

**Office of the California Foster Care Ombudsman
Fiscal Year 2007/2008
Annual Report**



**State of California
California Department of Social Services
Children and Family Services Division**

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A Message from the California Foster Care Ombudsman:

The Office of the California Foster Care Ombudsman (Ombudsman Office) is pleased to present its annual report for fiscal year (FY) 2007/2008. We are committed to creating avenues to fill the needs of foster children and youth and provide them with a place to express their complaints regarding placement, care, and services without fear of retribution. The Ombudsman Office provides foster children and youth with information on their rights while in foster care, and also conducts trainings and presentations to child welfare professionals and community partners.

While it is our mission to be a strong voice for foster children, we also provide support for those advocating on their behalf. We, also, address complaints from relatives and professionals who have concerns regarding the care, placement and services for children and youth in foster care.

We provide an independent forum for inquiries made by or on behalf of children placed in foster care and make appropriate referrals. We maintain a toll-free number for anyone to call and express their concerns and complaints about the foster care system. We have developed an information packed website that we hope you will visit at www.fosteryouthhelp.ca.gov.

We partner with many key agencies, public and private, that work closely with foster youth. We are grateful for and acknowledge the departments and organizations that we have referred cases to for resolution and all those dedicated to improving the lives of foster children and their families.

Bringing awareness of children and youth in foster care is part of our job every day. This report includes information on activities, services, data summaries, and heartwarming stories of former foster youth. We hope that you will find this report informative.

Thank you.

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Purpose of the Office of the California Foster Care Ombudsman

The Ombudsman Office shall be established as an autonomous entity within the California Department of Social Services (CDSS) “for the purpose of providing children who are placed in foster care, either voluntarily or pursuant to Section 300 and Sections 600 and following, with a means to resolve issues related to their care, placement, or services.” [Welfare and Institutions Code (W&IC) section 16161]

The Ombudsman Office shall do the following:

- ❖ Disseminate information on the rights of children and youth in foster care and the services provided by the Ombudsman Office.
- ❖ Maintain a statewide toll-free Foster Care Help-Line (1-877-846-1602).
- ❖ Investigate and attempt to resolve complaints made by or on behalf of children placed in foster care, related to their care, placement, or services.
- ❖ Document the number, source, origin, location, and nature of complaints.
- ❖ Compile and make available to the Legislature all data collected over the course of the year including, but not limited to, the number of contacts to the toll-free telephone number, the number of complaints made, including the type and source of those complaints, the number of investigations performed by the Ombudsman Office, the trends and issues that arose in the course of investigating complaints, the number of referrals made, and the number of pending complaints.
- ❖ Present compiled data, on an annual basis, at appropriate child welfare conferences, forums, and other events, as determined by CDSS, that may include presentations to, but are not limited to, representatives of the Legislature, the County Welfare Directors Association (CWDA), child welfare organizations, children's advocacy groups, consumer and service provider organizations, and other interested parties. It is the intent of the Legislature that representatives of the organizations consider this data in the development of any recommendations offered toward improving the child welfare system.
- ❖ Post the compiled data so that it is available to the public on the existing Ombudsman Office website.
- ❖ Have access to any record of a state or local agency that is necessary to carry out his or her responsibilities, and may meet or communicate with any foster child in the child's placement or elsewhere.
- ❖ Act as a fact finder to provide families, citizens, and other stakeholders with an avenue for independent review of concerns related to the care, placement and services provided to children and youth in California foster care.

Authority and Limitations of the Office of the California Foster Care Ombudsman

The authority of the Ombudsman Office includes:

- ❖ The authority to meet or communicate with any foster child in his or her placement or elsewhere.
- ❖ The authority to access any record of a state or local agency necessary to carry out its responsibilities.
- ❖ The authority to investigate any and all complaints received by the Ombudsman Office.
- ❖ The authority to recommend case reassessments.
- ❖ The authority to investigate the acts of state and local administrative agencies and to recommend appropriate changes to safe-guard children's rights.
- ❖ The authority to report all findings to CDSS and the California Legislature.

The authority of the Ombudsman Office is not authorized to:

- ❖ Challenge court decisions.
- ❖ Change case plans.
- ❖ Pursue local administrative personnel actions. Complaints regarding discrimination and other personnel actions are referred to the appropriate office.

Inquiry and Complaint Process

The Ombudsman Office statute (W&IC sections 16160-16167) states that the Ombudsman Office has the discretion whether to investigate a complaint or refer complaints to another agency for investigation. It also states that the Ombudsman Office may do the following:

- ❖ Conduct whatever investigation it deems necessary.
- ❖ Attempt to resolve the complaint informally.
- ❖ Submit a written plan to the relevant state or county agency recommending a course of action to resolve the complaint. When the Ombudsman Office makes a written recommendation, the state or county agency shall submit a written response to the Ombudsman Office within 30 business days.

The Ombudsman Office has established the following protocols for handling complaints:

- ❖ Document all contacts in the Ombudsman Office Call-Tracking database.
- ❖ Prioritize complaints and decide whether to dismiss, resolve informally, refer to another agency for resolution, or initiate a formal investigation.
- ❖ If the complaint involves an allegation of abuse, a Suspected Child Abuse Report (SS 8572) is submitted to the county Child Protective Services (CPS) and if applicable a referral is submitted to CDSS Community Care Licensing Division (CCL).
- ❖ If the Ombudsman Office refers a complaint to a county ombudsman for investigation, the Ombudsman Office submits a written referral to the county ombudsman with the recommendation to investigate the matter and respond back to the Ombudsman Office within 30 days. The Ombudsman Office will follow-up with the complainant to verify resolution and determine whether additional investigative action will be taken.

If a formal investigation is initiated, the Ombudsman Office will usually notify the county point-of-contact or county ombudsman regarding its investigation; however, on a case-by-case basis, the Ombudsman Office may not send a notice. Examples where a notice may not be sent include, but are not limited to, cases where timely resolution is required, and/or the complainant requests anonymity or fears retaliation.

Each contact to the Ombudsman Office provides an opportunity to take action, educate, provide resources and identify recurring problems in California's child welfare system. In these instances, the Ombudsman Office conducts fact-finding, data collection, consultation and interviews to resolve complaints. Cases are not closed until after the complainant's concerns have been addressed and/or resolved.

Call-Tracking Database

The Ombudsman Office is under legislative mandate to collect the number, source, origin, location, and nature of complaints. In 2002, the large volume of calls prompted the Ombudsman Office to create the Call-Tracking Database. The Call-Tracking Database allows the Ombudsman Office to further identify specific complaint issues, to whom cases were referred, and specific foster care personal rights violations. Complaints are categorized by issue and source.

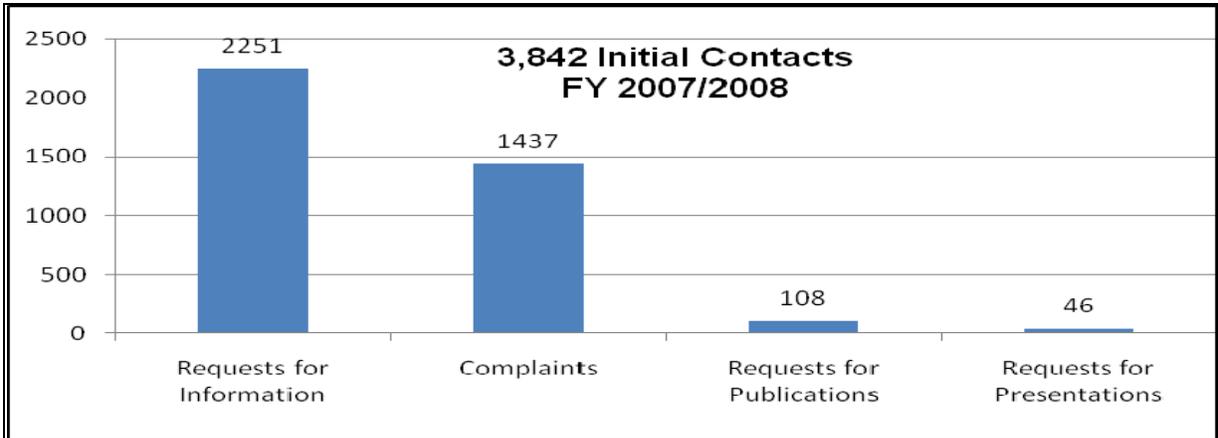
The Complaint Issues field is populated with subfields. The number of subfields has expanded over the years as common issues are identified. Subfields will continue to be modified as recurring issues are identified. Definitions for each subfield are listed alphabetically in Appendix B.

