



# County of Santa Cruz

## OFFICE OF THE COUNTY COUNSEL

701 OCEAN STREET, SUITE 505, SANTA CRUZ, CA 950604069  
(931) 454-2040 FAX: (831) 454-2115

SAMUEL TORRES, JR., COUNTY COUNSEL

CHIEF ASSISTANTS  
RAHN GARCIA  
DANA McRAE

### Assistants

Deborah Steen	Ellen Aldridge
Harry A. Oberhelman III	Kim Baskett
Marie Costa	James E. Lewis
Jane M. Scott	Julia Hill
Tamyra Rice	Shannon Sullivan
Pamela Fyfe	Sharon Carey-Stronck

April 4, 2001

### Agenda: April 24, 2001

Board of Supervisors  
County of Santa Cruz  
701 Ocean Street, Room 500  
Santa Cruz, California 95060

### **Re: Request for Additional Attorney Support for Child Welfare Services**

Dear Members of the Board:

Over the course of the last year the Office of the County Counsel and the Human Resources Agency have been reviewing the delivery of services by the Office of the County Counsel to the Child Welfare Services Division of the Human Resources Agency. During last year's budget hearings the County Counsel previewed the burgeoning workload for the Child Welfare Services program as part of its budget presentation. In December a further status report was provided to your Board outlining the factors influencing the increasing workload in this area. It had been our intent to incorporate this request as part of our next year's budget request. However, the demands of this mandated workload dictate that this request be considered by your Board at this time.

The purpose of this Board letter is to request your Board's approval for the addition of 2.0 full time employee Attorney I/II/III/IV in the Office of the County Counsel. These positions will be dedicated to Child Welfare Services. Sufficient funds are available in this year's revenue to fully cover the cost of these positions.

### Provision of Legal Services

The Office of the County Counsel has traditionally provided the courtroom and appellate support for the Child Welfare Services Division. This role has been expanding

Request for Additional Attorney Support for Child Welfare Services  
Agenda Date: April 24, 2001

Page 2

---

as the Office of the County Counsel has been assisting the Child Welfare Services with the requirements placed upon the Human Resources Agency as an arm of the court, and the Office of the County Counsel has also complied with the requirements placed directly on County Counsel by the Court. The County Counsel's Office has taken on these responsibilities with the existing staff during times of staffing shortages. The transfer of responsibilities to the County Counsel's Office for the preparation of all court orders, the review of petitions prior to filing, and transfer of the technical noticing requirements have not yet occurred. Additionally, there remain a number of unmet Child Welfare Services training needs and Child Welfare Services desires to maintain regular on-site consultations for social workers.

### Historical Perspective

#### County Counsel Staffing

In 1994 the office of the County Counsel was authorized 2 1.5 positions, today it is authorized 21.2. In fiscal year 94-95 including the County Counsel, the Office of the County Counsel had 13 attorneys authorized. That authorization has remained constant since that time. Because of budgetary constraints requests from County Counsel in the past have held the staffing level consistent. Staffing was held at those levels through the end of the 1990's in spite of the addition of the workers' compensation, the Mobile Home Commission, an increased workload for CWS and for tort litigation, and having to staff the Managed Care and the Children and Families Commission.

In the last fiscal year the Office of the County Counsel has also taken on responsibility for additional workload related to LAFCO, IHSS, Redistricting, Public Works Road Construction, Interest Arbitration and CISCO. County Counsel must also gear up for major changes in grievance procedures related to SB 739 which designates the State Personnel Relations Board (PERB) as the appropriate venue for labor grievances..

#### Child Welfare Services and Financing

In 1998 Child Welfare Services charges for attorney and paralegal support costs were budgeted at approximately \$300,000. This provided for a little more than one full-time attorney position, and clerical and paralegal support.

In 1999 the County Counsels Office agreed to limit to \$305,000. the charge to Child Welfare Services. During this time the actual workload and attorney staff

Request for Additional Attorney Support for Child Welfare Services  
Agenda Date: April 24, 2001

dedicated to the function increased. The County Counsel needed to dedicate 1.5 full time equivalent attorney positions to this assignment.

In 2000 County Counsel began dedicating over 2 full time equivalent attorney positions to Child Welfare Services. Depending on available staffing, during 2001 County Counsel assigned 2.5 to 3.0 full time equivalent attorney positions have been assigned to Child Welfare Services.

County Counsel billings for July through December of 1999 averaged 209 hours of attorney time per month, and 27 hours of paralegal support. Clerical support was included in the attorney rate.

<u>Month</u>	<u>Billed Amount</u>	<u>Attorney Hours</u>	<u>Paralegal Hours</u>
July 1999	\$29,898	238	33
August 1999	30,281	243	29
September 1999	24,609	195	30
October 1999	26,024	206	35
November 1999	22,377	180	21
December 1999	<u>23,766</u>	192	<u>18</u>
TOTAL	\$156,955	1,254	166
Monthly Average	\$ 26,159	209	27

This resulted in average revenue of approximately \$26,000. per month for attorney and paralegal services. At \$125.00 per hour, this total represents approximately 209 hours of attorney services per month.

County Counsel billings to Child Welfare Services for the first seven months of this fiscal year jumped to an average of \$38,000 a month, or approximately 290 hours of attorney time and 44 hours of paralegal support.

