

**Santa Clara County Policies that Impact Children of Color in the CWS**  
**An Interview with Leroy Martin and Jorge Gonzalez**  
**March 19, 2001**

**Summary**

An interview with Leroy Martin, Director of the Department of Family and Children's Services, and Jorge Gonzalez, Social Services Program Manager, discussing the impact of policies, both Federal and County, on children of color in Santa Clara County's (SCC) CWS revealed the following. First, the *Adoption and Safe Families Act* (ASFA) significantly impacted children and families in the CWS by shortening timelines for reunification efforts, creating bypass criteria to expedite permanency planning efforts, and encouraging adoption through monetary incentives for States. Mr. Martin and Mr. Gonzalez indicated that as a result of shortened timelines imposed on child welfare agencies by the ASFA, reunification and permanency planning decisions were made earlier and parental rights were terminated earlier in the process than before ASFA was enacted. They felt that termination of parental rights was especially likely if it was perceived by workers or the Courts that a family was not progressing toward reunification in a timely manner.

Mr. Martin and Mr. Gonzalez also indicated that children were being referred for bypass too quickly. They stated that bypass was not mandatory under the ASFA if there was still the possibility that reunification could occur. However, they reported that, in some cases, workers referred children for bypass before all reunification efforts had been exhausted.

They also reported that ASFA rewarded States, with additional monies, for increasing the number of children they adopted out each year. They felt that reunification should be the most important goal of the agency. However, they indicated that with the enactment of ASFA, the focus of the agency and the Courts has shifted away from reunification in favor of adoption. In addition, they reported that States only received financial benefits for adopting children out of the system, not for reunifying families.

Considering that 70% of all the cases in SCC's CWS are children of color, the shortened timelines, increased emphasis on bypass, and financial incentives States received for adopting children out, the provisions of ASFA will inevitably have a negative impact on children and families of color as a result of their disproportionately high numbers in the system. Mr. Martin and Mr. Gonzalez also felt that the provisions of the ASFA would disproportionately impact poor families due to their lack of financial resources. They indicated that middle-class and upper-class families were able to hire lawyers to advocate for them in Court, something that poor families were unable to afford.

Next, Mr. Martin and Mr. Gonzalez discussed the impact of the *Multi-Ethnic Placement Act and the Interethnic Adoption Provisions* (MEPA-IEP) on children of color in the CWS. They felt that as a result of MEPA-IEP, children of color were generally placed with and adopted by white families or families that were not ethnically similar to the child. They felt that these placements were not necessarily in the best interest of the child

and indicated that children of color could experience identity confusion if they were not placed with ethnically similar families.

Then, Mr. Martin and Mr. Gonzalez discussed the *Indian Child Welfare Act* (ICWA) and its impact on children of color. The ICWA applies only to American Indian children and is not modified by the ASFA or the MEPA-IEP. They reported that there were few American Indian children in SCC's CWS, only about .4%, and that there were one or two workers assigned to handle Indian cases.

Next, they discussed *Structured Decision-Making* (SDM) and indicated that SCC does not have a specific SDM process in place. Mr. Martin and Mr. Gonzalez stated that individual units and their supervisors had the power to determine when to remove a child. They reported that some units removed 70-80% of the referrals, while others only removed 30-40% of the referrals. They felt that the discretion workers and their supervisors had over removal decisions could positively or negatively impact the outcome of a family's case and indicated that more specific SDM guidelines needed to be developed within the agency. In addition, Mr. Martin and Mr. Gonzalez reported that the State's SDM process recommends no services for low and medium risk families and recommends that all services be targeted at high-risk families. They reported that this policy was in conflict with SCC's philosophy of providing preventative services for all families and were not adopted by the County.

Finally, Mr. Martin and Mr. Gonzalez discussed *County protocols, policies, and programs that impact children of color in SCC's CWS*. They indicated that prior county practice was to remove all of the children from the home, not just the child that was maltreated. They reported that the County was currently working to change this practice to remove only the maltreated child. The County was also asking workers to conduct individual assessments of the other children in the home and evaluate if their removal was warranted. If the assessment determined that the other children were not at risk for maltreatment, they would not be removed from the family home. Mr. Martin and Mr. Gonzalez stated that the County was attempting to change the philosophy of the agency from "removing a child" to "removing the risk."

In an effort to remove the risk of child maltreatment from a family, the County has created an *Early Intervention Program*. This program evaluates children early in the process to determine if they should be returned to their families. Mr. Martin and Mr. Gonzalez reported that 60% of children evaluated by this program were returned to their families and formal cases were not opened on these families. They felt that once families got involved with the system it was difficult to get out. Another prevention program that is being developed is an education program for immigrant parents to inform them about the child maltreatment laws of the United States and help them develop parenting behaviors that will not put them at risk of entering the CWS. The goal of the Early Intervention program and the education program for immigrant parents is to prevent families from becoming involved in the system and could positively impact children and families of color by keeping them out of the system.

In addition, the County is adopting a new philosophical approach known as *Family to Family*. This program involves a team of people who would conduct an assessment of the risks of child maltreatment in a family and determine if those risks warrant the removal of the children from the home. The decision to remove a child would be taken away from the individual worker and given to the team. This program could positively impact children of color because the biases of individual workers would not determine if a child were removed. Instead, the team would decide if a child was to be removed and individual biases of team members would be checked by other members of the team.

Mr. Martin and Mr. Gonzalez also spoke about *wraparound services* for high level SED adolescents and their families. The County contracts with Eastfield Ming Quang (EMQ) to provide these services in the home and has received funding to expand these services to lower level SED adolescents and their families. Mr. Martin and Mr. Gonzalez reported that a majority of families receiving wraparound services were families of color. They emphasized that providing preventative services to these families before the problems became so severe would reduce the number of SED adolescents of color in the system.

In conclusion, Mr. Martin and Mr. Gonzalez felt that Federal policies, like the ASFA and MEPA-IEP, significantly impacted children of color in the CWS. They indicated that with shortened timelines, bypass criteria, and financial incentives for adoption, the ASFA could negatively affect children of color by reducing the time parents have to successfully complete the reunification process, bypassing children too quickly, and providing little incentive for child welfare agencies to reunify families. They also felt that MEPA-IEP could negatively impact children of color by placing them in homes that were ethnically different from the child. In addition, Mr. Martin and Mr. Gonzalez stated that the County was making a concerted effort to improve the system for all children, including children of color, by implementing an Early Intervention program to help children and their families stay out of the system. Due to the over-representation of Latino and African American children in the system, any efforts to reduce the number of children entering the system will positively impact children of color.