosecute actions concerning . . . [a]ll matters
28 [v]iolations of any law . . . [and] [s]uch other matters as may be provided by law." (Gov. Code, §
11180.)

II. THE FINAL JUDGMENT

After a comprehensive investigation and lengthy negotiations, the parties agreed to a Stipulated Judgment, which was entered by this court as a Final Judgment on February 14, 2018. The Final Judgment is the result of the parties' cooperative agreement regarding injunctive relief provisions to address the agencies' systemic failures to comply with state laws. (Stipulation for Entry of Final Judgment and Permanent Injunction (Feb. 13, 2018), ¶ 5.) The Final Judgment requires DHSS-CWS to enter into a contract with Evident Change to assist in implementing reforms that reflect statutory requirements and best practices in child welfare and to retain a tribal consultant to facilitate the negotiations with tribal social services agencies and provide input regarding tribal collaboration. (Final Judg., ¶ 3, subds. (O), (BB) & (CC).) The parties agreed that Olin Jones would serve as the tribal consultant. (Riehl Decl., ¶ 6.)

The Final Judgment provides for a three-year monitoring period, expiring on February 14, 2021. The term of the court's jurisdiction may be extended "for the purpose of enabling any party to the Judgment to apply to the court at any time for such further orders and directions as may be necessary or appropriate for the construction or the carrying out of this Judgment, for the modification of any of the injunctive provisions hereof, for the enforcement of compliance herewith, and for the punishment of violations hereof, if any." (Final Judg., at ¶ 6.) Time limits for performance may also be extended by order of the court for good cause shown. (*Id.* at ¶ 9.) Compliance with the Final Judgment is overseen by an independent third-party monitor that operates under the sole direction of the Attorney General's Office. (Final Judg., ¶ 4.) The parties agreed that the Center for the Study of Social Policy ("CSSP") shall be the third-party monitor. (Riehl Decl., ¶ 6.) The County is responsible for the costs and expenses of the monitor. (Final Judg., ¶ 4.) CSSP has conducted regular reviews of the County's progress and prepared written monitoring reports bi-annually and reports as requested by the Attorney General's Office. (*Ibid.*) These reports detail the monitor's findings and recommendations for corrective action. (*Ibid.*)

III. STATUS OF COMPLIANCE DURING MONITORING PERIOD

Since the Attorney General's Office first began its investigation in Humboldt County,

1 Defendants have made substantial progress towards remedying the violations alleged in the
2 State’s Complaint and achieving compliance with the Final Judgment. For instance, HCSO and
3 DHHS-CWS have revised their policies and procedures. (See, *e.g.*, Riehl Decl., Ex. 2, pp. 7-8.)

4 Defendants HCSO and Sheriff William Honsal, in his official capacity as Sheriff, are close
5 to full compliance with the Final Judgment. However, the Final Judgment requires the Humboldt
6 County Sheriff and Director of Department of Health and Human Services to create a Community
7 Task Force that must, among other requirements, create “a web-based Mandated Reporter
8 Guide,” which includes specific information regarding the legal obligations of Defendants and
9 mandated reporters, as well as Defendants’ revised policies and procedures relating to CANRA
10 and the Welfare and Institutions Code. (Final Judg., ¶ 3, subds. (II) & (KK)(1).) While the Task
11 Force has created a draft guide, this guide is not expected to be complete until March 2021 and
12 the participation of HCSO in completing the guide is required under the Final Judgment. (Riehl
13 Decl., Ex. 4, p. 4.) The guide will then require verification by the monitor and the Attorney
14 General’s Office to confirm compliance. This cannot be achieved within the existing monitoring
15 period, but the proposed supplemental judgment would allow HCSO to seek to have the judgment
16 resolved as to HCSO once compliance is verified.

17 DHHS-CWS’ noncompliance with the Final Judgment is both more extensive and more
18 significant. According to the monitor’s December 2020 report, “there are outstanding corrective
19 actions which predominately relate to developing and implementing methods of accountability
20 and ensuring that changes to policy and procedure are fully embedded and can be sustained by the
21 system.” (Riehl Decl., Ex. 2, p. 5.) While DHHS-CWS has shown some improvements with its
22 technical compliance with many of the statutory requirements governing child welfare and
23 California’s mandatory reporting law, there are significant remaining concerns with the
24 consistency and quality of DHHS-CWS’ practice, especially as it relates to child safety risk
25 assessments and tribal collaboration, and DHHS-CWS’ ability to demonstrate fidelity by staff
26 with the updated policies and procedures. A functioning CQI program is required by the Final
27 Judgment (Final Judg., ¶ 3, subd. (CC)(4)), and is critical for DHHS-CWS to ensure that practice
28 is adhering to the revised policies and procedures, both quantitatively and qualitatively, but such a

1 program has not yet been fully implemented. (Riehl Decl., Ex. 2, p. 28.) DHHS-CWS' own
2 progress report in August 2020 acknowledged that implementation remains incomplete. (Riehl
3 Decl., Ex. 8 (Exhibit F).) DHHS-CWS stated that "[o]ngoing monitoring and continuous quality
4 improvement activities need to be developed" to ensure compliance with CANRA, thorough risk
5 assessment requirements, implementation of the required family meeting model, and tribal
6 collaboration policies and procedures. (*Ibid.*; see Final Judg., ¶ 3, subds. (E), (K), (M) & (N).)
7 Since then, despite requests for metrics DHHS-CWS would be using to ensure implementation of
8 the Final Judgment, DHHS-CWS has only provided vague assurances that ongoing monitoring is
9 occurring without any data to back up these assertions. (Riehl Decl., Exs. 8-10.)

10 These are not just technical compliance issues, but rather they represent ongoing, real-life
11 child safety issues for the County. Following a child fatality in May 2020, the Attorney General's
12 Office became even more concerned that DHHS-CWS' lack of full compliance with the Final
13 Judgment and the inadequacy of its safety risk assessments was indicative of the County's failure
14 to truly implement the necessary systemic change at the heart of the judgment. (Riehl Decl., ¶
15 16.) The Attorney General's Office raised these issues to DHHS-CWS beginning in June 2020
16 and has continued to meet and confer for more than six months to try to gather data and
17 information sufficient to address the State's concerns. DHHS-CWS did not provide sufficient
18 information. (Riehl Decl., ¶¶ 16 - 22; Exs. 5 - 10.) The Attorney General's Office also met and
19 conferred with HCSO regarding its remaining obligation and was unable to reach an agreement.
20 In light of the progress made and the good intentions of DHHS-CWS in pursuing the reforms
21 mandated in the Final Judgment, the Attorney General's Office is not at this time seeking to have
22 it held in contempt for its noncompliance, and would prefer to provide additional time for
23 compliance for DHHS-CWS to complete the reforms required by the Final Judgment. In this
24 vein, even after the filing of this motion, the Attorney General's Office will continue to work in
25 good faith with Defendants to try to reach an agreement on terms for a supplemental judgment
26 that will adequately address the State's ongoing concerns regarding child safety in Humboldt
27 County.

1 **ARGUMENT**

2 **I. THIS COURT HAS THE INHERENT AND EXPRESS AUTHORITY PURSUANT TO THE**
3 **FINAL JUDGMENT TO EXTEND THE MONITORING PERIOD AND ISSUE THE**
4 **SUPPLEMENTAL JUDGMENT.**

5 The Final Judgment is enforceable under the Code of Civil Procedure (Code Civ. Proc., §§
6 664.6 & 681.010) and the express terms of the Final Judgment. The court's jurisdiction is
7 retained for three years during which either party can apply to the court for further orders or
8 modifications of the injunctive provisions "necessary or appropriate for the construction or
9 carrying out of this Judgment, for the modification of any of the injunctive provisions hereof, for
10 enforcement of compliance herewith, and for the punishment of violations hereof, if any." (Final
11 Judg., ¶ 6.) Time limits may also be extended "by order of the Court for good cause shown." (*Id.*
12 at ¶ 9.) As detailed in section (II), *infra*, extension of the monitoring period and modification of
the injunctive provisions are warranted to achieve full compliance with the Final Judgment.

13 **II. AN EXTENSION OF THE MONITORING PERIOD AND ENTRY OF SUPPLEMENTAL JUDGMENT**
14 **ARE NEEDED TO ACHIEVE FULL COMPLIANCE WITH THE FINAL JUDGMENT.**

15 **A. DHHS-CWS Has Made Substantial Progress but Has Not Achieved Full**
16 **Compliance with the Final Judgment.**

17 **1. DHHS-CWS' Revision of Policies and Procedures is the First Step of**
18 **Compliance with the Final Judgment.**

19 The Final Judgment requires several changes to DHHS-CWS' policies and procedures.
20 (Final Judg., ¶ 3, subd. (D).) Specifically, DHHS-CWS must incorporate changes to ensure
21 compliance with CANRA, specified emergency response and intake requirements, timely cross-
22 reporting obligations, California Department of Social Services All-County Letters, thorough risk
23 evaluation requirements, and use of a family meeting model that uses a strength-based approach.
24 (Final Judg., ¶ 3, subds. (E)-(M).) While these policies and procedures have been updated, these
25 revisions are only the first step toward fulsome compliance with the Final Judgment. In DHHS-
26 CWS' progress report dated August 7, 2020, DHHS-CWS acknowledged that "[o]ngoing
27 monitoring and continuous quality improvement activities need to be developed" to ensure
28 compliance with several of the updated policies and procedures required in sections (3)(E), (K),
and (M). (Riehl Decl., Ex. 7 (Exhibit F).) DHHS-CWS has since only provided vague

1 assurances that ongoing monitoring is occurring, without any data to back up these assertions.
2 (Riehl Decl., Exs. 9- 10.) DHHS-CWS' inability to show full compliance is particularly
3 problematic give the monitor's report of "inconsistent implementation of policies and practices in
4 accordance with expectations" (Riehl Decl., Ex. 2, p. 5) and findings reported after DHHS-CWS'
5 and the monitor's confidential reviews of child fatalities.³

6 **2. There Remain Significant Concerns About the Adequacy of DHHS-**
7 **CWS' Safety Risk Assessments.**

8 Once a referral of alleged abuse or neglect occurs, California regulations (DSS Manual,
9 Div. 31, § 31-105) and the Final Judgment require DHHS-CWS to "conduct a thorough
10 evaluation of the risk to any child who is the subject of a referral" (Final Judg., ¶ 3, subd. (K)).
11 A thorough risk evaluation is critical to ensuring the safety and welfare of children in the County.