- ❖ May 1, 2000 through April 30, 2002 there were nine subfields: Placement, Child Welfare/Probation, Personal Rights, Emancipation/ILP, Other Medical/Dental/Mental Health Education, Immigration; and Court/Attorney/CASA.
- ❖ May 1, 2002, Discrimination was added as a subfield.
- ❖ May 2004, ten subfields were added: Visitation, Rates, Adoption, Relative Placement, Removal, Non-Foster Care, Licensing, Homelessness, CPS, and County Operations.
- ❖ May 2005, Criminal Background Exemption and Interstate Compact for Placement of Children (ICPC) were added.
- ❖ May 2006, Information and Shelter Care were added.
- ❖ May 2009, Background Checks, Family Finding, Higher Education, and Research were added.

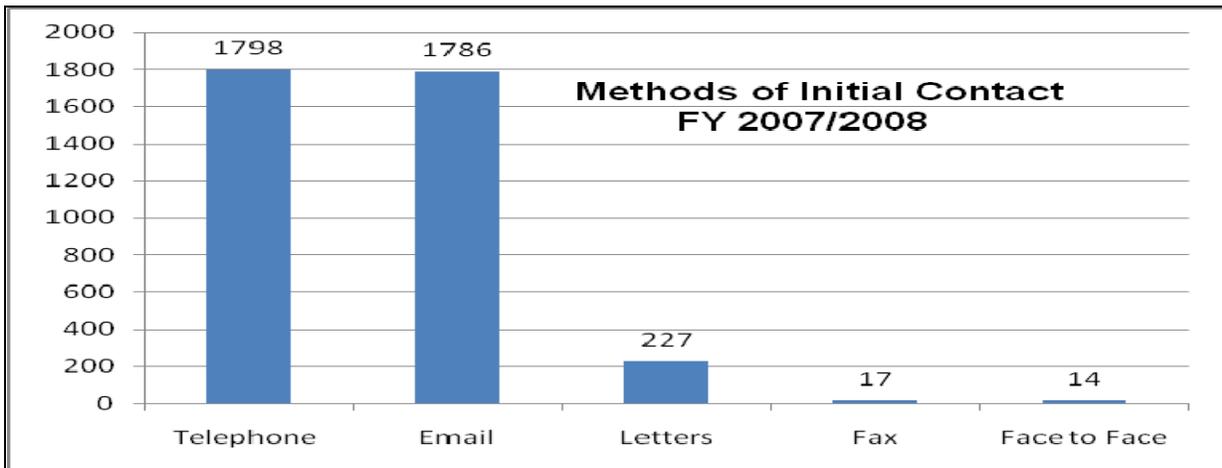
Over the years the categories, definitions and processes have changed, and they continue to evolve. The Ombudsman Office tracks the categories (Safety, Permanency, Child and Family Well-Being) identified by the Federal Child and Family Services Review (CFSR) within the Call-Tracking Database categories. The data supports our mission, which is to ensure a means to resolve issues related to the care, placement, or services of foster children.

Data Summary

The Ombudsman Office received 3,842 initial contacts during FY 2007/2008. Each contact is an opportunity for the Ombudsman Office to respond to the issues impacting the foster care population and gather information to identify recurring problems in California's foster care system.

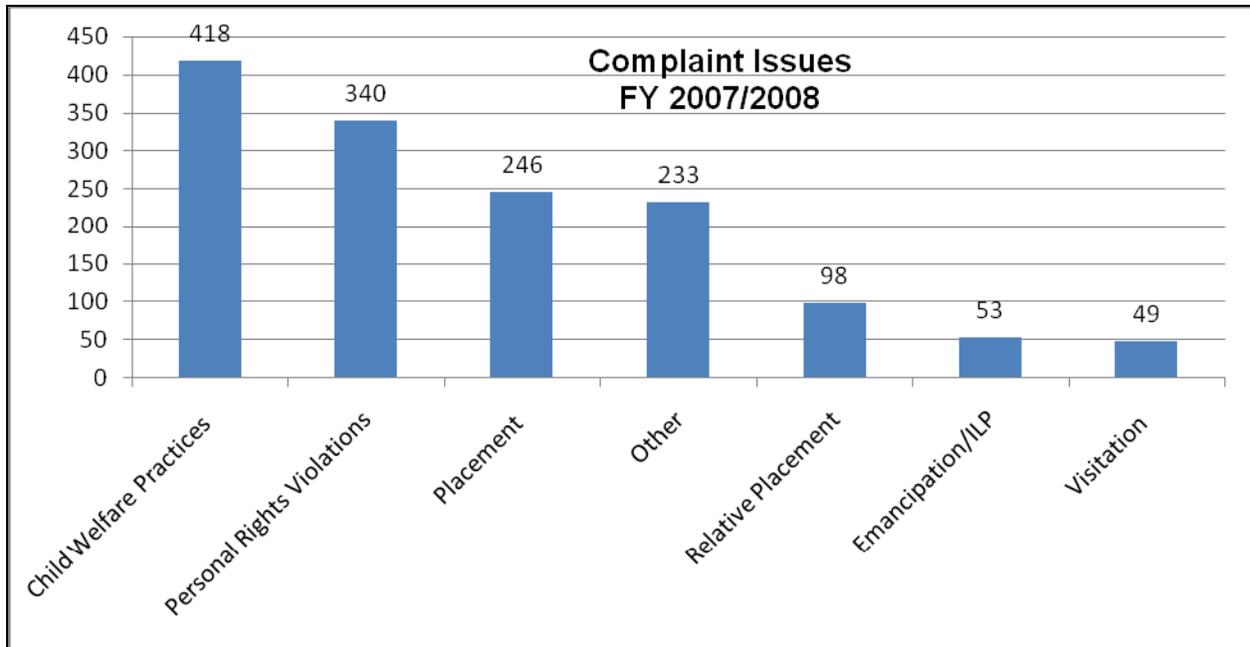


The telephone and email are the predominant means of contacting the Ombudsman Office. However, as the graph below demonstrates, other methods of contact are used.



Complaint Issues

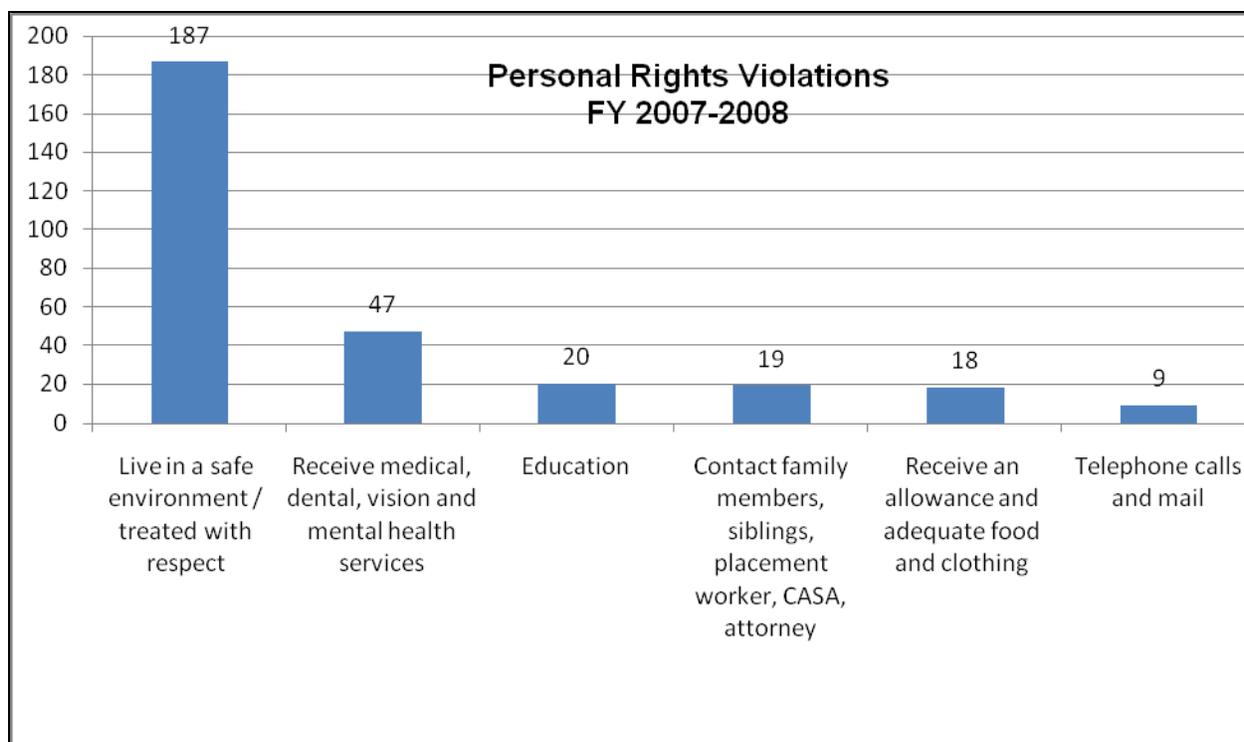
Throughout FY 2007/2008 the Ombudsman Office received 1,437 complaints. The seven most frequent complaint issues were related to child welfare practices; personal rights violations, placement, other, relative placement, emancipation and county Independent Living Program (ILP), and visitation.



