

Court Report Writing



Northern California Training Academy

About the Northern California Training Academy

Child welfare workers in public agencies serve some of the most vulnerable people in society – families and children in crisis. A consistently high-level of professional conduct in this work is essential for favorable outcomes. Yet public agencies face substantial challenges in hiring and retaining professionally-trained child welfare workers and supervisors.

The Northern California Training Academy brings to the region a training program designed to develop a uniformly high level of competence in services for families and children.

Developed in Consultation with Agencies

The Northern California Training Academy has been developed in consultation with representatives from northern counties, the Inter-County Training Consortium, the County Welfare Directors Association of California and the California Department of Social Services.

Supported by the CDSS

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Northern California Training Academy UC Davis Extension University of California 1632 Da Vinci Court Davis, CA 95618

Telephone (530) 757-8725 Fax (530) 752-6910 e-mail academy @ucde.ucdavis.edu Web site http://www.humanservices.ucdavis.edu/academy/index.asp



Northern California Training Academy

About the program

All seven courses can be taken separately or completed as a group for a certificate of competence.

Foundations of Juvenile Court

- History of child welfare laws
- Impact of the Adoption and Safe Families Act
- Style differences between social workers and attorneys
- Judicial values
- Cultural considerations in juvenile court

Juvenile Court: Processes and Procedures

- The philosophy of children's protective services
- Detention hearings
- Jurisdictional and disposition hearings
- 6- and 12-month reviews
- Welfare and Institution Code 366.26

Court Petition Writing

- The Four juvenile court petitions
- Elements of documentation

Techniques for preparing and writing reports

Court Report Writing

- Types of court reports
- Report construction and writing style

Concurrent and Permanency Planning

- Casework and legal plans
- Redefining successful outcomes
- Alternative placement options
- Kinship and sibling considerations

Custody Disputes, Recommendations Regarding Exit Orders for Custody and Visitation, and Working with Incarcerated Parents

- California custody laws
- Working with incarcerated parents

- Custody disputes between parents and how and they impact CPS workers' interaction with the family
- Social Workers' recommendations regarding exit orders for custody and visitation when a CPS Case is dismissed
- Understanding the role of the court mediator

Current Issues in Evidence, Critical Thinking and Testifying

- Collecting evidence
- Learning the rules of evidence
- Practicing testifying
- Self-examination



Northern California Training Academy

About this workshop

Court Report Writing

This course focuses on writing detention reports and jurisdiction and disposition reports.

Topics include

- types of court reports
- report construction and writing style

Participants will learn to write effective court reports taking into consideration temporary custody, custody warrant procedures and facts versus evidence.



Northern California Training Academy

Faculty

Roger Coffman, JD, is a deputy counsel for Placer County. He has also served as deputy counsel for Tulare and El Dorado Counties. Roger's expertise includes representing county departments and child protective services in dependency matters. He has been an instructor with The Center for Human Services since 1989.

Frank Tetley, JD, is a retired juvenile court commissioner for the San Bernardino County Superior Court. Before serving on the court, Frank had a private practice specializing in family and juvenile law.

Laloni Montgomery, JD, has more than 20 years of experience in prosecuting all aspects of dependency proceedings. As deputy county counsel in the dependency unit, she represents Sacramento's Department of Health and Human Services in juvenile court. Her areas of expertise include child abuse and neglect, dependency and juvenile court law and processes, and safety and self-defense.

