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FROM THE ARCHIVES

Why Grand Juries Cannot Act Like Grand Juries Should
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Child Protective System in S.D. Scored by Grand Jury : Children: County Department of Social Services has a 'mind-set' that abuse is everywhere, report says.

February 07, 1992 | ALAN ABRAHAMSON | TIMES STAFF WRITER

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"There is a widely held perception within the community and even within some areas of the Department (of Social Services), that the Department is in the 'baby brokering' business," the grand jury said. "Adoptions, by too many accounts, is the 'tail wagging the dog' in the (child-protective) system."

The jury also called for the creation of an independent, objective unit--to report to the new Department of Family Services it envisions--to investigate allegations of abuse and decide when children should leave home.

That investigation is currently done by a social worker, who "rarely tries to find information favorable or evidence (that exonerates) parents," the panel said.

It added: "The current leadership of DSS . . . demands such loyalty and uniformity of thinking and approach that, under existing leadership, such independence is not likely."

That bias was evident everywhere in the system, the jury said, stressing that it hoped setting a new county agency apart would have a ripple effect and lead to checks, balances and--most importantly--accountability.

For instance, there are "serious problems" at the Center for Child Protection at Children's Hospital, which examines most San Diego-area children who may have been abused, the grand jury said.

The center is loathe to rule out abuse even when there is no physical proof of it, the jury said. That "poisons the stream" for everything that follows, it said.

Therapists, who interview children and parents for reports to judges, told the grand jury of pressure to go along with dubious conclusions of abuse.

Therapists reported that "as long as they are in agreement with the social worker, their reports are given great weight. On the other hand, if they disagree with the social worker, their recommendations may not even appear in the report to the court," the grand jury said.

County counsel, which represents the Social Services department in court, "should be a check in the system," the grand jury said.

But deputies have "not been screening cases adequately," letting far too many "questionable" cases go to court because of "pressure" from Social Service staff, the grand jury said. That is not only a waste of time and money, but it also exposes the county to suits from parents who are falsely accused, the grand jury said.

The Juvenile Court, which is supposed to be the "ultimate check" in the system, also "is not fulfilling its role," the grand jury said.

Rarely, the jury said, does a judge demand a "high standard of investigation or performance" from Social Services staff. The judges "are viewed, and appear to view themselves, as 'pro-child,' which translates to 'pro-DSS,' " it said.

The result, the grand jury said, is that the courts "do not appear to offer an 'even playing field' in which (the judge) serves as a neutral arbiter of the facts."

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