Personal Rights of Foster Children and Youth

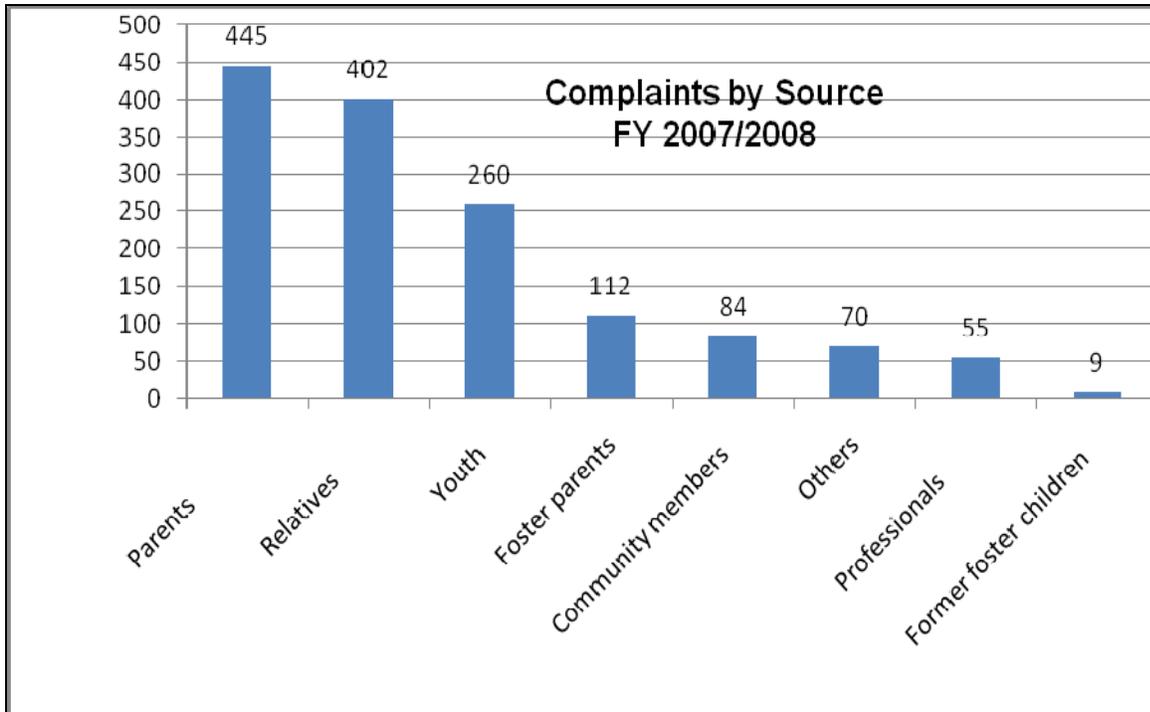
The rights of children and youth in foster care were established by AB 899 (Chapter, 683, Statutes of 2001) as specified in W&IC section 16001.9. The bill requires the Ombudsman Office to design posters regarding these rights and provide the posters to every foster care facility that cares for six or more children and youth. Social workers are mandated by the bill to explain the rights to every child and youth in foster care, in age-appropriate language, at least every six months, and that licensed homes housing six or more foster children and youth post the rights within easy and regular access for the children and youth living there.

As foster children and youth became familiar with their rights, they began contacting the Ombudsman Office regarding violations of their rights. Personal rights complaints continue to be one of the highest categories of complaints received by the Ombudsman Office. The chart below indicates the six most frequent complaints regarding violations of the rights of children and youth in foster care for FY 2007/2008.



Complaints by Source

Identified below is the total number of complaints that were made by or on behalf of children and youth in foster care during FY 2007/2008 by the caller's relationship to the children and youth in the foster care system.



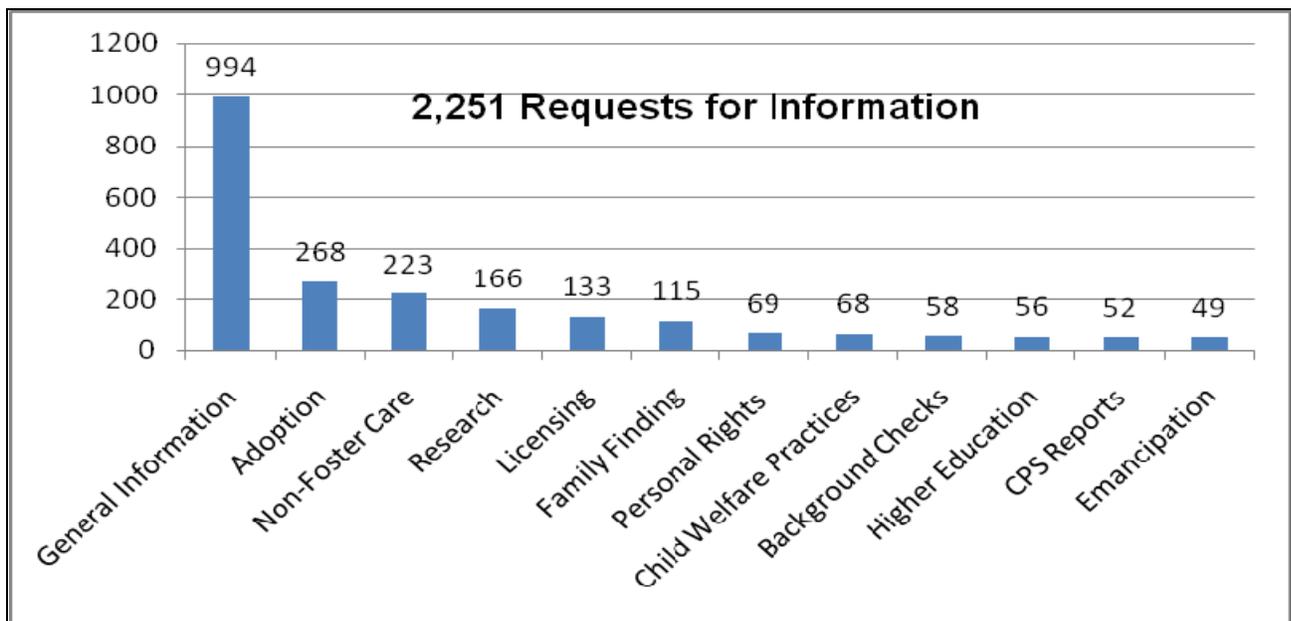
Requests for Information

During FY 2007/2008 the Ombudsman Office received 2,251 requests for information. Individuals who call the Ombudsman Office are as diverse as California's population. People call for information on the child welfare system, foster care or children's issues in general. Many requests for information are received by email through the CDSS and the Children and Family Services Division website.

Some examples of information requests include:

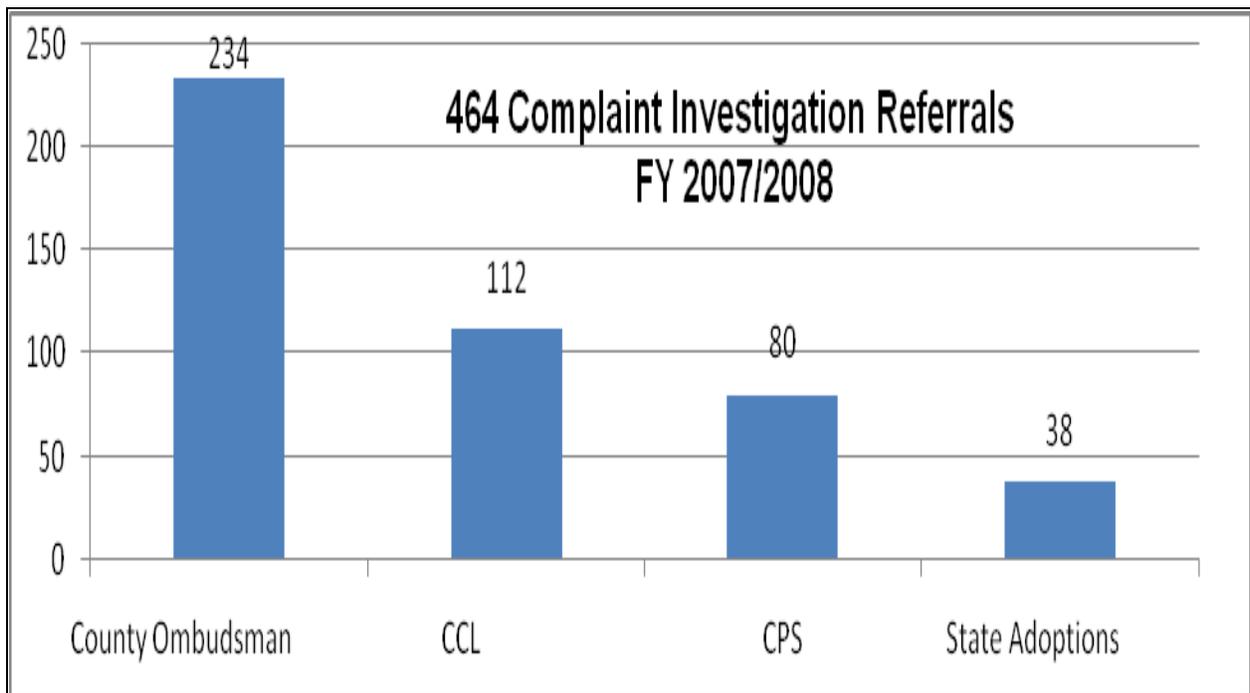
- ❖ How to become a foster parent.
- ❖ How to adopt a child in foster care.
- ❖ How to find siblings that were adopted from foster care.
- ❖ Where to get information on the Safely Surrendered Baby law.
- ❖ How to become a social worker.
- ❖ How to request a reduction of child support payments.
- ❖ The location of child care programs.
- ❖ Whether services are available for defiant teenagers.
- ❖ Requests for child welfare statistical data.

