



# COUNTY OF YOLO

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## Records Related to Justice Rees

(Woodland, CA) – As there have been numerous media inquiries concerning general child welfare practices and related legal standards, Yolo County has developed the attached Child Welfare Fact Sheet to address frequently asked questions. Due to the ongoing investigation concerning the death of Justice Rees however, state law prohibits Yolo County from releasing any specific case records at this time.

“As we and the community mourn the loss of this child, we are sympathetic to the media and the public’s desire for more information,” said Yolo County Counsel Phil Pogledich. “However, child welfare records are confidential under state law and, generally, cannot be released until the completion of a criminal investigation into the circumstances of a child’s death. We will promptly release all that can be disclosed following the completion of the criminal investigation in this matter.”

“The death of any child is tragic,” said Yolo County Employment & Social Services Director Joan Planell. “As such, we feel it is prudent to proactively conduct a systems review now to ensure we are continuing to employ the best practices, and to identify any opportunities to strengthen our approach. For this review, we intend to enlist outside technical expertise in the field of child welfare training, consultation, research and evaluation.”

Per the March 10, 2015 Yolo Superior Court protective order in the criminal case against Samantha Lee Green, Yolo County cannot comment any further beyond this press release at this time.

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Attachment: Child Welfare Fact Sheet

## Child Welfare Services Fact Sheet

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**How Child Welfare Responds to Referrals.** Child Welfare Services (CWS) is the major system of intervention in child abuse and neglect in California. Existing law provides for services to abused and neglected children and their families, and it emphasizes keeping children in their homes in most circumstances. Current practice throughout California is based upon Safety Organized Practice, an approach which builds upon the premise that families live in communities of support and are experts on their own lives.

Referrals to CWS come from statutorily “mandated reporters” or community members that are concerned about the welfare of a child. All referrals are reviewed to determine if abuse, neglect or exploitation is alleged. Emergency Response staff then determines if the situation meets the legal requirements for an investigation. Other next steps may include: intervening in a family crisis; providing family preservation and support services; other assessment, fact-finding and planning actions, including development of a safety plan; and/or petitioning the court for various forms of protection and assistance to the child and family. Services may last for 18 months or longer, particularly if the child must be removed from the home for an extended period or permanently.

**Yolo County Referral and Case Statistics.** Between July 1, 2013 and June 30, 2014, Yolo County CWS received nearly 2,000 referrals. All referrals were reviewed as described above, and based on that review, almost half met the legal threshold to warrant investigation. Today, Yolo County CWS maintains 371 active cases. The level of services provided ranges from family support services (with the affected child remaining at home), to long-term foster care or adoption planning for children removed from their homes, to family reunification services.

**Drug-Exposed Infants.** According to the Northern California Training Academy (UC Davis), the majority of cases referred to CWS agencies involve substance abuse as a primary or secondary issue of concern. National statistics indicate that 12-20% of all pregnant women use illegal drugs or consume alcohol during pregnancy. In Yolo County, accurate statistics do not exist as health care providers vary in their approach and, per state law, none perform drug screening without the prior consent of their patients, even following an admission of use. State law also does not require health care providers to contact CWS if a child is born testing positive for an illegal controlled substance. As up to 1 in 5 pregnant women use illicit substances or consume alcohol, Yolo County CWS is coordinating with the county’s Health Services Department to meet with local health care providers to discuss resources for pregnant women who struggle with substance abuse.

**Legal Standard for Removing a Child.** Under California law, unless a child is delivered by a peace officer or is in immediate danger and cannot remain safely in the home, a social worker cannot take a child into protective custody without a court-issued warrant. To issue a warrant, among other things, a court must find that the circumstances of the child’s home environment may endanger the health, person or welfare of the minor. A court will later review the continued placement (detention) of the child in foster care at a detention hearing, which occurs within 48-72 hours (excluding non-court days) after the initial removal. To continue detention, the court must determine that the child is in substantial physical danger or is suffering severe emotional damage, and there are no reasonable means to protect the child’s physical or emotional health in the home. Effectively, this requires a social worker to demonstrate that reasonable efforts were made to prevent or eliminate the need for removal, and whether there are services available that would prevent the need for further detention.

At all times after it is determined a child cannot remain at home, even with family preservation and support services, foster placement is arranged in the most family-like setting close to the parent’s home, consistent with the best interests of the child.

**Child Welfare Case Files.** Files maintained by CPS are confidential under California law and, with limited exceptions, can only be released upon a court order. Files for a child that dies of abuse or neglect may be released in some circumstances without a court order, after the completion of a law enforcement investigation (i.e., after trial is complete).