

**Office of the California Foster Care Ombudsman
Fiscal Year 2008/2009
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) 2008/2009. 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 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 help-line telephone number for anyone to call and express their concerns and complaints about the foster care system as well as an information packed website that we hope you will visit at www.fosteryouthhelp.ca.gov.

The Ombudsman Office partners with many key agencies, both 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.

Raising awareness of children and youth, who are in foster care, is part of our job every day. This report includes information on activities, services and data summaries. 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

Welfare and Institutions Code (W&I) sections 16160-16167 states:

The Office of the State Foster Care Ombudsperson shall be established as an autonomous entity within the department (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.

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 help-line 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 on the existing Ombudsman Office website so that it is available to the public.

- ❖ Access any record of a state or local agency that is necessary to carry out his or her responsibilities, and 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.



Ombudsman Office Staff Off-site Training 2008/2009

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

The authority of the Ombudsman Office includes to:

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

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 has the discretion whether to investigate or refer complaints to another agency for investigation. It 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.
- ❖ Complaints of suspected child abuse are submitted to the county Child Protective Services (CPS) and, if applicable, a referral is submitted to CDSS Community Care Licensing Division (CCL).
- ❖ Notify the child's attorney in all cases.
- ❖ 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.

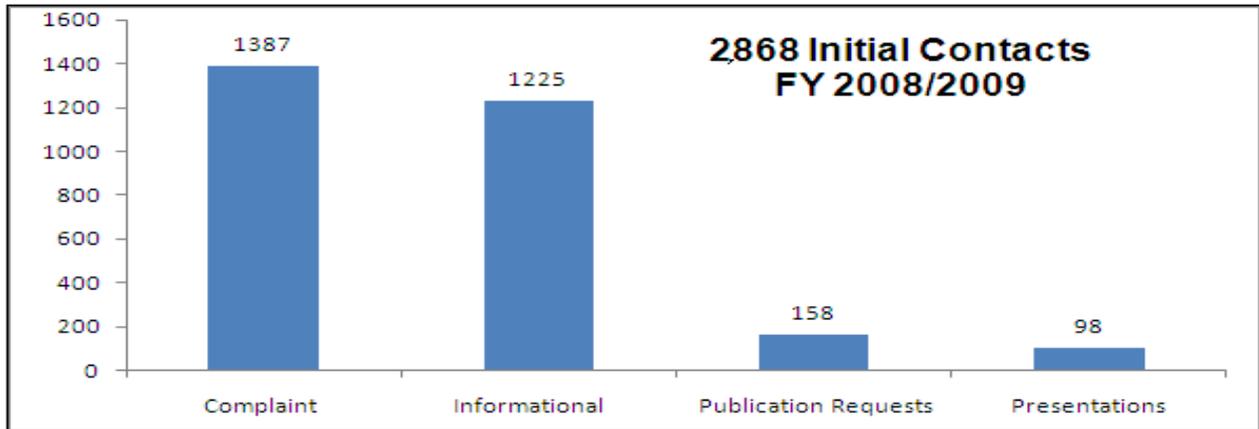
The Ombudsman Office often notifies the county point-of-contact or county ombudsman when a formal investigation is initiated. However, on a case-by-case basis, the Ombudsman Office may not send a notice when, for example, the complainant fears retaliation.

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.