All callers are provided with appropriate information and referrals to other agencies. The Ombudsman Office provides the highest level of customer service possible.



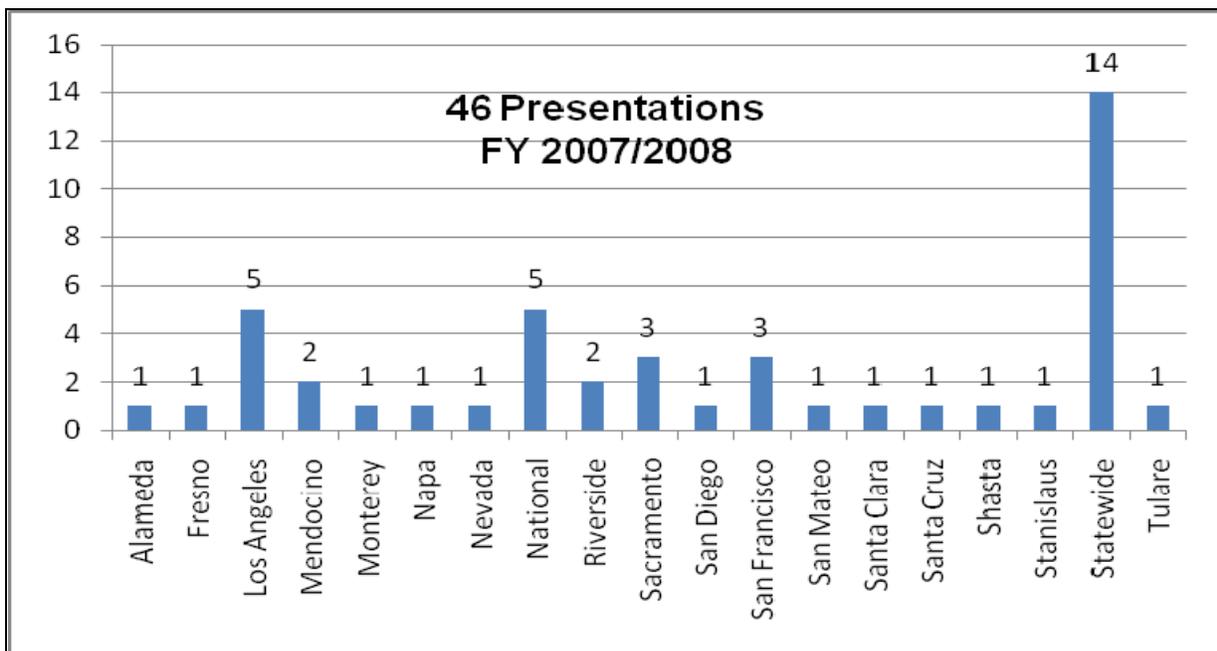
Referrals

In addition to resolving specific complaints, the Ombudsman Office refers some complaints for investigation to other agencies and departments such as: county ombudsman offices, CCL, CDSS Adoptions Services Bureau (Adoptions), and CPS. When the referred agency responds to the Ombudsman Office of their investigation outcome, the Ombudsman Office contacts the complainant to see whether the matter has been resolved satisfactorily or if further investigation is necessary.



Presentations

During FY 2007/2008 the Ombudsman Office conducted 46 presentations to audiences in 17 counties, 14 statewide conferences and other audiences. The hosts included organizations such as the California Youth Connection Policy Conference, Child Welfare Director's Association, the Judicial Counsel, the United States Ombudsman Association, various foster parents associations, Foster Family Agency Conference, and Court Appointed Special Advocates (CASA). The Ombudsman Office is committed to providing education and information on the foster care system, and more specifically on foster youth rights.

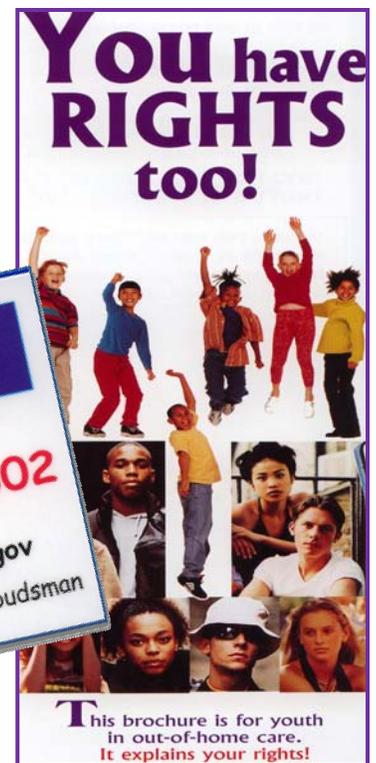
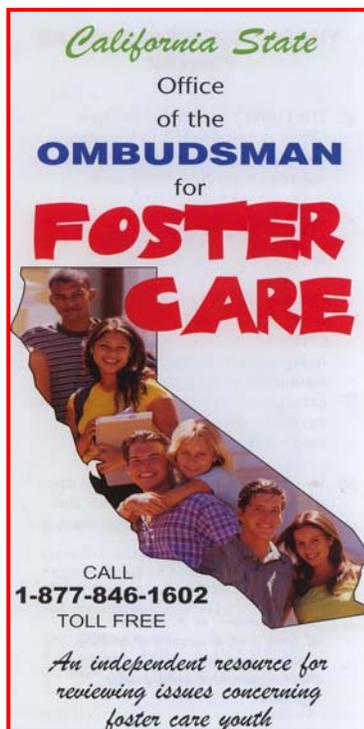


Publications

During FY 2007/2008, the Ombudsman Office distributed more than 37,733 publications. The Ombudsman Office receives calls requesting publications and materials that educate the state-wide community regarding the rights of children in out-of-home care, the child welfare system and the supportive services and resources available for foster children, youth, their families and caretakers.

Publications disseminated by the Ombudsman Office include brochures on Foster Youth Rights in English and Spanish, the Foster Care Ombudsman Office, College Financial Aid, Help-Line Cards, and Foster Youth Rights Posters. In addition to these publications, the Ombudsman Office distributes a Resource Directory and information packets.