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Competencies

- 1.1 The participant demonstrates sensitivity to differences in culture, ethnicity and sexual orientation of clients.
- 1.2 The participant demonstrates the ability to conduct an ethnically and culturally sensitive assessment of a child and a child's family and to develop an intervention plan based on that assessment.
- 1.4 The participant understands the influence and value of traditional, culturally-based childrearing practices and uses this knowledge in working with families.
- 2.3 The participant recognizes and accurately identifies physical, emotional, and behavioral indicators of child abuse, child neglect and child sexual abuse in child victims and their families.
- 2.4 The participant is able to gather, evaluate and present pertinent information from interviews, case records, and other collateral sources to support or refute an abuse or neglect allegation.
- 2.6 The participant understands the dual responsibility of the child welfare caseworker to protect children and to provide services and support to enable families to care for their children.
- 2.10 The participant understands policy issues and legal requirements affecting child welfare practice and how to implement these requirements.
- 2.11 The participant understands the process of the legal system and the role of social workers and other professionals in relation to the courts.
- 2.13 The participant understands the principles of concurrent and permanency planning.
- 2.14 The participant understands the importance of working collaboratively with biological families, foster families, and kin networks, and understands the need to involve them in assessment and planning and supporting them in coping with special stresses and difficulties.
- 5.3 The participant demonstrates knowledge of the requirements of the Indian Child Welfare Act and is able to work with tribal representatives in applying it.
- 5.4 The participant demonstrates knowledge of and the ability to apply the Multi-ethnic Placement Act.

- 6.1 The participant demonstrates knowledge of the philosophy, purpose, requirements and application of federal and state child welfare policy and legislation.
- 6.5 The participant demonstrates the ability to prepare written reports for court.
- 8.2 The participant understands how political activities and regulatory, legislative and judicial processes at local, state, and national levels influence agency policies, procedures and programs.

Note. From the California Social Work Education Center (CalSWEC)

Learning objectives

Knowledge

The participant will know the juvenile court processes and procedures and the fundamental legal basis for child protective services

The participant will understand the philosophy behind child protective services

Skills

The participant will appreciate and understand the legal dilemmas associated with detention hearings

The participant will appreciate the dilemmas associated with the jurisdictional hearings

The participant will appreciate the dilemmas associated with the dispositional hearings

The participant will appreciate the dilemmas associated with the 6-month review hearings

The participant will appreciate the dilemmas associated with the 12-month review hearings

Values

The participant will appreciate the dilemmas associated with the W&I Code 366.26

Types of court reports

•	Detention reports
•	Jurisdiction reports
•	Disposition reports
•	Six, twelve and eighteen month review reports
	In-home review reports (Section 364)
•	366.26 reports

■ Other periodic reports (Section 366)

Who reads reports?

List the persons who read court reports, and these people use the court report.

Readers	Use of court report

Report construction

A good court report must contain three basic elements: facts, analysis and recommendation. The CWS\CMS format for the various reports encourages the inclusion of each of the required elements in a logical format.

Facts

- Accuracy is critical
- Be specific, do not generalize
- Organize facts logically
- Facts must be attributed to an identified source
- Be impartial in reporting facts, do not editorialize
- Update facts from the previous report
- Facts should be supported with adequate documentation

Analysis

- Relate analysis to critical findings the court must make, e.g., risk of detriment if child returned to custody of parents
- You are the expert, what conclusions do you draw from these facts
- What do sound social work principals and practice tell us about the situation
- Explain the significance of the facts
- Reference appropriate analysis by others (therapists, treatment providers, etc.)
- Challenge the analysis or recommendation of others (therapist, other service providers) that you believe is not appropriate under the facts

Recommendation

- Always make a recommendation
- The recommendations should reference the statutorily required findings

Documentation

Purpose of documentation

Elements of documentation

When – The date of the conversation, contact, or that the information was received. Time, if important.

Where – Location of contact. In person, letter, fax, telephone, etc.

Who – Name of contact or source of the information. Contact or source may provide information about other 3rd parties.

What – Detailed description of information. Include who, what, when, where, why and how, to the extent necessary.

How – How do you know the information? How does the source know the information? Does the source have any biases, hidden agendas, etc? Is the source qualified or capable of knowing the information?

Why—If not absolutely clear on its face, why is the information important? What is the significance of the information to the case, especially to any upcoming hearings?

Discovery – duty to disclose: Rule 5.546

At detention

Upon filing the petition, petitioner shall promptly deliver to or make accessible for inspection and copying by the child and the parent or guardian, or their counsel, copies of the police, arrest, and crime reports relating to the pending matter. Privileged information may be omitted if notice of the omission is given simultaneously.

At any time

Petitioner shall disclose any evidence or information within petitioner's possession or control favorable to the child, parent, or guardian.