Data Summary

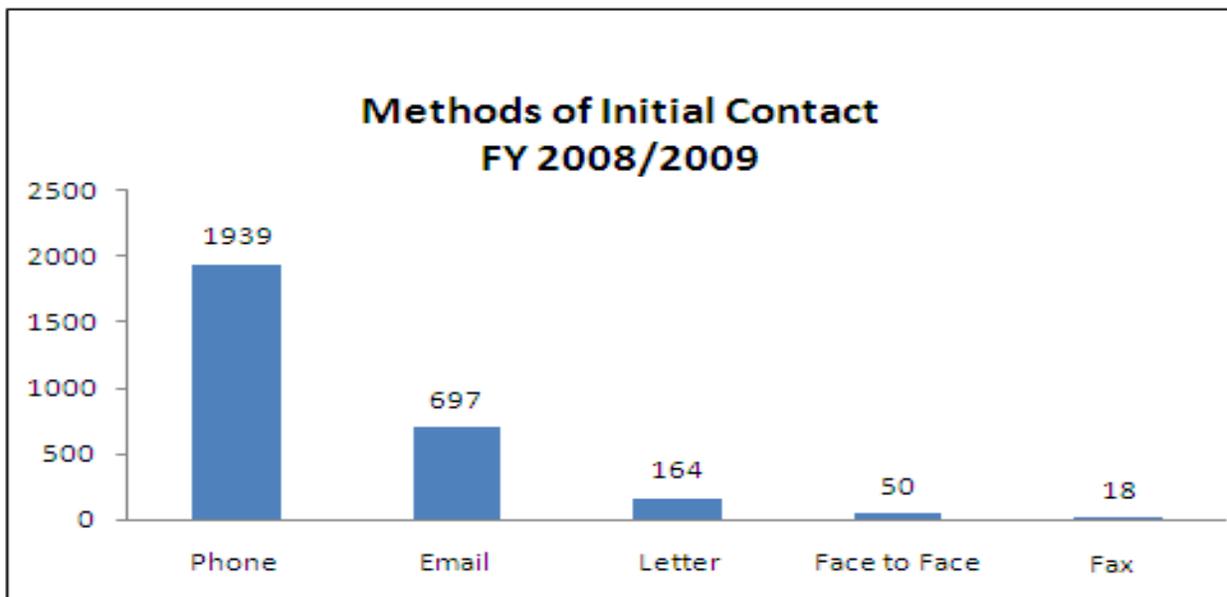
2,868 Initial Contacts

The Ombudsman Office received 2,868 initial contacts during FY 2008/2009. Each contact is an opportunity for the Ombudsman Office to respond to the concerns impacting the foster care population and gather information to identify recurring issues in California's foster care system.



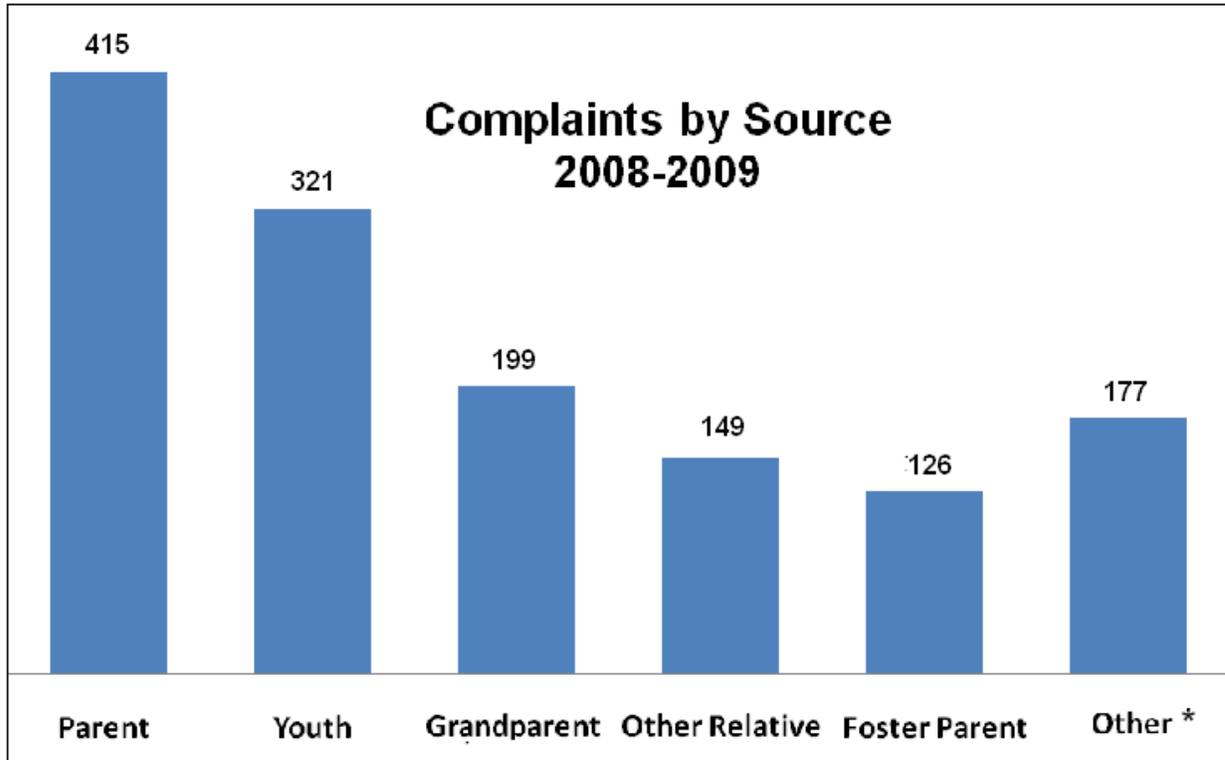
Methods of Initial Contact

Telephone calls and emails are the predominant means of contacting the Ombudsman Office. However, as the graph below demonstrates, other methods of contact are used.