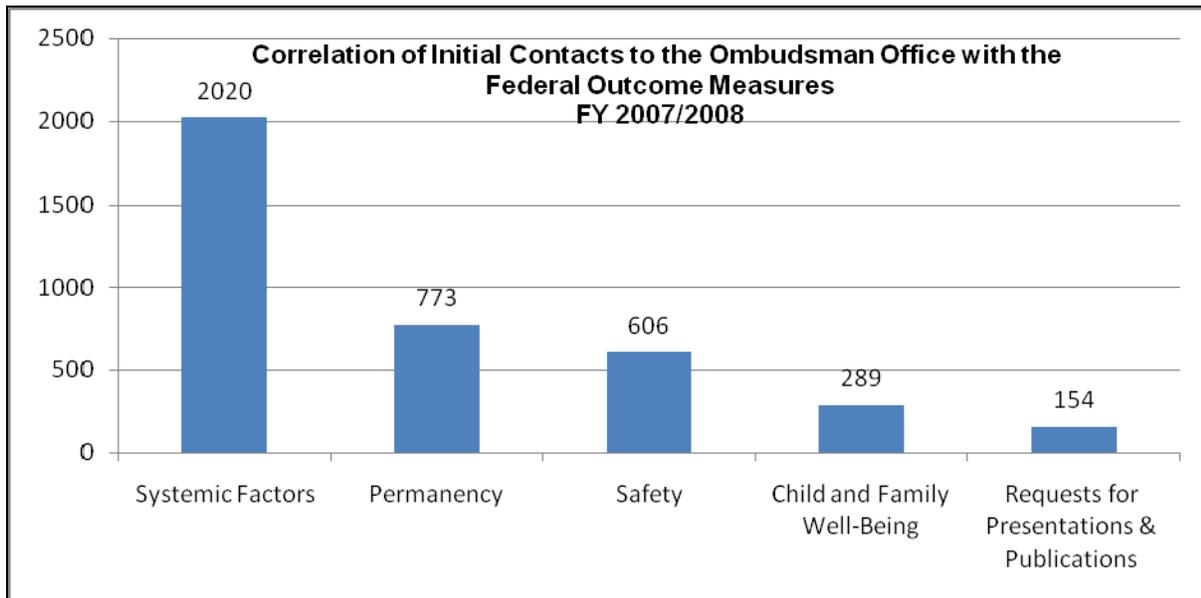
www.fosteryouthhelp.ca.gov



Child and Family Services Review

Federal Outcome Measures

The United States Department of Health and Human Services administers the Child and Family Services Review (CFSR) for the State of California. This process assesses the performance of state child welfare agencies with regard to achieving positive outcomes for children and families, and identifies the following specific outcome measures: Safety, Permanency, Child and Family Well-Being and Systemic Factors such as Statewide Information System, Case Review System, Quality Assurance System, Training, Service Array, Agency Responsiveness to the Community and Foster and Adoptive Parent Licensing, Recruitment and Retention. The focus of the CFSR process is on continuous quality improvement; high standards are set to ensure ongoing attention to the goal of achieving positive outcomes for children and families. The Ombudsman Office tracks this type of information in its Call-Tracking Database. The Ombudsman Office will continue to follow and document inquiries and complaints, as well as refine our data gathering tools and processes to meet legislative mandates and discover trends and issues in foster care and the child welfare system in general.



Case Summaries

Child Welfare Practices

A parent called the Ombudsman Office stating she had repeatedly left voicemails on her social worker's phone that she was in need of bus vouchers so that she could attend the classes required by her case plan. However, her social worker had not responded to her calls. The Ombudsman Office staff contacted the social worker. The social worker mailed the vouchers to the parent immediately.

A relative caregiver contacted the Ombudsman Office regarding a delay in obtaining relative approval through the county. The county had told the relative caregiver that they were awaiting the fingerprint clearance of two possible part-time care providers. The Ombudsman Office staff contacted the Kinship Care and Policy Unit within CDSS. It was determined that it would be unnecessary to fingerprint part-time care providers as a condition of the relative assessment/approval process because they did not live in the home, and they would not have significant contact with the children. Based on this determination, the county decided not to pursue the fingerprinting and the relative caregivers assessment was promptly forwarded for approval.

Personal Rights

A 16-year old probation youth who was living in a group home reported to the Ombudsman Office that a group home staff member's husband entered the group home, and punched him in the head several times without provocation. The youth reported that staff did not intervene during the altercation and the youth was not allowed to make any calls regarding the incident until his "phone day". The Ombudsman Office staff immediately notified the youth's attorney, probation officer, and CCL of the matter. After a thorough investigation by CCL, the allegation was substantiated and the facility was cited. The group home is now required to ensure that unauthorized persons are not allowed on the facility grounds. Also, the group home staff agreed to allow youth residing in the home to contact their social workers, attorneys, probation officers, CASAs, the Ombudsman Office and CCL at any time, regardless of the youths' "phone day."

A 16-year old foster youth contacted the Ombudsman Office to report that a group home staff member was verbally abusing him and other clients in the home. The Ombudsman Office staff contacted the youth's attorney and notified CCL to request an investigation of the matter. The CCL investigator substantiated the allegation and required the group home's Assistant Administrator to closely monitor interactions between staff and youth.

A 17-year old foster youth placed in a group home contacted the Ombudsman Office about her personal rights related to phone calls. The youth reported that group home staff would not allow her to contact her mother even though her county social worker had authorized such calls. The Ombudsman Office staff reported the situation to CCL.

After reviewing the evidence, CCL determined that there was no court order in the youth's case file restricting her from calling her mother. Therefore, the facility was cited and the youth was allowed to call her mother.

A 17-year old probation youth placed in a group home reported that group home staff were conducting unreasonable searches of her backpack after she returned home from outings and/or visits. The Ombudsman Office staff reported the situation to both CCL and to the youth's probation officer. The investigation by CCL revealed that there was no documentation in the youth's case file to approve such searches. Therefore, the allegation was substantiated and the facility was instructed to no longer search youth's personal belongings.

Placement

A foster youth contacted the Ombudsman Office because her social worker was planning to move her to another placement and the youth did not want to leave as she was very happy with her current foster parents. The Ombudsman Office staff referred the case to the county Ombudsman for investigation and discussed the matter with the youth's attorney. The investigation revealed how well the youth was doing in her current placement. Both her grades and her attitude towards life had improved dramatically since she was placed there. Consequently, the county social worker changed her mind and allowed the youth to stay in the home.

A foster parent called the Ombudsman Office because she feared that the 12 year-old child who had been living in her home for 14 months was going to be moved to another placement. She said the problem started when she asked the county social worker if the child's therapy sessions could be increased to help the child deal with some behavioral issues. The social worker told the foster mother that, rather than providing additional therapy, she would remove the child. The foster mother stated that she and her husband had bonded with the child and felt that the county should work with them rather than place the child in another foster home. The Ombudsman Office staff contacted the minor's attorney and expressed the foster parents concerns. The Ombudsman Office staff contacted the child's social worker's supervisor. After a discussion between the social worker supervisor and the attorney, the social worker decided to keep the child in the home.

Medical/Dental/Mental Health

A relative caregiver contacted the Ombudsman Office regarding Medi-Cal coverage for her nephew. The county de-activated Medi-Cal coverage when the nephew joined Job Corp. The Job Corp opportunity did not meet the nephew's career goals. Consequently, after six months, he returned to his relative caregiver. However, the county did not reinstate his Medi-Cal coverage. The Ombudsman Office staff contacted the county Ombudsman, the social worker and the youth's attorney. The attorney took this matter to a hearing. Medi-Cal was reinstated for the youth.

Relative Placement

A maternal grandfather who resides in Oregon contacted the Ombudsman Office to request assistance in obtaining placement of his teenage granddaughter. Three months earlier he had met with his granddaughter's social worker to initiate the Interstate Compact for the Placement of Children (ICPC) process but had not heard from the county since that time. The Ombudsman Office staff contacted the granddaughter who verified her desire to live with her grandfather. Also, the Ombudsman Office staff contacted the county ombudsman, and the granddaughter's attorney. The attorney and the county ombudsman promptly encouraged the granddaughter's social worker to expedite the process so that the granddaughter could be moved to her grandfather's home before the new school year began. The granddaughter was placed with her grandfather in late August, shortly before school opened.

A paternal step-grandmother, contacted the Ombudsman Office because county CPS had removed her grandchildren from their mother's care and placed them with non-relative foster parents. The paternal step-grandmother wanted the children to be placed with relatives. She provided the Ombudsman Office staff with a list of relatives who desired placement of the children. The Ombudsman Office staff contacted the county ombudsman and provided the list of relatives. The county contacted the relatives on the list and, after a relative-family was approved, the children were placed with the relatives.

ILP

A foster youth contacted the Ombudsman Office because his group home would not allow him to attend ILP classes. The Ombudsman Office staff contacted the director of the group home. The director held an ILP training meeting with the group home staff. During the meeting she conveyed to them the important role ILP played in preparing youth for emancipation. She also informed them that ILP participation was a necessity, not a privilege to be earned or that could be withdrawn as a punishment. The Ombudsman Office staff contacted the youth several times over the months. The youth reported that the group home staff's outlook on ILP had changed radically and, now, were very supportive of the program and always transported the group home residents to the ILP classes.

A foster youth contacted the Ombudsman Office because he was preparing to emancipate and attend college and did not know what to do. His ILP coordinator would not return his phone calls. In order to qualify for the Chafee grant he needed a letter to prove he was a foster youth. He also needed his social security card, and birth certificate. The Ombudsman Office staff contacted the ILP supervisor, who contacted the ILP Coordinator regarding the youth's documents. Additionally, the ILP supervisor noticed that the youth had not received his ILP participation incentive money for the two years the youth participated in the program. The youth received the documents he needed and the retroactive incentive money as well.

Visitation

A grandmother contacted the Ombudsman Office because, after several week-end unsupervised visits with her grandchildren, the visits were suddenly terminated and the social worker did not return her telephone calls. The Ombudsman Office staff sent a written referral to the county ombudsman requesting that the extended weekend visits be resumed. The Ombudsman Office staff also contacted the children's attorney informing him of these issues. Subsequently, the grandmother was granted once a month weekend visits as well as phone contact with her grandchildren. Additionally, the grandchildren will be allowed extended visits over school breaks and summer vacations.

A foster youth contacted the Ombudsman Office because he was not allowed court-ordered visits with his younger brother. Additionally, the youth said his younger brother's foster parents were listening in on their phone calls. The Ombudsman Office staff contacted the youth's social worker and the youth's attorney. The youth's social worker contacted the youth's foster parents. The foster parents were not comfortable inviting the youth's sibling into their home. Arrangements were made so that the brothers could meet at their aunt's home and at other places outside of the foster parents' home. Also, the sibling's foster parents agreed to leave the room during sibling telephone contact.

