

2024-25 Mendocino County Civil Grand Jury

April 17, 2025

CONTINUITY REPORT



CONTINUITY REPORT

2024-25 Mendocino County Civil Grand Jury

SUMMARY

The Mendocino County Civil Grand Jury (Grand Jury) may appear to be an institution that exists continuously. However, it is actually a series of individual grand juries, each of which is impaneled for one year as mandated in the California Constitution and applicable statutes. No grand jury is a continuation of any other and each is independent and separate from all others.

While it is a part of the judicial system, each grand jury is an entirely independent body. Judges of the Superior Court, the district attorney, the county counsel, and the state attorney general may act as its advisers but cannot attend jury deliberations nor control the actions of the grand jury.

The Grand Jury Continuity Committee evaluates the responses to previous grand jury reports in order to establish continuity between juries and years. Referenced below are the two 2023-24 Grand Jury Reports for which the responses were evaluated:

- MENDOCINO COUNTY FAMILY AND CHILDRENS SERVICES – “The Broken Process at Family and Children’s Services” – two responses were received from the Mendocino County Board of Supervisors (BOS)
- MENDOCINO COAST HEALTH CARE DISTRICT – “Sick, But Returning to Health” – one response was received from the MCHCD Board and one response from Local Agency Formation Commission (LAFCo).

According to the California Penal Code (Penal Code), civil grand juries request responses to the findings and recommendations in their reports. The Grand Jury Continuity Committee reviews those responses to ascertain whether they meet the Penal Code. Except for Recommendation 10 in the Family and Children Services (FCS) report, all responses met the requirements of the California Penal Codes §§ 916, 933 and 933.05. See the attached summary chart (*Appendix A*).

BACKGROUND

The Civil Grand Jury system in California exists to promote effective and efficient local government. The Grand Jury is empaneled by the Mendocino County Superior Court and is composed of volunteers who reside within the County. Grand Jury investigations result in published reports for the residents of Mendocino County. These reports contain facts and findings that lead to recommendations for improvement in county and city government entities and special districts. The goal of each grand jury is not to trouble the administrators, board members and employees of our County but to offer a differing perspective that can improve services and working conditions.

The Grand Jury represents one example of our democracy whereby citizens volunteer for civic duty on behalf of their community. These citizens organize and share responsibilities to monitor local government entities and oversee their appointed and elected officials. Their work is governed by California Penal Code § 933(a), the basis for report responses, findings and recommendations.

Grand Jury investigations are initiated by a complaint identifying an issue that needs to be resolved within Mendocino County. Based on these investigations the Grand Jury publishes reports which include “Findings” and “Recommendations.”

- Each entity that was the subject of the investigation should respond to the findings and recommendations. The Grand Jury holds the respondents accountable to meet the requirements of the Penal Code pertaining to response time and content. Pursuant to Penal Codes §§ 916, 933 and 933.05, a response must contain specific language and an explanation.
- Required responses from an elected governing body of an agency or organization are due within 90 days after receiving the report.
- Required responses from elected individuals are due within 60 days after receiving the report.
- Requested responses are an invitation to respond within 60 days after receiving the report and are not mandatory.

METHODOLOGY

FAMILY AND CHILDREN SERVICES

The Grand Jury interviewed employees from FCS, including social workers, supervisors, and administrators, as well as members of the Board of Supervisors (BOS). The Grand Jury reviewed the Penal Code, standard definitions of quality assurance in government

industries, practices of other counties and State of California recommendations via All County Letters (ACL) and All County Information Notices (ACIN).

Using Penal Code § 933.05 the Grand Jury evaluated the responses received for the reports and noted “Did not meet requirements” or “Meets requirements” in the attached summary chart (*Appendix A*).

The Board of Supervisors was required to respond to Recommendations 10, 12, 13, 21 and 23 of the FCS Report. The responses were received in a timely manner. However, Recommendation 10 did not follow the Penal Code requirements. The Penal Code requires a summary of the implemented action and there was no summary of the current implementation of Recommendation 10. The Grand Jury wrote a letter to the Chair of the BOS to indicate the shortcoming, resulting in a second response. That second response still did not contain the required summary of implemented action.

The Mendocino County Chief Executive Officer and the Director of the Mendocino County Department of Social Services were invited to respond to all findings and all recommendations of the FCS Report. As of the writing of this report, no responses have been received.

