OFFICE OF THE CALIFORNIA FOSTER CARE OMBUDSMAN

FISCAL YEAR 2011/2012 ANNUAL REPORT

CDSS
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

STATE OF CALIFORNIA

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES

CHILDREN AND FAMILY SERVICES DIVISION

"WE BELIEVE THAT AN OMBUDSMAN OFFICE, PROPERLY STAFFED AND FUNDED AND WITH CLEARLY ENUMERATED RESPONSIBILITIES AND AUTHORITY, CAN PRESENT ONE OF THE BEST OPTIONS FOR ADVOCATES AT THE STATE AND LOCAL LEVELS WHO ARE SEEKING NEW AND EFFECTIVE MECHANISM TO ASSURE THAT CHILDREN AND YOUTH ARE PROPERLY SERVED BY GOVERNMENT AND PRIVATE SECTOR PROVIDERS."

DAVIDSON, H. ESTABLISHING OMBUDSMAN PROGRAMS FOR CHILDREN AND YOUTH.

WASHINGTON, D.C. AMERICAN BAR ASS., 1993

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MESSAGE FROM THE CALIFORNIA FOSTER CARE OMBUDSMAN

As the California Foster Care Ombudsman, I am pleased to present this annual report for state fiscal year (FY) 2011-12. This report includes information on the California Foster Care Ombudsman's (FCO) activities, services, and data summaries. We provide an independent forum for inquiries made by or on behalf of children placed in foster care. The dedicated staff of the FCO conducts objective investigations and makes referrals to appropriate agencies.

We are committed to addressing the concerns and needs of foster children and provide them with a place to express their complaints regarding placement, care, and services without fear of retribution. The FCO provides foster children 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. The FCO addresses complaints from relatives and professionals who have concerns regarding the care, placement and services for children in foster care.

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

Bringing awareness of issues impacting children in foster care is part of our job every day. We hope that you will find this report informative.

Thank you,

Karen Grace-Kaho
California State Foster Care Ombudsman
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EXECUTIVE SUMMARY

The Executive Summary of the California Foster Care Ombudsman Annual Report for the FY 20ll-12, presents an overview of the data collected and an analysis of complaint by issue. The Office of the California Foster Care Ombudsman (FCO) was established in 1998 by legislation, as an autonomous entity within the California Department of Social Services (CDSS). The FCO was created to provide foster children, youth and citizens with a forum for voicing their concerns regarding the care, placement and services of children in foster care. (see Appendix E for the complete Statute)

According to Welfare and Institution Code (W&IC) section 16164(a)(7)(C), it is the intent of the Legislature that 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 "consider this data in the development of any recommendations offered toward improving the child welfare system."

Legislation requires the FCO to compile and make available all data collected over the course of the year including the total number of complainants, the type of complaints, and the trends and issues that arose in the course of investigating complaints. The FCO is also required to disseminate information on the rights of children in foster care and the services provided by the office. During FY 2011-12, the FCO conducted 57 trainings and presentations throughout California regarding the services of the FCO and the personal rights of children in foster care and distributed 31,425 publications on the personal rights of children in foster care, and other child welfare information. The FCO maintains a toll-free Foster Care Help-Line, 877-846-1602 and a website, **www.fosteryouthhelp.ca.gov**, with an email address, **fosteryouthhelp@dss.ca.gov**, to allow individuals to make complaints, request information and to request publications.

During FY 2011-12, the FCO received 2,541initial contacts from children, parents, relatives, professionals, and community members. Of these initial contacts, 1,268 were information requests; 1,132 were complaints regarding issues impacting children in the child welfare system, 84 were publication requests and 57 were requests for training.

Of the 1,132 complaints, the largest number of complaints was from 381 parents who had concerns about their children's placement, the quality of care their children were receiving, and the local child welfare system. The FCO was contacted by 280 relatives with a variety of concerns especially about placement, support services, and fear of abuse and neglect of their relative children in foster care. Additionally, 213 current and former foster children contacted the FCO regarding personal rights violations in their foster care placement, including poor living conditions and not being treated with respect. The balance of the complaints was received from foster caregivers, community members, attorneys, and others.

The FCO realizes that our office only receives complaints, and thus we do not hear about the excellent work of many caregivers, group home staff and social workers. However, we do think that it is important to value the feedback from those who do not feel that the child welfare system is meeting the needs of foster children and to address the problems with solution-focused efforts. Thus the FCO has identified recommendations and promising practices to be considered in the development of child welfare policy, systemic change efforts and social work best practice to address the complaint trends.

The FCO Annual Report FY 2011-12 also contains an analysis of six complaint trends summarized below and the FCO Recommendations.

***Child Welfare Practices** – The FCO received 281 complaints regarding county child welfare agency policies and practices, and allegations regarding the conduct of individual county social workers. The allegations include: not providing clear information; not returning telephone calls, not being supportive; not providing appropriate services for the children, parents and caregivers; and that social workers were disrespectful and made false allegations.

FCO Recommendations:

- Social workers should be required to respond to voicemail messages within twenty-four hours.
- CDSS should develop and implement a statewide practice model consistent with the models developed by the California Partners for Permanency (CAPP) and the Katie A. practice model in order to improve social work practices.
- Mandate state-wide social worker professional standards.
- All counties should implement the Quality Parenting Initiative (QPI) to improve relationships between caregivers, social workers and birth parents to strengthen and improve the quality of care, including kinship care.

*Personal Rights Violations – The FCO received 199 complaints related to the violation of foster children's personal rights. (see Appendix F). Many of the complainants made allegations directly related to the poor quality of care being provided to foster children by group home providers and caregivers. The largest number of personal rights complaints was from foster children who did not feel comfortable in the foster home, were not treated with respect, and reported being verbally and emotionally abused by caregivers.

FCO Recommendations:

- Require that social workers note in their minor client's CWS/CMS case whenever they have reviewed the Foster Youth Rights with their minor clients.
- Develop a foster child feedback process to help improve the quality of foster care.
- Provide ongoing educational rights training to caregivers, providers, school staff and social workers.

*Child Protective Services – The FCO received 152 complaints related to the actions and/or behavior of county emergency response (ER) workers involving incomplete or biased investigations and reports regarding suspected child abuse or neglect. The complaints received by the FCO raised both case-specific and systemic concerns involving inadequacies in county ER protocols and the decision criteria used to determine county responses to allegations of abuse/neglect. One of the major complaints was the failure of county ER workers to conduct complete and objective investigations.

FCO Recommendations: The CDSS use its oversight authority to ensure that county CPS implement the following:

- Provide families, when they are first contacted by CPS, with information on the scope and authority of CPS
- Consistently use CPS assessment tools such as Structure Decision Making (SDM)
- Consistently use community partners such as Cultural Brokers, Parent Partners and Public Health Nurses (PHN) to assist in family engagement during ER investigations.
- Utilize Differential Response methodology to identify at risk families and provide them with needed medical, mental health, housing and addiction services/intervention.

*Placement Disruptions – The FCO received 96 complaints regarding placement disruptions of children placed in foster care. The complaints addressed the various and dynamic factors regarding placement changes.

FCO Recommendations:

- Require Team Decision Meetings (TDM) prior to removal
- Develop transition plans
- All counties should implement Quality Parenting Initiative (QPI) strategies to address placement disruptions.
- Ensure effective communication between social worker and children in foster care, regarding their placement preference.
- Enforce seven-day notices, barring exceptions.

***Relative Placement** – The FCO received 90 complaints regarding county relative assessment and approval processes; and county relative placement decision processes. The majority of the complaints the FCO received were from grandparents and other relatives who alleged that social workers create obstacles that discourage relatives' involvement.

FCO Recommendations:

- Counties should develop and implement strategies to inform and provide relatives with reliable and current information regarding the standard for assessing, documenting, approving and denying a relative caregivers' home.
- Counties should implement protocols and procedures to execute Family Finding and Engagement activities to assist in diligent search efforts to identify, locate and engage appropriate relatives.

***Reunification** – The FCO received 59 complaints regarding county reunification plans, services, and practices. The majority of these complaints allege that social workers failed to engage parents and provide them with case plans and services which delayed or prevented reunification with their children.

FCO Recommendations:

- Counties should create programs that provide community and parent partners to support early intervention and reunifications.
- Social worker should provide referrals to successful addiction and mental health services that provide long-term services.
- Social worker should provide referrals to drug court services for parents with known addiction issues.

California's child welfare system has implemented various programs that have proven successful in meeting the needs of children and families such as Wraparound and Differential Response. The FCO also acknowledges important reform efforts that the CDSS is currently developing that address some of the complaint issues identified in this report.

This report identifies some of these key promising practices currently underway that are aimed at changing the landscape of the foster care system to further improve the safety and well-being of families and children involved in the child welfare system. The FCO recommends that these promising practices be implemented statewide.

***Quality Parenting Initiative (QPI)** is a collaborative effort bringing together caregivers, county social workers, birth parents, county administrators and foster children to improve the quality of foster care. Skilled and supported caregivers are critical to achieving important outcomes for children and families in the

child welfare system. The major successes of the QPI project have been in systems change and improved relationships between caregivers, birth parents and social workers.

*California Partners for Permanency (CAPP) is a comprehensive approach to child welfare system change including a practice model that provides social workers with training and coaching in positive engagement with children and families and provides culturally-based and trauma-informed support services to address the specific needs of children and their families.

*Improved Mental Health Services for Foster Children: Katie A. vs. Bonta, refers to a class action concerning the availability of intensive mental health services for foster children in California. Child welfare and mental health leaders are working together to establish an array of mental health services delivered in a coordinated, comprehensive, and home/community-based fashion and a core practice model.

*Wrap Around Services – The goal of wrap-around programs is to provide families with intensive services that are tailored to the unique needs of each child and family.

*Differential Response – The Differential Response approach promotes the safety of children by allowing social worker to link families in crisis with community services to provide families with the support needed to keep children safely in their home.

The child welfare system is complex, with a wide range of people playing their varied roles that impact the real lives of children and families, including: social workers, attorneys, judges, law enforcement, caregivers, Court Appointed Special Advocates (CASA), therapists, and group home staff. National, State and county agencies have an oversight role to make sure the child welfare system is providing the needed services for families and children. These include the Federal Department of Health and Human Services (DHHS); the CDSS and each California County Board of Supervisors.

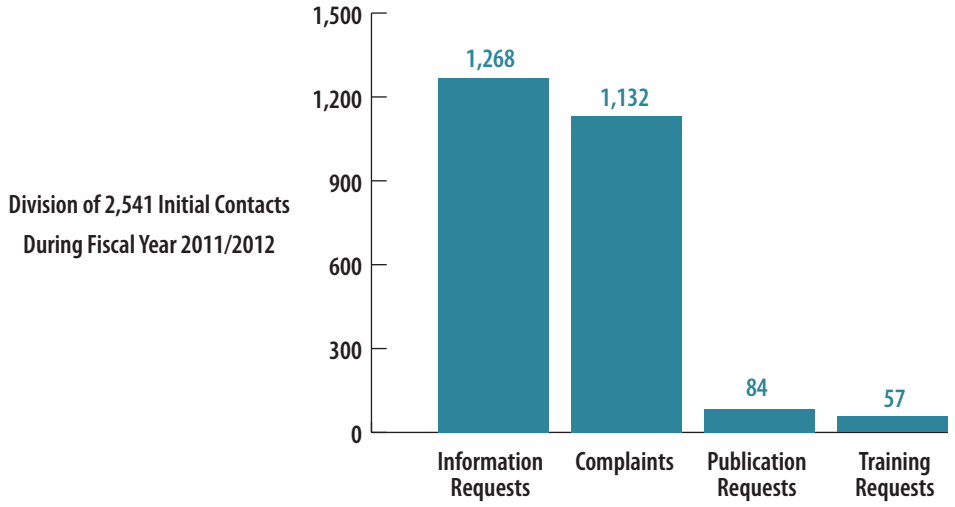
The California child welfare system is facing a new chapter, since the 2011 decision to realign child welfare services to the counties. This decision put additional oversight responsibility on the county administration. However, CDSS has an enhanced role as the single state agency to provide oversight and accountability that will ensure that California's child welfare outcomes meet federal mandates and standards and thus prevent loss of Federal child welfare funding. The CDSS also has the exciting role of encouraging counties to implement promising practices.

The FCO hopes that CDSS, child welfare advocates and our elected officials will seriously consider the information and recommendations in this FCO report to improve the care of our foster children. The FCO will continue to provide assistance to foster children and their families, as well as concerned citizens, and will continue to report on county-specific, and statewide system and practice issues to help California remain a leader in the childwelfare arena.

DATA SUMMARY

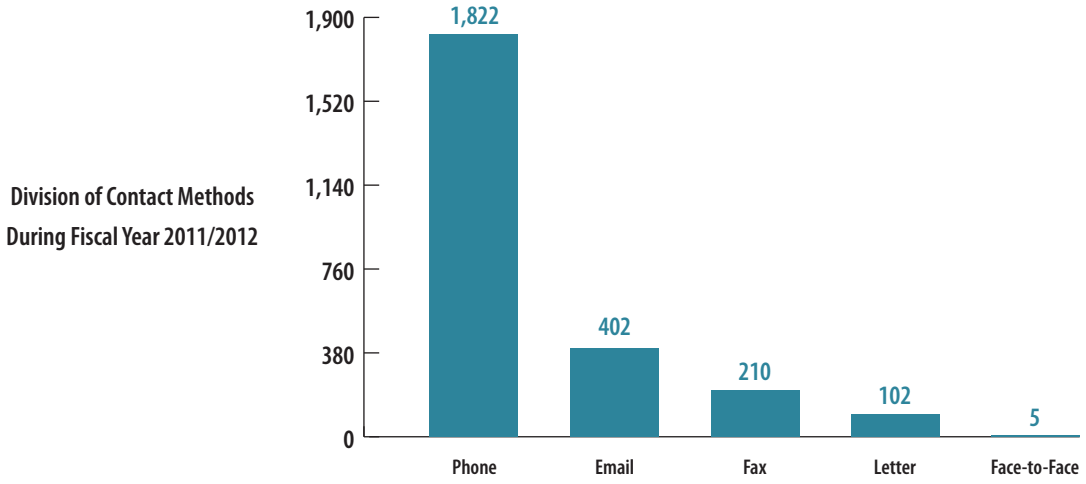
2,541 INITIAL CONTACTS

The FCO received 2,541 initial contacts during FY 2011-12. Each contact is an opportunity for the FCO to respond to the concerns impacting the foster care population and gather information to identify recurring issues in California's foster care system.



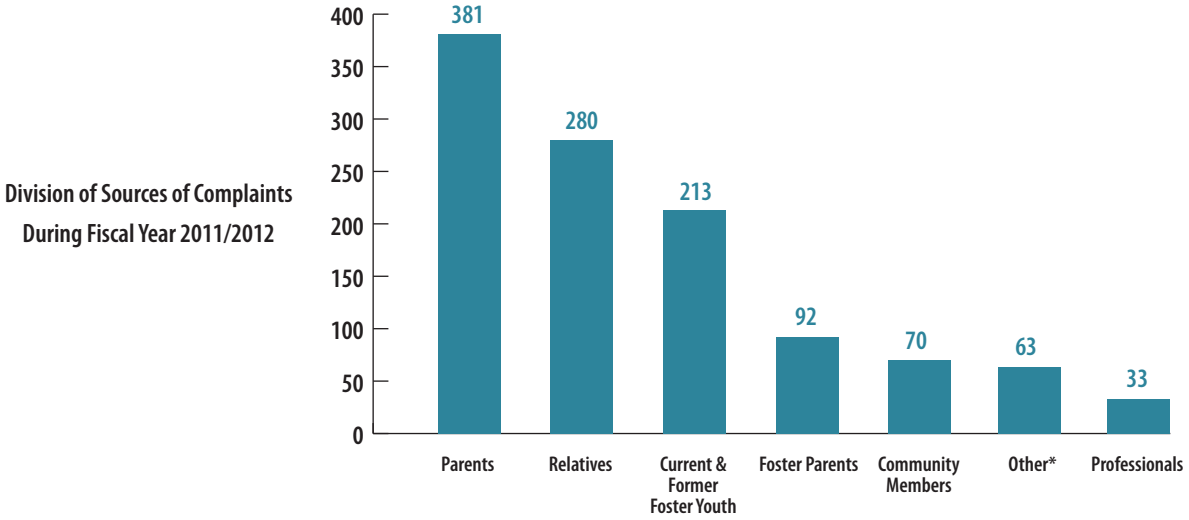
METHODS OF INITIAL CONTACT

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



COMPLAINTS BY SOURCE

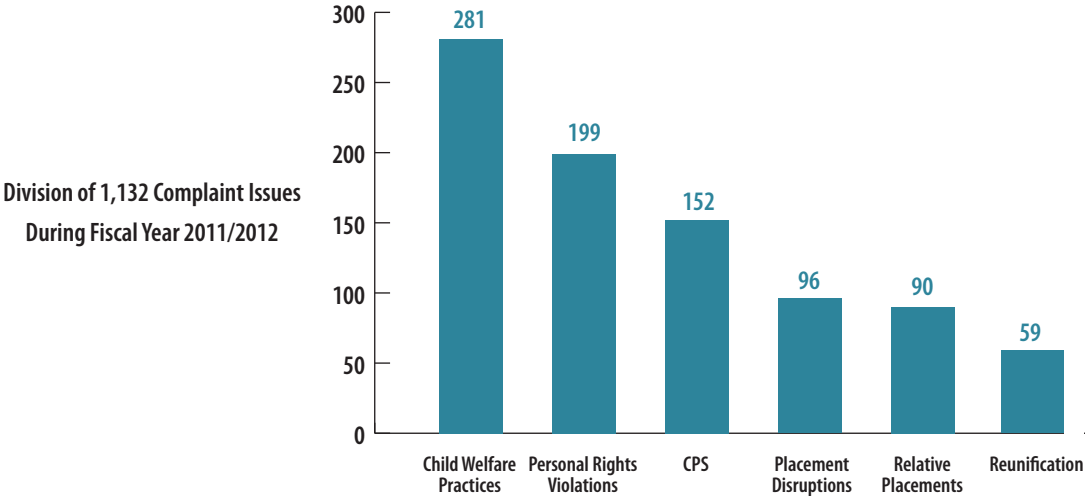
To facilitate policy change, the FCO maintains data on key characteristics of the people who make complaints regarding the children and youth in the California foster care system. Regarding the 1,132 complaints received by the FCO during FY 2011-12, the chart below identifies the caller.



*Other Includes Guardian (12), Adoptive Parent (10), Attorney (10), CWS Staff (8), FFA (5), Prospective Adoptive Parent (5) Prospective Foster Parent (5), Group Home (3), CASA (2), Legislative Staff (2), ILP Staff (1).

MOST FREQUENTLY RECEIVED COMPLAINT ISSUES

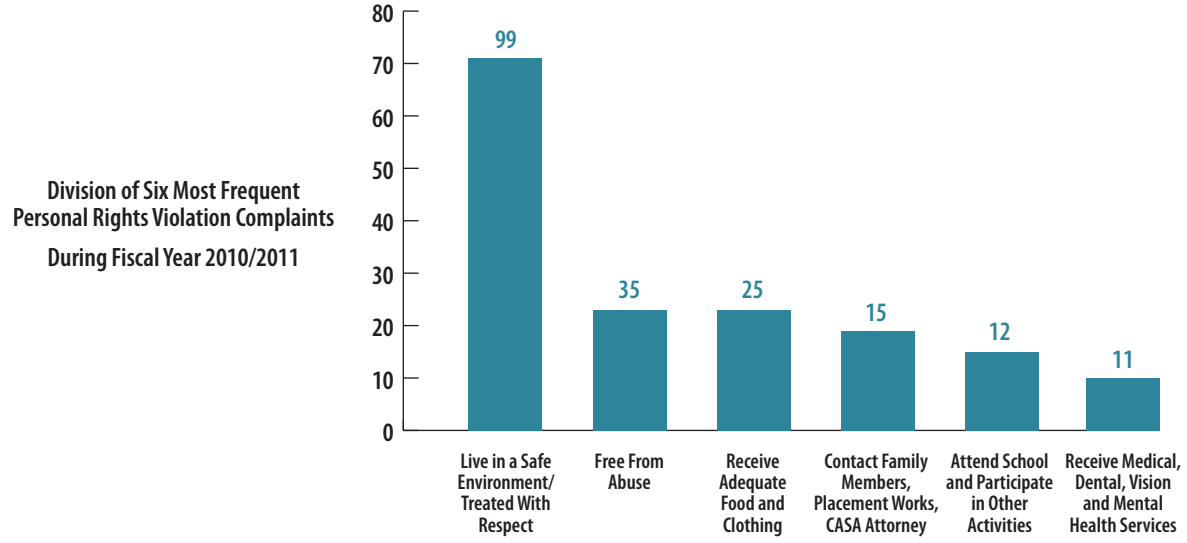
Throughout FY 2011-12 the FCO received 1,132 complaints. The six most frequent complaint issues were about child welfare practices, personal rights violations, Child Protective Services (CPS), placement disruptions, relative placements, and reunification.



*Other complaint issues include: Visitation (44), Foster care payments (42), Unknown (25), Non foster care issues (20), Adoption (18), Removal from birth parents (18), Foster/kin care services (13), Homelessness,(13), Licensing (11), Emancipation (11), Independent Living Program (ILP) (7), Medical and dental care (8), Court (4), Interstate Compact Placement of Children (ICPC) (3), Indian Child Welfare Act (ICWA) (3), Mental health services (3), Higher education (3), Criminal Background Exemption (2), Family Finding (2), Discrimination (2), Attorney (2), and AB 12 Extended Foster Care (1).

PERSONAL RIGHTS VIOLATION COMPLAINTS

In FY 2011-12 a total of 199 personal rights violation complaints were filed with the FCO. Personal rights complaints continue to be one of the highest categories of complaints received by the FCO. The chart below indicates the six most frequent complaints regarding violations of the rights of children and youth in foster care.



Other personal rights violations are: Telephone calls and mail (8), Attend religious services (6), education (4), Attend ILP classes (3), Free from unreasonable searches of personal belongings (3), Other (8), Confidential juvenile court records (2), Attend court hearings and speak to the judge (1), Have storage space (1), Receive an allowance (1), Work and develop job skills (1)

The rights of children and youth in foster care were established by Assembly Bill (AB) 899 (Chapter, 683, Statutes of 2001) as codified in W&IC section 16001.9. (Appendix E) The statute requires the FCO 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 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.

1,268 REQUESTS FOR INFORMATION

During FY 2011-12 the FCO received 1,268 requests for information. Individuals who call the FCO 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 (CFSD) website.

Some examples of information requests include:

- County eligibility worker needs a child's MediCal coverage changed
- Out-of-state child welfare services departments need a child welfare background check.
- How to become a foster parent.
- How to get into transitional housing for current and former foster youth.

- What college opportunities are available for former foster youth.
- How to adopt a child in foster care.
- How to find siblings that were adopted.
- The location of services for teenagers with behavioral problems.
- Requests for child welfare statistical data.

All callers are provided with the requested information and the FCO forwards referrals to appropriate agencies as necessary. The FCO provides the highest level of customer service possible.

371 REFERRALS

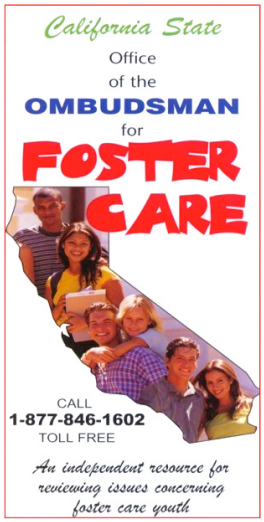
In FY 2011-12, the FCO made 371 referrals. The FCO refers some complaints and information requests to other agencies, departments, and divisions such as: county ombudsmen, CCL, CDSS Adoptions Services Bureau (Adoptions), and CPS. When complaints are referred to a county for investigation the referred agency responds back to the FCO regarding their investigation outcome. Upon receipt of the information from the county, the FCO contacts the complainant to see whether the matter has been resolved or further investigation is necessary.

57 TRAININGS

During FY 2011-12 the FCO provided trainings to statewide and county stakeholders. The hosts for these trainings included organizations such as: the California Youth Connection (CYC) Policy Conference, CWDA, the Judicial Council, the United States Ombudsman Association, various caregivers associations, Foster Family Agency Conference, and CASA. The FCO 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.

31,425 PUBLICATIONS

During FY 2011-12, the FCO distributed more than 31,425 publications. The FCO received 84 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.

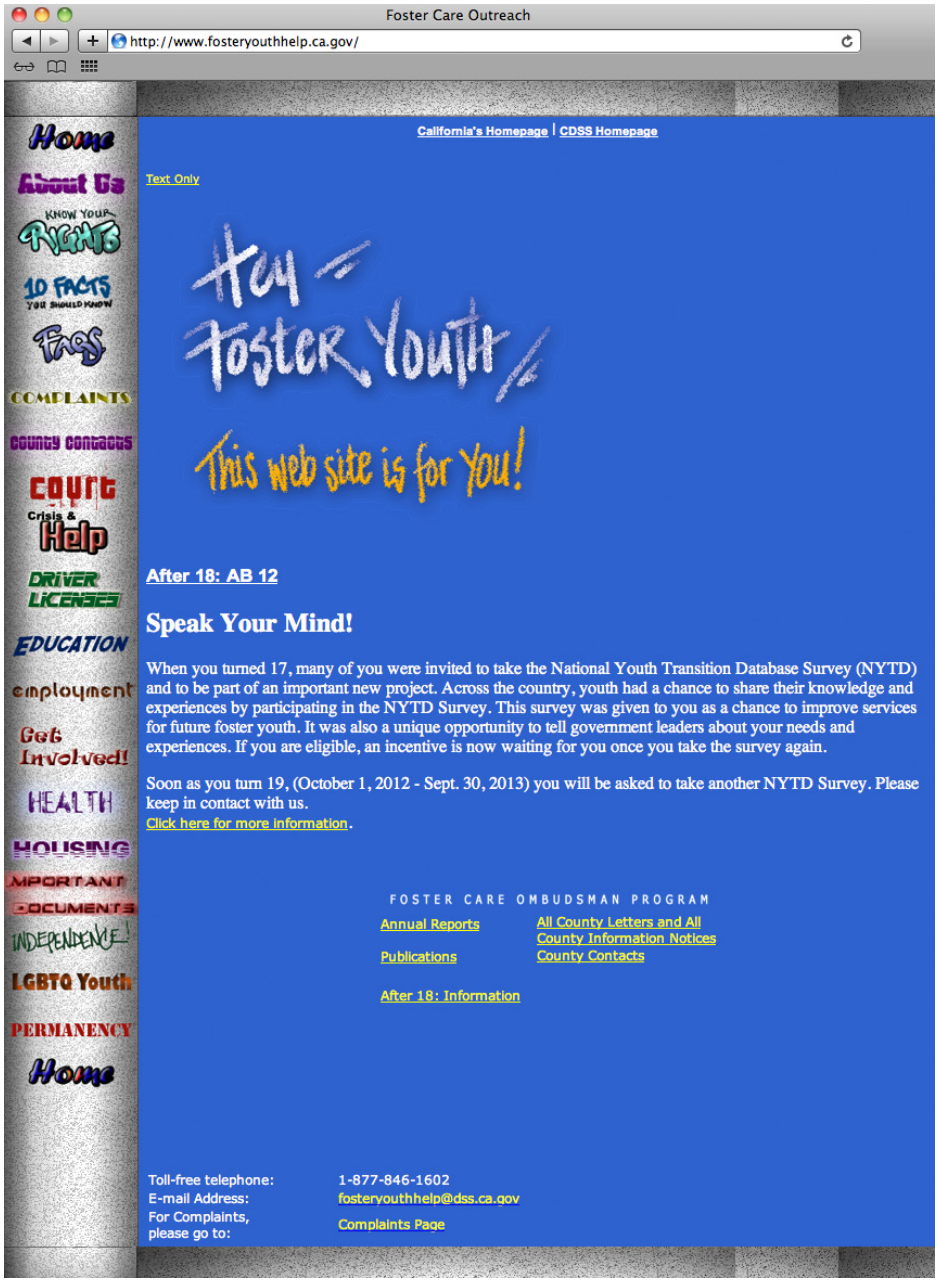


Publications disseminated by the FCO include brochures on the Foster Care Ombudsman Office, Foster Youth Rights (in English and Spanish), College Financial Aid, Help-Line Cards; and Foster Youth Rights posters (in English and Spanish). In addition to these publications, the FCO distributes a Resource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

FOSTER YOUTH WEBSITE

An innovative and exciting aspect of the FCO is its website: www.fosteryouthhelp.ca.gov. This website was designed by a student assistant (former foster youth) with the input of other former foster youth.

The FCO has received correspondence and telephone calls from people as far away as Africa who found the information on the website valuable. Utilizing colors and graphics that appeal to youth, the site offers a wealth of information for foster youth ranging from how to obtain college scholarships to how to approach a dependency court judge.



Not only is the website a resource for children and youth in the child welfare system, but it is used as a resource by many non-foster youth, county child welfare staff, attorneys, caregivers, relatives, researchers, and educational institutions.

The site provides information and links regarding a broad range of foster care related subjects, including: the court system, CASA, mentoring, employment, housing, licensing, CYC, MediCal, public health nurses, scholarships, teen suicide crisis and runaway hot lines, social security cards, birth certificates, and immigration status.

Finally, the FCO website includes a complaint form which can be emailed to the FCO directly from the website.

ANALYSIS OF COMPLAINTS BY ISSUE

CHILD WELFARE PRACTICES

Source of complaints:	
Parents	135
Foster Parents	50
Relatives	54
Professionals	28
Youth	14
Total	281

The FCO received 281 child welfare practices complaints regarding lack of family engagement and ineffective communication with social workers. The allegations include that social workers: did not provide clear information; did not return telephone calls; were not supportive; did not provide appropriate services for children, parents, and caregivers; and that they were rude, disrespectful, and made false allegations.

The major areas of concern included:

SOCIAL WORKERS NOT PROVIDING CLEAR INFORMATION:

The FCO received complaints from parents, relatives, caregivers and youth that social workers were not providing clear information. The parents specifically complained that social workers were not explaining the reunification case plan and the child welfare system. Caregivers reported that social workers did not provide adequate information about their foster children's special needs.

SOCIAL WORKERS NOT ESTABLISHING SUPPORTIVE, RESPECTFUL AND THERAPEUTIC RELATIONSHIPS:

The parent of a 16-year-old boy contacted the FCO complaining that the social worker had not provided visits with her child. In addition, the parent expressed concerns about the child's educational progress. The FCO staff contacted the child's attorney and the social worker. The FCO staff worked with the social worker, the child's attorney, school district personnel, and the parent to facilitate development of a regular visitation schedule and education support services for the child.

Many children, parents, and caregivers complained that the social workers were often disrespectful and inconsiderate. Parents reported that social workers were unprofessional, made false allegations, and that they felt social workers were not supportive. Caregivers and community professionals also reported that social workers were unprofessional, disorganized and disrespectful. Caregivers reported that they were not provided support or respect by social workers. Relative caregivers reported that social workers were not supportive and foster children reported feeling that social workers do not care about them.

SOCIAL WORKERS NOT PROVIDING TIMELY AND APPROPRIATE SERVICES:

Allegations from parents, relatives, foster caregivers, and others included issues involving social workers not providing timely and appropriate services for foster children including medical, therapeutic, and educational services. Caregivers complained that they feared retaliation if they requested services for foster children even though the services were necessary to meet their physical and emotional needs. Foster children complained that social workers were not responding to their complaints about their placements and were not facilitating visits with family members. Relatives, community members and professionals complained that social workers were not processing, in a timely fashion, documents necessary for children to be appropriately assessed for placement and services. Additional complaints from community members and professionals were that social workers were not facilitating sibling visits; and not responding to children's requests regarding placement changes.

A relative caregiver contacted the FCO because the county social worker was not returning her telephone calls regarding providing mental health services of her four-year-old twin nieces to address the girls' violent behaviors. The caller stated that she was told by the social worker to return the children to the CPS office if she and her husband could not handle the children. Reluctantly, the aunt and uncle returned the girls. The FCO staff contacted the children's attorney and the county ombudsman. The girls were later placed with their grandparents and the girls received mental health services.

SOCIAL WORKERS NOT RETURNING TELEPHONE CALLS:

The FCO received complaints from parents, relatives, caregivers and children that, although they were told to call the social workers when they were in need, social workers often did not return their calls. Parents told the FCO that they have called social workers regarding their difficulty enrolling in mandated services. However, social workers never returned their telephone calls. Later, reports submitted to the courts contained comments by social workers that the parents were not participating in services or failed to have significantly progressed in services. Children reported that they attempted to contact their social workers about problems with their placement but the calls were not returned. Caregivers often find themselves similarly situated as they tried to find needed services for their foster children and social workers' assistance and feedback was unavailable.

The mother of a 15-year-old foster youth called the FCO to complain that her son was not doing well in school and the social worker would not return her calls regarding academic support services for the youth. Also, the social worker did not respond to the mother's requests to be included in her son's educational meetings and IEP process. The FCO staff contacted the county social worker, the youth's attorney, and the school district foster youth services. Later, the FCO staff verified with the mother that she had been in contact with the school and the social worker and that she would be participating in meetings and decisions regarding her son's education.

RECOMMENDATIONS:

- **Social workers should be required to respond to voicemails within twenty-four hours.**

- **CDSS develop and implement a statewide practice model consistent with the models developed by the California Partners for Permanency (CAPP) and the Katie A practice model to improve social work practices.** The CAPP practice model teaches social workers the importance of establishing supportive, respectful and therapeutic relationships in the day-to-day actions and interactions with parents, children, caregivers, communities and tribes; and to value the strengths and resources of families and their supportive communities. The Katie A practice model provides social workers with a framework for accessing intensive, in-home, community-based, mental health services for families in need.

- **Mandate state-wide social worker professional standards.** To improve the quality of social workers, California should set state-wide minimum qualification standards for all social workers. Currently, employment qualifications for social workers vary from county to county. Some counties require a Masters of Social Work, others require a Bachelors in Social Work, while other counties ask that candidates have a high-school diploma and experience in a social service related field. Several states have requirements that social workers fulfill various educational requirements or be licensed as "community social workers".

- **All counties should implement the Quality Parenting Initiative (QPI) to improve relationships between caregivers, social workers and birth parents to strengthen and improve the quality of foster care, including kinship care.** All counties should implement the QPI to improve relations and build collaboration between caregivers, social workers, and birth families. The QPI process provides training, social worker supports, and creates effective engagement strategies to provide clear information and expectations to parents, caregivers and children. The major successes in the counties participating in the QPI project have been in systems change and improved relationships between social workers and caregivers. The QPI sites have also reported measurable improvement in outcomes such as reduced unplanned placement changes, reduced use of group care, reduced numbers of sibling separation, and increased numbers of successful reunification.

PERSONAL RIGHTS VIOLATIONS

The FCO received 199 complaints regarding the personal rights of children in the foster care system. California legislation established the personal rights for foster children, a complete listing of the personal rights can be found in Appendix F. Many of the complainants made allegations directly related to the poor quality of care provided to foster children by group homes and caregivers. The FCO complaint investigations revealed significant changes are needed to improve the quality of care that foster children receive.

Source of calls:

Youth	128
Parents	26
Professionals	13
Community Members	10
Grandparents	7
Other Relatives	7
Foster Parents	4
CWS Staff	4
TOTAL	199

Personal rights complaint allegations included:

RIGHT TO LIVE IN A SAFE, HEALTHY, AND COMFORTABLE HOME WHERE CHILDREN ARE TREATED WITH RESPECT

A youth reported she didn't feel safe in her group home because she was being threatened and bullied by other youth in the group home. The FCO sent the complaint to CCL who investigated, substantiated the abuse, and reported that the bullying youth were removed from the facility. The youth called the FCO and reported feeling safe and had no more issues.

The FCO received 71 complaints from foster children who stated that they did not feel comfortable in their placement. A number of complaints alleged that homes contained health hazards including mold in the bathroom/showers; non-working smoke detectors, and infestations of spiders, mice, and cockroaches. These physical plant complaints were substantiated by Community Care Licensing (CCL). Other children complained that they did not feel safe because they were bullied by other children in the home and did not feel protected by their caregivers or the group home staff.

RIGHT TO BE FREE FROM PHYSICAL, SEXUAL, EMOTIONAL OR OTHER ABUSE OR CORPORAL PUNISHMENT

The FCO received 23 complaints regarding abuse in foster care. Foster children reported that their caregivers were verbally and emotionally abusive. Parents, also, reported that their children were being abused in placement.

RIGHT TO RECEIVE ADEQUATE AND HEALTHY FOOD, ADEQUATE CLOTHING, AND, FOR GROUP HOME YOUTH, AN ALLOWANCE.

The 23 complaints related to adequate food and clothing included reports that some foster children did not receive their clothing allowances and that clothing and shoes were too small. Children complained that, when they changed placements, they were unable to retrieve their clothing and personal possessions from their previous placements. Some children complained that the food they were served often lacked nutritional value and did not taste good.

The FCO was successful in assisting children in each of these areas. As a result of the FCO's intervention, children obtained their personal belongings from their prior placements, obtained their clothing allowances, and/or received new clothing and shoes that fit properly. The FCO found that clothing and personal belongings are important to foster children, and well-fitting, fashionable attire builds self-esteem and a sense of belonging amongst their peers.

RIGHT 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.

A county social worker contacted FCO stating that her 14-year-old client had been out of school for two months because the new school would not enroll him until his school records were provided. The FCO staff contacted the FYS liaison and the child's attorney. The minor was immediately enrolled and started school pursuant to his educational rights.

The FCO received 19 complaints alleging that foster children were not permitted to contact family members, social workers, attorneys, or advocates. The FCO investigations revealed that some caregivers were not aware that foster children had these rights.

RIGHT TO ATTEND SCHOOL AND ACTIVITIES

The FCO received 15 complaints from foster children, caregivers, and community professionals regarding violations of the educational rights of foster children codified in the California Education Code sections 48850 through 48853.5 and 49076(11). Some complaints included allegations that foster children were out of school for months because school districts denied them enrollment due to a lack of documentation. However, California law allows foster children to enroll in school even though they do not have all their documents including previous academic, medical, immunization records, proof of residency, or other documentation. The FCO referred the complaints to the appropriate school district's Foster Youth Services (FYS) liaison who facilitates foster children's school enrollment.

A Foster Youth Services liaison (FYS) contacted the FCO stating that two high school foster youth who lived in the same group home were continuously late for their first period classes. The FCO staff contacted the county social worker, the children's attorney and CCL. The CCL staff investigated and substantiated the complaint. The group home was cited for this re-occurring violation.

A youth contacted the FCO to complain that her group home refused to take her to the doctor for abdominal pain. The FCO staff immediately contacted the group home and the county social worker. Group home staff stated the youth was a new arrival to their facility and they had not received her medical records so were unsure of her medical history. Because of the FCO's intervention, the youth was taken to the emergency room. Youth required medical treatment as she was diagnosed with two intestinal issues. This incident was reported to CCL.

RIGHT TO RECEIVE MEDICAL, DENTAL, AND MENTAL HEALTH SERVICES

The FCO received 10 complaints that involved allegations that medical, mental, or dental treatment was delayed or denied for some foster children. Many foster children change placements multiple times and many move out of their county of jurisdiction. The FCO found that access to out-of-county mental, dental, and medical treatment was often delayed because caregivers, providers, social workers, and eligibility workers, did not understand how to access the MediCal process. The FCO facilitated, with the MediCal Managed Care Ombudsman, the timely processing of the MediCal coverage changes so that foster children received needed services.

RIGHT TO ATTEND RELIGIOUS SERVICES

An additional eight personal rights complaints were received from foster children who alleged that they were not allowed to attend religious services of their choice including, Sunday school and mid-week Bible studies. Children alleged that church attendance was being denied as a consequence for misbehavior. Foster children reported that belonging to a "church family" provided them with support and a sense of belonging.

RECOMMENDATIONS

- **Require that social workers note in their minor client's CWS/CMS case whenever they have reviewed the Foster Youth Rights with their minor clients.** Social workers are mandated to review the Foster Youth Rights with each child in age-appropriate language, every six months per W&IC 16501.1 (f) (4). However, currently there is no mechanism to verify whether foster children were informed of their rights by their social workers. It is important for foster children to understand their rights and know how to file a complaint.

- **Develop a foster child feedback process to help improve the quality of foster care.** Require caregivers and group home providers to develop processes to obtain foster children feedback through surveys, and interviews in order to document the children's perspectives on the services provided, adherence to their personal rights, and their involvement in recreational, therapeutic and social activities.

- **Provide ongoing educational rights training to caregivers, providers, school staff and social workers.** Because there continues to be violations of foster children's educational rights, require annual training on the proper procedures to immediately enroll foster children in school.

CHILD PROTECTIVE SERVICES (CPS)

Source of calls:	
Parents	76
Grandparents	22
Community Members	23
Other Relative	15
Professionals	12
Foster Parents	2
Youth	2
Total	152

The FCO received 152 complaints against county Child Protective Services (CPS) agencies who are responsible for assuring the health, safety, and well-being of children at risk of abuse and/or neglect. The FCO complaints raised both case-specific and systemic concerns regarding inadequacies in county emergency response protocols, the decision criteria used to determine county responses to allegations of abuse and/or neglect, as well as incomplete investigations by county CPS Emergency Response (ER) workers.

Reports of child abuse and neglect are generally received through county child abuse reporting systems, such as telephone calls to CPS hotlines. These emergency hotlines are designed to provide in-person 24-hours-a-day responses to reports of abuse or neglect. Using assessment tools, hotline workers gather information to determine appropriate responses. Agencies may decide to close referrals without conducting investigations when they determine initial allegations do not meet the definition of abuse or neglect. Referrals are opened if the alleged maltreatment meets the definition of abuse or neglect and further investigations are required including interviews with children and family members, evaluations of home environments, and interviews with other relevant parties.

The mother of an eight-year old contacted the FCO to report that the child comes home with bruises on his body after visits with the father and CPS is not taking the matter seriously. The mother reported that she provided CPS with police reports, photos of the bruises, and a contact number for the child's doctor. The mother alleged that the ER worker closed the CPS referral with disposition of Unfounded prior to contacting the doctor. The FCO staff reviewed the CPS referral information and confirmed that CPS was investigating the mother's allegations of physical abuse by the father. The FCO put the mother in contact with the county ombudsman who agreed to keep the mother informed and provide the mother with information on CPS investigation protocols.

The CPS complaints included the following allegations:

- **ER workers failed to conduct objective investigations.** The complainants alleged CPS investigations did not include collateral interviews or record reviews to validate or invalidate report allegations. Some complainants stated that ER workers were provided with names and contact information for friends, family members, and professionals that could provide valuable information, including eyewitness statements and/or documents to validate or invalidate reported allegations; however ER workers refused to accept the information or took the information but did not follow up with the persons identified. Some complainants reported that ER workers made erroneous assumptions based on previously investigated reports with no objective reviews of new allegations or risk factors. The FCO received complaints that CPS hotline staff dismissed their child abuse reports without conducting investigations and provided no rationale for those decisions or explanations to reporting parties or families.

The father of a three-year old contacted the FCO to file a complaint against CPS for removing his child from his care after the CPS social worker falsely reported that a drug test result showed he positive for methamphetamine. The FCO staff referred the father's case to the county ombudsman for investigation. As a result of the county ombudsman's investigation, the father's case was transferred to another social worker who was able to establish a good rapport with the father, and the father consistently tested clean. The father reported to the FCO that he now feels he's getting "a fair shake" and the situation is much improved.

- **ER workers were confrontational, adversarial, and intimidating during the CPS investigation process.** Complainants reported that they did not feel heard or respected. Complainants reported that ER workers harass families with threats of removing children to force cooperation with the CPS investigation. The FCO received some reports that ER workers would not explain the CPS process or answer questions, but instead exhibited a "power and control" attitude.

- **ER workers were culturally insensitive and made biased assumptions.** Complainants alleged that ER workers wrote biased opinions and false statements about children or their family's culture, medical and mental health, disability, or economic status. Some complainants reported that ER workers were biased against their cultural and religious child-rearing practices even though the practices presented no specific danger to the physical or emotional safety of children. Other complaintants alleged that ER workers determined children to be at risk of abuse and/or neglect based solely because the parents

used spanking as a form of punishment but there was no evidence of serious physical injury.

RECOMMENDATIONS:

- The CDSS use its oversight authority (W&IC Section 10600) to ensure that county CPS implement the following:
  - Provide families, when they are first contacted by CPS, with information on the scope and authority of CPS (i.e., Civil Rights pamphlets, Juvenile Court pamphlets, CPS pamphlets)
  - Consistently use CPS assessment tools such as Structure Decision Making (SDM); including supervisor approvals and periodic management level reviews.
  - Consistently use community partners such as Cultural Brokers, Parent Partners and Public Health Nurses (PHN) to assist in family engagement during ER investigations.
  - Utilize Differential Response methodology to identify at risk families and provide them with needed medical, mental health, housing, and addiction services/intervention.
- Additionally, CDSS should explore with the Judicial Counsel whether there should be court oversight prior to removing children from their parents as occurs in other states. The CPS workers have broad authority to remove children from their homes without oversight or prior approval. This causes unnecessary trauma to children. Decisions to remove children should only be made by special investigatory units with experienced, extensively trained social workers who receive extra financial compensation for their expertise. Each case where removal is contemplated should be signed off by a dependency judge, prior to removal.

The mother of one-month-old twins contacted the FCO to report that an ER worker came to her home making false allegations about her children being abused or neglected. The mother reported that the ER worker was evasive and adversarial in answering the mother's questions about the allegations and CPS' authority. The ER worker removed the children from the mother's home. The FCO contacted the county ombudsman and requested an investigation. The county ombudsman reported that the children were returned to the mother pursuant to court order after finding there was insufficient basis for removal and that the mother was not provided with services to prevent removal.

PLACEMENT DISRUPTIONS

The FCO received 91 complaints regarding placement disruptions of children in foster care. The complaints addressed diverse factors prompting placement changes. All efforts should be made to eliminate or reduce the trauma to children regarding a change in placement by preserving placements whenever possible or when placement disruption is the only option, giving both caregivers and foster children information and a transition time to adjust to changes.

Source of calls	
Relatives	19
Foster Youth	18
Parent	17
Foster Parent	16
Other	21
Total	91

Common complaints alleged:

- Social workers did not effectively communicate with caregivers when problems developed, and often removed children rather than attempted to stabilize an otherwise solid placement.
- When caregivers requested supportive services for foster children, instead of providing services, social workers moved the children to other placements.
- Social workers removed children without discussing with caregivers and children the reasons for the move.
- Social workers failed to consider the children's perspectives. Foster children contacted the FCO for assistance because they did not want to be moved.
- Social workers removed children without giving at least seven calendar days' advance written notice of intent to remove children, and of the right to request a grievance review. The seven-day notice gives caregivers an opportunity to respond to the reasons warranting the removal.

A relative caregiver contacted the FCO to say that her niece and nephew, ages two and three-years old, were removed from her home without notice due to a false allegation by the children's former foster mother. The relative requested that the children be returned to her home. The FCO staff contacted the children's attorney and the county ombudsman to request an investigation. After the investigation, the county ombudsman reported that the county agreed to work with the relative and put in place supportive services to again place the children in the relative's home. In the interim, the relative was allowed to have the children in her home three days a week.

RECOMMENDATIONS:

- **Enforce seven-day notices, barring exceptions:** It is important for social workers and caregivers to be aware of the social worker's responsibility and caregiver's right to be given at least seven calendar days' advance written notice of intent to remove children, and of the right to request grievance reviews, barring exceptions. (CDSS Manual of Policies and Procedures (MPP) Division 31-440.1)
- **Require Team Decision Meetings (TDM) prior to removal.** When children have to be moved, collaborative meetings with all professionals should be held to discuss how to transition them in a way that minimizes further trauma. The TDMs should at least include social workers, therapists, CASAs, parents, children's attorneys, and caregivers so that valuable input regarding the needs and wishes of the children is provided.
- **Develop transition plans.** Require a transition plan in all cases where a placement disruption is in the best interest of the children. When possible, institute pre-placement visits as part of the transition process.
- **All counties should implement Quality Parenting Initiative (QPI) strategies to address placement disruptions.** The QPI is a collaborative effort that brings together caregivers, county social workers, birth parents, county administrators and foster children to improve the quality of foster care. The QPI sites reported measurable improvement in outcomes such as reduced unplanned placement changes.

- **Ensure effective communication between social worker and children in foster care.** Foster children have the right to know what placement options are being considered for them and should be asked about their placement preferences. Their preferences should be discussed and considered. Prior to any placement changes, social workers should, also, request and consider input from the children's attorneys, therapists, CASAs, teachers, etc. The decision to uproot foster children from placement, particularly when children have been in that placement for a significant amount of time, can produce short-term and long-term ramifications to their well-being, and such decisions should not be made solely by social workers.

A 15-year-old foster youth ran away from her foster home and had been on the run for approximately two months because the social worker told the youth she would be moved to a group home. She was seven months pregnant. She contacted FCO because she wanted to turn herself in but was afraid that she would be placed in a group home and her baby would be placed in foster care. The FCO contacted the youth's social worker and minor's attorney and relayed the youth's fears. All parties encouraged the youth to turn herself in, particularly for the safety and well-being of her unborn child. The youth did turn herself in and was placed in the foster home chosen by the youth. After the youth delivered her baby, the baby was also placed with her in the foster home.

RELATIVE PLACEMENTS

Source of calls:	
Grandparent	53
Other relative	30
Parent	3
Guardian	1
Adoptive Parent	1
Foster Parent	1
Community Member	1
TOTAL	90

The FCO received 90 complaints regarding relative placement issues. Relatives complained about the lack of timely notification regarding the placement of children who are dependents or wards of the Juvenile Court.

Connections with relatives are important for all children, especially for children whose families are in crisis. Relatives can assist social workers and probation officers in locating other relatives who might be placement options when children are unable to return home to their parents.

An aunt contacted the FCO to report that she was being denied placement of her niece and nephew ages four and five-years old. The aunt alleged that the county failed to exercise due diligence to locate relatives for placement at the time the children were removed from the home of the grandmother. The children were placed with strangers in a foster/adoptive home. The FCO staff contacted the minors' attorney and the county adoption worker who supported maintaining the current adoptive placement. The aunt submitted a relative assessment approval request just in case there was a placement disruption with the adoptive parents.

The majority of the complaints the FCO received were from grandparents and other relatives (i.e., aunts, uncles, and adult siblings) who alleged that social workers create obstacles that discourage relative placement:

- A common complaint received from grandparents and other relatives is that they are not objectively considered by county staff as a viable placement option.
- Relatives report that county staff do not exercise due diligence in trying to locate relatives for placement at the time children are removed. By the time relatives were notified that their relative children were in foster care and they completed the relative-approval process, social workers informed them that the children were bonded with their foster families and thus would not be placed with relatives.
- Some complaints allege counties deny placement solely because relatives were unable or unwilling to adopt for familial, cultural and/or financial reasons.
- Relatives report being denied contact, visitation and placement because they live out-of-state. Out-of-state relatives report not being informed about the Interstate Compact on the Placement of Children (ICPC).
- Relatives who did receive placement of the children in their home reported difficulty navigating the complex child welfare system that included maintaining contact with social workers and the children's attorneys, receiving notice of court hearings, and receiving complete and accurate information on children's health care, receiving medical and mental health services for children; and receiving timely foster care payments.

A grandmother contacted the FCO because she was denied placement of her grandson. The FCO staff contacted the child's attorney and advised the grandmother regarding the grievance procedures. She requested a grievance hearing and successfully argued that her grandson should be placed in her home. Her grandson was placed with her the next day.

RECOMMENDATIONS

- **Require counties to develop and implement strategies to inform and provide relatives with reliable and current information regarding the standards for assessing, documenting, approving, and denying a relative caregiver's home.** California law, WIC 309 (e) (1), states that within 30 days of a child's detention, counties must locate and notify all relatives orally and in writing of the detention and provide the relatives with options for continued involvement with the child including relative placement. Reform is needed in the following areas: information dissemination, placement request notification, and return-call policies for county staff. In addition, WIC section 319(f)(2) states that preferential consideration for placement is given to an adult who is a grandparent, aunt, uncle or sibling of the child. Another California law established standards and requirements for assessing and approving the homes of relative and non-relative extended family members (NREFMs).

- **Require counties to implement protocols and procedures to execute Family Finding and Engagement activities to assist in diligent search efforts to identify, locate and engage appropriate relatives.** The purpose of undertaking Family Finding and Engagement activities is to ensure that children in care are able to maintain and develop permanent connections with relatives and other important individuals in their lives, as well as reduce the length of time children are in foster care. There are several models that outline the steps for the family finding and engagement process. The one developed by the National Resource Center for Family Centered Practice and the California Permanency for Youth Project is representative of these models.

REUNIFICATION

Source of calls:	
Parents	51
Grandparent	2
Professional	2
Foster Family Agency	1
Youth	1
Other relative	1
Total	58

During FY 2011-12, the FCO received 58 complaints regarding reunification issues. Complainants raised concerns about social worker and agency practices that fail to support reunification.

Under WIC section 16507(a) family reunification services shall be provided or arranged for by county welfare department staff in order to reunite children who are separated from their parents because of abuse, neglect, or exploitation.

The father of an eight-month-old child filed a complaint with the FCO. The parent alleged that the case social worker did not return calls in a timely manner, did not provide notice of visits in time for him to take time off work, and the service provider's classes did not accommodate his work schedule. The FCO staff contacted the county ombudsman and the child's attorney regarding the concerns. The county ombudsman's investigation resulted in the parent's visits and services being rescheduled to accommodate the parent's work schedule and a new social worker was assigned to the case.

When reunification services are ordered, California law states that case plans are the foundation and central unifying tools in child welfare services. Case plans should be based on assessments of the circumstances that required court involvement. They set specific goals and describe why planned services are appropriate to meet reunification goals.

The reunification complaints received by the FCO involved allegations that the counties:

- Have failed to engage the parents throughout the implementation of their case plans for addiction, mental health, and domestic violence treatment as well as supportive services such as transportation, housing, and employment.
- Have failed to help parents successfully navigate the child welfare system to meet case plan goals at key decision points;
- Have failed to treat parents in a way that demonstrates successful reunification is indeed possible.

The mother of three children, ages four, two, and eight months old, filed a complaint with the FCO which alleged that the case social worker failed to engage the mother in the development and implementation of her case plan, failed to help the mother access services, and did not treat the mother in a way that demonstrated successful reunification was the goal. The mother alleged the case made no progress toward reunification due to the inexperience of the social worker who was unable to develop and implement a case plan that addressed the mother's addiction issues. The FCO staff contacted the county ombudsman and the children's attorney regarding the mother's concerns. As a result of the county ombudsman's investigation and findings, the mother was assigned a more experienced social worker.

Parents often tell the FCO that they feel helpless, angry, and isolated, and that they did not understand the complex policies that seem to conflict with reunification efforts.

The last few years have seen a major shift in the way child welfare services are provided in California. Among these are reductions in time frames for family reunification and the use of concurrent planning. In California, concurrent planning policies require county agencies to have both parent reunification plans and back-up permanency plans if reunification fails. Thus, the goal is to facilitate reunification between children and birth parents, while at the same time, county agencies seek to provide permanent homes for children if reunification fails. Other changes in the law include earlier assessment of children for adoption.

The mother of a one-year-old child complained to the FCO that the county social worker reported to the court that the mother refused to answer her door when the social worker visited. The parent stated that she was at work at the time of the unannounced visit. The FCO staff contacted the county ombudsman and the child's attorney. The county ombudsman investigated and found that the social worker's actions were not consistent with best practice. The county assigned a new social worker. The mother later reported to the FCO that all issues were being addressed by the new social worker.

The changes related to how long reunification services are offered to birth parents are significant. Birth parents who are not making meaningful progress toward making necessary changes in their lives are no longer automatically provided with additional time for reunification. There was a time when dependent children might

spend years in foster care. Today, in most cases, the reunification period does not extend beyond 18 months.

Many parents who contacted the FCO with reunification complaints were at or close to 18 months of reunification services or the parents already had their parental rights terminated by the court. In such cases, the FCO informs the parents that they will need to utilize the legal system in order to appeal agency actions and court decisions.

RECOMMENDATIONS

- **Counties should create programs that provide community and parent partners to support early intervention and reunification.** These programs support parents and provide emotional support, education on how to navigate the system, information on CPS procedures, service plan development, referrals to needed services, and focus on the parent's role in shaping their lives in a positive, self-sustaining manner. Parents who are involved with the child welfare systems are often initially frightened, suspicious and intimidated. A lack of information about and unfamiliarity with system rules and regulations can alienate parents, and may discourage them from working cooperatively with social workers.

- **Social workers should provide referrals to successful addiction and mental health services that provide long-term services.** Social workers must actively help clients identify their need for and locate resources in various areas, including alcohol, drug, and mental health rehabilitation programs. Active engagement includes arranging for services in consultation with clients not just providing parents with a list of service providers. Social workers should follow through with parents and service providers to assure the services are helpful. Social workers should assist parents with reviewing eligibility requirements, filling out forms and applications, and arranging for transportation services.

- **Social workers should provide referrals to drug court services for parents with known addiction issues.** The juvenile dependency drug court is a specialized and problem-solving court-based program that targets parents with pending child welfare cases who have alcohol and other drug addiction and dependency problems. These courts employ a program designed to reduce drug use relapse and criminal recidivism through risk and needs assessment, judicial interaction, monitoring and supervision, graduated sanctions and incentives, treatment and various rehabilitation services. These programs provide counseling, education and other services to: promote immediate intervention; treatment and structure; improve level of functioning; address problems that may contribute to drug use; build skills that increase their ability to lead drug and crime-free lives; strengthen family's capacity to offer structure and guidance; and promote accountability for all involved.

PROMISING PRACTICES

There are a number of new practices that can change the lives of tens of thousands of California children in foster care and their families. Many of these practices focuses on new strategies for keeping families together by solving the problems that brought them to counties' attention. Healing and strengthening the family unit prevents so much trauma and grief that currently plague children in foster care.

The FCO recommends that these practices be implemented statewide.

Quality Parenting Initiative (QPI) -- a collaborative project of the Youth Law Center, CDSS, and CWDA. Currently, 17 counties are participating. The QPI is an approach to strengthening foster care, including kinship care, to ensure that children have effective, loving parenting. Skilled caregivers are critical to achieving important outcomes for children and families. The QPI is a collaborative effort bringing together caregivers, county social workers, birth parents, county administrators and foster children to improve the quality of foster care. The QPI identifies the expectations of high quality caregivers, and the expectations of the child welfare system to support quality foster care. The major successes of the project have been in systems change and improved relationships. The QPI sites have also reported measurable improvement in outcomes such as reduced unplanned placement changes, reduced use of group care, reduced numbers of sibling separation, and more successful improvements in reunification. The current counties participating in QPI are Humboldt, Shasta, Glenn, Butte, Yuba, Sonoma, Santa Clara, Tuolumne, Madera, Fresno, San Luis Obispo, Santa Barbara, San Francisco, Kings, San Diego, Stanislaus and Orange.

California Partners for Permanency (CAPP) -- a comprehensive approach to child welfare systems change. The goal is to implement changes in child welfare systems so that there are not only fewer children in long-term foster care, but also fewer entries into foster care in the first place. A critical solution included in the CAPP objectives is helping children stay connected with family members and others who can love and care for them. The CAPP is reaching out to parents, children, caregivers, communities and tribes to learn from those who have first-hand experiences with the child welfare system. Their expertise is assisting CAPP in understanding how the day-to-day actions and interactions of child welfare and other systems serving children and families should change so that all children remain connected to their families and to cultural, community and tribal supports. Also, CAPP is working to create and implement practices and policies that promote understanding, engage and value the strengths and resources of families and their supportive communities and tribes; and make available and support the use of culturally-based and trauma-informed support services to address the specific needs of children and their families.

Katie A. vs. Bonta -- Katie A vs. Bonta refers to a class action lawsuit filed in federal district court in 2002 concerning the availability of intensive mental health services to children in California who are either in foster care or at imminent risk of coming into care. A settlement agreement was reached in the case in December 2011, and child welfare and mental health leaders from state and local levels are working together to establish a sustainable framework for the provision of an array of services that occur in community settings and in a coordinated manner to strengthen California's child welfare and mental health systems to facilitate the provision of an array of services delivered in a coordinated, comprehensive, community-based fashion that combines service access, planning, delivery, and transition into a coherent and all-inclusive approach, which is referred to as the Core Practice Model (CPM) to address the need of some class members with more intensive needs to receive medically necessary mental health services in their own home or family setting in order to meet their needs for safety and well being. These more intensive services are referred to as Intensive Care Coordination (ICC) and Intensive Home Based Services (IHBS).

Wraparound -- The goal is to provide intensive, individualized services and supports to families that will allow children to live and grow up in safe, stable, and permanent family environments. The Wraparound process can: enhance strengths by creating a strength-based intervention plan with a child and family team; promote children and parent involvement with family voice, choice, and preference; use a community-based service delivery system; create independence and stability; provide services that are tailored to the unique needs of each child and family, culture, and preferences; create one plan to

coordinate responses in all life domains; focus on achieving normalized goals; and provide flexible funding to support children and family team goals.

Differential Response (DR) – promotes the safety of children in California by allowing social workers to link families in crisis with community services. Utilizing both the Family Preservation and Family Support components of Promoting Safe and Stable Families (PSSF), among other funds, California counties are afforded an opportunity to prevent child maltreatment among families at highest risk and maintain children in their homes when safe and appropriate. The program is based on the premise that if services are offered earlier, families can reduce risks and subsequent referrals to the child welfare system. Under the DR approach, child safety is the highest priority as more children and families can receive the support they need to keep children safely in their homes.

APPENDIX A

PURPOSE OF THE OFFICE OF THE CALIFORNIA FOSTER CARE OMBUDSMAN

The FCO 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 FCO shall do the following:

- Disseminate information on the rights of children in foster care and the services provided by the FCO.
- 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 FCO, 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 FCO 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 in California foster care.

APPENDIX B

AUTHORITY AND LIMITATIONS OF THE OFFICE OF THE CALIFORNIA FOSTER CARE OMBUDSMAN

The authority of the FCO 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 FCO.
- 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 FCO 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.

APPENDIX C

INQUIRY AND COMPLAINT PROCESS

The FCO statute (W&IC sections 16160-16167) states that the FCO has the discretion whether to investigate a complaint or refer complaints to another agency for investigation. It also states that the FCO 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 FCO makes a written recommendation, the state or county agency shall submit a written response to the FCO within 30 business days.

The FCO has established the following protocols for handling complaints:

- Document all contacts in the FCO 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 FCO refers a complaint to a county ombudsman for investigation, the FCO submits a written referral to the county ombudsman with the recommendation to investigate the matter and respond back to the FCO within 30 days. The FCO 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 FCO will usually notify the county point-of-contact or county ombudsman regarding its investigation; however, on a case-by-case basis, the FCO 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 FCO provides an opportunity to take action, educate, provide resources and identify recurring problems in California's child welfare system. In these instances, the FCO 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.

APPENDIX D

CALL-TRACKING DATABASE

The FCO is under legislative mandate to collect the number, source, origin, location, and nature of complaints. In 2002, the large volume of calls prompted the FCO to create the Call-Tracking Database. The Call-Tracking Database allows the FCO 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 F.

- 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 data supports our mission to ensure a means to resolve issues related to the care, placement, or services of foster children.

APPENDIX E

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, caregivers, 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 caregivers" responsibilities to adequately supervise children in care.

(2) The office, counties, foster caregivers, 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 F

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 G

COMPLAINT AND INFORMATIONAL ISSUE DEFINITIONS

Adoption: Any call relating to a potential, completed or failed adoption.

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

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.

Child Welfare Practices: Any call regarding the policies, procedures, practices or individual actions or behavior of county social service department employees including social workers.

Court: Any call regarding procedures, practices or actions of the court, including the judge.

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.

Criminal Background Exemption: Any call that is child specific relating to a criminal background exemption of a current or prospective (including relative) caregiver.

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.

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 caregivers 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 regarding placements outside California or from another state into California.

ICWA: (Indian Child Welfare Act) Any call relating to the placement of a foster child or youth that is affiliated with an Indian tribe.

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.

Immigration: Any call regarding lack of citizenship papers, green cards, Special Immigrant Juvenile Status (SIJS), non-resident alien status, deportation, etc.

Licensing: Any call relating to a Community Care Licensing (CCL) or county licensing situation or concern.

Medical/Dental: Any call regarding the physical or dental health of a foster child or youth, Early and Periodic Screening, Diagnosis and Treatment (EPSDT).

Medi-Cal Enrollment/Disenrollment: Any call regarding Medi-Cal enrollment, disenrollment, and/or eligibility of a foster child or youth.

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.

Non-foster Care: Any call not relating to foster care or child welfare services, and/or is not within the scope of the FCO. Many of these are calls about child support and family disputes.

Out-of-County Medi-Cal: Any call regarding the transfer of a foster child or youth's Medi-Cal from one county to another due to the child's jurisdiction is in one county but the child resides in another county.

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.

Personal Rights Violations: Any call regarding any of the rights listed on pages 23 or 24 of this report.

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.

Presentation: Any request for an FCO consultant to present information on the rights of foster children and youth and on the duties of the FCO.

Probation Practices: Any call regarding the policies, procedures, practices or individual actions or behavior of county probation department employees including probation officers.

Publication: Any request for publications including foster care rights posters, 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.

Removal: Any call relating to the removal of a child or youth from the home of the birth family.

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.

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

Visitation: Any call regarding visitation by an individual to a child or youth in a foster care placement.

Volunteering: Any call requesting information regarding volunteer opportunities in Child Welfare Services.

APPENDIX H

CALIFORNIA CHILD WELFARE/FOSTER CARE LEGISLATION
FY 2011-12

ASSEMBLY BILLS

AB 159 (Beall D) Community care facilities: foster family agencies.

Status: 7/25/2011-Chaptered by the Secretary of State, Chapter Number 94, Statutes of 2011

Summary: This bill would extend the decreased supervisor-to-social worker ratio for foster family agencies (FFAs), enacted in 2009 as a strategy for FFAs to ameliorate a ten-percent rate reduction put in place by the fiscal year (FY) 2009-10 Budget Act, until such time as the rate reduction is restored.

AB 194 (Beall D) Public postsecondary education: priority enrollment: foster youth.

Status: 10/4/2011-Chaptered by Secretary of State - Chapter No. 458, Statutes of 2011

Summary: This bill would require California Community College (CCC) and California State University (CSU) systems to grant priority enrollment to students who are current or former foster youth. The bill would request that the University of California (UC) system also adopt this provision.

AB 212 (Beall D) California Fostering Connections to Success Act.

Status: 10/4/2011-Chaptered by Secretary of State - Chapter No. 459, Statutes of 2011

Summary: This bill would make various revisions, substantive and technical, to the provisions of law enacted by AB 12 (Beall, Chapter 569, Statutes of 2010), the California Fostering Connections to Success Act. AB 12 created a parallel Kin-GAP program which qualifies for federal financial participation for eligible children, and provided for a phased-in extension of foster care, Kin-GAP and AAP benefits for eligible youth over the age of 18, up to age 20 (and, upon appropriation by the Legislature, up to age 21).

AB 458 (Atkins D) Guardianship.

Status: 7/25/2011-Chaptered by the Secretary of State, Chapter Number 102, Statutes of 2011

Summary: Existing law, the Guardianship-Conservatorship Law, authorizes a court, upon hearing of a petition, to appoint a guardian of a person or estate of the proposed ward in accordance with specified provisions of law governing the custody of a minor child. This bill would prohibit a court from appointing a minor's parent as a guardian of the person of the minor, except as specified. The bill would establish requirements for transferring a proceeding to another court in circumstances in which a proceeding that concerns custody or visitation of a minor child is pending in one or more counties at the time the petition for guardianship is filed, and would specify circumstances under which the court in a guardianship proceeding would maintain exclusive jurisdiction to determine issues of custody or visitation. The bill would also require the court in which a guardianship proceeding is filed to communicate with each court where a custody or visitation proceeding is pending prior to making a determination on maintaining or transferring the guardianship proceeding, and

would require the Judicial Council, on or before January 1, 2013, to adopt rules of court to implement this provision.

AB 687 (Fletcher I) Adoption.

Status: 10/4/2011-Chaptered by Secretary of State - Chapter No. 462, Statutes of 2011

Summary: This bill would make changes to numerous sections of law regarding adoption proceedings. Specifically, the bill would: 1) include, in an inquiry made during an adoption to identify a child's natural father, the names and whereabouts (if known) of every man presumed or alleged to be the child's father, and efforts made to notice those men, and specify that the findings of the inquiry be filed with the court in writing; 2) allow consent for a stepparent adoption to be made in the presence of an authorized representative of a licensed private adoption agency, and, if the consent is signed prior to the filing of the request, require that the two be filed simultaneously; 3) consolidate provisions concerning circumstances under which notice of a hearing to an alleged or natural father may not be required for termination of parental rights (TPR) in an adoption proceeding; 4) make the guidelines for criteria for determining whether a parent should be denied custody of a child applicable to determining whether TPR should occur in an adoption proceeding; 5) alter the timeframe between notice to a father and a corresponding TPR hearing; 6) authorize a licensed private adoption agency, if it has provided adoption-related services to a birth parent or prospective adoptive parent of a nondependent child, to act under the Interstate Compact on the Placement of Children (ICPC) in making a determination of adoptive placement and signing relevant forms; 7) allow a court to backdate a juvenile adoption by issuing an order of adoption nunc pro tunc, if it deems appropriate; 8) require that an action to set aside an adoption on grounds of fraud be filed within three years of the adoption order, or 90 days of the discovery of the fraud, whichever is earlier; 9) in considering an action to set aside an adoption, require the court to first determine whether the facts of the case are sufficient to set aside the adoption; and, if so, require the court to consider the best interest in the child in determining whether to set aside the adoption; 10) specify the jurisdictions in which a petition for the adult adoption of a former dependent may be filed; 11) require the State Registrar, under the Department of Public Health (DPH), to issue a new birth certificate within 120 days of receipt of an adoption or readoption order; and 12) provide that a foster care license is not required for placement of a nondependent child if the prospective adoptive parents have an approved adoption home study.

AB 709 (Brownley D) Foster children: school placement: immunization records.

Status: 10/4/2011-Chaptered by Secretary of State - Chapter No. 463, Statutes of 2011

Summary: This bill would require a school to immediately enroll a child or youth in foster care who has been placed in that school's attendance area, even if the child or youth's immunization history has not been provided.

AB 717 (Ammiano D) Child Abuse Central Index.

Status: 10/4/2011-Chaptered by Secretary of State - Chapter No. 468, Statutes of 2011

Summary: This bill would change the criteria for listing child abuse cases in the state's Child Abuse Central Index (CACI) by discontinuing referrals by police and sheriff's departments, and by requiring that only reports of child abuse or neglect that are substantiated may be included. It would also require the removal of all child abuse reports currently on CACI that which have not been substantiated, and specify circumstances under which individuals who remain listed in CACI are entitled to due process hearings and criteria for removal from CACI.

AB 735 (Mitchell D) Interns and student assistants: hiring preference.

Status: 10/4/2011-Chaptered by Secretary of State - Chapter No. 464, Statutes of 2011

Summary: This bill would require that state departments give preference to current and former foster youth when hiring for internships and student assistant positions. County welfare departments (CWDs) would be required to provide written information to emancipating foster youth advising them of this hiring preference.

AB 791 (Ammiano D) Dependent children: birth certificates.

Status: 7/5/2011-Chaptered by the Secretary of State, Chapter Number 59, Statutes of 2011

Summary: This bill would require the court to order that the caregiver of a dependent child (and the child, if he or she is age 16 or older) be provided with the child's birth certificate, either upon termination of reunification services, or a determination that reunification services will not be provided.

AB 799 (Swanson D) Commercially sexually exploited minors.

Status: 7/5/2011-Chaptered by the Secretary of State, Chapter Number 51, Statutes of 2011

Summary: This bill would extend the sunset date of Alameda County's commercially sexually exploited minors pilot project from January 1, 2012, to January 1, 2017.

AB 989 (Mitchell D) Mental health: children's services.

Status: 10/9/2011-Chaptered by the Secretary of State, Chapter Number 640, Statutes of 2011

Summary: This bill would specifically include transition-age foster youth in the population of youth whose mental health needs must be addressed by programs established by a county in accordance with its Integrated Plan for Prevention, Innovation, and System of Care Services.

AB 1236 (Fong D) Employment: hiring practices: electronic employment verification.

Status: 10/9/2011-Chaptered by the Secretary of State, Chapter Number 691, Statutes of 2011

Summary: The E-Verify Program of the United States Department of Homeland Security, in partnership with the United States Social Security Administration, enables participating employers to use the program, on a voluntary basis, to verify that the employees they hire are authorized to work in the United States. The bill would prohibit the state, or a city, county, city and county, or special district, from requiring an employer other than one of those government entities to use an electronic employment verification system except when required by federal law or as a condition of receiving federal funds.

AB 1337 (Alejo D) Parent and child relationship.

Status: 7/23/2012-Chaptered by the Secretary of State, Chapter Number 155, Statutes of 2012

Summary: In cases where one of a child's parents has died, and the other parent has brought an action to establish a parental relationship, this bill would establish noticing requirements

for persons having physical custody of the child, and relatives of the child. It would require the court to prescribe alternative noticing requirements if a relative could not be located.

AB 1707 (Ammiano D) Child Abuse Central Index.

Status: 9/30/2012-Chaptered by the Secretary of State, Chapter Number 848, Statutes of 2012

Summary: This bill concerns minors who have been or will be listed in the Child Abuse Central Index (CACI). It would: 1) require that an agency referring a minor's name to the Department of Justice (DOJ) for inclusion in CACI notify the minor's parents or guardian and attorney or guardian ad litem, if any, of that referral; 2) require, as of January 1, 2013, that any minor who was listed in CACI prior to age 18 only once, with no subsequent listings, be removed; and 3) require that information in a CACI report be deleted if the suspected abuser was a minor at the time of the report, and no further reports regarding the suspected abuser have been received prior to his or her reaching age 18.

AB 1712 (Beall D) Minors and nonminor dependents: out-of-home placement.

Status: 9/30/2012-Chaptered by the Secretary of State, Chapter Number 846, Statutes of 2012

Summary: This bill would enact further clean-up of the California Fostering Connections to Success Acts, AB 12 (Chapter 559, Statutes of 2010) and AB 212 (Chapter 459, Statutes of 2011).

AB 1713 (Campos D) Child abuse reporting.

Status: 9/24/2012-Chaptered by the Secretary of State, Chapter Number 517, Statutes of 2012

Summary: This bill would expand current mandated reporter provisions regarding photo processors and photographs to include digital images and other modern-day media.

AB 1751 (Pan D) Child support: access to information.

Status: 9/27/2012-Chaptered by the Secretary of State, Chapter Number 637, Statutes of 2012

Summary: This bill would authorize the release of a parent's identifying and contact information to county welfare departments (CWDs) and county probation departments (CPDs) for the purpose of child support services. It would require CDSS to implement access to identifying and contact information provided to the California Parent Locator Service (CPLS) by the federal Parent Locator Service (FPLS), and to amend the state's Title IV-E State Plan as needed to do so. It would authorize CDSS to develop an interagency agreement with the Department of Child Support Services (DCSS) to define county access to information from CPLS and FPLS, and require that information exchanges between FPLS, CPLS and counties be automated to the extent possible. CDSS would be required to issue and ACL by July 1, 2013, informing counties of their ability to access this information, and would be authorized to implement the bill via emergency regulations. The bill would also require all state, county and municipal entities to provide information to CWDs for the purpose of locating parents of children who are the subject of juvenile court proceedings, establishing parent-child relationships, and placement of children with noncustodial parents.

AB 1757 (Fletcher I) Family law: adoption.

Status: 9/27/2012-Chaptered by the Secretary of State, Chapter Number 638, Statutes of 2012

Summary: This bill would: 1) in the case of a stepparent adoption, if a licensed clinical social worker (LCSW) or marriage and family therapist (LMFT) is conducting the required investigation, allow the LCSW or LMFT to also undertake an inquiry to identify the prospective adoptive child's natural father; 2) repeal provisions for bringing termination of parental rights (TPR) proceedings that have been superseded by other state statutes; 3) require that a TPR proceeding be set for hearing no more than 45 days after the filing of a petition, rather than no more than 45 days after completion of the service of notice of the proceeding; 4) if notice of a hearing on a TPR proceeding has been served, and no interested person appears at the hearing to contest the proceeding, allow the court to make a determination on the proceeding based on the verified pleadings and other evidence received, rather than setting the proceeding for trial; 5) require that the person serving notice of a TPR proceeding attempt to do so in a timely manner; 6) allow a birth parent who is relinquishing his or her child for adoption to sign a waiver of the right to revoke the relinquishment, after an interview by either a judicial officer or the birth parent's independent legal counsel (ILC), to be final either immediately if signed and witnessed by the judicial officer or CDSS, or at the close of the next business day if signed and witnessed by the representative of a private adoption agency; 7) if the ILC conducts the interview, require him or her to: a) review the waiver with the birth parent; b) counsel the birth parent on the nature of the waiver; and c) sign and deliver a certificate to the birth parent and the adoption agency stating that he or she has counseled the birth parent on the waiver and that the birth parent understands the consequences of signing it; 8) require the private adoption agency to submit the waiver and certificate to CDSS either with the relinquishment or no later than two business days after the waiver is signed; 9) allow a private adoption agency to render services to both a child's birth parents and his or her prospective adoptive parents, provided certain conditions are met; 9) allow prospective adoptive parents of nondependent children who have a valid home study less than two years old to pay only for a postplacement evaluation; 10) restrict the provision allowing prospective adoptive parents of nondependent children who have a valid preplacement evaluation to pay only for a postplacement evaluation to those whose preplacement evaluations are less than one year old; add to the counties in which a petition for the adoption of a nondependent child can be filed: a) the county in which the birth parent resides, or resided when the consent, relinquishment or agreement was signed; and b) the county in which the child was freed for adoption; and 11) in a probate guardianship proceeding, if the child could fall within the definition of a dependent child: a) allow the probate court to refer the matter to the applicable county child welfare agency for investigation; b) allow the probate court to take any steps it deems necessary in the interim to protect the child's safety; c) suspend the probate guardianship proceeding if the investigation by the child welfare agency results in the initiation of a dependency proceeding; d) prior to ruling on probate guardianship, require the probate court to read and consider all reports submitted to it; e) allow any party to the proceeding to compel testimony from any entity reporting to the court; and f) make all such reports available to all relevant parties to the proceeding at least three court days before the hearing.

AB 1799 (Bradford D) Pupil records: pupil transfers.

Status: 9/19/2012-Chaptered by the Secretary of State, Chapter Number 369, Statutes of 2012

Summary: This bill would require, when a child transfers from one school to another, the child's permanent record to be transferred to the new school within ten school days of the old school receiving the request for it.

AB 1817 (Atkins D) Child abuse reporting.

Status: 9/24/2012-Chaptered by the Secretary of State, Chapter Number 521, Statutes of 2012

Summary: This bill would define commercial computer technicians as mandated reporters of suspected child abuse or neglect. It would include computer technicians in existing provisions governing mandated reports by film processors and would update terms in those provisions to include various digital media.

AB 1909 (Ammiano D) Foster children: placement: suspension and expulsion: notifications.

Status: 9/30/2012-Chaptered by the Secretary of State, Chapter Number 849, Statutes of 2012

Summary: This bill would: 1) allow the notification made by the child welfare agency placing a child in a group home to the relevant local educational authority (LEA) to include the name and contact information of a representative of the child welfare agency who can discuss educational matters with the LEA and the child's attorney; 2) allow this notification to be made when children are placed in other types of out-of-home care; 3) require the educational liaison of the LEA to notify a foster child's attorney and the representative of the county welfare agency of pending expulsion proceedings; 4) require that a foster child's attorney and the county welfare agency's representative be invited to participate in expulsion hearings for the child; if a decision to recommend the expulsion of a foster child is a discretionary act, require that notice be provided to the child's attorney and the county welfare agency representative at least 10 days before the expulsion hearing; 5) require a foster child's attorney to provide his or her contact information to the LEA's educational liaison if he or she determines that it is the child's best interest to do so and, if the child is age 12 or older, if the child consents to the disclosure; and 6) allow a foster child's case plan to include the name and contact information of the LEA's educational representative.

AB 2019 (Hill D) Foster care.

Status: 9/27/2012-Chaptered by the Secretary of State, Chapter Number 642, Statutes of 2012

Summary: This bill would address some of the recommendations made by the Bureau of State Audits (BSA) in its September 2011 audit of the Foster Family Home and Small Family Home Insurance Fund (Fund). It would: 1) require that a claimant be notified of a decision to approve or deny a claim against the Fund within 15 days of the decision being made; 2) provide that the statute of limitations for any matter which is the subject of a claim against the Fund does not commence until notice of a decision on the claim has been served; 3) delete legislative intent language regarding maintenance of the Fund and instead require that the Fund be maintained at a sufficient level to meet its liabilities; and 4) prohibit private insurance companies from denying coverage to foster family agency (FFA) certified homes solely on that basis.

AB 2060 (Bonilla D) Juveniles: educational decisions.

Status: 8/17/2012-Chaptered by the Secretary of State, Chapter Number 176, Statutes of 2012

Summary: This bill would require the juvenile court, after limiting the educational decision-making power of a dependent child's parent, to determine whether there is a responsible adult available to serve as an educational representative for the child. The court would

be authorized to order the child's social worker to conduct an investigation and make a recommendation regarding the appointment of an educational representative.

AB 2209 **(Hueso D) Juveniles: dependent children: placement.**

Status: 7/17/2012-Chaptered by the Secretary of State, Chapter Number 144, Statutes of 2012

Summary: This bill would allow a dependent child to be placed outside the country only upon a finding by the juvenile court that such a placement is in the child's best interest.

AB 2292 **(Nielsen R) Juveniles: reunification orders.**

Status: 8/27/2012-Chaptered by Secretary of State - Chapter 208, Statutes of 2012.

Summary: This bill would require the juvenile court to consider the relevant evidence at every hearing for a dependent child and before ordering reunification for the child.

AB 2662 **(Committee on Education) Education.**

Status: 9/26/2012-Chaptered by the Secretary of State, Chapter Number 589, Statutes of 2012

Summary: This bill would require a school, in cases where a pupil who is a dependent child or ward of the juvenile court may be retained at his or her current grade level, to notify the person holding educational decision-making rights for the dependent child or ward, and to allow that person the opportunity to consult with the teacher or teachers responsible for making the decision to promote or retain the child.

SENATE BILLS

SB 121 **(Liu D) Pupils: foster children: special education.**

Status: 9/26/2012-Chaptered by the Secretary of State, Chapter Number 571, Statutes of 2012

Summary: This bill would prohibit a child in foster care with exceptional needs from being referred to a nonpublic, nonsectarian school (NNS) by the local educational agency (LEA) unless the child's individualized education program (IEP) specifies that such a placement is appropriate, and would prohibit a foster care provider from referring such a child to an NNS under any circumstances. The bill would also require that if a parent, guardian, or other individual holding educational decision-making power over a child in foster care decides that it is in the child's best interest to attend an educational program other than the one operated by the LEA, that person must provide a written statement to the LEA declaring that the LEA has informed the educational decision-maker of the child's right to attend public school and of the possible financial implications of placing the child in an alternative program.

SB 164 **(Simitian D) Personal income tax: voluntary contributions: State Children's Trust Fund: Rare and Endangered Species Preservation Program: extension.**

Status: 10/9/2011-Chaptered by the Secretary of State, Chapter Number 699, Statutes of 2011

Summary: This bill would extend, for an additional five years, the sunset date for an individual taxpayer to contribute a portion of his or her income tax refund to the State Children's Trust

Fund for the Prevention of Child Abuse or the Rare and Endangered Species Preservation Program via a check-off box on the California personal income tax form.

SB 368 (Liu D) Developmental services: decision-making.

Status: 10/4/2011-Chaptered by Secretary of State - Chapter No. 471, Statutes of 2011

Summary: In the case of a "dual agency child" (i.e., a dependent or ward of the juvenile court who is also a consumer of regional center services contracted by the Department of Developmental Services (DDS)), this bill would: 1) in general, make provisions of law governing the limitation and assignment of educational decision-making power over a child also applicable to developmental services decisions; 2) provide that, if the child is in a planned permanent living arrangement, the foster parent, relative caretaker, or nonrelative extended family member (NREFM) who has the right to represent the child in educational matters shall also have the right to represent the child in developmental services matters; 3) authorize the developmental services decision-maker appointed by the court for a child to access the child's information and records, act as part of the planning team in developing the child's individual plan, and participate in the fair hearing process; 4) authorize the court, if it cannot identify a developmental services decision-maker for a child, to make developmental services decisions for the child, with the input of any interested party; 5) expand the definition of "authorized representative," in the context of a regional center, to include an individual who has been appointed by the court to act as developmental services decision-maker for a child; and 6) make provisions of law governing a regional center's obligations to parents and legal guardians also apply to authorized representatives.

SB 578 (Negrete McLeod D) Schools: pupils in foster care: course credit.

Status: 10/4/2011-Chaptered by Secretary of State - Chapter No. 472, Statutes of 2011

Summary: This bill would require a school district or county office of education (COE) to accept coursework satisfactorily completed by a child or youth in foster care while attending another school even if he or she did not complete the entire course, and issue full or partial credit for the coursework completed. The school would be required to apply such credit to the same subject matter as the coursework completed, and would prohibit the school from requiring a child or youth in foster care to retake a course or part of a course for which coursework has already been completed, unless it finds, in consultation with the youth's educational rights holder, that the youth would be reasonably able to do so in time to graduate. The bill would require that students in foster care who transfer mid-year be enrolled in equivalent courses in order to complete those courses in their entirety.

SB 926 (Runner R) Dependent children: relative placements: disclosure.

Status: 7/26/2011-Chaptered by the Secretary of State, Chapter Number 132, Statutes of 2011

Summary: This bill would require the juvenile court to authorize a child's attorney and his or her agent to make disclosures about the child's situation to relatives who are being assessed for possible placement.

SB 1048 (Liu D) Juveniles.

Status: 7/13/2012-Chaptered by the Secretary of State, Chapter Number 130, Statutes of 2012

Summary: When a minor (or nonminor dependent) is the subject of a dependency hearing, this bill would authorize the court to "join" in the action any public agency or private service provider it determines has not provided services a minor is legally entitled to, regardless of the minor's status. Existing law allows for such joining only after a minor has been declared a dependent of the juvenile court. It would also allow private service providers to be joined during the course of a delinquency hearing (existing laws provides only for the joining of public agencies in these cases).

SB 1064 (De León D) Child custody: immigration.

Status: 9/30/2012-Chaptered by the Secretary of State, Chapter Number 845, Statutes of 2012

Summary: This bill would allow the court to place a child who has been removed from his or her parents (including dependents) with a relative regardless of the relative's immigration status. It would also allow a relative's foreign consulate identification card or foreign passport to be used as valid identification for making required criminal background checks. Additionally, the bill would allow the court to make the same extensions of timeframes in cases where a parent has been detained or deported by ICE as in cases where parents have been incarcerated; and require CDSS to provide counties guidance on entering into MOUs with foreign consulates for child custody cases.

SB 1407 (Leno D) Medical information: disclosure.

Status: 9/27/2012-Chaptered by the Secretary of State, Chapter Number 657, Statutes of 2012

Summary: This bill would provide that, for the purposes of disclosing a child's medical records, the child's parent shall not be considered the legal representative of the child if the child has been removed from the parent's custody in a dependency proceeding.

SB 1425 (Negrete McLeod D) Juveniles: dependent children.

Status: 8/17/2012-Chaptered by the Secretary of State, Chapter Number 179, Statutes of 2012

Summary: This bill would allow the juvenile court to deny reunification services for a dependent child in cases of severe sexual abuse or severe physical harm to a nonrelated child in the care of child's parent or guardian. It would allow the court, after finding that reunification services are unnecessary, to deny a hearing on a petition to modify that finding, or, if it holds a hearing, to deny the petition, if it determines that reunification would not be in the child's best interest.

SB 1521 (Liu D) Child welfare services.

Status: 9/30/2012-Chaptered by the Secretary of State, Chapter Number 847, Statutes of 2012

Summary: This is a spot bill regarding the Child Abuse Prevention and Treatment Act (CAPTA). It will be amended to contain language identified by CDSS as necessary to conform with recent changes in federal law in a number of areas related to child welfare.

SB 1568 (DeSaulnier D) Pupils: foster children: educational placement.

Status: 9/26/2012-Chaptered by the Secretary of State, Chapter Number 578, Statutes of 2012

Summary: This bill would allow a former foster youth to remain in their school of origin, and corresponding higher-level schools, until the end of 12th grade.

STATE OF CALIFORNIA

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CHILDREN AND FAMILY SERVICES DIVISION

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