Upon request

Petitioner shall, upon timely request, disclose to the child and parent, or their counsel, the following material and information within the petitioner's possession or control:

- 1. Probation reports prepared in connection with the pending matter relating to the child, parent, or guardian
- 2. Records of statements, admissions, or conversations by the child, parent, or guardian; i.e., case contact notes
- 3. Records of statements, admissions, or conversations by any alleged co-participant; i.e., case contact notes
- 4. Names and addresses of witnesses interviewed by an investigating authority in connection with the pending matter
- 5. Records of statements or conversations of witnesses or other persons interviewed by investigating authority in connection with the matter; i.e., case contact notes.
- 6. Reports or statements of experts made regarding the pending matter, including results of physical or mental examinations and results of scientific tests, experiments, or comparisons; i.e., therapists, doctors, psychologists.
- 7. Photographs or physical evidence relating to the pending matter.
- 8. Records of prior felony convictions of the witnesses each party intends to call.

Material to be disclosed

The following material is to be made available to all counsel or parties without counsel (except unrepresented children) at the time of the detention hearing:

- Any SART or similar sexual or physical abuse medical report.
- Police reports.
- All other documents CPS is relying on as a basis for detention, including prior CPS case history and prior court reports.
- A copy of any audio or videotape regarding the matter.
- Any other information or items in the file that may be exculpatory for any party.

The following materials are usually to be disclosed as discovery as soon as possible after a case is set for a contested hearing unless an order or other arrangements have been made for other disclosure:

- Any supplemental or additional police reports.
- Any supplemental or additional CPS history.
- Statements of all witnesses, in formal written form or in the form of case narratives.
- Case narratives relating to the allegations in the petition.
- Supplemental medical information.
- Any information which may be exculpatory (helpful) to the parents.
- Pictures available to CPS.

Material not to be disclosed

The following items are not disclosed as discovery without contacting county counsel:

- Notes of conversations with, or other records of statements of, county counsel about the case.
- Any item which the court has ordered remains confidential.

- Notes of conversations with supervisors or other workers about case planning, case strategies, case consultations.
- Case records from a different dependency case when one of the current parties was not a party to the prior case. (Unless court ordered.)

No discovery is provided to the judge unless it is provided as part of a court report. The following are the types of items that may be included in discovery, but which should not normally be provided to the judge:

- Police reports
- Medical and psychological reports and records
- Prior cps history, e.g., case narratives, court records
- Case narratives

Detention findings – section 319

At the detention hearing the court must make the following findings in order to keep the child detained

1. There is a prima facie showing that the child comes within Section 300 of the Welfare and Institutions Code.

Prima facie showing requires an allegation of facts, which if true, would show that the child comes within Section 300. Generally the facts stated in the petition should establish the prima facie showing.

and

- 2. That one of the following circumstances exists:
 - There is a substantial danger to the physical health of the child or the child is suffering severe emotional damage, and there are no reasonable means to protect the child without removing the child from the parents.
 - There is substantial evidence that a parent, guardian, or custodian of the child is likely to flee the jurisdiction of the court.
 - The child has left (run away from) a court ordered placement.
 - The child is unwilling to return home when the child has been physically or sexually abused by a person residing in the home.

The court must also make a determination as to whether reasonable efforts were made to keep the child in the home.

The court shall determine whether there is a relative willing and able to take custody of the child.

Jurisdiction findings – section 356

At jurisdiction the court must find that the child is a child described by one of the subsections (a-j) of Welfare and Institutions Code section 300. The court must find that some allegation of the petition is true and that the true allegation brings the child within the jurisdiction of the court under 300(a-j).

Disposition findings — sections 360, 361, 361.2, 361.5

Section 360

If a child is described by Section 300 and the parent is not interested in services, the court may order a guardianship.

Section 361

In order to remove a child from the custody of his or her parents at disposition the court must find by clear and convincing evidence that one of the following circumstances exist:

- 1. There is a substantial danger to the physical health, safety, protection, or physical or emotional well-being of the child, or would be if the child was to be returned home and there are no reasonable means to protect the child without removal from the home.
- 2. The parent(s) or guardian(s) are unwilling to have physical custody of the child.
- 3. The child is suffering severe emotional damage, as indicated by extreme anxiety, depression, withdrawal, or untoward aggressive behavior towards self or others, and there are no reasonable means to protect the child's emotional health without removal from the home.
- 4. The child or the child's sibling has been sexually abused, or there is a substantial risk of the child being sexually abused, and there are no reasonable means to protect the child from further sexual abuse, or the substantial risk of being sexually abused, without removal from the home.
- 5. The child has been left without any provision for support, or the parent has been incarcerated or institutionalized and cannot arrange for care of the child, or a relative or other adult caretaker with whom the child has been left by the parent is unwilling or unable to provide care for the child and the parents whereabouts are unknown.
- 6. In an ICWA case, continued custody of the child by the parent is likely to result in serious emotional or physical damage to the child. That finding is supported by testimony of a "qualified expert witness."

Section 361(d)

The court must make a finding that reasonable efforts were made to prevent or eliminate the need for removal of the child from the home.

Section 361(e)

If the child was detained or has been in a voluntary out-of-home placement, the court must also make the following findings and determinations:

- 1. The continuing necessity and appropriateness of the placement
- 2. The extent of the agency's compliance with the case plan to make reasonable efforts to return the child home or finalize a permanent plan
- 3. Whether there are siblings under the courts jurisdiction, and if so
 - the nature of the relationship between the siblings
 - the appropriateness of developing or maintaining the sibling relationships
 - if the siblings are not placed together, why, and what efforts are being made to place them together, or why they should not be placed together
 - if not placed together, the frequency and nature of visits
 - impact of the sibling relationships on the child's placement and planning for permanence
 - the continuing need, if applicable, to suspend sibling interactions
- 4. The extent of progress in alleviating or mitigating the causes of the out-of-home placement of the child
- 5. A likely return date for the child
- 6. Whether the educational rights of the parent should be limited

Section 361.2

If there is a parent with whom the child was not residing at the time of the events that led to the filing of the petition, and that parent requests custody, the court shall place the child with that parent unless the court finds that placement with that parent would be detrimental to the child's safety, protection, or physical or emotional well-being.

Section 361.5(b)

If it is an appropriate case, the court may also find that the department need not offer the parents reunification services under 361.5(b) (1-15) or 361.5(e). Under 361.5(b) the court must find clear and convincing evidence of one of the following:

1. The whereabouts of the parent(s) is unknown.

- 2. The parent(s) is suffering from a mental disability that renders him or her incapable of utilizing reunification services.
- 3. The minor or a sibling of the minor has been previously made a dependent as a result of physical or sexual abuse, and following being returned to the parent(s) the minor is removed due to additional physical or sexual abuse.
- 4. The parent(s) have caused the death of another minor through abuse or neglect.
- 5. The minor was made a dependent under §300(e) because of the conduct of that parent.
- 6. The minor was made a dependent pursuant to any subdivision of §300 as a result of severe sexual abuse or the infliction of severe physical harm (as defined in the Code) to the minor, a sibling, or a half-sibling by a parent and the court finds that it would not benefit the minor to pursue reunification services with the offending parent(s).
- 7. The parent(s) are not receiving reunification services for a sibling or a half-sibling of the minor for the reasons set out in 3, 5, or 6 above.
- 8. The minor was conceived by means of the commission of an offense listed in Section 288 or 288.5 of the Penal Code.
- 9. The minor was made a dependent under §300(g), and the parent(s) willfully abandoned the minor, and the court finds that the abandonment itself constituted a serious danger to the minor, i.e., without the intervention of another person or agency the minor would have sustained severe or permanent disability, injury, illness, or death.
- 10. The court ordered reunification services terminated for any siblings or half-siblings of the minor because the parent(s) failed to reunify with the sibling or half-sibling after the minor was removed under §361, and the parent(s) that failed to reunify were the same parents from which the current minor(s) were removed.
- 11. The parental rights of the parent(s) over any sibling of half-sibling of the minor(s) have been permanently severed and the court finds that the parent(s) have not subsequently made a reasonable effort to treat the problems that led to the removal of the sibling or half-sibling.
- 12. The parent(s) have been convicted of a violent felony as defined in Penal Code 667.5(c).
- 13. The parent(s) have a history of extensive, abusive, and chronic use of drugs or alcohol and 1) has resisted prior court ordered treatment for this problem during a three year period immediately prior to the filing of the petition which brought that

minor to the court's attention, or 2) has failed or refused to comply with a program of drug or alcohol treatment described in the case plan required by §358.1 on at least two prior occasions, even though the programs identified were available and accessible.

- 14. The parent(s) has advised the court that he or she is not interested in reunification and knowingly and voluntarily executes a waiver with the consent of counsel.
- 15. The parent(s) have taken a child, the child's sibling or half-sibling out of a court ordered placement and refused to disclose the whereabouts of the child to the court.

Under 361.5(e) the court must find by clear and convincing evidence that the parent or guardian is incarcerated and that offering services to the parent or guardian would be detrimental to the child.

Six, twelve and eighteen-month review findings — 366, 366.21, 366.22

At the review hearings the court must return the child to the parent(s) unless the court finds by a preponderance of the evidence that returning the child to the parent(s) would create a substantial risk of detriment to the safety, protection, or physical or emotional well being of the child. (Sections 366.21(e), 366.21(f), 366.22)

The court must determine whether or not reasonable services were provided to facilitate return of the child. (Sections 366.21(e), 366.21(f), 366.22)

A finding by the court that the parents have failed to participate regularly and make substantive progress in the court ordered treatment plan, is prima facie evidence that returning the child to the parent(s) would be detrimental. (Sections 366.21 (e), 366.21(f), 366.22)

Section 366

The court shall also make the following findings and determinations:

- 1. The continuing necessity and appropriateness of the placement
- 2. The extent of the agency's compliance with the case plan to make reasonable efforts to return the child home or finalize a permanent plan
- 3. Whether there are siblings under the courts jurisdiction, and if so
 - the nature of the relationship between the siblings
 - the appropriateness of developing or maintaining the sibling relationships
 - if the siblings are not placed together, why, and what efforts are being made to place them together, or why they should not be placed together
 - if not placed together, the frequency and nature of visits
 - impact of the sibling relationships on the child's placement and planning for permanence
 - the continuing need, if applicable, to suspend sibling interactions
- 4. The extent of progress in alleviating or mitigating the causes of the out-of-home placement of the child

- 5. A likely return date for the child
- 6. Whether the educational rights of the parent should be limited

Section 366.21(e)

If at the six month review hearing, if the child was under three when removed, or at the twelve month review hearing, the court orders that reunification services should be extended for an additional six months, the court may only do so if it finds that there is a substantial probability that the child will be returned within the extended time period. In order to find a substantial probability of return, the court must find:

- 1. The parent(s) has consistently and regularly contacted and visited the child.
- 2. The parent(s) has made significant progress in resolving the problems that led to removal of the child.
- 3. The parent(s) has demonstrated the capacity and ability to complete the objectives of the treatment plan and to provide for the child's safety, protection, and physical and emotional well-being and special needs.

In-home review findings – section 364

The court must determine if continued court supervision is necessary. The court must terminate jurisdiction unless the department proves by a preponderance of the evidence that

1. Conditions still exist which would justify an initial assumption of jurisdiction by the court under section 300.

or

2. Conditions which led to the initial assumption of jurisdiction by the court under section 300 are likely to exist if court supervision is withdrawn.

The failure of the parents to participate regularly in a court ordered treatment plan is prima facie evidence that the conditions which justified initial jurisdiction still exist and that continued court supervision is necessary.

In any case where the social worker receives a report of acts or circumstances which indicate the child is a person described by 300(a), (d), or (e), the social worker shall file a new petition, and if the court finds the child is in fact described by Section 300 (a), (d), or (e), the court shall remove the child from parental custody.

Use of hearsay in jurisdiction reports — section 355

Hearsay rule

Hearsay is evidence of a statement that was made by someone other than the witness while testifying that is offered to prove the truth of the matter asserted in the statement.

Hearsay is testimony that is, or could be, preceded by a phrase such as; "he said," "she said," "I heard," "I read," "I was told." The testimony is based on the first hand knowledge of a person other than the witness who is testifying.

