

# **The Children's Receiving Home**

## **One Size Fits All?**

### **Summary**

One of the facilities the Sacramento County Grand Jury visited this year was the Children's Receiving Home (CRH or the Home). CRH is an emergency care shelter that provides temporary housing and services to children from 1-17 years of age who have been abused or neglected by their parents or other caregivers. During the visit, management expressed concern about a problem in their efforts to care for children under the age of six. Such children may stay at the Home for a maximum of thirty days. Should they stay longer, the Home would be subject to state regulations designed for non-emergency shelter facilities.

The thirty day limitation was not a problem until October 2009, because the California State Community Care Licensing Division (CCL) granted waivers of the thirty day limit in selected cases. Justification for a waiver was usually based on delays in court proceedings or home certification for placement, or on the need for more time to stabilize children who were traumatized. In 2009, however, the state ended the practice of granting waivers, but gave the Home no written explanation of the reasons for that action.

Representatives of the Home continue to believe that a rigid thirty day limitation prevents the best possible care for certain children. The State Health and Safety Code Section 1530.8 provides that placement in a temporary shelter care facility “shall not exceed sixty days” unless a documented plan has been approved requiring more time. Requests for waivers had been so documented in the past. The grand jury has asked CCL for a written explanation of their reasons for ending the waivers but has yet to receive a reply.

### **Foreword**

CRH operates on the basis of a long term contract with Sacramento County. Funds flow through several county departments. The Home also receives funds from other sources, including private fund raising. As a facility receiving county funding which operates as an integral part of the county's child protective services system, the Home falls under the purview of the Sacramento County Grand Jury.

### **Method of Investigation**

The grand jury toured CRH facilities. Some members discussed operations with CRH staff on several occasions, reviewed pertinent statutory and regulatory provisions, and discussed aspects of CRH with CCL personnel.

## **Issues**

Why did CCL stop granting waivers of the thirty day limitation on CRH's care of children under six years of age?

Does the thirty day limitation always serve the best interests of the children?

## **Background and Facts**

The Sacramento Children's Receiving Home is a 503(c)(3) organization that is under contract to Sacramento County to provide short-term care to children ages 1-17 who are removed from their homes by law enforcement or Child Protective Services due to neglect or abuse by their parents or guardians. Founded in 1944 by the Junior League and the Rotary Club, the Home has been in its present location since 1964 on land donated by the City and the County of Sacramento. The facility serves about 1000 children a year with its 98 bed capacity. The average length of stay by the children is 30 days.

The Home provides three services to its clients: 1) comprehensive care, including basic medical care, counseling and education, 2) assessment of the child's family, extended family and neighborhood with an eye toward early intervention and preventing future problems, and 3) placement assessment recommendations for the future of the child.

During the grand jury's tour of the facility, representatives of the Home called our attention to the state limitation of thirty days in serving children under six years of age. CRH believes that limitation in some cases is not in the best interest of the child, and gives the following arguments for some flexibility:

“The Court process, as well as the first time out-of-home placement, where proper information needs to be gathered, usually takes 45-60 days to complete.

The supporting of pre-placement visits, where a ‘fit’ with the children with their potential foster care providers and vice versa takes place, can take longer than 30 days. In cases such as this for the children of a family of siblings in our care, the children over age six can stay in the shelter, the children under six must be removed at 30 days, separating the family.

Children who have suffered abuse and neglect often need additional stabilization and trauma focused mental health services, which are provided at the Receiving Home and that children moved to a crisis nursery or foster home do not receive.

The families of the children often need additional time to prepare for the return of the child to their home, *i.e.*, completing drug treatment or parenting classes, securing housing, etc.”

Until October 2009, waivers to the thirty day rule had been granted by the state under circumstances like those cited above. At that time a foster care ombudsman, after reviewing a number of cases of children under six years of age, objected to the waivers. CRH was never informed in writing of the reasons for this action. Space for requesting a waiver is still included in forms CRH must send to the state but this section cannot be used. The grand jury's attempts to get a written statement from CCL on their reasons for terminating the waivers have so far been unsuccessful.

There are two provisions of state law and regulation most relevant to the thirty day limitation. The first is Welfare and Institutions Code Section 319.2, which governs the placement of children in a temporary shelter care facility like CRH. It states that "...the placement period shall not exceed 60 days unless a case plan has been developed and the need for additional time is documented in the case plan and has been approved by the supervisor of the caseworker's supervisor." The other provision is in the California Code of Regulations Section 84200, paragraph (c), which states that "...homes that operate solely as a county-operated or county-contracted emergency shelter care facility and retain children under the age of six years for no more than 30 days, shall be exempt from the licensing standards..." set forth in various specified code sections.

The grand jury recognizes the importance of moving abused and neglected children into a safe, stable and durable home situation as soon as possible, and that time limits on that process may be a necessary constraint. It also believes, however, that a rigid thirty day limit for children under six years of age to remain in emergency care shelters is neither realistic nor in the best interest of many of these children.

The legislature seems to agree that some flexibility is desirable. The governing statute not only prescribes a 60 day placement limit, but allows an extension of that limit under specified conditions. Moreover, regulatory requirements, which are more severe and rigid than those established by statute, should be more amenable to change (with adequate justification) than would statutory requirements.

### **Findings and Recommendations**

**Finding 1.0** The basis for the California State Community Care Licensing Division's refusal to continue granting waivers to the thirty day limit on the Children's Receiving Home's service to some children under six years of age has not been documented.

**Recommendation 1.1** That the Children's Receiving Home continue to press the California State Community Care Licensing Division for a written statement of their reasons for terminating the approval of waivers in selected cases.

**Finding 2.0** The current thirty day limit to the Children's Receiving Home's service to all children under six is not in the best interests of some of these children.

**Recommendation 2.1** That once the California State Community Care Licensing Division's reasoning has been explained, the Children's Receiving Home develop its case for renewing waivers and, if necessary, seek any statutory and regulatory changes required to make that possible.

## **Response Requirements**

**Penal Code sections 933 and 933.05 require that specific responses to indicated findings and recommendations contained in this report be submitted to the Presiding Judge of the Sacramento County Superior Court by September 30, 2011, from:**

**Chief Executive Officer, Children's Receiving Home of Sacramento**

**The Grand Jury recognizes that investigations of State agencies are beyond its purview. Nevertheless, the Grand Jury respectfully requests the following entity respond to this report:**

**California State Community Care Licensing Division (CCL)**

**Mail or hand-deliver a hard copy of the response to:**

**Hon. Steve White, Presiding Judge  
Sacramento County Superior Court  
720 9th Street, Dept. 47  
Sacramento, CA 95814**

**In addition, email the response to Becky Castaneda, Grand Jury Coordinator, at [castanb@saccourt.com](mailto:castanb@saccourt.com)**