Complaints by Source

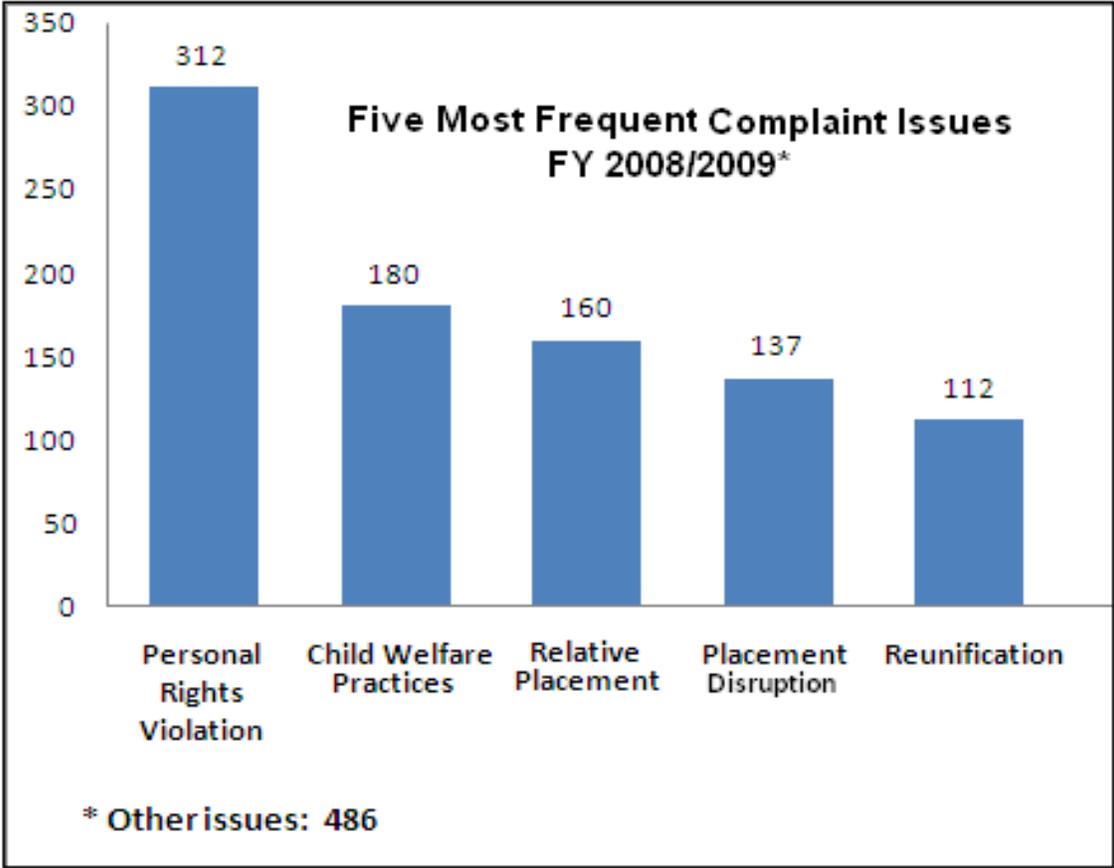
The Ombudsman Office keeps track of who calls to make complaints regarding the children and youth in the California foster care system. Regarding the 1,387 complaints received by the Ombudsman Office during FY 2008-2009, the chart below identifies the caller.



*Other includes: Placement Worker, Judge, Attorney, CASA, Group Home, Foster Family Agency, ILP Staff, Professional, Community member, and Legislative staff.

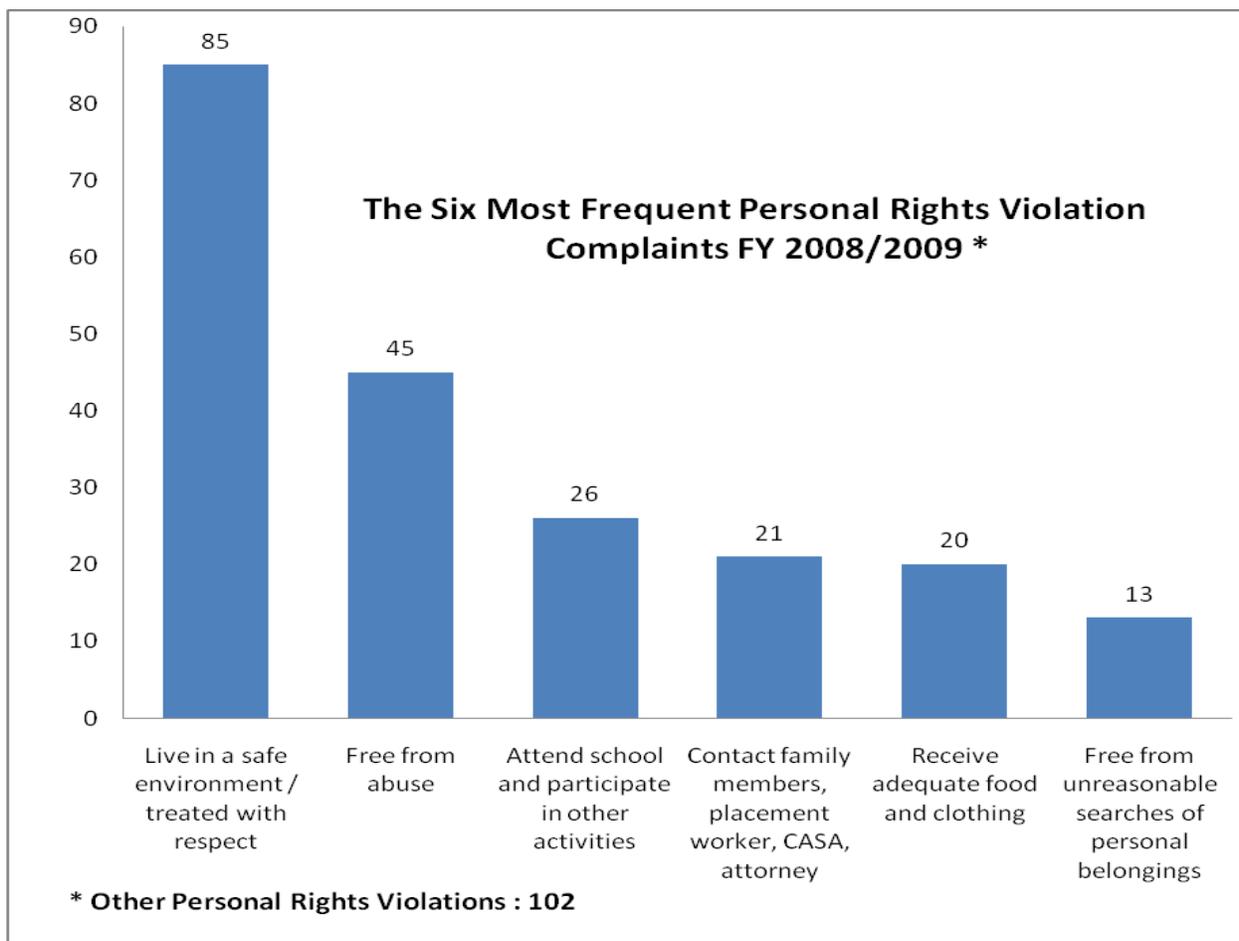
Most Frequently Received Complaint Issues

Throughout FY 2008/2009 the Ombudsman Office received 1,387 complaints. The five most frequent complaint issues were related to personal rights violations, child welfare practices, relative placement, placement disruption, and reunification.



312 Personal Rights Violation Complaints

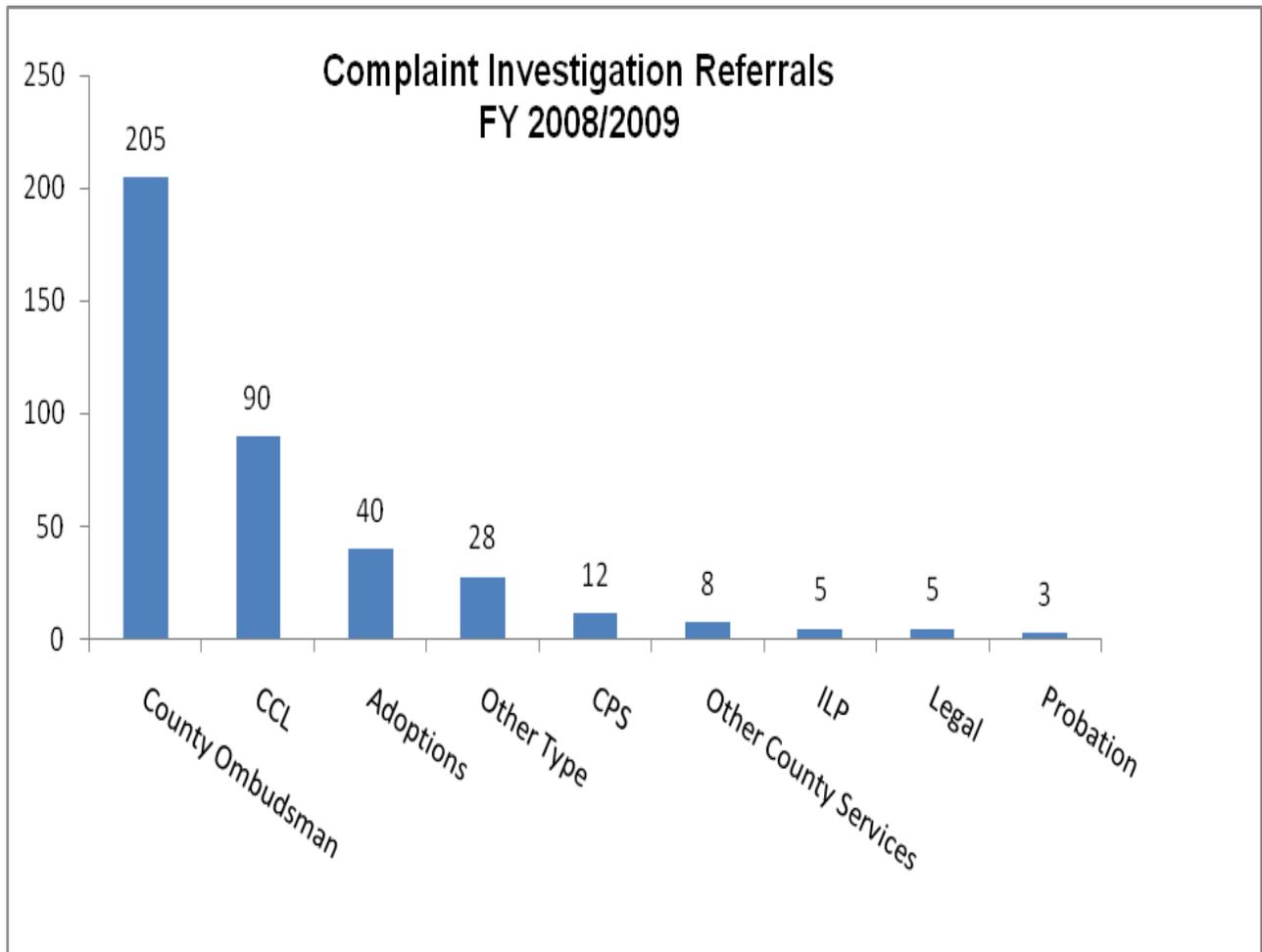
The rights of children and youth in foster care were established by Assembly Bill (AB) 899 (Chapter, 683, Statutes of 2001) as specified in W&IC section 16001.9. (Appendix B) The bill requires the Ombudsman Office to design posters regarding these rights and provide the posters to every foster care facility 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 are required to post the rights within easy and regular access for the children and youth living there.



Personal rights complaints continue to be one of the highest categories of complaints received by the Ombudsman Office. In 2008/2009 a total of 312 personal rights violation complaints were filed with the Ombudsman Office. The chart above indicates the six most frequent complaints regarding violations of the rights of children and youth in foster care for FY 2008/2009.

396 Complaint Investigation Referrals

The Ombudsman Office refers some complaints for investigation to other agencies and departments such as: county ombudsmen, CCL, CDSS Adoptions Services Bureau (Adoptions), and CPS. When the referred agency responds back to the Ombudsman Office regarding their investigation outcome, the Ombudsman Office contacts the complainant to see whether the matter has been resolved or further investigation is necessary. In FY 2008/2009 the Ombudsman Office made 396 referrals.



1,225 Requests for Information

During FY 2008/2009 the Ombudsman Office received 1,225 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.
- ❖ 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.
- ❖ The location of services for teenagers with behavioral problems.
- ❖ 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.

98 Presentations

During FY 2008/2009 the Ombudsman Office provided 44 presentations to statewide audiences and 54 additional presentations in 22 counties including: Sacramento, Los Angeles, Mendocino, Santa Cruz, Alameda, Merced, San Diego, Lake, San Joaquin, Tehama, Contra Costa, Kern, Napa, Riverside, San Francisco, Santa Barbara, Santa Clara, Sonoma, Sutter, Ventura, Yolo, and Yuba

The hosts for these presentations included organizations such as: the California Youth Connection Policy Conference, Child Welfare Director's Association, the Judicial Council, 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 the rights of children and youth in California foster care.

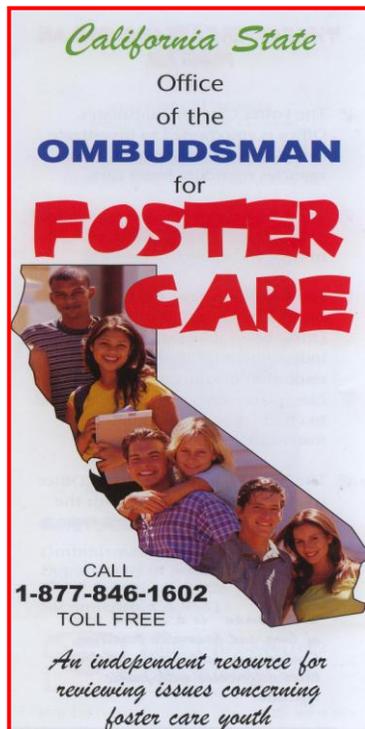
37,733 Publications

During FY 2008/2009, the Ombudsman Office distributed more than 37,733 publications. The Ombudsman Office receives calls requesting publications and materials that educate the statewide 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 the Foster Care Ombudsman Office, Foster Youth Rights (in English and Spanish), College Financial Aid, Help-Line Cards; and Foster Youth Rights posters (in English and Spanish). In addition to these publications, the Ombudsman Office distributes a Resource Directory and information packets.



www.fosteryouthhelp.ca.gov



Case Summaries

Personal Rights Violations

- ❖ An 18-year old foster youth contacted the Ombudsman Office to report that the group home staff was not treating him with respect, attempted an unreasonable search, and required him to sleep in an unsafe environment. The youth explained that upon his return from school, staff requested that he take off his clothes for a clothes inspection. The youth stated that because he refused to undress, staff would not allow him to enter his bedroom and forced him to sleep in the lobby overnight. The Ombudsman staff referred the complaint to CCL to conduct an investigation. Based on the investigation, CCL substantiated the allegation regarding the youth being forced to sleep in the lobby and the facility was cited. The allegation of an unreasonable search was determined to be unfounded by CCL.
- ❖ A 14-year old foster youth called the Ombudsman Office to say that she and her two siblings were not respected by their foster family. The minor reported that her foster mom excluded them from family events and they felt ostracized by the foster family. The Ombudsman staff immediately notified the minor's social worker, attorney, and the foster family agency regarding the complaint. Additionally, the Ombudsman staff contacted both the county ombudsman and CCL for investigation. After discussing the situation with the Ombudsman staff, the county social worker placed all three children in a new foster home.
- ❖ A 14-year old foster youth contacted the Ombudsman Office to report that she was abused in her group home. The youth reported that she was physically attacked on two different occasions by other girls living in the group home. The youth reported that a staff person witnessed the attack but did nothing to help her. The youth reported that after she was injured she asked for ice but the staff person refused to treat her injuries. The Ombudsman staff reported the incident to the youth's attorney and sent a referral to CCL for an immediate investigation. The allegation was substantiated by the CCL investigator who determined that the facility violated the youth's personal right to be free from abuse and to receive first aid after sustaining a minor injury to her neck. In addition, the facility was cited for failure to report the incident to CCL and to the group home's administration.

Child Welfare Practices

- ❖ A 15-year old foster youth contacted the Ombudsman Office because the county had changed her social worker. She said her new social worker was not as helpful as her previous social worker. The Ombudsman staff contacted both the youth's attorney and the county ombudsman to inform them about the youth's

concerns. The county ombudsman then contacted the Assistant Regional Administrator (ARA) who spoke directly with the youth. As a result, the youth agreed to give her new worker a 90-day trial period. Additionally, the ARA encouraged the youth to contact the ARA directly should the youth feel her new worker was not handling her case appropriately.

- ❖ The Ombudsman Office was contacted by a mother who had problems with the classes mandated by her case plan. The classes required basic reading and writing skills. However, the mother was illiterate. The Ombudsman staff explained the problem to the social worker and the minor's attorney. As a result of that contact, communication between the mother and the social worker greatly improved. The mother is now having weekly phone visits with her son as well as unsupervised visits during the week. The mother continues to work with the social worker in an effort to have her son returned to her care. The social worker also referred the mother to a literacy class through the county library.
- ❖ A hospital social worker contacted the Ombudsman Office to report that a county social worker refused to transport a 16-year old foster youth to the hospital to be near her newborn. The newborn was in the cardio intensive care unit awaiting heart surgery and the foster youth was in a foster home in another county. The Ombudsman staff immediately contacted the youth's social worker, attorney, the county Child Welfare Division Chief, and the youth's CASA to discuss options to facilitate a solution that would support contact and development of the mother-child bond. Subsequently, the social worker moved the youth from her foster home to a facility near the hospital as a temporary placement until the baby was released from the hospital. Later, mother and baby were placed together in a whole-family foster family home.

Relative Placement

- ❖ A one-year old foster child's biological mother contacted the Ombudsman Office because she had identified relatives who were interested in placement to the county social worker but her relatives had not been contacted by the county. The child's mother provided the Ombudsman staff with the contact information for the relatives. The list that the mother submitted to the Ombudsman staff was forwarded to the county ombudsman and the child's attorney. Subsequently, county staff contacted the relatives and placed the child with an aunt.
- ❖ An aunt contacted the Ombudsman Office because the county refused to place her infant niece in her care when the infant was initially removed. The infant was placed with the foster family who had previously adopted the infant's older brother. The aunt wanted to adopt the infant and planned to maintain contact with the adopted sibling and his family. Although the aunt completed the relative assessment and received an approval prior to the dispositional hearing, the infant was not placed with her. The Ombudsman staff contacted the minor's attorney and the social worker. The minor's attorney informed the Ombudsman staff that

the court determined that, although the aunt was an appropriate placement and that she supported an open adoption, the minor's current placement with her sibling in the non-relative home was in the child's best interest. The court ordered that the aunt continue to have liberal visitation.

- ❖ A maternal uncle contacted the Ombudsman Office because he was denied placement of his four-year old niece. The county had documented that the uncle had criminal convictions that would prevent placement. However, the criminal records they based their denial on belonged to the child's mother. The uncle provided the Ombudsman staff with records that indicated that his criminal record was clean. The Ombudsman staff submitted the records to the county ombudsman and the child's attorney. The county ombudsman informed the county staff of the mistake. The child's attorney re-investigated the situation and recommended to the court that the child be placed with her uncle. The court determined that placement with the uncle was in the best interest of the child and the placement was made.

Placement Disruption

- ❖ The Ombudsman Office was contacted by a foster mother whose two foster children, ages 10 and 11 years old, were removed abruptly when the foster parent requested mental health services be provided to the children. The county had placed the children with her without providing her with information about their severe behavior problems. The foster parent desired that the children be returned to her care. The Ombudsman staff contacted the county ombudsman and the minor's attorney regarding the foster mother's concern about the placement disruption and the impact to the children's mental health. After discussing the situation with the Ombudsman staff, the county agreed to return the children to the care of this foster mother and provide the children with behavioral services.
- ❖ A 15-year old foster youth called the Ombudsman Office because her social worker wanted to change her placement to move her closer to her sister's adoptive placement to facilitate sibling visitation. However, the youth was reluctant to move because she enjoyed the year she had spent in her current foster home. The Ombudsman staff contacted the youth's social worker, the supervising social worker, and the youth's attorney. The Ombudsman staff intervention prompted the supervisor to schedule a Team Decision Making (TDM) meeting. As a result of the TDM, the minor was able to remain in her current placement and twice-monthly visits with her sibling were arranged.
- ❖ A foster parent contacted the Ombudsman Office to report that the county had decided to remove the youth from her home even though the youth was content living in her home and did not want to move. The county social worker wanted to move the youth to his grandparent's home. The Ombudsman staff spoke with the youth who confirmed that he did not want to move. The Ombudsman staff contacted the youth's attorney and the county ombudsman. The county social

worker interviewed the youth and scheduled a TDM where a plan was formulated which allowed the youth to remain in the foster home, while visits with the grandparents would progress to include overnights and weekends. All agreed with the plan, including the youth, grandparents, and the foster parents.

Reunification

- ❖ A mother called the Ombudsman Office because her 14-year old son was going to be placed too far away for her to visit her son as often as she wanted and as was required by her reunification case plan. The Ombudsman staff contacted the minor's attorney and the social worker to discuss the parent's complaint. The social worker stated that the minor needed high level services and that the county's priority is to place the child in a facility that meets his needs. The county agreed to provide the mother with vouchers for public transportation so that she could continue visiting with her son.
- ❖ The mother of a 10-year old foster child contacted the Ombudsman Office to request reunification assistance although her reunification services were previously terminated. She, independently, worked to complete a full array of parenting and other classes and felt she was able to provide a safe home for her son. The Ombudsman staff informed the child's attorney and the county ombudsman of the mother's request. The Ombudsman staff advised the mother to file a petition with the court regarding her changed circumstances and request that her reunification services be reinstated. The petition was filed and heard and the court ordered that the mother's reunification services be reinstated.
- ❖ A mother contacted the Ombudsman Office to file a complaint against the social worker and her attorney for failure to fully engage the mother in the case plan process to reunify with her newborn son. The mother believed there was bias due to her prior child welfare history. The mother had previously lost a three-year old daughter to adoption, and three older children were in legal guardianship with her mother. However, according to the mother, she recently turned her life around and had entered a recovery program which included parenting classes and transitional housing. The Ombudsman staff discussed the mother's concerns with the county ombudsman and the children's attorney. The Ombudsman staff also spent time educating the mother regarding case plan requirements and the child welfare process with regard to reunification services. The mother completed her case plan and was reunified with her baby son and allowed unsupervised visits with her three oldest children.

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

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 C

Complaint Issue Definitions with Selected Statutory/Regulatory Cites

Complaint Issue Categories:

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*

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 criminal background exemption of a current or prospective (including relative) caregiver. *W&IC 16504.5*

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

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.

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.

Foster/Kin Care Services: Any call from foster parents or relative caregivers regarding services for foster children in their care.

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: Any call regarding the physical or dental health of foster children and youth, inter-county coordination issues, Early and Periodic Screening, Diagnosis and Treatment (EPSDT) and eligibility for Med-Cal. *W&IC 14132.88, 16010; MPP 31-310.12, 31-405.1(n)(1)*

Mental Health: Any call regarding the mental health of foster children and youth, inter-county coordination issues, the need for counseling services, 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 pages 23 or 24 of this report. *WIC 16001.9; 16501.1(f)(4); Title 22, Div. 6, Chapt. 5, Art .6, Supchap. 1, Art. 4*

Placement Disruption: 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, foster-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 to present information on the rights of foster children and youth and on the duties of the Ombudsman Office.

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*

Volunteering: Any call requesting information regarding volunteer opportunities in CWS.

Appendix D California Child Welfare/Foster Care Legislation 2008/2009

The following is a summary of legislation chaptered during 2008 and 2009 affecting the experience of foster children and youth while they are in the California child welfare system:

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 care group home: Prudent parent standard (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 3015 Foster care providers: Mandatory training (Chapter 557, Statutes of 2008)

AB 3015 requires mandatory trainings of foster care providers to include basic instruction on the safety of foster youth at school.

AB 3051 Foster care children: Court hearings (Chapter 166, Statutes of 2008)

AB 3051 provides children subject to dependency hearings a greater opportunity to attend and participate in their hearings.

2009

SB 118 Child welfare services: Incarcerated parents (Chapter 338, Statutes of 2009)

SB 118 directs counties to include information about incarcerated parents who receive services required by the court to reunify that parent with his/her children.

SB 597 Child welfare services, foster care services (Chapter 339, Statutes of 2009)

SB 597 establishes the development of a plan for the ongoing oversight and coordination of health care services for foster youth and the development of a personalized transition plan for a foster youth in the 90-day period before he or she ages out of foster care.

AB 81 Interscholastic athletics: Pupils in foster care (Chapter 76, Statutes of 2009)

AB 81 ensures that foster children who change residences pursuant to a court order or decision of a child welfare worker be immediately deemed to meet all residency requirements for participation in interscholastic sports or other extracurricular activities.

AB 131 Juvenile proceedings: Costs (Chapter 413, Statutes of 2009)

AB 131 allows courts to implement a cost-recovery program in juvenile dependency cases and requires that the funds recovered be used to reduce the caseloads of the court appointed attorneys who represent children and parents in these cases.

AB 154 Adoption assistance: Federal law (Chapter 222, Statutes of 2009)

AB 154 specifies that any savings in state funds attained from an increase in federal funding for adoption services be reinvested in the foster care and adoption service system. The bill also requires adoption agencies to inform prospective adoptive parents of their potential eligibility for federal and state adoption tax credits.

AB 167 High school graduation: Local requirements (Chapter 224, Statutes of 2009)

AB 167 exempts a foster youth who transfers from a new school during the eleventh or twelfth grade from completing locally-imposed course requirements that exceed minimum state standards, if those local requirements would prevent the student from graduating while he or she remains eligible for foster care.

AB 295 Children: Adoption services (Chapter 427, Statutes of 2009)

AB 295 extends the Older Youth Adoption pilot project for six months until June 30, 2010 to provide participating pilot counties with sufficient time to demonstrate the effectiveness of pre-adoption and post-adoption services for older youth who have been in the system over 18 months and are living in group homes or non-related foster families.

AB 488 Children's services programs: Performance agreements (Chapter, 445 Statutes of 2009)

AB 488 authorizes the Department of Social Services to renew or extend beyond a three-year time period specified performance agreements with private, nonprofit agencies that provide child welfare services. This bill also requires the county or private nonprofit agency to fund an independent evaluation of the agency's performance.

AB 595 Placement of children: Criminal background checks (Chapter 246, Statutes of 2009)

AB 595 tightens requirements for approving criminal background checks for foster care family homes licensing in an effort to prohibit persons convicted of specific offenses from becoming foster or adoptive parents.

AB 665 State adoption services: Investment (Chapter 250, Statutes of 2009)

AB 665 broadens the use of the federal adoption incentive awards that are received by the state as a result of increased adoptions of older children to include other legal permanency options available to older foster youth in order to increase the opportunities for these youth to be placed in stable homes. Other legal permanency options include legal adoption, relative guardianship and reunification services when those services were previously terminated.

AB 669 Postsecondary education: Residency requirement (Chapter 251, Statutes of 2009)

AB 669 exempts current or former foster youth age 19 years or under from California State University, University of California and California Community Colleges in-state residency requirements for tuition and fees.

AB 706 Dependent children (Chapter 120, Statutes of 2009)

AB 706 makes technical, clarifying, and conforming changes to statute related to providing reunification services and scheduling of juvenile court review hearings concerning children who are dependents of the juvenile court and their parents or guardians. This bill is cleanup to last year's AB 2341 (Maze, Statutes of 2008).

AB 719 Transitional food stamps for foster youth (Chapter 371, Statutes of 2009)

AB 719 creates a 12-month transitional food stamp demonstration project that grants federally funded food stamps to foster youth for one year after their eighteenth birthday, when they age-out of the foster care system and no longer qualify for state aid.

AB 770 Indian tribes: Foster care and adoption programs (Chapter 124, Statutes of 2009)

AB 770 Consistent with the federal Fostering Connections to Success and Increasing Adoptions Act of 2008, requires CDSS to negotiate in good faith with any Indian tribe, organization or consortium that requests the development of an agreement with the state to administer all or part of the foster care and adoption assistance programs for Indian children who are under the authority of the tribe, organization or consortium.

AB 938 Relative caregivers and foster parents (Chapter 261, Statutes of 2009)

AB 938 requires that when a child is removed from his or her parents and placed in foster care, the child's social worker must within 30 days, conduct an investigation to identify and locate the child's adult relatives and notify them that the child has been removed from his or her parents' home.

AB 1325 Tribal customary adoption (Chapter 287, Statutes of 2009)

AB 1325 creates an alternative option to the definition of "traditional adoption," in the case of adopting a Native American child. In traditional adoption, termination of parental rights of the biological parents must occur for a Native American child to be adopted. Unfortunately, termination of parental rights can be detrimental to Native American cultures. This bill will add the option of Customary Adoption. Customary Adoption is defined as "a traditional tribal practice recognized by the community which gives a child a permanent parent-child relationship with someone other than the child's birth parent."

AB 1393 Foster youth (Chapter 391, Statutes of 2009)

AB 1393 requires the University of California, the California State University and California Community Colleges to give priority for on-campus housing to emancipated foster youth.

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California Department of Social Services

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