Appendices

Appendix A

Office of the Foster Care Ombudsman Statute

California Welfare and Institutions Code Section 16160-16167:

16160. The Legislature finds and declares that the people of California have benefited from the establishment of a long-term care ombudsperson pursuant to Section 9710 of the Welfare and Institutions Code and a child care ombudsperson program pursuant to Section 1596.872a of the Health and Safety Code. It is the intent of the Legislature to provide similar protections for foster children by establishing a foster care ombudsperson program within the State Department of Social Services.

16161. The Office of the State Foster Care Ombudsperson shall be established as an autonomous entity within the department for the purpose of providing children who are placed in foster care, either voluntarily or pursuant to Section 300 and Sections 600 and following, with a means to resolve issues related to their care, placement, or services.

16162. The director, in consultation with a committee of interested individuals, shall appoint an ombudsperson qualified by training and experience to perform the duties of the office for a term of four years. The director may reappoint the ombudsperson for consecutive terms. The director shall select the committee members, the majority of whom shall be representatives of children's advocacy organizations and current or former foster youth.

16163. The department shall hire the necessary personnel to perform the functions of the office. Priority shall be given to former foster youth in hiring decisions.

16164. (a) The Office of the State Foster Care Ombudsperson shall do all of the following:

(1) Disseminate information on the rights of children and youth in foster care and the services provided by the office. The rights of children and youths in foster care are listed in Section 16001.9. The information shall include notification that conversations with the office may not be confidential.

(2) Investigate and attempt to resolve complaints made by or on behalf of children placed in foster care, related to their care, placement, or services.

(3) Decide, in its discretion, whether to investigate a complaint, or refer complaints to another agency for investigation.

(4) Upon rendering a decision to investigate a complaint from a complainant, notify the complainant of the intention to investigate. If the office declines to investigate a complaint or continue an investigation, the office shall notify the complainant of the reason for the action of the office.

(5) Update the complainant on the progress of the investigation and notify the complainant of the final outcome.

(6) Document the number, source, origin, location, and nature of complaints.

(7) (A) Compile and make available to the Legislature all data collected over the course of the year including, but not limited to, the number of contacts to the toll-free

telephone number, the number of complaints made, including the type and source of those complaints, the number of investigations performed by the office, the trends and issues that arose in the course of investigating complaints, the number of referrals made, and the number of pending complaints.

(B) Present this compiled data, on an annual basis, at appropriate child welfare conferences, forums, and other events, as determined by the department, that may include presentations to, but are not limited to, representatives of the Legislature, the County Welfare Directors Association, child welfare organizations, children's advocacy groups, consumer and service provider organizations, and other interested parties.

(C) It is the intent of the Legislature that representatives of the organizations described in subparagraph (B) consider this data in the development of any recommendations offered toward improving the child welfare system.

(D) The compiled data shall be posted so that it is available to the public on the existing Website of the State Foster Care Ombudsperson.

(8) Have access to any record of a state or local agency that is necessary to carry out his or her responsibilities, and may meet or communicate with any foster child in his or her placement or elsewhere.

(b) The office may establish, in consultation with a committee of interested individuals, regional or local foster care ombudsperson offices for the purposes of expediting investigations and resolving complaints, subject to appropriations in the annual Budget Act.

(c) (1) The office, in consultation with the California Welfare Directors Association, Chief Probation Officers of California, foster youth advocate and support groups, groups representing children, families, foster parents, children's facilities, and other interested parties, shall develop, no later than July 1, 2002, standardized information explaining the rights specified in Section 16001.9. The information shall be developed in an age-appropriate manner, and shall reflect any relevant licensing requirements with respect to foster care providers' responsibilities to adequately supervise children in care.

(2) The office, counties, foster care providers, and others may use the information developed in paragraph (1) in carrying out their responsibilities to inform foster children and youth of their rights pursuant to Section 1530.91 of the Health and Safety Code, Sections 27 and 16501.1, and this section.

16165. In his or her efforts to resolve complaints related to foster care, the ombudsperson may do all of the following:

(a) Conduct whatever investigation he or she deems necessary.

(b) Attempt to resolve the complaint informally.

(c) Submit a written plan to the relevant state or county agency recommending a course of action to resolve the complaint. If the ombudsperson makes a written recommendation, the state or county agency shall submit a written response to the ombudsperson within 30 business days.

16167. (a) A toll-free number shall be established for the office. (b) Social workers shall provide foster children with the toll-free number for the office and verbal or written information regarding the existence and purpose of the office.

Appendix B Complaint Issue Definitions with Selected Statutory/Regulatory Cites

Complaint Issue Categories:

Abuse/Neglect in Placement: Any call relating to the possible abuse or neglect or other maltreatment of a child or youth in a foster care or group home placement. *Welfare and Institutions Code (W&IC) Section 16001.9*

Adoption: Any call relating to a potential, completed or failed adoption. *Family Code 8500 et. seq.*

Attorney: Any call regarding the procedures, practices or actions of individual attorneys including access by the birth parents and concerns from individuals who believe an attorney is not acting in the best interests of a child or youth. *W&IC 16001.9, 16501.1*

Background Checks: Any call requesting the criminal or child abuse history of a person.

Court Appointed Special Advocate (CASA): Any call regarding a youth's desire to have a CASA or another person's desire to find a CASA for a child or youth. *WIC 16001.9, 16501.1*

Child Welfare Practices: Any call regarding the policies, procedures, practices or individual actions or behavior of county social service department employees including social workers. *W&IC 16000.1, 16164(a)(2) and (8)*

Court: Any call regarding procedures, practices or actions of the courts, judges or court personnel.

CPS Reports (Child Protective Services): Any call relating to a report of known or suspected child abuse or neglect of a child or youth who is not in foster care. *Penal Code 11165 et. seq., 11166 et. seq.; W&IC 16507.5; MPP 31-305.1 and .2*

Criminal Background Exemption: Any call that is child specific relating to a background check of a current or prospective (including relative) caregiver. *W&IC 16504.5*

Discrimination: Any call that is not from a youth or on behalf of a child or youth relating to discrimination on the basis of actual or perceived race, ethnic group, color, religion, sex, sexual orientation, gender identification, mental or physical disability, HIV status.

Education: Any call regarding a foster child's or youth's enrollment in school, on-site schools at group homes, transfers of records, transcripts, Individualized Education Plans (IEP), location of schools, student aid, scholarships, etc.

Emancipation: Any call regarding emancipation including county Transitional Independent Living Plans (TILP), future housing, referral for employment or assistance for emancipating or already emancipated youth. *Title 22, Div. 6, Chapt. 7, 86000; MPP 31-525.8*

Family finding: Any call from a foster child or youth, former foster youth, or relatives of a youth or former foster child or youth, requesting information that will assist in the re-establishment of contact with family members.

Higher education: Any call from a foster youth or former foster youth or other stakeholder requesting information or assistance regarding college or other post-high school educational and career opportunities.

Homelessness: Any call regarding an emancipated youth's need for housing, potential homelessness, etc.

ICPC (Interstate Compact on the Placement of Children): Any call about placements outside California or from another state into California. *Family Code Section 7900 et. seq.*

ILP (Independent Living Program): Any call relating to the policies, procedures or practices of a county ILP including requests for referrals to county ILP coordinators or contractors. *W&IC 366.3(e); MPP 31-236, 31-525*

Immigration: Any call regarding lack of citizenship papers, green cards, Special Immigrant Juvenile Status (SIJS), non-resident alien status, deportation, etc. *MPP 31-236(i)(4)(D)*

Information: Any call regarding foster care or child welfare services that does not relate to a specific child or youth, is not a complaint, not a request for materials or a presentation.

Licensing: Any call relating to a CCL or county licensing situation or concern. *Health and Safety Code section 1500 et seq.*

Medical/Dental/Mental Health: Any call regarding the physical, dental or mental health of foster children and youth, inter-county coordination issues, the need for counseling services, Early and Periodic Screening, Diagnosis and Treatment (EPSDT) and Therapeutic Behavioral Services (TBS), and eligibility for Med-Cal. *W&IC 370, 14132.88, 16010; Family. Code 6924; MPP 31-406.1; MPP 31-310.12, 31-405.1(n)(1)*

Non-foster Care: Any call that is not a complaint or an information request relating to foster care or child welfare services, and/or is not within the scope of the Ombudsman Office. Many of these are calls about child support and family disputes.