12 The monitor and Attorney General's Office continue to have serious concerns about safety
13 and risk assessments for children involved in investigations of in-home cases. (Riehl Decl., Ex.
14 2, pp. 13 & 46.) These systemic concerns are also informed, in part, by four reported child
15 fatalities and the subsequent reviews that occurred since the Final Judgment was entered. It is
16 important to evaluate child fatalities to identify any systemic deficiencies in practice to improve
17 child safety and minimize safety risks. As such, the Attorney General's Office asked the monitor
18 to compile sealed reports after certain child fatalities and assess any systemic deficiencies with
19 respect to policy and practice.⁴ Reports prepared after three of the fatalities identified systemic or
20 procedural flaws that need to be addressed. The Attorney General's Office learned that DHHS-
21 CWS did not have an internal review process in place for immediately responding to and
22 reviewing critical incidents such as fatalities. The Attorney General's Office thus requested that
23 DHHS-CWS create an internal child fatality review process with a team to review cases. (Riehl
24 Decl. in Support of Mot. to Seal, ¶ 12.) Despite this request, DHHS-CWS is still following a
25 child fatality review policy from October 2010 that sets forth minimum reporting requirements,

26 ³ The Attorney General's Office has concurrently filed a motion to seal certain records
27 pertaining to child fatalities and has lodged those records conditionally under seal in order to
28 facilitate the court's review of the issues presented in this matter while preserving the privacy of
impacted families and confidentiality of DHHS-CWS' records.

⁴ These reports are lodged conditionally under seal with the motion to seal.

1 but does not require a robust child fatality review process. (Riehl Decl., ¶ 16, Ex. 5.) While
2 DHHS-CWS is currently working on a draft child fatality review process that is more
3 comprehensive, it has not yet been finalized. (Riehl Decl., ¶ 18, Ex. 6.) To ensure that CWS is
4 appropriately evaluating critical incidents, DHHS-CWS should finalize its child fatality review
5 policy to follow in all cases of fatalities of children for whom there is an open investigation or
6 case. (See Proposed Supp. Judg., § (7), subd. (Q).)

7 Another aspect of a thorough risk assessment required by the Final Judgment and California
8 regulations includes gathering information from all collateral contacts who may have relevant
9 information related to the referral including (but not limited to) tribal representatives. (Final
10 Judg., ¶ 3, subd. (K); DSS Manual, Div. 31, § 31-125.222.) DHHS-CWS has not shown regular
11 adherence to intake policies and procedures regarding this requirement. (Riehl Decl., Exs. 1, p.
12 46 & 2, pp. 12 & 44.) For example, tribes are not being routinely contacted to contribute to
13 evaluations during intake and investigations, as required by policy. (*Id.*; Riehl Decl. in Support of
14 Mot. to Seal, Ex. 3.) DHHS-CWS acknowledged implementation of this portion of the Final
15 Judgment remains incomplete and has not provided any subsequent evidence of compliance.
16 (Riehl Decl., Ex. 7 (Exhibit F).)

17 DHHS-CWS is also required to implement a family meeting model over the life of cases at
18 key decision points. (Final Judg., ¶ 3, subd. (M).) As part of the case assessment process, these
19 meetings use a strength-based approach to engage families, formal and informal supports,
20 communities, and tribes in a family-led planning process. To date, insufficient data exists on
21 assessment of the implementation of this requirement. (Riehl Decl., Ex. 2, p. 19.) For example,
22 while some meetings are held, they occur at a rate significantly lower than expected by the policy
23 and procedure distributed to staff on June 26, 2018. (*Ibid.*) Absent qualitative assessments, it is
24 not possible to assess whether the family meeting model requirements of the Final Judgment are
25 being met. (*Ibid.*) DHHS-CWS also acknowledged implementation of this part of the Final
26 Judgment remains incomplete and has provided no further information to show adequate
27 implementation. (Riehl Decl., Ex. 7 (Exhibit F).) As recently as October 2020, DHHS-CWS
28 acknowledged that efforts are still being made “to increase fidelity to the CFT meeting structure.”

(Riehl Decl., Ex. 9 (Exhibit J).) In sum, the Attorney General’s Office and DHHS-CWS agree that “[o]ngoing monitoring and continuous quality improvement activities need to be developed” to ensure compliance each of the provision that support thorough child safety risk assessment requirements outlined in the Final Judgment. (Riehl Decl., Ex. 7 (Exhibit F); see Final Judg. ¶ 3, subds. (K) & (M).)

3. DHHS-CWS Has Not Demonstrated Full Compliance with Tribal Collaboration Requirements of the Final Judgment.

Tribal collaboration is an important and integral part of child risk assessment and is required under the Final Judgment. The Final Judgment requires DHHS-CWS to revise its policies and procedures to ensure collaboration with and input relating to decision-making from tribes. (Final Judg., ¶ 3, subd. (N).) The Final Judgment specifically requires social worker screeners to send referrals that involve a child who is a member of or eligible for membership in a tribe to the appropriate tribe within 24 hours. (Final Judg., ¶ 3, subd. (N)(1).) While tribes provided input to related policies and procedures in October 2018, several months after the initial deadline for completion, efforts are still needed to ensure compliance with expected practice. (Riehl Decl., Ex. 2, p. 12.) Similarly, the Final Judgment requires sufficient notice to tribal representatives to ensure that they are included in the decision-making relating to those referrals. (Final Judg., ¶ 3, subd. (N)(2).) Implementation of this requirement remains incomplete. (Riehl Decl., Ex. 2, pp. 13 & 51.)

DHHS-CWS agrees that implementation of these tribal collaboration provisions remain incomplete pending development of “[o]ngoing monitoring and continuous quality improvement activities.” (Riehl Decl., Ex. 7 (Exhibit F).) In response to the Attorney General’s request for information, DHHS-CWS responded that it will rely on programs that are currently still being developed – namely the Indian Child Welfare Act (“ICWA”) Program and CQI Program. (Riehl Decl., Ex. 9.) DHHS-CWS also indicated further information regarding tribal collaboration would follow but no such additional information was provided. (Riehl Decl., Ex. 10.) While efforts have been made in the area of tribal collaboration, DHHS-CWS has failed to provide any data regarding compliance with the tribal collaboration requirements of the Final Judgment. (See

1 Final Judg., ¶ 3, subd. (N).) The monitor and tribes also continue to report a lack of collaboration
2 during key decision points affecting child safety. (Riehl Decl., Ex. 2, p. 13.)

3 Additionally, negotiation of protocols with the eight federally recognized tribes in
4 Humboldt County, as required by paragraph 3, subdivision (P) of the Final Judgment, are still in
5 progress. (Riehl Decl., Ex. 1, pp. 13 & 51.) The only protocol that has been finalized is with the
6 Hoopa Valley Tribe. (*Ibid.*) DHHS-CWS' failure to comply with the revised tribal collaboration
7 policies and procedures detailed above have likely been impediments to the completion of the
8 tribal protocols, but the Attorney General's Office understands that at this juncture, DHHS-CWS
9 and the remaining tribes continue to negotiate productively with the tribal consultant. The
10 Proposed Supplemental Judgment thus requires continued good-faith efforts with the tribal
11 consultant to negotiate—and complete—these protocols. (Proposed Supp. Judgment, § (7), subd.
12 (L).) Moreover, DHHS-CWS has recently taken steps to create an ICWA unit. This unit could
13 help DHHS-CWS achieve consistent adherence to policies and procedures relating to tribal
14 collaboration. This effort, however, is still in its infancy. The ICWA Program Manager has been
15 identified but DHHS-CWS is working to identify and select staff. (Riehl Decl., Exs. 2, p. 13 & 4,
16 p. 2.) To ensure that these efforts are not disrupted midstream, continued engagement with the
17 tribal consultant, Olin Jones, as required by section (7)(K) of the Proposed Supplemental
18 Judgment, is needed to continue to assist DHHS-CWS in meeting the requirements of sections
19 (7)(J) and (L). Mr. Jones has worked closely with DHHS-CWS and local tribes to build trust and
20 to implement policies and procedures related to tribal collaboration. (Riehl Decl., ¶ 7 & Ex. 2, p.
21 12.)⁵ The progress made by the tribal consultant thus far should be leveraged and any cessation
22 of services at this point would disrupt the progress being made.

23 **4. An Extension of the Monitoring Period is Needed for DHHS-CWS to**
24 **Ensure Consistent Practice and Accountability of Staff.**

25 To meet critical child safety goals, the Final Judgment included several requirements
26 pertaining to data, accountability, and continued quality measurements that must be utilized to
27 sustain practice at the level required by the Final Judgment. These requirements include: (1) a

28 ⁵ To the extent DHHS-CWS has concerns about the costs of the tribal consultant, the Attorney General's Office is amenable to discussing cost-saving measures.

1 robust CQI process (see Final Judg., ¶ 3, subd. (CC)(4)); (2) a public complaint process (see Final
2 Judg., ¶ 3, subd. (GG)); (3) a Workload Study (see Final Judg., ¶ 3, subd. (CC)(3)); and (4) the
3 Community Task Force (see Final Judg., ¶ 3, subds. (II)-(KK)).

4 **a. DHHS-CWS’ Continuing Quality Improvement Program Will Not be**
5 **Fully Implemented by the End of the Current Monitoring Period.**

6 The Final Judgment requires DHHS-CWS to engage Evident Change to provide services
7 relating to “[m]anaging by Data assistance, including bolstering continuous quality improvement
8 processes, leveraging data resources, and analytic support to improve agency practices.” (Final
9 Judg., ¶ 3, subd. (CC)(4).) DHHS-CWS’ CQI program “is in early development” and full
10 implementation is not expected until at least February 2021. (Riehl Decl., Ex. 2, pp. 28-29.) At
11 that point, DHHS-CWS will need to use the CQI program to provide quantitative and qualitative
12 evaluations to demonstrate compliance to the monitor and the Attorney General’s Office. During
13 the August 2020 Task Force meeting, DHHS-CWS stated they had hired the CQI Program
14 Manager and “explained that CWS is working towards the goal of pulling all of the continuous
15 quality improvement activities together in an organized way.” (Riehl Decl., Ex. 3, p. 5.) As
16 recently as October 26, 2020, DHHS-CWS was “currently in the planning phase to reassign the
17 staff needed to realize the newly created” CQI program. (Riehl Decl., Ex. 9.) DHHS-CWS is not
18 yet equipped to sustain practice at the level required by the Final Judgment because it cannot
19 adequately measure compliance through data analyses and qualitative reviews. The lack of full
20 implementation of accountability and quality assurance measures requires a functioning CQI
21 program to demonstrate progress using reviews, metrics, and data analyses. Compliance with the
22 CQI program and metrics-creation requirements in section (7), subdivision (M) of the Proposed
23 Supplemental Judgment will provide DHHS-CWS with the ability to measure practice and
24 provide the feedback loops necessary to continue improving practice.

25 In addition, the monitor is concerned that while DHHS-CWS may have revised its policies
26 and procedures in paper form, DHHS-CWS has failed to ensure staff is consistently implementing
27 these changes, as required under the Final Judgment (see Final Judg. ¶ 3, subds. (E), (M), (N), &
28 (GG)), and DHHS-CWS is not holding staff accountable for lapses. (Riehl Decl., Exs. 7 (Exhibit

1 F), 9 & 10.) Ongoing training requirements will help ensure continued and consistent compliance
2 with the policies and further improvements to policies and practice that will stem from the
3 ongoing accountability systems. (See Proposed Supp. Judg., § (7), subd. (O).)

4 **b. DHHS-CWS' Complaint Procedure Has Not Been Fully Implemented.**

5 The Final Judgment requires DHHS-CWS to “create a complaint procedure that can be
6 easily understood by and publicized to the community.” (Final Judg., ¶ 3, subd. (GG).) DHHS-
7 CWS’s Ombudsperson’s Office was created to handle public complaints. To gauge the efficacy
8 of the Ombudsperson’s Office, the monitor planned to conduct a survey of the complaints to the
9 Ombudsperson’s Office starting in March 2020 but it has been unable to undertake the planned
10 survey due to the pandemic. (Riehl Decl., Ex. 1, p. 33.) The most recent monitoring report states
11 that DHHS-CWS is still working “to improve the Ombudsperson’s Office including clarifying the
12 role of the Ombudsperson; standardizing multiple processes within the Office; and creating a
13 formal complaint closure process.” (Riehl Decl., Ex. 2, p. 31.) During the last monitoring period,
14 DHHS-CWS “leadership and CSSP received complaints from stakeholders who are not
15 contacting the Ombudsperson’s Office for relief.” (*Ibid.*) By February 14, 2021, DHHS-CWS
16 will not have “create[d] a complaint procedure that can be easily understood by and publicized to
17 the community,” (see Final Judg., ¶ 3, subd. (GG)), because the public is not always using the
18 system and the system is going through needed changes. Thus, the Proposed Supplemental
19 Judgment requires a complaint procedure that is publicized and reviewed to ensure compliance
20 with the Final Judgment. (Proposed Supp. Judg., § (7), subds. (M)(4) & (N).)

21 **c. DHHS-CWS Has Not Completed the Required Workload Study.**

22 The Final Judgment requires DHHS-CWS to engage Evident Change to provide a
23 Workload Study “in order to estimate the resources and number of staff members needed to
24 perform the necessary functions of the child welfare agency in compliance with laws, rules, and
25 policies applicable to Humboldt County.” (Final Judg., ¶ 3, subd. (CC)(3).) The Workload Study
26 was suspended on March 19, 2020 due to the pandemic and the changes this brought to worker
27 activities. (Riehl Decl., Ex. 1, p. 19.) In lieu of the Workload Study required by the Final
28 Judgment, development of a Workforce Development Program, which was a program already in

1 planning by DHHS-CWS, is recommended. (Riehl Decl., Ex. 2, p. 8.) To accommodate DHHS-
2 CWS' request to dispense with the Workload Study requirement, the Attorney General's Office
3 proposes to replace the Workload Study with the Workforce Development program, which is in
4 line with DHHS-CWS' current plans. (See Proposed Supp. Judg., § (7), subd (I).) Results of this
5 program will help coordinate training and coaching opportunities to increase supervisory review
6 and capacity within DHHS-CWS. The pandemic has led to a hiring freeze in Humboldt County,
7 which DHHS-CWS acknowledges "may affect a social worker's existing workload." (Riehl
8 Decl., ¶ 17.) The Workforce Development Program is critical to ensure the current
9 workforce is able to meet and sustain the requirements of the Final Judgment.

10 **5. The Task Force's Mandated Reporter Guide Is Not Yet Complete.**

11 The Final Judgment requires the Humboldt County Sheriff and Director of Department of
12 Health and Human Services to create a Community Task Force "for the purpose of making
13 recommendations to their respective departments." (Final Judg., ¶ 3, subd. (II).) The duties of
14 the Task Force include mandated deliverables including the "[c]reation of a web-based Mandated
15 Reporter Guide," which includes specific information regarding the obligations of Defendants
16 and mandated reporters, as well as Defendants' revised policies and procedures relating to
17 CANRA and the Welfare and Institutions Code. (Final Judg., ¶ 3, subd. (KK)(1).) While the
18 Task Force has created a draft guide, this guide is not anticipated to be final until March 2021,
19 after which the monitor and Attorney General's Office will need to verify compliance. (Riehl
20 Decl., Ex. 4, p. 4.) Thus, the Final Judgment should be extended to allow the Defendants to
21 complete their required work with the Task Force. (See Proposed Supp. Judg., § (7), subds. (A)
22 & (B).) This deliverable is HCSO's remaining obligation and therefore, the Proposed
23 Supplemental Judgment permits HCSO to apply to this court upon a showing of completion of
24 the Mandated Reporter Guide to be dismissed from this case. (See Proposed Supp. Judg., § (12).)

25 **B. The Extended Term and Continued Monitoring are Necessary to Achieve**
26 **Full Compliance with the Final Judgment.**

27 The monitor that the Attorney General approved under the Final Judgment is the Center
28 for the Study of Social Policy. (Final Judg., ¶ 4.) At the Attorney General's Office's direction,

1 CSSP has engaged in monitoring duties, such as interviewing staff and community members,
2 attending meetings, reviewing data, conducting qualitative reviews, receiving complaints, and
3 working with the agency and consultants to acquire a holistic view of DHHS-CWS' progress.
4 CSSP is a nationally-recognized court monitor with expertise in child welfare practice, experience
5 with monitoring numerous court-ordered settlements reforming child welfare systems, and has
6 built the institutional knowledge required to adequately monitor DHHS-CWS' compliance with
7 the Final Judgment and any subsequent Supplemental Judgment, the provisions of which arise out
8 of recommendations in CSSP's monitoring reports. (Riehl Decl., ¶ 8 & Ex. 2, p. 10.)

9 Additional time is needed for DHHS-CWS to come into compliance with the terms of the
10 Final Judgment and to demonstrate the capacity to ensure fidelity to practice and that the policies
11 and procedures are being consistently implemented in accordance with expected child welfare
12 practices. The Proposed Supplemental Judgment continues court jurisdiction for an additional
13 two years from February 14, 2021. (See Proposed Supp. Judg., § (8).) This period provides for
14 one year of continued active monitoring by the monitor, CSSP, while DHHS-CWS begins to
15 implement its CQI program starting in February 2021. (See Proposed Supp. Judg., § (5).) During
16 the second year, DHHS-CWS is expected to conduct self-reviews of compliance with the
17 Supplemental Judgment and prepare bi-annual written reports to be verified by CSSP. (*Ibid.*)
18 The two-year extension is structured to ensure sufficient self-monitoring and compliance while
19 minimizing the monitoring costs. The Attorney General's Office has proposed minimizing the
20 monitor's travel costs and continues to be willing to work on cost-saving measures.

