

MANAGEMENT DIRECTIVE

CONSULTATION WITH COUNTY COUNSEL REGARDING DESK DUTY ASSIGNMENTS

Management Directive #MD 14-04

Date Issued: 12/19/14

- New Policy Release
- Revision of Existing Procedural Guide dated

Revision Made:

Cancels: None

DEPARTMENTAL VALUES

The Department of Children and Family Services (DCFS) continues to focus on the three priority outcomes: improved safety for children, improved timelines to permanency and reduced reliance on out-of-home care.

APPLICABLE TO

This Management Directive is applicable to all DCFS CSWs who are placed on desk duty due to allegations of CSW misconduct that may negatively impact child safety, or parent/child reunification services and their Regional Administrators.

Procedures

The Office of the County Counsel conducts legal assessments of Dependency cases in order to provide DCFS with the best possible representation. It is important for DCFS and Office of the County Counsel senior management to consult regarding allegations of CSW misconduct that can adversely affect cases in Dependency Court.

When a social worker is placed on desk duty due to allegations of CSW misconduct that may negatively impact child safety, or parent/child reunification services, the Regional Administrator shall contact William Roth, Trial Section Head of the Office of the County Counsel, by phone at (323) 526-6244 or Howard Haffner, Trial Court Section Head of the Office of County Counsel at (323) 526-6068 within three (3) business days of the start date of the desk duty assignment to consult regarding the desk duty assignment and the general reasons for the desk duty assignment. Based on this discussion, County Counsel will determine if it is necessary to request from the Regional

Administrator a list of the cases assigned to the CSW just prior to the Desk Duty assignment. The consultation referenced above and the case list communication is protected by the attorney-client privilege.

If a case list is requested, the Regional Administrator shall provide the case list to the Office of the County Counsel within five (5) business days of the phone consultation. The case list should include the name(s) of the child(ren), the court case number, the next court date, and the names and phone numbers of the currently assigned CSWs and SCSWs. The RA shall copy the Deputy Director when emailing the case list to County Counsel. The email shall not contain information regarding the allegations of misconduct but should simply state, "Per our conversation on (enter date), attached is the most recent case list for (enter CSW name)." The following disclaimer should also be attached to the case list and to the email, "The information contained in this document is privileged attorney-client communication and strictly confidential under state law, including WIC 827 and Govt. Code 6254 (k). It may also be confidential under federal law. This information should not be copied, shared, used or distributed in any manner inconsistent with applicable laws. It may be shared only with persons so authorized by law."

The Office of the County Counsel will conduct, as needed, a case-by-case legal review. County Counsel will share with the Deputy Director and Regional Administrator the results of their review, including any new allegations of misconduct discovered during County Counsel's review, potential legal challenges and solutions. As a simple example, if a DCFS administrative review indicates that due to an employee misconduct that resulted in a desk duty assignment there is reason to believe that reasonable services were not provided, the Office of the County Counsel would then likely recommend that DCFS consider offering the family additional family reunification services. County Counsel shall safeguard any and all information received from DCFS regarding alleged CSW misconduct and will share information with other parties only as required by law. Both DCFS and County Counsel shall be mindful of the importance of a CSW's professional reputation and must communicate information with discretion and sensitivity.