Payments: Any call regarding a payment or rates issue for any foster child or youth such as: state/federal eligibility for Aid to Families with Dependent Children-Foster Care (AFDC-FC), clothing allowances, non-receipt of payment for a Kinship Guardianship Assistance Program (KinGAP) placement, Specialized Care Increment, etc. Also includes calls about the rate paid for foster family homes, group homes or foster family agencies. *W&IC 11450 through 11469.1*

Personal Rights Violations: Any call from a foster youth regarding any of the rights listed on page 37 of this report. *WIC 16001.9; 16501.1(f)(4); Title 22, Div. 6, Chapt. 5, Art .6, Supchap. 1, Art. 4*

Placement: Any call regarding a change in placement by child welfare or probation of a child or youth into or from or between a temporary, permanent, fost-adopt, group home or foster family agency. This includes any call from a relative who wants a child's or youth's placement to be changed but who is not requesting that the child be placed with him/her. *W&IC 309(d), 319(f), 361.3, 361.4, 16001.9; MPP 31-420*

Presentation: Any request for Ombudsman staff presence at a meeting or other gathering.

Probation Practices: Any call regarding the policies, procedures, practices or individual actions or behavior of county probation department employees including probation officers. *W&IC 16164(a)(2) and (8)*

Publication: Any request for publications including a foster care rights poster, brochures, and Resource Directories.

Relative Placements: Any call from a relative regarding placement of a related child or youth with the relative, including adoption, guardianship and KinGAP, and calls regarding county approval of the relative's home for placement. *W&IC 309(d), 319(f), 361.3, 361.4, 16501.1; Family Code 7950 and 8710; MPP 31-345, 31-405, 31-445*

Removal: Any call relating to the removal of a child or youth from the home of the birth family. *W&IC 300 et. seq.*

Research: Any call requesting statistical and other information necessary for a research project or paper.

Reunification: Any call concerning reunification of a foster child or youth with the birth family. *W&IC 361.2 et. seq.*

Runaway: Any call regarding a foster youth under 18 who has run away or is otherwise missing from his/her placement.

Shelter Care: Any call about a child or youth who has been in temporary shelter care or receiving home for longer than 30 days or any other concern regarding this specific type of placement. *W&IC 16501(a)(3); MPP 31-415*

Visitation: Any call regarding visitation by an individual to a child or youth in placement. *W&IC 362.1, 361.2(h), 16507(a); MPP 31-320*

Appendix C

California Rights of Children and Youth in Foster Care

Welfare and Institutions Code section 16001.9:

(a) It is the policy of the state that all children in foster care shall have the following rights:

(1) To live in a safe, healthy, and comfortable home where he or she is treated with respect.

(2) To be free from physical, sexual, emotional, or other abuse, or corporal punishment.

(3) To receive adequate and healthy food, adequate clothing, and, for youth in group homes, an allowance.

(4) To receive medical, dental, vision, and mental health services.

(5) To be free of the administration of medication or chemical substances, unless authorized by a physician.

(6) To contact family members, unless prohibited by court order, and social workers, attorneys, foster youth advocates and supporters, Court Appointed Special Advocates (CASA), and probation officers.

(7) To visit and contact brothers and sisters, unless prohibited by court order.

(8) To contact the Community Care Licensing Division of the State Department of Social Services or the State Foster Care Ombudsperson regarding violations of rights, to speak to representatives of these offices confidentially, and to be free from threats or punishment for making complaints.

(9) To make and receive confidential telephone calls and send and receive unopened mail, unless prohibited by court order.

(10) To attend religious services and activities of his or her choice.

(11) To maintain an emancipation bank account and manage personal income, consistent with the child's age and developmental level, unless prohibited by the case plan.

(12) To not be locked in any room, building, or facility premises, unless placed in a community treatment facility.

(13) To attend school and participate in extracurricular, cultural, and personal enrichment activities, consistent with the child's age and developmental level.

(14) To work and develop job skills at an age-appropriate level, consistent with state law.

(15) To have social contacts with people outside of the foster care system, such as teachers, church members, mentors, and friends.

(16) To attend Independent Living Program classes and activities if he or she meets age requirements.

(17) To attend court hearings and speak to the judge.

(18) To have storage space for private use.

(19) To be involved in the development of his or her own case plan and plan for permanent placement.

(20) To review his or her own case plan and plan for permanent placement if he or she is 12 years of age or older and in a permanent placement, and to receive

information about his or her out-of-home placement and case plan, including being told of changes to the plan.

(21) To be free from unreasonable searches of personal belongings.

(22) To confidentiality of all juvenile court records consistent with existing law.

(23) To have fair and equal access to all available services, placement, care, treatment, and benefits, and to not be subjected to discrimination or harassment on the basis of actual or perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

(24) At 16 years of age or older, to have access to existing information regarding the educational options available, including, but not limited to, the coursework necessary for vocational and postsecondary educational programs, and information regarding financial aid for postsecondary education.

(b) Nothing in this section shall be interpreted to require a foster care provider to take any action that would impair the health and safety of children in out-of-home placement.

(c) The State Department of Social Services and each county welfare department are encouraged to work with the Student Aid Commission, the University of California, the California State University, and the California Community Colleges to receive information pursuant to paragraph (23) of subdivision (a).

Appendix D
California Child Welfare/Foster Care Legislation
2007/2008

The following is a summary of chaptered legislation affecting the experience of foster children and youth while they are in the California Child welfare system:

2007

AB 298 Relative caregivers (Chapter 565, Statutes of 2007)

AB 298 enables counties to forego the termination of parental rights for children who are placed with caring, committed relatives who wish to become guardians, essentially viewing guardianship as a permanent placement option on the same par as adoption, consistent with the federal Adoptions and Safe Families Act of 1997. Requires that a relative caregiver be given information about guardianship and adoption, including the long-term benefits and consequences of each option, prior to establishing guardianship or pursuing adoption.

AB 340 Child welfare services: Resource family pilot program (Chapter 464, Statutes of 2007)

AB 340 establishes pilot projects in up to five counties to implement a streamlined, family friendly process for approving relatives, foster parents and adoptive parents to care for foster children.

AB 402 Property taxation: Change in ownership (Chapter 450, Statutes of 2007)

AB 402 extends change of ownership property tax exclusion rules to real estate transfers between foster parents and foster children, and enacts reporting requirements for residential cooperative housing.

AB 673 Child abuse or neglect: Mandated reports. (Chapter 393, Statutes of 2007)

AB 673 expressly includes the death of a child in the definition of child abuse or neglect for purposes of the Child Abuse and Neglect Reporting Act (CANRA), and clarifies that mandated reporters who make a report under CANRA in their private capacity and not in their professional capacity or within the scope of their employment are covered under the Act.

AB 714 Adoption: Relatives: Release of information (Chapter 108, Statutes of 2007)

AB 714 permits county child welfare agencies to provide basic information to birth relatives of an adopted child whose adoption has been disrupted in order to help determine whether the relative is a potential caregiver for the child. Current law does

not allow the county to provide any information about an adopted child to the birth family, even when it could expedite a placement for a former dependent child whose adoptive parents have died or otherwise become unable to care for them.

AB 1331 Services for foster youth with disabilities (Chapter 465, Statutes of 2007)

AB 1331 ensures foster youth with disabilities access to critical services that will support them in their transition to adulthood. It requires counties to screen foster youth between the age of 16 ½ and 17 ½ to determine their potential eligibility for federal Supplemental Security Income (SSI) disability benefits and to make applications for those who may be eligible.

AB 1453 Plan for group care of foster children with serious emotional disorders (Chapter 466, Statutes of 2007)

AB 1453 convenes calls for the development and testing of a plan to transform the current system of group care for foster children and for children with serious emotional disorders into a system of residentially-based services (RBS) that is focused on improving outcomes.

AB 1462 Group homes for foster children with developmental disabilities (Chapter 65, Statutes of 2007)

AB 1462 allows counties to receive federal funding for foster children with developmental disabilities placed in for-profit facilities, when the child has specified extraordinary and unusual behavioral or medical needs; no comparable non-profit or public facility exists that will meet the child's needs; and the county demonstrates that there is no alternative placement option.

AB 1512 Med-Cal: Foster children (Chapter 467, Statutes of 2007)

AB 1512 requires expedited disenrollment of a foster child from a county organized health system, if appropriate, when that child has received out-of-county placement, in order to allow the child to receive health care services in the county where the child has been placed.

AB 1514 Juveniles: Psychotropic medication (Chapter 120, Statutes of 2007)

AB 1514 enacts statute paralleling the existing juvenile dependency system requirements governing psychotropic medications for children who are wards of the court.

AB 1687 Confidential information (Chapter 552, Statutes of 2007)

AB 1687 amends the Confidentiality of Medical Information Act to permit county child welfare and juvenile justice staff to receive medical information relating to a minor who has been taken into temporary custody or for whom a petition has been filed with the court seeking a judgment that he or she is a dependent child or ward of the juvenile court.