21 To best ensure the remaining requirements of the Final Judgment and the Proposed
22 Supplemental Judgment are completed, and that progress is not disrupted, the monitoring period
23 should be extended and the Proposed Supplemental Judgment ordered granted. (See Proposed
24 Supp. Judg., § (2).)

25 CONCLUSION

26 For the foregoing reasons, the State respectfully requests that the court grant the State's
27 motion to extend the monitoring period and order the Supplemental Judgment.
28

1 Dated: December 22, 2020

Respectfully Submitted,
XAVIER BECERRA
Attorney General of California
MICHAEL L. NEWMAN
Senior Assistant Attorney General
Christine Chuang
Supervising Deputy Attorney General

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CHRISTINA MCCLURG RIEHL
Deputy Attorney General
*Attorneys for People of the State of
California*

EXHIBIT 1

1 XAVIER BECERRA
Attorney General of California
2 ANGELA SIERRA
Senior Assistant Attorney General
3 MICHAEL L. NEWMAN
Supervising Deputy Attorney General
4 CHRISTINE CHUANG
Deputy Attorney General
5 State Bar No. 257214
1515 Clay Street, 20th Floor
6 P.O. Box 70550
Oakland, CA 94612-0550
7 Telephone: (510) 879-0094
Fax: (510) 622-2270
8 E-mail: Christine.Chuang@doj.ca.gov
Attorneys for THE PEOPLE OF THE STATE OF
9 CALIFORNIA

~~FILED~~
FEB 13 2018
SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

10 SUPERIOR COURT OF THE STATE OF CALIFORNIA
11 COUNTY OF HUMBOLDT
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15 THE PEOPLE OF THE STATE OF
CALIFORNIA ex. rel. XAVIER
16 BECERRA, ATTORNEY GENERAL OF
THE STATE OF CALIFORNIA,

17 Plaintiff,

18 v.

19 HUMBOLDT COUNTY DEPARTMENT
20 OF HEALTH AND HUMAN SERVICES;
CONNIE BECK, IN HER OFFICIAL
21 CAPACITY AS DIRECTOR; HUMBOLDT
COUNTY SHERIFF'S OFFICE; WILLIAM
22 HONSAL, IN HIS OFFICIAL CAPACITY AS
SHERIFF,

23 Defendants.
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Case No.

CV 180143

STIPULATION FOR ENTRY OF FINAL
JUDGMENT AND PERMANENT
INJUNCTION

1 Plaintiff, the People of the State of California ("People" or "Plaintiff"), by and through its
2 attorney, Xavier Becerra, Attorney General of the State of California (the "Attorney General"),
3 and by Deputy Attorney General Christine Chuang, and Defendants Humboldt County
4 Department of Health and Human Services—Child Welfare Services division, appearing through
5 its attorney Humboldt County Office of County Counsel ("County Counsel"), by Assistant
6 County Counsel Blair Angus, and Humboldt County Sheriff's Office, appearing through its
7 attorney County Counsel, by Deputy County Counsel Natalie Duke, stipulate as follows:

8 1. This Court has jurisdiction of the subject matter hereof and the parties to this
9 Stipulation for Entry of Final Judgment and Permanent Injunction ("Stipulation").

10 2. The Final Judgment ("Judgment"), a true and correct copy of which is attached
11 hereto as Exhibit 1, may be entered by any judge of the Humboldt County Superior Court.

12 3. The Attorney General may submit the Judgment to any judge of the superior court
13 for approval and signature, based on this Stipulation, during the Court's ex parte calendar or on
14 any other ex parte basis, without notice to or any appearance by Defendants, which notice and
15 right to appear Defendants hereby waive.

16 4. Plaintiff and Defendants (collectively, the "Parties") hereby waive their right to
17 move for a new trial or otherwise seek to set aside the Judgment through any collateral attack, and
18 further waive their right to appeal from the Judgment, except the Parties agree that this Court
19 shall retain jurisdiction for the purposes specified in Section 6 of the Judgment.

20 5. The Parties jointly represent that they have worked cooperatively to come to an
21 agreement. Defendants have affirmed their commitment to make meaningful changes to how
22 child abuse and neglect reports are handled in Humboldt County.

23 6. The Parties have stipulated and consented to the entry of the Judgment without the
24 taking of proof and without trial or adjudication of any fact or law herein, without the Judgment
25 constituting evidence of or an admission by Defendants regarding any issue of law or fact alleged
26 in the Complaint on file herein, and without Defendants admitting any liability regarding
27 allegations of violations that occurred prior to the entry of the Judgment.
28

7. Defendants will accept service of any Notice of Entry of Judgment entered in this action by delivery of such notice to their counsel of record, and agrees that service of the Notice of Entry of Judgment will be deemed personal service upon them for all purposes.

8. The individuals signing below represent that they have been authorized by the parties they represent to sign this Stipulation.

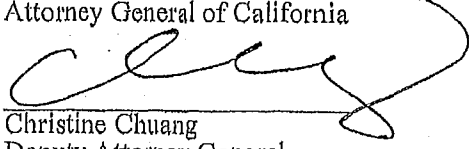
9. This Stipulation may be executed in counterparts, and the Parties agree that a facsimile signature shall be deemed to be, and shall have the full force and effect as, an original signature.

[SIGNATURES ON FOLLOWING PAGE]

1 THE STATE OF CALIFORNIA

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4 DATED: 2/9/18

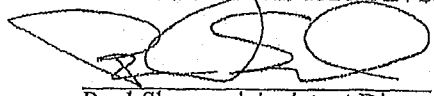
XAVIER BECERRA
Attorney General of California


Christine Chuang
Deputy Attorney General
Attorneys for Plaintiff

6
7 DEFENDANTS

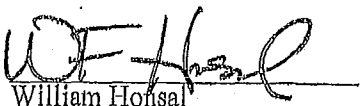
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9
10 DATED: 2/9/18

HUMBOLDT COUNTY DEPARTMENT
OF HEALTH AND HUMAN SERVICES


Paul Sheppard Assistant Director, for
Connie Beck Director

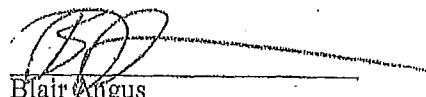
HUMBOLDT COUNTY
SHERIFF'S OFFICE

12
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14 DATED: 2/8/2018

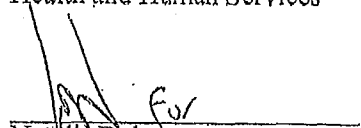

William Honsal
Sheriff

HUMBOLDT COUNTY OFFICE OF
THE COUNTY COUNSEL

16
17
18 DATED: 2/9/2018


Blair Angus
Assistant County Counsel
Attorneys for Defendant Department of
Health and Human Services

20
21
22 DATED: 2/9/18


Natalie Duke
Deputy County Counsel
Attorneys for Defendant Sheriff's Office

24
25 DATED: 2/8/2018

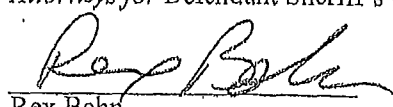

Rex Bohn
Vice Chairperson
Humboldt County Board of Supervisors

EXHIBIT 1

1 XAVIER BECERRA
Attorney General of California
2 ANGELA SIERRA
Senior Assistant Attorney General
3 MICHAEL L. NEWMAN
Supervising Deputy Attorney General
4 CHRISTINE CHUANG
Deputy Attorney General
5 State Bar No. 257214
1515 Clay Street, 20th Floor
6 P.O. Box 70550
Oakland, CA 94612-0550
7 Telephone: (510) 879-0094
Fax: (510) 622-2270
8 E-mail: Christine.Chuang@doj.ca.gov
Attorneys for THE PEOPLE OF THE STATE OF
9 CALIFORNIA

10
11 SUPERIOR COURT OF THE STATE OF CALIFORNIA
12 COUNTY OF HUMBOLDT
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14

15 **THE PEOPLE OF THE STATE OF**
16 **CALIFORNIA ex. rel. XAVIER**
17 **BECCERRA, ATTORNEY GENERAL OF**
18 **THE STATE OF CALIFORNIA,**

19 Plaintiff,

20 v.

21 **HUMBOLDT COUNTY DEPARTMENT**
22 **OF HEALTH AND HUMAN SERVICES;**
23 **CONNIE BECK, IN HER OFFICIAL**
24 **CAPACITY AS DIRECTOR; HUMBOLDT**
25 **COUNTY SHERIFF'S OFFICE; WILLIAM**
26 **HONSAL, IN HIS OFFICIAL CAPACITY AS**
27 **SHERIFF,**

28 Defendants.

Case No.

CV 180143

~~[PROPOSED]~~ FINAL JUDGMENT

RECEIVED
FEB 13 2018 P
M
SUPERIOR COURT OF CALIFORNIA
COUNTY OF HUMBOLDT

1 Plaintiff, the People of the State of California ("People" or "Plaintiff"), by and through its
2 attorney, Xavier Becerra, Attorney General of the State of California ("Attorney General"), and
3 by Deputy Attorney General Christine Chuang, and Defendants Humboldt County Department of
4 Health and Human Services ("DHHS")—Child Welfare Services division ("CWS"), appearing
5 through its attorney, Humboldt County Office of County Counsel ("County Counsel"), by
6 Assistant County Counsel Blair Angus, and Humboldt County Sheriff's Office, appearing
7 through its attorney County Counsel, by Deputy County Counsel Natalie Duke, having stipulated
8 to the entry of this judgment ("Judgment") by the Court without the taking of proof and without
9 trial or adjudication of any fact or law, without this Judgment constituting evidence of or
10 admission by Defendants regarding any issue of law or fact alleged in the People's Petition for
11 Writ of Mandate and Complaint for Injunctive Relief ("Complaint") on file or any of the
12 allegations or conclusions set forth herein, and without Defendants admitting any liability, and
13 with all parties having waived their right to appeal, and the Court having considered the matter
14 and good cause appearing,

15 **IT IS HEREBY ORDERED, ADJUDGED, AND DECREED THAT:**

16 1. This Court has jurisdiction over the allegations and subject matter of the People's
17 Complaint filed in this action, and the parties to this action; venue is proper in this County; and
18 this Court has jurisdiction to enter this Judgment.

19 **DEFINITIONS**

20 2. For purposes of this Judgment:

21 A. "Cross-report" means a report of suspected or known child abuse or neglect
22 that child protective agencies are required to exchange pursuant to Penal Code section 11166,
23 subdivisions (j) and (k).

24 B. "Referral" means a report of suspected or known child abuse or neglect.
25 "Referral" and "report" may be used interchangeably when referring to information received
26 regarding suspected or known child abuse or neglect for the purposes of this Judgment.

27 C. "Division 31 regulations" refers to California Department of Social
28 Services ("DSS") Manual, Division 31, Child Welfare Services Program.

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3. Defendants are permanently enjoined from violating CANRA and shall engage in

Memorandum of Understanding ("MOU") and Inter-Agency Coordination

A. Defendants have entered into an MOU, attached hereto as Exhibit A, which

(1) Within 90 days of the entry of Judgment, CWS shall revise its

(2) Within 30 days of the entry of Judgment, the Sheriff's Office shall

Child Abuse Services Team (“CAST”) Protocol and Collaborative Processes

B. As set forth in the MOU, Defendants shall continue to participate in the

1 C. Defendant CWS and the Mental Health division of DHHS are currently
2 developing an inter-agency collaboration protocol to ensure that staff from the divisions
3 coordinate the provision of mental health and child welfare services. The protocol shall address
4 the sharing of confidential information between the divisions and include revised processes to
5 ensure timely assessments of children in protective custody. CWS has also created procedures to
6 address the sharing of information among other agencies and entities that are a part of a
7 multidisciplinary team, including, but not limited to, medical personnel, law enforcement officers,
8 school district employees, and tribal representatives, pursuant to Welfare & Institutions Code
9 sections 5328 and 5328.04. Within 30 days of the entry of Judgment, CWS shall provide the
10 Attorney General's Office with documents relating to this section for review and input.

11 **Implementation of New Emergency Response System and Revision of**
12 **Policies and Procedures by Defendant CWS**

13 D. Within 120 days of the entry of Judgment, CWS shall incorporate the
14 requirements set forth below in this section into its policies and procedures and circulate to all
15 personnel.

16 E. CWS shall ensure compliance with CANRA, including the confidentiality
17 requirements set forth under Penal Code section 11167, and CANRA's implementing regulations
18 set forth in California Code of Regulations, Title II, division 1, chapter 9 (11 C.C.R. § 900 et seq.),
19 including regulations relating to investigations of suspected child abuse in out-of-home care
20 facilities, and the Welfare & Institutions Code and Division 31 regulations.

21 F. CWS shall implement an emergency response system available 24 hours a
22 day, seven days a week, under which social worker screeners will handle incoming calls as they
23 come in to ensure prompt response. CWS shall, within 30 days of the entry of this Judgment,
24 complete its implementation of an automated call tree system that connects callers who report
25 suspected child abuse or neglect directly to screeners.

26 G. CWS shall transition from a paper-based intake system to an electronic
27
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1 intake system that is not reliant on data entry staff, under which social worker screeners directly
2 input information into Child Welfare Services/Case Management System (CMS) (or any future
3 successor system) and the WebSDM assessment tool.

4 H. CWS shall ensure timely cross-reporting to law enforcement agencies and
5 the District Attorney's ("DA") office.

6 (1) Upon receipt of a report that is required to be cross-reported under
7 Penal Code section 11166, subdivision (j), a social worker shall immediately or as soon as
8 practicably possible cross-report by telephone to the Sheriff's Office or other appropriate law
9 enforcement agency and make a follow up written report as required by CANRA.

10 (2) CWS shall make cross-reports to the DA's office in accordance
11 with Penal Code section 11166, subdivision (j).

12 (3) The social worker shall document in CMS (or any future successor
13 system) the date, time, and manner of the cross-report, as well as any follow up information
14 relating to the receiving agency's response.

15 (4) On a weekly basis, a supervisor shall review all reports to ensure
16 that timely cross-reporting has been completed.

17 (5) For reports that are assigned for investigation and a joint response
18 with the Sheriff's Office is necessary, the assigned social worker shall contact the Sheriff's Office
19 immediately if it involves an emergency or 24-hour response, and within 36 hours if it involves a
20 10-day response.

21 I. CWS may not refuse to accept reports from any person, whether or not that
22 person is a mandated or non-mandated reporter, including reports that fall outside its geographical
23 jurisdiction.

24 (1) For reports that fall outside CWS's geographical jurisdiction, CWS
25 shall:

26 a. Immediately electronically transfer the call to the
27 appropriate agency; or

28 b. If CWS takes the report and cannot immediately transfer the

1 call, it shall immediately send the report via telephone, fax, or electronic transmission
2 to the appropriate agency, with an immediate follow up call to the agency to ensure that the report
3 is received.

4 (2) For cross-reports that come from the Sheriff's Office or any
5 agency that falls outside CWS's geographical jurisdiction, CWS shall:

6 a. Immediately transfer the report via telephone, fax, or
7 electronic transmission to the appropriate agency, with an immediate follow up call to the agency
8 to ensure that the report is received; and

9 b. Immediately call the reporting agency to inform it that the
10 report is outside the jurisdiction of CWS and to which agency it has transferred the report.

11 J. CWS shall revise its policies and procedures to incorporate the following
12 and circulate copies of the following DSS All-County Letters to all employees.

13 (1) All-County Letter No. 05-09, dated April 26, 2005,
14 regarding Reporting and Investigation Requirements for Child Abuse Allegations Regarding
15 Children in Out-Of-Home Placements, available at
16 <http://www.cdss.ca.gov/lettersnotices/entres/getinfo/acl05/pdf/05-09.pdf>;

17 (2) All-County Letter No. 17-27, dated May 10, 2017,
18 regarding Investigating, Assessing, and Documenting a New Referral of Child Abuse or Neglect
19 in an Open Investigation or Case, available at [http://www.cdss.ca.gov/Portals/9/ACL/2017/17-](http://www.cdss.ca.gov/Portals/9/ACL/2017/17-27.pdf)
20 [27.pdf](http://www.cdss.ca.gov/Portals/9/ACL/2017/17-27.pdf); and

21 (3) CANRA's implementing regulations relating to investigations of
22 suspected child abuse in out-of-home care facilities set forth under California Code of
23 Regulations, Title II, division 1, chapter 9, article 3 (11 C.C.R. § 930 et seq.).

24 K. As set forth in Welfare & Institutions Code section 16504, CWS shall
25 conduct a thorough evaluation of the risk to any child who is the subject of a referral. The
26 evaluation of risk shall include information gathered from all collateral contacts who may have
27 relevant information related to the referral. Collateral contacts may include (but are not limited to)
28 school personnel, law enforcement, tribal representatives, medical personnel, and other

community members. When necessary to complete the evaluation of risk to the child, the investigating social worker will contact the reporting party (whether mandated or not) for further information. Consistent with Division 31 regulations, section 31-105.1.11.114, CWS screeners and investigators shall record detailed information (as available) regarding any contact with collateral contacts, which may include the (1) date of contact; (2) name and phone number of each person contacted; (3) agency affiliation or person's relationship to the child; (4) contacts with tribe(s), extended family, Indian organizations, other Indian service providers; and (5) summary of information obtained. The use of all collateral contacts and other available resources should also be used to obtain information related to the location of children and families who are the subject of referrals, consistent with DSS All County Information Notice No. I-52-14, available at http://www.cdss.ca.gov/lettersnotices/EntRes/getinfo/acin/2014/I-52_14.pdf.

L. To the extent permitted pursuant to Welfare and Institutions Code section 827, CWS shall create a policy that investigating social workers respond back (in writing or via telephone) to mandated reporters by the end of an investigation of a referral regarding the status of the referral. If the communication is made via telephone, the social worker shall document the time and date of the communication.

M. In consultation with the parties' agreed-upon expert consultant, National Council on Crime and Delinquency—Children's Research Center ("NCCD"), CWS shall select and implement a family meeting model that uses a strength-based approach to engage families, formal and informal supports, communities, and tribes in a family-led planning process over the life of the case at key decision points. The model shall include a combination of family meeting types that encompass the core elements outlined in best practices, such as pre-meeting coordination and preparation, consensus-based decision making, and family team involvement in creating case plans and follow up activities.

Tribal Collaboration

N. CWS shall revise its policies and procedures to ensure collaboration with and input relating to decision-making from tribes.

(1) Upon receipt of a referral that involves a child who is a member of

1 or eligible for membership in a tribe, the social worker screener shall send the referral to the
2 appropriate tribe within 24 hours in order to seek input from the tribe, unless an immediate or 24-
3 hour response is needed, in which case the screener shall contact the tribe immediately or as soon
4 as practicably possible.

5 a. The screener shall document details of that contact in the
6 screener narrative, including whether contact was made, input was sought, and the input from the
7 tribe, if any, including the dates and times of such contact.

8 (2) For the referrals that are assigned for investigation, CWS shall
9 provide tribal representatives sufficient notice to allow such representatives to accompany CWS
10 social workers to investigations to ensure that such representatives are included in decision-
11 making relating to those referrals.

12 O. Within 60 days of the entry of Judgment, in consultation with tribal
13 representatives and the Attorney General's Office, CWS shall engage a qualified, independent
14 tribal consultant, who is subject to the Attorney General's Office's approval, to work with staff
15 and NCCD to assist with the implementation of policies and procedures relating to collaboration
16 between tribes and CWS social workers with respect to the assessment and investigation of
17 referrals, and addressing the needs of tribal children.

18 P. Within nine months of the entry of Judgment, CWS shall make a good-
19 faith effort to negotiate and develop protocols with the eight federally recognized tribes in
20 Humboldt County governing the process for collaboration that will ensure timely, shared
21 decision-making relating to cases involving tribal children. These protocols shall include a
22 mutually acceptable procedure for the resolution of disputes when tribal social workers and CWS
23 are not in agreement regarding case plan decisions.

24 **Revision of Policies and Procedures by Defendant Sheriff's Office**

25 Q. Within 30 days of the entry of Judgment, the Sheriff's Office shall
26 incorporate the requirements set forth below in this section into its policies and procedures and
27 circulate to all personnel.
28

1 R. The Sheriff's Office shall ensure compliance with CANRA, including the
2 confidentiality requirements set forth under Penal Code section 11167, and implementing
3 regulations set forth in California Code of Regulations, Title II, division 1, chapter 9 (11 C.C.R. §
4 900 et seq.), including regulations relating to investigations of suspected child abuse in out-of-
5 home care facilities.

6 S. The Sheriff's Office shall ensure timely cross-reporting to CWS and the
7 DA's office.

8 T. Upon receipt of a report, a deputy (or designee) shall immediately or as
9 soon as practicably possible cross-report by telephone to CWS and make a follow up written
10 report to CWS as required by CANRA.

11 U. The Sheriff's Office shall make cross-reports to the DA's office in
12 accordance with Penal Code section 11166, subdivision (k).

13 V. If there is a call for service unrelated to suspected or known child abuse or
14 neglect, but the deputy becomes aware of such a situation during an investigation or otherwise,
15 the deputy shall immediately or as soon as practicably possible call CWS to make a report and
16 send a follow up written report to CWS. The deputy shall coordinate an investigative response
17 with CWS to the extent appropriate.

18 W. The Sheriff's Office shall revise its Domestic Violence policy to address
19 situations in which a child (or children) is in the home, and the reporting to CWS thereof.

20 X. The Sheriff's Office shall ensure that every single report and cross-report is
21 promptly assigned a deputy, an investigation is conducted, and a case report is completed. All
22 reports and cross-reports shall be assigned as a "call for service."

23 (1) On a weekly basis, the Sheriff's Office's CANRA Coordinator shall
24 review all "calls for service" relating to reports and cross-reports to ensure that the coordination
25 with appropriate agencies has been made, deputies have been assigned, and investigations are
26 underway.

27 (2) An assigned deputy shall coordinate an investigative response with
28 CWS immediately if it involves an emergency or 24-hour response. For all other responses, a

1 deputy shall be assigned to investigate the allegations within 72 hours of receipt and report to
2 CWS and/or other appropriate agencies that the Sheriff's Office is investigating within 36 hours
3 after starting its investigation.

4 Y. The Sheriff's Office may not refuse to accept reports from mandated
5 reporters or other reporters, including reports that fall outside its geographical jurisdiction.

6 (1) For reports that fall outside the Sheriff's Office's geographical
7 jurisdiction, the Sheriff's Office shall:

8 a. Immediately electronically transfer the call to the
9 appropriate law enforcement agency; or

10 b. If the Sheriff's Office takes the report and cannot
11 immediately transfer the call, it shall immediately send the report via telephone, fax, or electronic
12 transmission to the appropriate agency, with an immediate follow up call to the agency to ensure
13 that the report is received.

14 (2) For cross-reports that come from CWS that fall outside the Sheriff's
15 Office's geographical jurisdiction, the Sheriff's Office shall:

16 a. Immediately transfer the report via telephone, fax, or
17 electronic transmission to the appropriate agency with an immediate follow up call to the agency
18 to ensure that the report is received; and

19 b. Immediately call CWS to inform CWS that the report is
20 outside the jurisdiction of the Sheriff's Office and to which agency it has transferred the report.

21 **Electronic Records and Tracking**

22 Z. Within 45 days of the entry of Judgment, Defendant CWS shall create an
23 internal tracking tool for reports and cross-reports. CWS shall maintain an electronic record of all
24 reports and cross-reports received, including any subsequent actions taken.

25 (1) Reports that fall outside the geographical jurisdiction of CWS shall
26 be tracked electronically. The records of such reports shall include the date, time, method of
27 transfer, and to which agency the report was transferred.

1 AA. Within 45 days of the entry of Judgment, Defendant Sheriff's Office shall
2 create an internal tracking tool for reports and cross-reports. The Sheriff's Office shall maintain
3 an electronic record of all reports and cross-reports received, including any subsequent actions
4 taken.

5 (1) The Sheriff's Office shall retain and categorize reports in its
6 Records Management System ("RMS"). Any supplemental information received from CWS and
7 other agencies or persons relating to a report, including follow up reports, documentation, or
8 cross-reports, shall be electronically included in the case file in RMS. The case file shall include
9 detailed information about the method and dates of making and receiving cross-reports, as well as
10 information about the investigative response by each agency.

11 (2) Reports that fall outside the geographical jurisdiction of the
12 Sheriff's Office shall be tracked electronically. The records of such reports shall include the date,
13 time, method of transfer, and to which agency the report was transferred.

14 **Contract between Defendant CWS and NCCD**

15 BB. CWS has entered into a two-year contract with NCCD effective June 30,
16 2017 to provide for training and technical assistance services relating to the following subject
17 areas to address the issues in this matter:

18 (1) Structured Decision Making ("SDM") System, Practice
19 Improvement Activities, which includes, but is not limited to:
20 a. Group supervision training and modeling for staff;
21 b. SDM training and on the floor coaching for all stages of services,
22 beginning with hotline procedures; and
23 c. Case reading training for supervisors and managers.

24 (2) Culturally Responsive Services, which includes, but is not limited
25 to:

26 a. Leadership coaching in the Humboldt Practice Model and Safety
27 Organized Practice, including individual coaching sessions and trainings;
28

b. Teaching effective communication skills for use internally and in collaboration with partner agencies;

c. Providing implementation consultation regarding pre-implementation, implementation, and sustainability planning activities of the Humboldt Practice Model; and

d. Developing a common language that facilitates effective cross-cultural communication.

CC. Within 30 days of the entry of Judgment, CWS shall amend the contract with NCCD to provide for the following additional services and amend the term of the contract from a two-year to three-year period. CWS shall provide the Attorney General's Office with a copy of the amended executed contract within five days of the date of the last signature.

(1) Assistance with revision of policies and procedures.

(2) Additional training and coaching in SDM implementation and safety-organized practice, including review of procedures for screening reports relating to sexual abuse allegations, to ensure that the SDM screening tools are being used appropriately across all referrals.

(3) Workload Study in order to estimate the resources and number of staff members needed to perform the necessary functions of the child welfare agency in compliance with laws, rules, and policies applicable to Humboldt County.

(4) Managing by Data assistance, including bolstering continuous quality improvement processes, leveraging data resources, and analytic support to improve agency practices.

(5) Business Process Map to understand how cases of maltreatment are handled across the course of a case and what happens at each decision point in order to identify roadblocks, inefficiencies, and needs to enable fidelity to best practice.

(6) Integration of tribal needs into system improvement, including building on the culturally responsive services training to identify and implement changes to

practice that integrate tribal needs and perspectives into the CWS system to ensure that interactions and work with tribes is culturally responsive.

(7) Assistance with the development of a Mandated Reporter Guide, as detailed in Section KK(1).

(8) Creation and implementation of plans to address outstanding, backlogged investigations to ensure that all referrals are investigated.

a. CWS shall work with NCCD to create a plan to triage outstanding investigations, which may include the hiring of temporary employees. The triaging plan shall be completed and action initiated within 60 days of the amendment of the contract.

b. CWS shall work with NCCD to create a time management plan that ensures new investigations are completed in a timely manner as CWS is addressing backlogged investigations. This may include revisions to policies and procedures, training to better utilize SafeMeasures, or other strategies. The time management plan shall be completed and action initiated within 60 days of the amendment of the contract.

c. CWS shall complete at least 30% of outstanding investigations every quarter. CWS shall close or finalize all of the outstanding investigations within one year of the entry of Judgment.

d. For new investigations, CWS shall improve its investigation completion rate every quarter and achieve compliance with the statutory investigation completion requirement within one year of the entry of Judgment.

Hiring

DD. Within 90 days of completion of the Workload Study detailed in Section CC(3), Defendant CWS agrees to work with Human Resources, Merit Systems, and any relevant union(s) to develop and implement a recruitment and retention plan designed to bring staffing levels to the level necessary to operate the Emergency Response program according to the applicable statutory and regulatory framework and as determined by the Workload Study. The plan shall contemplate that CWS will achieve its staffing goals within a twelve-month timeframe and progress toward that goal will be subject to quarterly review by the County, the monitor, and

1 the Attorney General's Office. After implementation of this plan, CWS shall make a good faith
2 effort to continue maintaining staffing levels necessary to operate the Child Welfare Services
3 program, including, but not limited to, the Emergency Response program, according to applicable
4 statutory and regulatory framework.