MENDOCINO COAST HEALTH CARE DISTRICT

Responses to the Mendocino Coast Health Care District (MCHCD) Report were required from their Board of Directors for Findings 1-10, and 12-20 and Recommendations 1-17. Responses were also required from LAFCo for Findings 11 and 18.

All responses from MCHCD complied with the Penal Code.

All responses from LAFCo complied with the Penal Code.

DISCUSSION

The Board of Supervisors’ response to Recommendation 10 was that Quality Assurance “has been implemented” in FCS. The Board of Supervisors’ response to Recommendation 10 did not comply with the Penal Code by failing to include a summary of action taken to implement Quality Assurance in FCS. The Grand Jury sent a letter asking the Board to re-submit their response to include a summary of the implemented action. Their second response was also non-compliant. **F1**

FINDINGS

The Mendocino County Civil Grand Jury finds:

- F1.** The response from the Mendocino County Board of Supervisors to Recommendation 10 in the Family and Children's Services Report failed to comply with the requirements of California Penal Code § 933.05.

RECOMMENDATIONS

The Mendocino County Civil Grand Jury recommends:

- R1.** The Board of Supervisors ensures that all future responses to Grand Jury recommendations comply with California Penal Code § 933.05.

REQUESTS FOR RESPONSES

Pursuant to California Penal Code §§ 933 and 933.05, the Civil Grand Jury requests each entity or individual named below to respond to the enumerated findings and recommendations within statutory guidelines.

Responses to Findings shall be either:

“(a) For purposes of subdivision (b) of Section 933, as to each grand jury finding, the responding person or entity shall indicate one of the following:

- (1) The respondent agrees with the finding.
- (2) The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

(b) For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:

- (1) The recommendation has been implemented, with a summary regarding the implemented action.
- (2) The recommendation has not yet been implemented, but will be implemented in the future, with a timeframe for implementation.
- (3) The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a timeframe for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency

when applicable. This timeframe shall not exceed six months from the date of publication of the grand jury report

(4) The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.”

REQUIRED RESPONSES – Within 90 days

Board of Supervisors (F1 and R1)

INVITED RESPONSES – Within 60 days

Mendocino County Chief Executive Officer (F1 and R1)

Mendocino County Department of Social Services,
Social Services Director (F1 and R1)

Mendocino County Department of Social Services,
Family and Children Services Director (F1 and R1)

Responses are to be sent to:

The Honorable Ann Moorman
Superior Court Judge, County of Mendocino
100 North State Street, Dept. E
Ukiah CA 95482

Office of the County Counsel
County of Mendocino
501 Low Gap Road, Room 1030
Ukiah CA 95482

Mendocino County Civil Grand Jury
County of Mendocino
501 Low Gap Road, Room 1500
Ukiah CA 95482

This report is issued by the 2024-25 Mendocino County Civil Grand Jury.

IMPORTANT NOTE ABOUT CIVIL GRAND JURY FINDINGS

The Civil Grand Jury derives Findings from testimony and evidence. All testimony and evidence given to the Civil Grand Jury remains confidential by law, and it is the Civil Grand Jury's responsibility to maintain it. California Penal Code § 929 provides "... the name of any person, or facts that lead to the identity of any person who provided information to the Civil Grand Jury, shall not be released." Further, 86 Ops. Cal. Atty. Gen. 101 (2003) prohibits Civil Grand Jury witnesses from disclosing anything learned during their appearance including testimony given. This is to ensure the anonymity of witnesses and to encourage open and honest testimony.

APPENDIX A

RECOMMENDATION

The Grand Jury invited responses from the Mendocino County CEO and the Director of MCDSS to all Findings and Recommendations. None were received.

RECOMMENDATION	RESPONSE	PENAL CODE § 933.05
R1. FCS work with Human Resources to address and increase staffing. (F1)	None received, none required	Met requirement
R2. FCS management provide increased and ongoing therapy for staff desiring it. (F2)	None received, none required	Met requirement
R3. Since 24% of children in foster care are Native American, further attention be given by FCS to improve relations and communication with ICWA representatives. Involvement in established Round Tables needs to increase to assure adequate attention to Native Children. (F3)	None received, none required	Met requirement
R4. Rather than sending Mendocino County social workers to make routine monthly visits to foster children in other states and counties, Mendocino County should explore arrangements for visits by the Social Services agencies where Mendocino County foster children are placed. (F4)	None received, none required	Met requirement
R5. FCS management find ways to provide coverage for absent Social Workers to alleviate heavy caseloads for other staff members (F5)	None received, none required	Met requirement
R6. FCS management develop incentives for staff members' timely reports. (F6)	None received, none required	Met requirement