<u>Month</u>	<u>Billed Amount</u>	<u>Attorney Hours</u>	<u>Paralegal Hours</u>
July 2000	\$35,455	253	21
August 2000	42,229	334	67
September 2000	34,432	262	45
October 2000	38,196	294	35
November 2000	40,544	315	30

Request for Additional Attorney Support for Child Welfare Services  
Agenda Date: April 24, 2001

Page 4

---

December 2000	35,444	267	53
January 2001	<u>41,031</u>	<u>3 1 1</u>	<u>58</u>
TOTAL	267,331	2036	308
Monthly Average	38,190	290	44

Revenue of \$305,000 was budgeted by HRA and the County Counsel for fiscal year 2000/2001. Actual services will generate closer to \$450,000. Child Welfare Services desires still more attorney time to assist with ongoing training and administrative support in various court-ordered meetings and follow through. As your Board is aware, the County Counsel’s office has experienced staffing shortages this fiscal year.

County Counsel cannot continue to provide the level of services needed for this assignment under present staffing.

In March 2001, the Office of the County Counsel was able to finally fill a provisional Attorney II position dedicated to Child Welfare Services. This has significantly improved the delivery of services.

Currently two attorneys are assigned full-time to Child Welfare Services, and two others spend portions of their time on training, coordination and appellate practice. The two full-time attorneys manage approximately 50 cases a week on two calendars, appear at detention hearings, consult with approximately 35 social workers on a regular basis, and each receive approximately 9 to 12 telephone calls per day. County Counsel has also initiated on-site consultations at Child Welfare Services on a weekly basis. The other full-time equivalent attorney position assists with training, coordinates administrative matters with the courts and department, and handles the appeals and writs generated by Child Welfare Services cases.

**Experience of Other Counties**

Early in the year 2000 the increased demands for additional county counsel attorney support for Child Welfare Services was recognized as an issue of State wide importance. These concerns caused the County Counsels’ Association to set up a sub-committee to explore areas of common concern and conduct an analysis of which approaches have proved the most successful in dealing with this increasingly complex work-load. The counties have all agreed that the most critical aspect of any effective Child Welfare Services program is the active and continued involvement of the judiciary. We have been fortunate in this county to have previously had Judge Akao, and now

Judge Yonts presiding over Child Welfare Services cases, who have dedicated significant time and effort to working on issues in the thorny field of child welfare services.

Other counties have experienced a similar increase in the need for attorney support required for Child Welfare Services. This has been the case whether it has involved a large jurisdiction, like Sacramento, San Diego or Santa Clara, or a small county like Modoc or Lassen. Sacramento saw its Child Welfare Services attorney staffing go from 5 attorneys to 16 attorneys in less than 5 years. Santa Clara County has also experienced a similar growth spurt, growing to its present 17 attorneys. This trend has repeated itself State wide.

### **Major Factors Influencing Increase In Child Welfare Services**

Major statutory changes to the Welfare and Institutions Code and new case law have changed the way the courts must approach Child Welfare Services cases. These changes have significantly increased the complexity of dependency proceedings, the number of contested hearings and the number of writs and appeals.

### **Staffing Proposal**

This proposal for a staffing increase of 2 **full-time equivalent** attorney positions would permanently permit the County Counsel to dedicate 3 full-time equivalent attorneys to Child Welfare Services matters. A unit of 3.0 dedicated full-time employee attorney positions to Child Welfare Services would formalize the status quo. As shown by the data in this report, the County Counsel significantly increased the resources to deal with this critical mandated workload, without any staff increase.

In October 2000, the Human Resources Agency noted "the optimal staffing for Santa Cruz County might be 3 full-time attorneys at some point in the future". We have reached that "point in the future." The future is now.

This proposal has been discussed with the Presiding Judge of the Superior Court, the Honorable Robert B. Yonts. He concurs there is a continuing need to maintain the current effort by County Counsel.

Sufficient funds are available from this year's revenues to finance this year's expenditures to obtain the desired attorney staffing level. We are confident the Child Welfare Services program will continue to require at least this much County Counsel support.

Our offices have been working with the Auditor-Controller to determine the most appropriate billing methodology for next fiscal year's services.

IT IS THEREFORE RECOMMENDED that your Board,

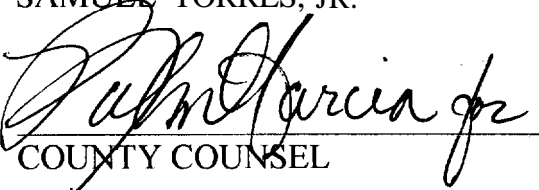
Approve the addition of 2.0 Attorney I/II/III/IV positions in the Office of the County Counsel dedicated to Child Welfare Services.

Very truly yours,

CECILIA ESPINOLA

  
HUMAN RESOURCES AGENCY  
ADMINISTRATOR

SAMUEL TORRES, JR.

  
COUNTY COUNSEL

RECOMMENDED:

  
SUSAN A. MAURIELLO  
County Administrative Officer

cc: Honorable Robert B. Yonts, Presiding Judge  
Administrative Office  
Auditor/Controller  
Human Resources Agency  
Personnel  
County Counsel  
Public Defenders/Conflicts Defenders