5 **Training**

6 EE. In addition to the training provided by NCCD to Defendant CWS under the
7 contract described in Sections BB and CC, training of CWS employees on subject matters (1) and
8 (2) below has begun and is ongoing. Within 180 days of the entry of Judgment, CWS shall have
9 completed mandatory training to all employees on the following subject matters:

10 (1) The requirements of CANRA and the Welfare & Institutions Code,
11 including the legal obligations of CWS and confidentiality requirements;

12 (2) Procedures relating to documenting referral and case information
13 into CMS, including detailed information relating to cross-reporting and contact with tribes;
14 and

15 (3) The revised policies and procedures that CWS is required to
16 implement pursuant to the Judgment.

17 (4) Prior to the 180-day timeframe for completion of the above
18 trainings, CWS shall, on a monthly basis, provide the Attorney General's Office with a list of
19 trainings provided to and completed by employees.

20 (5) Training shall be conducted at least annually on the above subject
21 matters and participation shall be tracked. Any newly hired or assigned personnel shall be
22 required to attend such training within 30 days of hire or assignment.

23 FF. Defendant Sheriff's Office shall provide annual mandatory training for its
24 deputies and records personnel on the following subject matters:

25 (1) Requirements of CANRA, including the legal obligations of the
26 Sheriff's Office and confidentiality requirements;

27 (2) Handling investigations relating to child abuse and neglect;

28 (3) The revised policies and procedures that the Sheriff's Office is

required to implement pursuant to the Judgment; and

(4) Trauma-informed practices relating to interviews of children.

(5) Training participation shall be tracked. New deputies shall complete the training as part of their four-month Field Training Officer Program. Lateral transfers shall be provided such training during the Field Training Program. New records personnel hires shall be required to attend such training within 30 days of hire.

Complaint Systems

GG. Within 60 days of the entry of Judgment, Defendant CWS shall create a complaint procedure that can be easily understood by and publicized to the community. This procedure shall include the timeframe for handling complaints submitted formally and informally, written and orally. CWS shall create a policy designating a supervisor who will be responsible for ensuring all complaints are investigated.

HH. Defendant Sheriff's Office's Policy 1020 relates to complaints. Within 60 days of the entry of Judgment, the Sheriff's Office shall revise Policy 1020.5 to require that all formal and informal complaints and inquiries that relate to child abuse or neglect issues be categorized as "CANRA" so that such complaints can be tracked to ensure they are being addressed in accordance with Policy 1020 and this Judgment.

Community Task Force ("Task Force")

II. Within 120 days of the entry of Judgment, the Humboldt County Sheriff and Director of DHHS ("Director") shall create a Task Force consisting of internal and external stakeholders for the purpose of making recommendations to their respective departments. The Sheriff and Director shall invite community members and representatives from the following agencies or departments to participate in the Task Force, however, membership is not limited to these entities:

- (1) School districts
- (2) Humboldt County Office of Education
- (3) Humboldt County Probation Department
- (4) DHHS, Mental Health division

- (5) Local law enforcement agencies
- (6) Tribes
- (7) Medical providers, specifically pediatricians and/or representatives from the local children's hospital

JJ. The Task Force shall meet on a quarterly basis to discuss issues relating to CANRA, child abuse and neglect, and child welfare within Humboldt County.

KK. The duties of the Task Force shall generally include:

(1) Creation of a web-based Mandated Reporter Guide, which provides an overview of CANRA and the Welfare & Institutions Code, including:

a. The legal obligations of each Defendant, including what types of reports fall within the respective jurisdiction of each agency;

b. Policies and processes implemented by Defendants to ensure compliance with CANRA and the Welfare & Institutions Code, and any other statutes relating to the investigation of reports of child abuse and neglect; and

c. The legal obligations of mandated reporters.

d. A hard-copy version of the guide shall be made available.

(2) Input on changes or revisions to policies and procedures relating to CANRA.

(3) Discussion of barriers encountered by the community and agencies with respect to CANRA and recommendations to address such barriers.

(4) Identification of available community-based resources within Humboldt County and processes to coordinate referrals to such resources as appropriate.

LL. By the second quarterly meeting of the Task Force, the Task Force shall create a schedule with timeframes for completion of the above duties.

MM. The Task Force shall provide the monitor, the Sheriff, and Director the schedule created pursuant to the above. Within 35 days of each meeting, the Sheriff and Director shall provide the monitor, the Attorney General's Office, and the clerk of the Humboldt County

Board of Supervisors with the minutes from the meeting, as well as any documents, including the schedule created pursuant to Section LL.

COMPLIANCE MONITOR

4. This Judgment shall be overseen by a qualified third-party compliance monitor who shall be provided access to information and documents to ensure compliance with the injunctive provisions of this Judgment. Defendants shall retain the monitor, subject to approval by the Attorney General's Office; at Defendants' expense. Within 15 days of the entry of Judgment, all parties shall meet and confer regarding the identity of the monitor and Defendants agree to give primary consideration to the Attorney General's Office's pre-approved monitor. At the sole direction of the Attorney General's Office, the monitor shall conduct a review and prepare a written report bi-annually following the date of the entry of this Judgment for a period of three years, unless time is extended pursuant to Section 9 below, in which case the monitor shall continue to provide bi-annual reports until this Judgment's enforcement period ends. The monitor's reports shall detail the monitor's findings and recommendations for corrective action, if any is required. The Attorney General's Office shall keep all written reports prepared pursuant to this paragraph confidential except as needed to enforce compliance with the Judgment or to support any other public enforcement action by the Attorney General's Office, or as otherwise required by law.

5. The Attorney General's Office may make reasonable requests to Defendants for additional information demonstrating their compliance with any provision(s) of this Judgment. Defendants shall furnish such information within 30 days after the request is made, unless another date is agreed upon in writing. Information provided in accordance with this paragraph shall be kept confidential except as needed to enforce compliance with the Judgment or to support any other public enforcement action by the Attorney General's Office, or as otherwise required by law.

CONTINUING JURISDICTION OF COURT AND TIME FOR PERFORMANCE

6. Jurisdiction is retained by the Court to enforce the Judgment for a period of three years, unless time is extended pursuant to Section 9 below, for the purpose of enabling any party to the Judgment to apply to the Court at any time for such further orders and directions as may be

1 necessary or appropriate for the construction or the carrying out of this Judgment, for the
2 modification of any of the injunctive provisions hereof, for enforcement of compliance herewith,
3 and for the punishment of violations hereof, if any.

4 7. This Judgment shall take effect immediately upon entry thereof and service by
5 mail of "Notice of Entry of Judgment" upon all parties, through their counsel of record.

6 8. The Attorney General and Defendants may jointly stipulate to make changes,
7 modifications, and amendments to the Stipulation and Judgment, which shall be effective 30 days
8 after a joint motion is filed by the parties and granted by the Court.

9 9. Any time limits for performance imposed by the Judgment may be extended by the
10 mutual agreement, in writing, of the Attorney General's Office and the party that is requesting the
11 extension of time, and/or by order of the Court for good cause shown.

12 10. Nothing in this Judgment alters the requirements of federal or state law to the
13 extent these laws may currently, or upon future amendment will, offer greater protection.

14 11. Nothing in this Judgment limits the Attorney General's oversight or enforcement
15 of any California laws or regulations.

16 12. The injunctive provisions of this Judgment shall apply to Defendants as well as
17 their successors, directors, officers, employees, agents, independent contractors, partners,
18 associates, and representatives of each of them with respect to their activities in the State of
19 California.

20 13. The clerk is ordered to enter this Judgment forthwith.

21
22
23 DATED: 2/14/18

Kelly L. Neel
JUDGE OF THE SUPERIOR COURT

KELLY L. NEEL



EXHIBIT A

**HUMBOLDT COUNTY
MEMORANDUM OF UNDERSTANDING RE:
CROSS REPORTS PURSUANT TO CANRA**

1. Purpose and Parties

The purpose of the Memorandum of Understanding (MOU) between the Humboldt County Sheriff's Office (HCSO) and Humboldt County Department of Health and Human Services, Child Welfare Services (CWS) (the parties) is to establish an agreement regarding the various duties and responsibilities of the parties in the context of cross reporting incidences of suspected child abuse and neglect pursuant to the Child Abuse and Neglect Reporting Act (CANRA).

2. Legislation

California's Child Abuse and Neglect Reporting Act (CANRA) defines child abuse, establishes procedures to report and investigate child abuse, imposes an obligation on certain individuals to report child abuse and proscribes penalties for failing to comply with the law. [Penal Code §§ 11164 *et seq.*]

3. HCSO Responsibilities

a. General

- i. The CANRA Coordinator for HCSO is the Investigator or Detective assigned to supervise all HCSO investigations involving child abuse/neglect. The CANRA Coordinator will communicate with CWS and other agencies regarding cross reports and ensure that cross reports are made. The CANRA Coordinator will also review case files and ensure that the electronic database (described in section vi, below) is up to date.
- ii. All cross reports and supplemental reports from CWS to HCSO shall be sent via email to sheriff_cws@co.humboldt.ca.us and received by HCSO records personnel during daytime hours and HCSO dispatch personnel after hours and on weekends.
- iii. **A case number will be immediately assigned to all cross reports received by HCSO.**
- iv. HCSO personnel will monitor the designated email inbox at a minimum interval not exceeding three hours, including nights and weekends.
- v. HCSO will ensure that appropriate training is provided to all sworn personnel to allow deputies and detectives to recognize signs of child abuse and neglect, acquire skill in interviewing child victims and

witnesses; and how to cross report allegations of child abuse, neglect, and/or endangerment.