RECOMMENDATION	RESPONSE	PENAL CODE § 933.05
R7. FCS management and social workers develop a strategic plan that will eliminate late court reports (F7, F8)	None received, none required	Met requirement
R8. FCS expand their attractive and informative Face Book advertising to other websites, including Mendocino County's, for all job openings. (F14).	None received, none required	Met requirement
R9. FCS management be required to encourage immediate approval of a new SIP plan that addresses FCS Staffing issues. (F9)	None received, none required	Met requirement
R10. Mendocino County to implement a QA department in FCS. (F10)	<p>Response 1. "The recommendation has been implemented. Mendocino County FCS has a quality assurance program. Mendocino County FCS provides quality assurance pursuant to the guidelines set forth by the California Department of Social Services as provided by All County Information Notices (ACIN) and All County Letters (ACL), including but not limited to ACIN 1- 84-16, ACL 15-24 and ACL 15-24."</p> <p>Response 2. "The recommendation has been implemented. Mendocino County FCS has a quality assurance program. Mendocino County FCS provides quality assurance pursuant to the guidelines set forth by the California Department of Social Services as provided by All County Information Notices (ACIN) and All County</p>	<p>BOS FAILED TO MEET PENAL CODE REQUIREMENT</p> <p>First response 1. dated 5-10-24, received 8-5-24</p> <p>Letter (B) and Second response (C) received 12-20-24</p>

RECOMMENDATION	RESPONSE	PENAL CODE § 933.05
	<p>Letters (ACL), including but not limited to ACIN 1- 84-16, ACL 15-24 and ACL 15-24. See attachment R10 for a detailed description of the MC FCS quality assurance program.”</p> <p><i>Appendix B is the text of R10</i></p> <p><i>Appendix C is the Jury letter to BOS.</i></p>	
<p>R11. FCS immediately fill vacant staff positions. (F11)</p>	<p>None received, none required</p>	<p>Met requirement</p>
<p>R12. Prior to the beginning of Fiscal Year 2025-26, the County Budget provide more transparency concerning decoding and identifying line items and specifics of distribution and allocation of funds for FCS (F12)</p>	<p>“The County budget currently includes line items and specifics of distribution and allocation of funds for FCS. The FCS budget narrative provides an overview of the services provided by FCS. The Budget Unit Detail pages for Social Services Administration and Cal WORKS/Foster Care/Adoptions both list line items pertaining to FCS. The FY 2023/2024 Budget Book can be found at the following link, https://www.mendocinocounty.gov/home/showdocument?id=61390&t=638351121897407916 The FCS budget narrative begins on Page 438, and Budget Unit Detail for Budget Units 5010 and 5030, which include FCS budget items begin on page 442 (BU5010) and page 446 (BU 5130)”</p>	<p>Met requirement</p>

RECOMMENDATION	RESPONSE	PENAL CODE § 933.05
R13. Mendocino County use monies in the FCS budget for staffing, reducing overtime and salary adjustments. (F13)	Recommendation has been implemented.	Met requirement
R14. FCS works with County Human Resources to streamline the hiring process, so it takes no more than two months between a candidate's application and a decision by the County. (F15, F16)	None received, none required	Met requirement
R15. Advertised positions should not have an application deadline (F15)	None received, none required	Met requirement
R16. There be a permanent open application process to create a pool of qualified people for all FCS Vocational Assistants, Social Services Assistants, Social Worker, and Social Worker Supervisor positions. (F14, F15, F16)	None received, none required	Met requirement
R17. FCS address understaffing which leads to high caseloads and low worker morale, frequently contributing to high worker turnover, a toxic culture and lack of experienced workers. (F15, F16, F17)	None received, none required	Met requirement
R18. Mendocino County and FCS explore ways to keep the FCS offices open 5 days a week while allowing employees to maintain their four-day/ten -hour shifts by implementing staggered schedules. (F18)	None received, none required	Met requirement
R19. Increase staffing, including the three unfilled Vocational Assistant positions, alleviate the problem of using Social Workers and Social Worker Assistants for transportation of children. (F16, F19, F20)	None received, none required	Met requirement