In re Melinda S. (1990) 51 Cal.3d 358

The California Supreme Court states that hearsay is permissible in jurisdiction reports if certain procedural safeguards are in place. Welfare and Institutions Code 355 - Codifies requirements for hearsay to be admitted in jurisdiction report. Hearsay in the court report is not sufficient in itself to prove the allegations of the petition if a party objects to the hearsay, unless the hearsay meets one of the following criteria:

- 1. The hearsay would be admissible in a civil or criminal case under some existing hearsay exception.
- 2. The source of the hearsay is a child under the age of 12 who is a subject of the jurisdiction hearing for which the report was prepared.
- 3. The source of the hearsay is a peace officer, health practitioner (as defined in Penal Code section 11165.8), licensed social worker, or credentialed teacher.
- 4. The source of the hearsay is made available for cross-examination.

Admissible or not?

inadmissible. Officer Jones, who has special training in recognizing abusers of controlled substances, stated that on June 15, 2002 he observed recent needle marks on the mother's arm. The mother has a documented long history of substance abuse. The minor's preschool teacher, Ms. Jones, said that the minor stated that the mother's boyfriend had "touched her pee-pee." The minor said that his mother had hit him three months ago with a belt. No marks were visible when this worker examined the minor. The family reports that the mother has used drugs since she was seventeen. The minor's grandmother, Mrs. Smith, stated that the mother said the reason she did not return for three days was that she had been drunk and out partying. The father has been arrested three times for being under the influence of controlled substances. A family member who spoke to this worker, but who wishes to remain anonymous, states that she has observed the mother's boyfriend hit the minors in the face on numerous occasions, leaving bruises, welts, and black eyes. The mother stated to this worker that when she confronted her boyfriend with the minor's statements that he had molested her, he stated, "So, what if I did, it's only her word against mine." He denied making these statements to the undersigned. The reporting party, who has requested to remain anonymous, stated that on June 9, when the reporting party went to the parents' home, both parents were passed out. When the reporting party woke the parents, they stated they had been using heroin.

For each statement, put an "A" next to the statement if you believe it is admissible if

written in a jurisdictional court report, an "I" if you believe the statement is

 The father was convicted in 1996 of violating Penal Code §288. The victim was his eight-year-old niece. See the attached certified record of conviction.
 The parents have a documented history of neglect and failure to properly supervise the minors.
 The mother has had two older children removed from her custody by CPS. The mother failed to reunify with those two children and they were placed for adoption. See attached certified court records.
 Officer Jones stated that the mother's boyfriend is known in the community as a drug seller.

Plain English for social workers

Court reports that are poorly written will not be as effective as those that are well written. Using proper grammar in court reports facilitates communication and enhances the credibility of the author of the report. List three rules and/or techniques of effective writing.

Using active voice writing

Instructions: Rewrite each of the statements below using the active voice.

The mother is demonstrating resistance to the service plan: of the 20 drug tests she was scheduled to take, she has failed to appear for eight.

The school performance of the minor has been deteriorating during the immediately preceding quarter.

A home visit was conducted on June 15, 1999 during which the condition of the home was found to be filthy and unsanitary with the floor littered with the feces of animals and the kitchen counters were observed to be covered with dishes which were dirty and encrusted with food.

A statement was received by this worker from the maternal grandmother which indicated that the grandmother had observed the mother under the influence of alcohol at the mother's home on June 1, 1999.

The substantial progress the father has made on his reunification plan is evidenced by the completion of a 52 week anger management class by the father during which knowledge of the concepts and skills taught was demonstrated by the father via active participation in the group discussions in which he engaged, the fact that of the 20 drug tests the father was asked to complete, the results for all 20 tests showed clean, the manner in which the father has related to his children during the regularly scheduled visits has been appropriate and his increasing ability to control Billy's angry outbursts is demonstrated by appropriate uses of time-outs.

Detention report exercise

Write a sample report Supporting evidence or need for continued detention

Jurisdiction/disposition report exercises

Supporting evidence/witnesses statements				
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Write a sample report

Review report exercises

Write a sample review report

Services provided/family compliance

Review report exercises

Write a sample report

Assessment/evaluation