SB 39 County welfare agencies: Child abuse and neglect: Files (Chapter 468, Statutes of 2007)

SB 39 (1) provides for the release of specified information regarding a deceased child where the death is reasonably suspected to be the result of abuse or neglect, within five days of the child's death, (2) where a child's death is due to substantiated abuse or neglect, establishes a process for the release of specified documents in a county welfare agency's juvenile case file without court review and allows for the release of other documents after a petition is filed and opportunity is given for interested parties to object to the release of those other documents, (3) clarifies existing law relating to the release of a juvenile case file when a child has died due to abuse or neglect, including the presumption of disclosure unless statutory grounds for non- or partial-disclosure or redaction of information exist, and (4) clarifies information that may be provided by the child welfare agency in the case of a child death due to abuse or neglect.

SB 104 Crisis nurseries (Chapter 104, Statutes of 2007)

SB 104 extends the sunset date on the law establishing licensed crisis nurseries to January 1, 2011, and requires crisis nurseries to submit annual data reports to the Department of Social Services.

SB 198 Age discrimination: Homeless youth (Chapter 168, Statutes of 2007)

SB 198 expands the definition of "homeless youth" to allow unemancipated minors to stay at emergency, transitional or permanent housing facilities. The bill defines "homeless youth" as a person who is younger than 24 and is homeless or at risk of homelessness, no longer eligible for foster care or has run away from home.

SB 241 Minors: Legal representation: Probate proceedings (Chapter 719, Statutes of 2007)

SB 241 requires counties to pay all or a portion of the cost of counsel for minors in guardianship proceedings under the Probate Court, where the court has appointed counsel for the minor and determines that the parent or parents are financially unable to pay all or a portion of the cost. The bill also requires the Judicial Council to adopt financial eligibility guidelines for county payment of the court-appointed counsel for the minor.

SB 313 Adoption (Chapter 47, Statutes of 2007)

SB 313 makes changes to various sections of the Family Code, pertaining primarily to private adoption.

SB 518 Juveniles: Youth bill of rights (Chapter 649, Statutes of 2007)

SB 518 enacts a Bill of Rights for incarcerated youth similar to the existing Bill of Rights for youth in foster care, requires the rights to be posted in all facilities overseen by the Division of Juvenile Justice, and requires the DJJ Ombudsperson to design and disseminate informational materials regarding the Bill of Rights.

SB 703 Placement of children (Chapter 583, Statutes of 2007)

SB 703 conforms California child welfare and adoption laws to several recently enacted federal statutes.

SB 720 Foster children (Chapter 475, Statutes of 2007)

SB 720 clarifies SB 500 (Kuehl, Statutes of 2005), which created “whole family” placements to enable pregnant and parenting foster youth to live together with their children in specially recruited and trained homes with adult mentors. Among other things, this bill clarifies that existing foster parents and non-related legal guardians established through the Dependency Court may become whole family placements, youth in whole family placements may exit to KinGAP, and dependent babies placed with their parents in group homes are to receive the infant supplement payment rather than the monthly group home rate.

SB 776 Community care facilities: Criminal history clearance (Chapter 580, Statutes of 2007)

SB 776 allows an approved relative who moves from one county to another to transfer their criminal background clearance to the new county, in order to avoid placement disruptions and duplicative background checks.

SB 785 Mental health services for out-of-county foster children (Chapter 469, Statutes of 2007)

SB 785 facilitates access to mental health services for foster children who are placed outside of the original county of jurisdiction, including those being adopted or entering into a guardianship with a relative.

2008

SB 1160 Children's social service programs (Chapter 484, Statutes of 2008)

SB 1160 helps relative caregivers of foster children maintain their CalWORKS benefits when they move to a new county. This bill ensures that foster caregivers would be exempt from submitting new fingerprints and the face-to-face interview, allowing the reapplication interview to be conducted over the telephone.

SB 1255 Child Custody (Chapter 57, Statutes of 2008)

SB 1255 extends, until January 1, 2013, the court's authority to order any person seeking custody or guardianship of, or visitation with, a child to undergo drug or alcohol testing.

SB 1380 Foster Care (Chapter 486, Statutes of 2008)

SB 1380 expands eligibility and revises operational, reporting and training requirements of the Intensive Treatment Foster Care program which provides an alternative to group-home placement for those foster children who could profit from placement in a home but require additional therapeutic support. The bill also extends rate classification adjustments for certain group home programs.

SB 1612 Guardian ad litem (Chapter 181, Statutes of 2008)

SB 1612 clarifies the circumstances under which a minor parent whose child is the subject of a court proceeding involving child dependency, parentage, and guardianship can appear in court without a guardian ad litem, and permits the minor parent to appear in court without a guardian ad litem if the minor parent can understand the nature of the proceedings and can assist their counsel.

AB 2070 Foster Care: Incarcerated parents (Chapter 483, Statutes of 2008)

AB 2070 allows the juvenile court to extend reunification services to parents or guardians with children who are dependents of the court, as a result of a parent's incarceration, institutionalization or stay in residential substance abuse treatment, to increase the opportunity for parents or guardians to reunite with their children.

AB 2096 Foster Children: Extracurricular activities (Chapter 483, Statutes of 2008)

AB 2096 allows foster care group home providers to use a reasonable and prudent parent standard and to take reasonable steps to determine the appropriateness of an activity when determining whether to give permission for a ward or a dependent in foster care to participate in extracurricular activities.

AB 2310 Dependent children (Chapter 131, Statutes of 2008)

AB 2310 adds several items to the list of information that county child welfare agencies must provide to emancipating foster youth. The additions include any known information regarding the child's Indian heritage or tribal connections; any non-forensic photographs of the child or his or her family that the county possesses; and a letter that includes the child's name and birth date, the dates during which the child was under the jurisdiction of the court, and a statement that the child was a foster youth.

AB 2337 Child abuse reporting: Mandated reporters. (Chapter 456, Statutes of 2008)

AB 2337 adds alcohol and drug counselors to the list of mandated reporters for known or suspected child abuse and neglect.

AB 2341 Reunification services (Chapter 457, Statutes of 2008)

AB 2341 amends current law regarding family reunification services to require court-ordered services to be provided during the period of time beginning with the dispositional hearing and ending with the date of the review hearing that is scheduled for either 6 months or 12 months depending upon the age of the child.

AB 2352 Health services: Confidential information (Chapter 700, Statutes of 2008)

AB 2352 clarifies the ability of health care providers to release otherwise confidential information about a minor to a county social worker, probation officer or any other person legally authorized to have custody or care of the minor, for the purpose of coordinating health care services and medical treatment to the minor.

AB 2483 Wards and dependent children: Programs of supervision (Chapter 132, Statutes of 2008)

AB 2483, provides, for dependents of the juvenile court who are also minor parents, that a voluntary program of supervision for the non-dependent child shall not be undertaken until the minor parent has consulted with his or her court-appointed attorney.

AB 2618 Child Abuse reporting: Department of Justice: Index (Chapter 553, Statutes of 2008)

AB 2618 requires the Department of Justice to make available information regarding a known or suspected child abuser maintained in the Child Abuse Central Index to a county child welfare agency or delegated county adoption agency that is conducting a background check of an applicant seeking employment or volunteer status with the agency who, in the course of his or her employment or volunteer work, will have direct contact with children who are alleged to have been, are at risk of, or have suffered, abuse or neglect.

AB 2651 Foster care, adoption and dependent children (Chapter 701, Statutes of 2008)

AB 2651 conforms state law to the federal Adam Walsh Act with respect to background check requirements for potential foster parents and relative caregivers, effective October 1, 2008, in order to ensure compliance to federal law.

AB 2904 County child welfare services: Mortality review (Chapter 255, Statutes of 2008)

AB 2904 permits a county Board of Supervisors (BOS) to receive and review any information in the custody of the juvenile court or any other involved county agencies relating to a child who has died and who has previously come to the attention of, or was in the protective custody of, the county child welfare agency. The bill requires the BOS to receive and review the information in closed session, although the BOS in a county with a foster care population of more than 10,000 may take formal action to allow an individual board member's office to review case information for purposes of determining which cases should be reviewed by the full board in closed session.

AB 2960 Custody orders: Evidence of sexual abuse (Chapter 54, Statutes of 2008)

AB 2960 includes sexual abuse of the child, where the court determines that the acts of sexual abuse are recent or are a part of a demonstrated and continuing pattern of acts of sexual abuse, within the definition of "immediate harm to the child," for purposes of authorizing a court to make an *ex parte* order granting or modifying a child custody order.

Appendix E
Correlation of Ombudsman Complaint Issues
with Federal Outcomes

Federal Outcomes: Safety, Permanency, Child and Family
Well-Being and Systemic Factors

Safety:

Abuse/Neglect in Placement
CPS Reports
Personal Rights Violations
Removal
Runaway
Shelter Care

Permanency:

Adoption
ICPC
Placement
Relative Placements
Reunification

Child and Family Well-Being:

Education
Emancipation
Homelessness
Independent Living Program
Medical and Dental
Mental Health
Payments
Visitation

Systemic Factors:

Attorney
Child Welfare Practices
Court
CASA
Criminal Background Exemption
Discrimination
Immigration
Licensing
Probation Practices

Requests for Presentations & Publications

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California Department of Social Services

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