RECOMMENDATION	RESPONSE	PENAL CODE § 933.05
R20. The office of the Ombudsman be expanded to include services for children, allowing immediate advocacy prior to approaching FCS. (F21)	None received, none required	Met requirement
R21. FCS use all possible means to reference the California DSS Ombudsperson for information and assistance. (F21)	“Based on the section of the Grand Jury’s report discussing the Ombuds Program, the Board is interpreting “California DSS Ombudsperson” to mean the California Foster Care Ombudsperson. A link to the California Foster Care Ombudsperson website has been placed on the Mendocino County Family and Children’s Services website.”	Met requirement
R22. FCS management provide training for the use of California state-wide computer system CWS/CMS case management system, and assure the system is used to if fullest advantage	None received, none required	Met requirement
R23. The Mendocino County Board of Supervisors Create a committee whose sole mission is to independently and accurately evaluate the status of timely court filings by FCS. They will report their findings quarterly to the Board of Supervisors. (F7, F9, F10)	“The status of court reports is information that is available through reports generated in the Family and Children’s Services computer systems. This information will be presented to the Board quarterly through the CEO report, beginning October 2024, without the need for a committee.”	Met requirement

APPENDIX B

(Board of Supervisors Response 2, dated May 7, 2024)

Attachment R10 – Board of Supervisors Response

FCS's quality assurance (QA) program follows the continuous quality improvement (CQI) guidelines outlined in CDSS All County Information Notice (ACIN) No. 1-84-16. ACIN No. 1-84-16 states that "... the goal of strengthening the state's quality assurance (QA) processes [is] through the model of continuous quality improvement (CQI)" (ACIN 1-14-16, Nov. 22, 2016, p. 2).

FCS's QA and CQI Process

QA evaluates past performance to ensure that services meet specific standards and mandates. CQI is a corrective process that identifies steps to improve service delivery, aiming for measurable improvements in efficiency, effectiveness, and performance. QA provides the necessary data for CQI projects.

Overview of Mendocino County FCS Quality Assurance Program Process:

1. **Assessment of Practice and Outcomes** - Managers, Supervisors, Operational Support, and Case Review (OSCR) Unit:
 - a. OSCR Unit conducts case reviews, collects data, and identifies areas for improvement.
 - b. FCS Leadership and Management review the areas identified as needing improvement and discuss practices during operational meetings.
2. **Data Utilization – Gather and Analyze Data** - OSCR Unit, HelpDesk Unit, Managers, Supervisors:
 - a. Case review feedback from program staff and California Department of Social Services ("CDSS")
 - b. County Self-Assessment (CSA) and System Improvement Plans (SIP):
 - i. CDSS requires an in-depth CSA every five years, including data mining, community surveys, focus groups, and social worker interviews.
 - ii. CDSS mandates a five-year SIP based on the CSA, identifying areas for improvement and outcome measures, with annual updates. The five-year SIP plan with annual updates has not yet been submitted or finalized with CDSS. FCS plans to work with CDSS to create an action plan moving forward.
 - c. Utilization of Databases:
 - i. Databases used by FCS provide monthly monitoring updates.
 - d. Gather feedback from FCS staff, families, and community providers.
3. **Define the Problem and Areas for Improvement** - Managers, Supervisors:
 - a. Evaluate and interpret relevant data, including CSA data.
 - b. Review applicable state mandates (ACLs, ACINs, CFLs).
 - c. Identify problems based on patterns, trends, and correlations.
4. **Design Interventions and Outcome Measures** - Managers, Supervisor(s) responsible for initiative:

Attachment R10 – Board of Supervisors Response

FCS's quality assurance (QA) program follows the continuous quality improvement (CQI) guidelines outlined in CDSS All County Information Notice (ACIN) No. 1-84-16. ACIN No. 1-84-16 states that "... the goal of strengthening the state's quality assurance (QA) processes [is] through the model of continuous quality improvement (CQI)" (ACIN 1-14-16, Nov. 22, 2016, p. 2).

FCS's QA and CQI Process

QA evaluates past performance to ensure that services meet specific standards and mandates. CQI is a corrective process that identifies steps to improve service delivery, aiming for measurable improvements in efficiency, effectiveness, and performance. QA provides the necessary data for CQI projects.