- vi. HCSO shall track all direct reports of suspected child abuse or neglect and all cross reports of suspected child abuse or neglect received on an electronic database which shall include the following information: (1) case number, (2) date/time cross report or direct referral received, (3) date cross report to CWS made (if applicable), (4) status of HCSO investigation, and (5) status of CWS investigation. HCSO shall provide CWS with the results of the law enforcement investigation upon its conclusion.

b. Cases Outside of HCSO Jurisdiction

- i. Upon receipt of a cross report, records personnel (or dispatch personnel if after hours) shall verify that the incident location is within HCSO jurisdiction. If the location is not within HCSO jurisdiction, HCSO will immediately transfer the report via telephone, fax or electronic transmission to the appropriate agency, with a follow up call to the agency to ensure that the report is received. HCSO will also immediately call CWS to inform CWS that the report is outside the jurisdiction of the Sheriff's Office and to which agency it has transferred the report.
- ii. Upon receipt of a report from a mandated reporter or other reporter where the incident falls outside the geographical jurisdiction of HCSO, HCSO shall either immediately electronically transfer the call to the appropriate law enforcement agency, or, take the report and immediately send the report via telephone, fax, or electronic transmission to the appropriate agency, and place a follow up call to the agency to ensure that the report is received.

c. Cases Identified by CWS as Requiring an Immediate/24 Hour Investigation

- i. All cases identified by CWS as requiring immediate or 24 hour investigation will be assigned to a deputy for immediate response.
- ii. The assigned deputy, detective, or investigator will coordinate the investigation with the CWS investigating social worker and will establish contact by phone and/or email.

d. Non-Emergency Response

- i. Upon receipt of the cross report, the designated HCSO Supervisor shall:

1. Review the cross report; and
 2. Evaluate the need to assign the case to a deputy or detective, assign the case to a deputy or detective as appropriate.
- ii. The assigned deputy or detective will coordinate the investigation with the CWS investigating social worker and will establish contact by phone and/or email; and
 - iii. Every cross report received by HCSO shall be assigned to a deputy, detective, or investigator to investigate the allegations within 72 hours of receipt and shall be treated as if it were a call for service.

e. HCSO Cross Reports to CWS

- i. If a mandated reporter or concerned citizen contacts law enforcement directly regarding actual or suspected child abuse or neglect, HCSO must telephonically report the allegations to CWS immediately, or as soon as practicably possible, and make a follow up written report as required by CANRA;
- ii. HCSO shall handle the report of actual or suspected child abuse as if it was received as a cross-referral from CWS;
- iii. HCSO shall cross report to CWS immediately, or as soon as practicably possible, any allegation involving suspected or actual child physical or sexual abuse or general/severe neglect situations involving a family member or caretaker or when a child needs to be taken into protective custody for any reason; and
- iv. HCSO shall report to CWS immediately, or as soon as practicably possible, all cases of child endangerment (e.g. driving under the influence with a child in a vehicle, domestic violence committed in the presence of a minor, possessing, selling or manufacturing narcotics while a child is present, shoplifting in the company of a minor, any other situation involving the physical arrest of the only adult caretaker of a child, or possessing weapons/narcotics in the presence of a child).

f. HCSO Cross Reports to the District Attorney's Office

- i. HCSO shall immediately, or as soon as practicably possible, cross report suspected or known instances of child abuse or neglect reported to HCSO, except acts or omissions coming within Penal Code section 11165.2, to the District Attorney's office pursuant to Penal Code section 11166(k).

HCSO shall send, fax, or electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident.

4. CWS Responsibilities

a. General

- i. The CANRA Coordinator for CWS is the Emergency Response Program Manager. The CANRA Coordinator will communicate with HCSO and other agencies regarding cross reports and ensure that cross reports are made.
- ii. A case number is immediately assigned to all reports received by CWS. CWS will use the case number to identify and track all cross reports. Multiple calls pertaining to the same incident and same child are assigned to the same case number.
- iii. CWS will track all direct reports of suspected child abuse or neglect and all cross reports of suspected child abuse or neglect received on an electronic database which shall include the following information: (1) case number, (2) date/time cross report or direct referral received, (3) date cross report to HCSO made (if applicable), (4) status of HCSO investigation, and (5) status of CWS investigation. CWS shall provide HCSO with the results of the CWS investigation upon its conclusion.

b. Cases Outside of CWS Jurisdiction

- i. If CWS receives a report that falls outside of its geographical jurisdiction, the Department shall:
 1. If the reporter is a mandated or non-mandated reporter:
 - a. Immediately transfer the call to the appropriate agency; or
 - b. If CWS takes the report and cannot immediately transfer the call, it shall immediately send the report via telephone, fax, or electronic transmission to the appropriate agency, with a follow up call to the agency to ensure that the report is received.
 2. For cross-reports that come from the Sheriff's Office or any other agency:
 - a. Immediately use the CWS Email Cross Reporting Tracking System (ECRTS) to transfer the report via email to the appropriate agency, with a follow up call to the agency to ensure that the report is received.

3. After taking the above steps, CWS shall immediately call the reporter or reporting agency to inform the reporter or reporting agency that the report is outside the jurisdiction of the Department and to which agency it has transferred the report.

c. Receipt of Reports and Generation of Cross Reports

- i. The social worker screener shall generate a cross report when any mandated reporter or any concerned citizen calls to report possible abuse and/or neglect as defined in Penal Code section 11165.6.
- ii. After taking the report and determining that an allegation requires a cross report to law enforcement (per Penal Code section 11166 (j)), the Screener Supervisor shall make the cross report by telephone to the appropriate law enforcement agency immediately or as soon as practically possible and make a follow up written report as required by CANRA using ECRTS.
- iii. For reports that are assigned for investigation and a joint response with HCSO is necessary, the assigned social worker shall contact HCSO immediately if the case involves an emergency or 24-hour response, and within 36 hours if it involves a 10-day response.
- iv. In those instances where a law enforcement agency is conducting a criminal investigation arising out of, or related to, the alleged child abuse or neglect, the CWS investigation will be performed concurrently and the parties will collaborate to the extent possible to reduce the impact of the investigation on the involved minor(s).
- v. All written cross reports to HCSO shall be made electronically via email and shall include the name and the immediate contact information for the assigned investigating social worker to the extent possible.
- vi. The social worker making the cross report shall document in CMS/CWS the date, time, and manner of the cross report, as well as any follow-up information relating to the receiving agency's response. At the conclusion of the CWS investigation, the assigned social worker will provide HCSO with the results of the CWS investigation.

d. Cross Reports to the District Attorney's Office

- ii. Cross reports of known or suspected instances of child abuse or neglect reported to CWS, except acts or omissions coming within Penal Code section 11165.2(b) or reports made pursuant to Penal Code section 11165.13, shall be made to the District Attorney's office immediately, or as soon as practicably possible pursuant to Penal Code section 11166(j), using ECRTS. CWS shall electronically transmit a written report thereof within 36 hours of receiving the information concerning the incident.

e. Receipt of Cross Reports from HCSO and Other Agencies

- i. CWS desk duty staff will monitor the cross reporting inbox (cwscrossreporting@co.humboldt.ca.us) continuously throughout the day. When a cross report is received, it will go directly to a supervisor to determine next steps.
- ii. When a cross report indicates a field response is immediately needed, the supervisor will provide the report to a screener who will call the identified law enforcement officer to coordinate a response.
- iii. When a cross report indicates a field response may be needed, the supervisor will provide the report to a screener who will write up the referral and follow up with law enforcement within thirty-six hours.
- iv. If the cross report documents an existing CWS report, the supervisor will forward the email to clerical staff who will input the data into CMS to connect to the existing report.

5. Joint Responsibilities of HCSO and CWS

- a. By August 31, 2019, the parties shall implement an electronic tool to make, receive, and track cross reports jointly by the agencies which includes a clear description of the steps taken by each agency.
- b. HCSO and CWS shall continue to participate in the Humboldt County Child Abuse Services Team (CAST) Advisory Board and the Protocol Subcommittee so long as they are invited by the Humboldt County District Attorney, and shall continue to coordinate with one another to facilitate information sharing and video/audio-taping of CAST interviews to avoid multiple interviews of child victims.
- c. CWS and HCSO will follow the CAST information sharing protocol enabling both agencies to share information with Humboldt County Mental Health (MH) in circumstances where representatives from HCSO, CWS, and MH are part of a

child's multidisciplinary team as defined in Welfare and Institutions Code section 18951, subdivision (d).

- d. The parties shall each review the data and performance indicators in the MOU to ensure compliance on a quarterly basis. The parties shall conduct joint meetings twice annually to discuss barriers to any of the processes set forth in the MOU and any recommendations of the third-party monitor.
- e. The parties agree to exchange updated organization-wide contact information within 24 hours after any change in contact information of personnel involved in any of the duties set forth in this MOU to facilitate contact between investigating law enforcement officers and investigating social workers.

IN WITNESS THEREOF, the parties hereto have executed this MOU Re: Cross Reports Pursuant to CANRA.

Connie Beck, Director
Humboldt Department of Health &
Human Services

William F. Honsal, Sheriff