Overview of Mendocino County FCS Quality Assurance Program Process:

1. **Assessment of Practice and Outcomes** - Managers, Supervisors, Operational Support, and Case Review (OSCR) Unit:
 - a. OSCR Unit conducts case reviews, collects data, and identifies areas for improvement.
 - b. FCS Leadership and Management review the areas identified as needing improvement and discuss practices during operational meetings.
2. **Data Utilization – Gather and Analyze Data** - OSCR Unit, HelpDesk Unit, Managers, Supervisors:
 - a. Case review feedback from program staff and California Department of Social Services ("CDSS")
 - b. County Self-Assessment (CSA) and System Improvement Plans (SIP):
 - i. CDSS requires an in-depth CSA every five years, including data mining, community surveys, focus groups, and social worker interviews.
 - ii. CDSS mandates a five-year SIP based on the CSA, identifying areas for improvement and outcome measures, with annual updates. The five-year SIP plan with annual updates has not yet been submitted or finalized with CDSS. FCS plans to work with CDSS to create an action plan moving forward.
 - c. Utilization of Databases:
 - i. Databases used by FCS provide monthly monitoring updates.
 - d. Gather feedback from FCS staff, families, and community providers.
3. **Define the Problem and Areas for Improvement** - Managers, Supervisors:
 - a. Evaluate and interpret relevant data, including CSA data.
 - b. Review applicable state mandates (ACLs, ACINs, CFLs).
 - c. Identify problems based on patterns, trends, and correlations.
4. **Design Interventions and Outcome Measures** - Managers, Supervisor(s) responsible for initiative:

- - a. Ensure that FCS operations follow state mandates.
 - b. Review literature and other counties' procedures.
 - c. Solicit feedback from stakeholders, including staff.
 - d. Develop changes/programs/initiatives.
 - e. Define outcome measures/goals.
- 5. **Write Policy and Procedure** - Procedure Development and Training Unit
- 6. **Train Staff in New Program/Protocol** - Procedure Development and Training Unit, Supervisor(s) responsible for initiative
- 7. **Implement Changes/Program/Initiatives** – Managers, Supervisor(s) responsible for initiative
- 8. **Solicit Feedback and Utilize Data Feedback** - OSCR Unit, HelpDesk Unit, Managers, Supervisors
- 9. **Adjust Program if Needed** - Managers, Supervisors
- 10. **Continuously Monitor and Evaluate** - OSCR Unit, HelpDesk Unit, Managers, Supervisors

The goal of FCS's QA and CQI is to ensure high-quality service delivery, meet mandates, and foster a high-performing, collaborative team. The process facilitates growth and inclusion, focusing on adding value to service provisions.

APPENDIX C

(Grand Jury Letter to Board of Supervisors regarding Response 2)

Civil Grand Jury

County of Mendocino

501 Low Gap Road Room 1500 P. O. Box 939, Ukiah, CA 95482

info@mendocinograndjury.org Grand Jury (707) 463-4320



November 12, 2024

Mendocino County Board of Supervisors
Maureen Mulheren, Chair
501 Low Gap Road
Ukiah, CA 95482

Re: BOS Response to 2023-24 Mendocino County Grand Jury Report titled "The Broken Process at Family and Children Services"

Dear Supervisor Mulheren,

The Grand Jury received your timely response to the above-titled report. The Grand Jury finds that the response to Recommendation 10 does not comply with the requirements of Section 933.05 of the California Penal Code in the following respects:

Response to Recommendation R10: A response of "has been implemented" must include a summary regarding the implemented action, and your response failed to include such a summary.

The Board of Supervisors' response did not provide a complete summary. The County's reference to state letters and information notices does not summarize how Mendocino County has implemented a quality assurance program. The Grand Jury believes the summary should include the County FCS policies and procedures which accurately describe the quality assurance program, or if no such policies and procedures exist, a summary of how the quality assurance program functions.

Attached is an excerpt of Section 933.05 for your reference.

The Grand Jury requests that you resubmit your response by December 20, 2024.

Sincerely,

Mary Leitem-Thomas, Foreperson
2024-2025 Mendocino Civil Grand Jury

Attachment: Penal Code §933.05 (excerpt)

Subdivision (b) of §933.05 of the California Penal Code (excerpt, emphasis added)

- b. For purposes of subdivision (b) of Section 933, as to each grand jury recommendation, the responding person or entity shall report one of the following actions:
 - 1. The recommendation has been implemented, with a summary regarding the implemented action.
 - 2. The recommendation has not yet been implemented, but will be implemented in the future, **with a timeframe** for implementation.
 - 3. The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a **timeframe** for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency when applicable. This **timeframe shall not exceed six months** from the date of publication of the grand jury report.
 - 4. The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor