

OFFICE OF THE CALIFORNIA FOSTER CARE OMBUDSMAN



FISCAL YEAR 2012/2013
ANNUAL REPORT



STATE OF CALIFORNIA
CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
CHILDREN AND FAMILY SERVICES DIVISION

Table of Contents

Message from the California Foster Care Ombudsman	3
Executive Summary	4
Data Summary and Five-Year Comparison	9
The Six Major Reasons the FCO was Contacted in FY 2012-13	19
Child Welfare Practice	21
Personal Rights Violations	26
Placement Changes	32
Reunification	34
Child Protective Services	37
Relative Placements	40
Foster Care Ombudsman Activities	44
Caregiver Advocacy Network	45
Child Welfare Council	45
Quality Parenting Initiative	46
New Legislative Initiatives	
Continuum of Care Reform	47
Resource Family Approval Project	47
Appendices	
Appendix A: Office of the Foster Care Ombudsman Statute	49
Appendix B: Inquiry and Complaint Process	52
Appendix C: California Rights of Children and Youth in Foster Care	54
Appendix D: Complaint and Informational Issue Definitions	57
Appendix E: California Child Welfare/Foster Care Legislation	60

Message from the California Foster Care Ombudsman

As the California Foster Care Ombudsman (FCO), I am pleased to present our Annual Report for Fiscal Year 2012-13, for your review. This report provides an overview of the activities of the FCO, and an analysis of the complaints received and investigated with case examples.

As an autonomous office in the California Department of Social Services (CDSS), the FCO receives and investigates complaints regarding the care, services and placement of children and youth in foster care. The FCO staff conducts impartial investigations and strives to resolve both individual complaints and systemic issues on behalf of a wide range of people including biological parents, relatives, foster parents, community members, social workers, as well as foster children and youth. Since the office opened on May 2, 2000, the FCO has been providing annual reports and special reports that address the various issues impacting foster children and youth and has made recommendations to improve the child welfare system. These reports can be found on the FCO Website: www.fosteryouthhelp.ca.gov.

The FCO collaborates with social workers, attorneys, judges, caregivers, advocates, county ombudsmen and community members to improve the child welfare system. During the last year, the FCO staff, the CDSS, and other dedicated child welfare professionals, advocates and community members have joined forces to improve the child welfare system to include projects such as: Quality Parenting Initiative, Continuum of Care Reform, Resource Family Approval Project, Caregiver Advocacy Network, and the Child Welfare Council. A full description of these projects is found in the “Foster Care Ombudsman Activities” section of this annual report. The FCO meets yearly with California’s county ombudsmen to share information, issues, and recommendations. This past year, the Washington State Director, Mary Meinig, of the Office of the Family and Children’s Ombudsman gave a presentation on the work of her office at our statewide California FCO meeting.

Finally, I want to especially acknowledge the dedication and hard work of our FCO team who each bring their unique skills and have varied educational and professional backgrounds such as: attorneys, child welfare social workers, foster parents, group home administrators, and community care licensing staff. The FCO also greatly appreciates the former foster youth that serve as student assistants and are our incredible support staff. This exceptional FCO team works hard to address complaints, promote accountability in the child welfare system, and encourage collaboration to resolve issues and improve the lives of our foster children and youth, and their families.

Sincerely,

Karen Grace-Kaho

California Foster Care Ombudsman

California Foster Care Ombudsman Executive Summary

This Executive Summary will provide a high-level overview of the top six major complaints issues that the California Foster Care Ombudsman (FCO) received during the State Fiscal Year (FY) 2012-13. The FCO provides an in-depth review and analysis of these major complaint issues in pages 18-43.

The FCO is an autonomous entity within the California Department of Social Services (CDSS) that is empowered to investigate complaints related to the care, placement or services provided to children and youth placed in foster care. The FCO utilizes fact-finding, data collection, consultation, and interviews to resolve complaints. The FCO has access to any record of a state or local agency relevant to an investigation, and may meet or communicate with any foster child in the child's placement or elsewhere. After the investigation is completed, the FCO makes recommendations or refers the issues to the appropriate agency for resolution. However, the FCO does not have authority to independently challenge court decisions, change case plans, or pursue local administrative personnel actions (see Appendix A and B for additional explanations regarding the FCO's purpose, authority and complaint process).

During FY 2012-13, the FCO received 3,175 initial contacts, which included: 1,292 complainants, 1,757 requests for information, 83 training requests, and 43 requests for publications. A breakdown of these initial contacts consist of: 2,152 phone calls, 616 emails, 303 faxes, 96 letters, and 8 people contacted the FCO in person. Of the 1,292 complainants that contacted the FCO, the FCO identified that the top five complainants were from 480 birth parents, 243 relatives, 202 current and former foster youth, 121 foster parents, and 91 community members.

The FCO conducted 83 trainings, with 2,711 participants, on the subject of foster youth rights, After 18 services, ILP services, Foster Youth Chafee grant program, and the role and authorities of the FCO Office. The participants included: 950 foster youth, 877 caregivers, 425 Court Appointed Special Advocates (CASA), 226 child welfare stakeholders, 144 Community Care Licensing (CCL) staff and 89 social workers.

In this 2012-13 Annual Report the FCO has focused the analysis on the major complaint issues identified as: Child Welfare Practices (446 complaints), Personal Rights Violations (271 complaints), Placement Changes (183 complaints), Reunification (175 complaints), Child Protective Service (CPS) Reports (159 complaints), and Relative Placement (157 complaints).

Child Welfare Practices

The FCO defines complaints regarding child welfare practice as any call concerning the policies, procedures, practices or individual actions or behaviors of county social service agency employees. The FCO received a total of 446 complaints regarding child welfare practices including complaints that social workers did not communicate in a respectful manner and were not supportive, and their phone calls were not returned in a timely manner. The highest number of complaints regarding child welfare practices came from 184 birth parents followed by 126 complaints from relatives.

FCO Recommendations:

- The CDSS should ensure that social workers are returning phone calls within 24-48 hours.
- Social workers should ensure that case plan goals, objectives, and updates are discussed in a manner in which both parents and children understand.
- To improve social worker engagement with clients, all counties should implement consistent practice models (e.g. California Partners for Permanency (CAPP) and the Quality Parenting Initiative (QPI) models).
- Expand social worker training to include specific communication and interpersonal skills regarding how to positively engage with birth parents, relatives, and foster children.

Personal Rights Violations

The FCO defines complaints regarding personal right violations as any call concerning the rights of foster children and youth as defined in Welfare & Institutions Code (W&IC) 16001.9. Of the total of 271 complaints regarding Personal Rights Violations, the majority of the complaints were from foster youth (148). Most of the youth complaints were from youth living in group homes and their most common complaint was that the staff did not treat them with respect; and they did not receive adequate food and clothing.

FCO Recommendations:

- All county social workers, group home staff, foster family agency social workers, shelter staff, and caregivers should be required to complete yearly training regarding the personal rights of foster children and youth.

- The CDSS should require a statewide minimum age of 21 years and educational requirements of 12 units of college credit for group home staff.¹
- The CDSS should create and require mandatory standardized training for all group home staff.
- The CDSS should require a child-focused and evidence-based statewide assessment of every child and youth before placement in a group home to ensure that our foster children and youth receive appropriate care and services.
- Social workers should be required to document in court reports and contact notes the date they reviewed the Foster Care Rights with the foster child and youth in age-appropriate language. This will ensure review of rights occurs every six months as mandated by W&IC 16501.1(f)(4).

Placement Changes

The FCO defines complaints regarding placement changes as any call concerning a change in a foster child or youth’s placement. The FCO received 183 complaints regarding placement changes. These complaints focused on the county’s actions and policies surrounding removing children and youth from their caregivers.

FCO Recommendations:

- To avoid abrupt placement changes, social workers should be required to develop and follow a transition plan to help all parties understand the need for the placement change and provide seven-day notices, unless there is an immediate risk to the health and safety of the child.
- Counties should implement the QPI transition planning process and the QPI Partnership Agreement to ensure placement stability and to decrease unnecessary placement changes.
- Social workers should ensure that caregivers are provided with the training and medical, therapeutic, respite, financial, and educational supports necessary to accommodate the child’s unique strengths and needs to ensure placement stability and to decrease unnecessary placement changes.
- The CDSS should ensure that foster parent trainings include information about the use of court form JV-290 “Caregiver Information Form”. The JV-290 provides caregivers (any individual or agency caring for a foster child) with an accessible way to provide factual information about the foster child to the court so the judge can make an informed decision on placement changes.

¹Since the compiling of this annual report, Senate Bill 855, Chapter 29, was passed on June 20, 2014 that requires that each person employed as a facility manager or staff member of a group home on or after October 1, 2014, must be at least 21 years of age.

- The CDSS should ensure that foster parent trainings include information on the use of court form JV-295 “De Facto Parent Request”. The JV-295 allows a current or former caregiver (who has cared for a foster child for a substantial period) with an accessible way to request approval to be present at court hearings and to present evidence regarding a foster child’s care, placement, or services. The DeFacto Parent can provide factual information to the court so the judge can make an informed decision on placement changes.

Reunification

The FCO defines complaints regarding reunification as any call concerning the services and supports arranged or provided by child welfare staff, including the obstacles to reunification of a child to his or her parent. The FCO received 175 complaints regarding reunification. Most of the complaints were from 149 parents who reported that their efforts to reunify with their children were not supported by social workers.

FCO Recommendations:

- Social workers should be required to collaborate with parents on the development of case plan goals and objectives.
- Parents’ services and supervised visits with children should be arranged by the social worker to accommodate the parents’ work schedules. The social worker should address transportation issues the parents may have by exploring options including providing visits and services on weekends and evenings.
- Social workers should reassess addiction and mental health issues throughout the case and ensure that the issues are stabilized before adding additional case plan objectives.
- Social workers should use Parent Partners and Cultural Brokers to help explain the reunification process and the need for services including addiction and mental health services.
- Counties should increase the number of residential addiction programs statewide that enable parents and children to live together while the parents receive addiction services and the children receive appropriate therapeutic services.

County Child Protective Service Reports

The FCO defines complaints regarding child protective service (CPS) reports as any call concerning a report of known or suspected child abuse or neglect of a child or youth who is not in foster care. The FCO received 159 complaints regarding CPS reports. The most frequent complaints were from parents (48). The majority of their complaints were that CPS investigations were not objective or factual. Over half of these parents complained that their reports of abuse or neglect to the CPS concerning their children were not thoroughly investigated simply because the parents were involved in a child-custody dispute.

FCO Recommendations:

- CPS emergency response investigators should be provided with specialized investigation training and a higher pay rate.
- CPS investigators should be required to work with a partner in order to provide an additional perspective.
- The CPS investigation process should include a review of the entire history of the family and children; and interviews of all witnesses and collateral parties including physicians, teachers, neighbors, and relatives, which should be included in the CPS investigative findings/narrative reports.

Relative Placements

The FCO defines complaints regarding relative placement as any call concerning placement of a related child or youth with the relative, including adoption, guardianship and KinGap. Also, calls regarding a county's assessment process, approval, and denial of the relative's home for placement. The majority of the 157 complaints regarding relative placement issues were from 113 relatives who encountered complications when they requested that their minor relatives be placed in their homes.

FCO Recommendations:

- The CDSS should provide relatives with the same payments, benefits, and services as given to non-relative caregivers regardless of whether the children's parents meet the federal eligibility requirements.²
- County social workers should ensure implementation of the 30-day relative notification process provision of W&IC section 309(e)(1) and 628 (d)(2).
- The CDSS should require Family Finding technology and processes to be instituted in all counties.
- County social workers should expand the use of family conferencing.
- When safe and appropriate, county social workers should place children and youth with a relative immediately after initial removal on an emergency basis while the relative undertakes the approval process. W&IC section 309(d)(1).

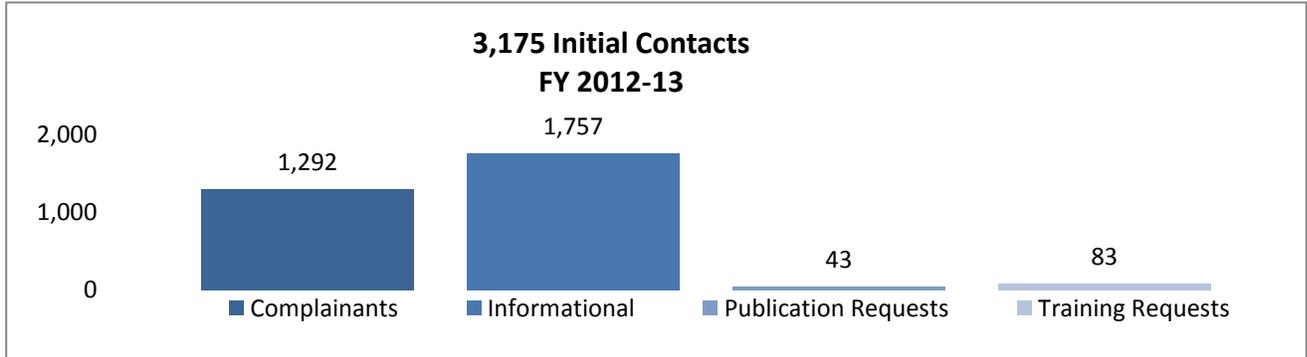
² Since the compiling of this annual report, Senate Bill 855, Chapter 29, was passed on June 20, 2014 that established the Approved Relative Caregiver Funding Option Program that will give counties the option to pay an approved relative caregiver a rate that is equal to the basic rate paid to foster care providers for an AFDC-FC child.

DATA SUMMARY AND FIVE-YEAR COMPARISON

Data Summary

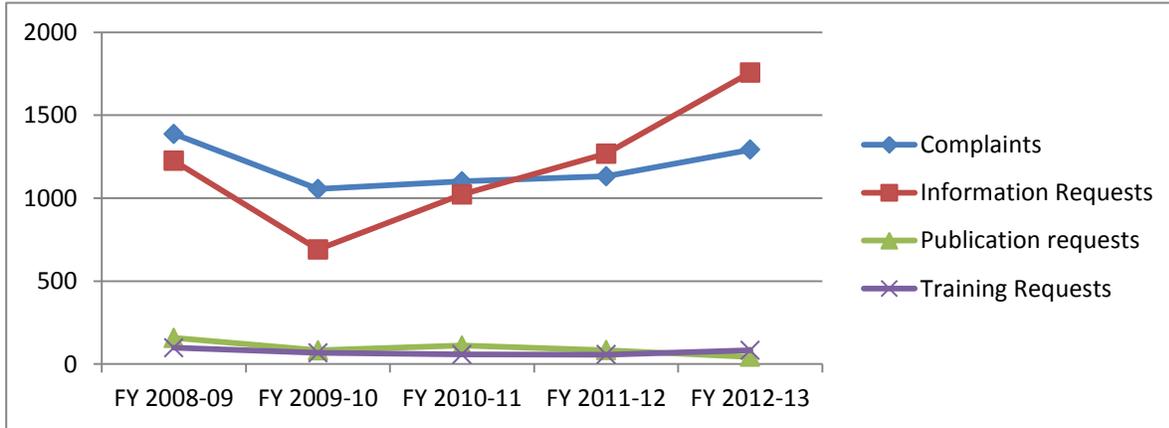
3,175 Initial Contacts, FY 2012-13

The FCO received 3,175 initial contacts during FY 2012-13. 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.



Five-year comparative chart: Initial Contacts

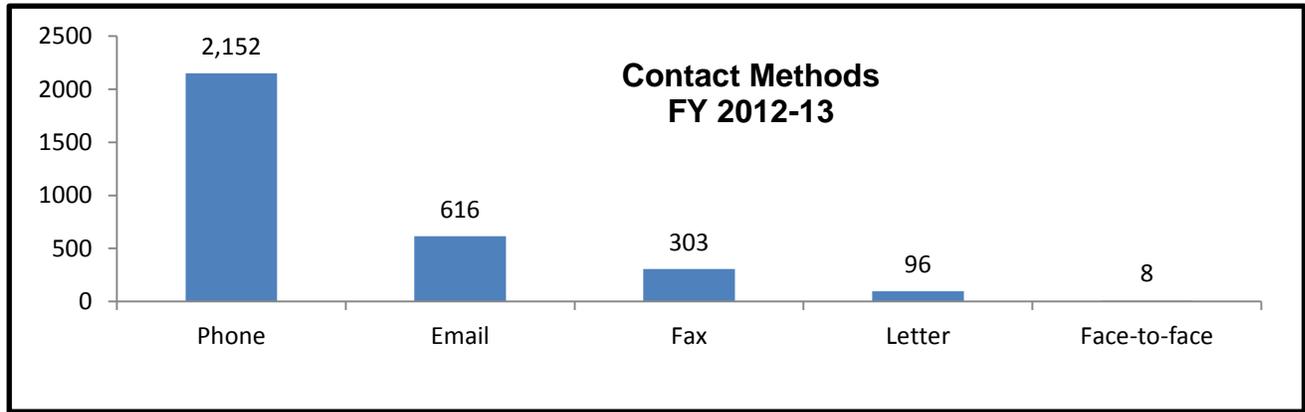
The number of contacts has grown over the last five years, the chart below shows that for the past two FYs complaints have remained relatively consistent (an increase of only 14% or 159) while the number of information requests has increased more dramatically (an increase of 39% or 491).



	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
Complaints	1387	1055	1101	1132	1292
Information Requests	1225	691	1022	1268	1757
Publication requests	158	83	112	84	43
Training Requests	98	67	58	57	83

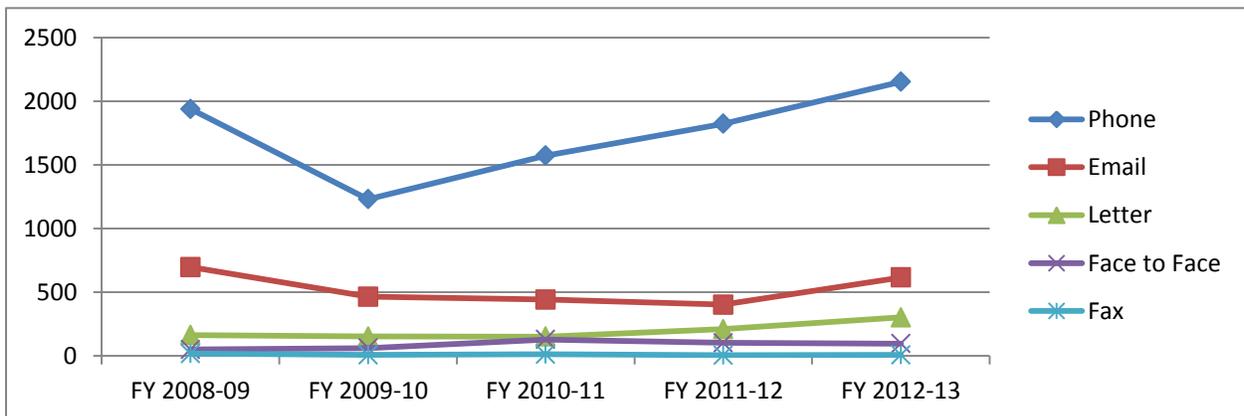
Methods of Initial Contact, FY 2012-13

Of the five different methods of contacting the FCO, telephone calls were by far the most common means of contact at 68%, followed by emails at 19%.



Five-year comparative chart: Methods of Initial Contact

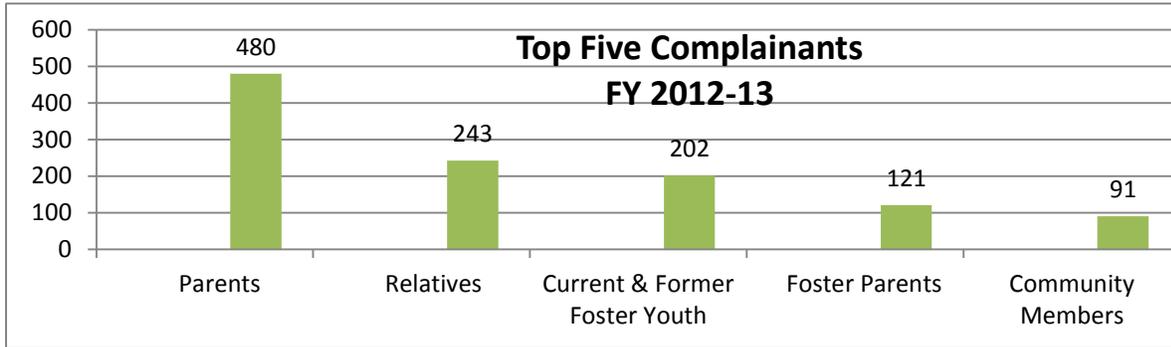
Telephone calls have been the main contact method for the past five years, while fax contacts have increased each year. This is primarily due to the increased number of requests from out-of-state child welfare service agencies for child welfare background information.



	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
Phone	1939	1230	1573	1822	2152
Email	697	465	442	402	616
Letter	164	153	151	210	303
Face to Face	50	61	129	102	96
Fax	18	8	13	5	8

1,292 Complainants, FY 2012-13

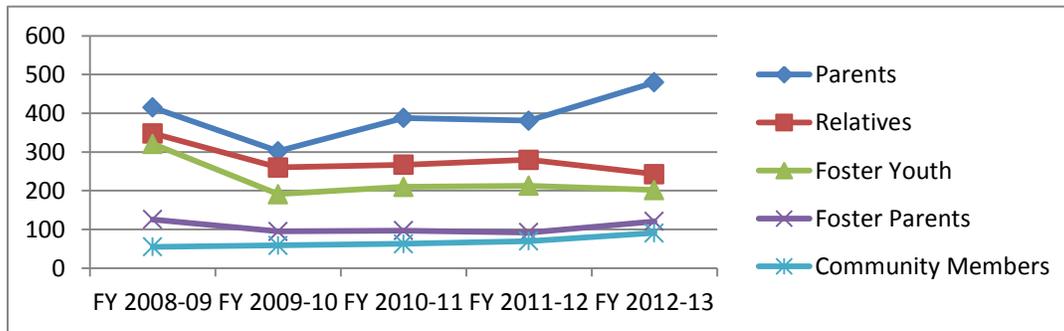
The FCO maintains data on key demographics of the people who make complaints regarding the children and youth in the California foster care system. During the FY 2012-13, 1,292 people contacted the FCO with complaints. The chart below identifies the top five complainants.



Other sources of complaints – Relative Caregivers (66), Community Professionals (15), CWS Staff (10), NMDs (8), FFAs (9), Guardians (9), CASAs (8), Attorneys (7), Group Home Staff (7), Adoptive Parents (5), Prospective Adoptive Parents (3), Prospective Foster Parents (3), ILP Staff (3), Legislative Staff (2).

Five-year comparative chart: Top five complainants

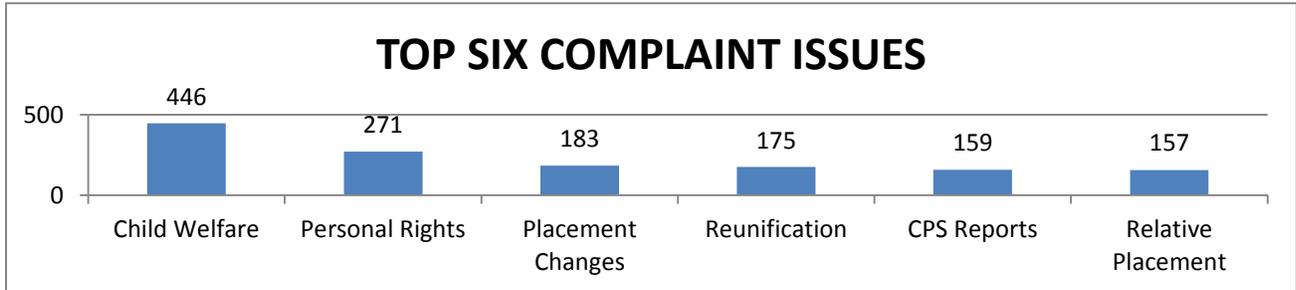
The below chart indicates that over the last five years the number of foster youth complaints decreased overall by 37%. The most significant decrease (130) was 41% from FY 2008-09 from FY 2009-10, however, the last three years have remained close to 200 foster youth complaints. Over the same five-year period, the number of parent complaints to the FCO increased by 16%. The most significant decrease was 27% from FY 2008-09 to 2009-10; while the 2012-13 FY spiked by 267% from the prior year.



	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
Parents	415	302	388	381	480
Relatives	348	260	267	280	243
Foster Youth	321	191	210	213	202
Foster Parents	126	95	97	92	121
Community Members	55	59	63	70	91

Complaint Issues, FY 2012-13

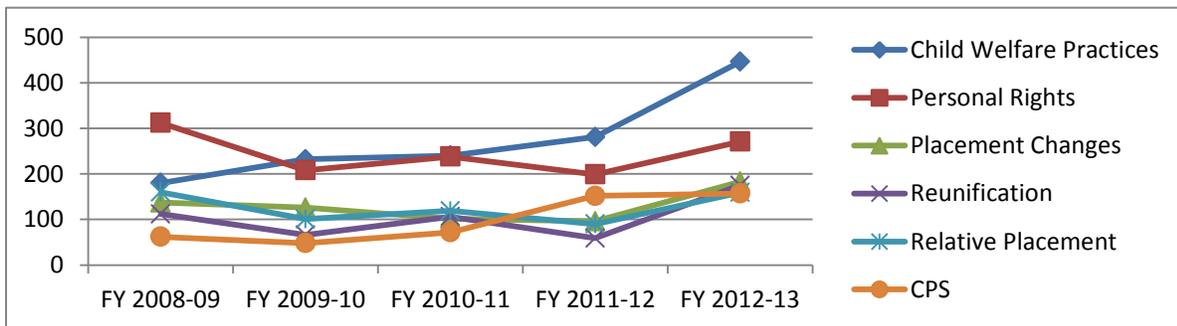
Throughout FY 2012-13, many of the 1,292 complainants reported more than one issue totaling 1,935 different complaint issues. The six most frequent complaint issues were about child welfare practices, personal rights violations, placement changes, reunification, CPS Reports, and relative placement.



Other complaint issues – Visitation (97), Payments (66), Foster/Kin Care (58), Court (54), AB 12 Extended Foster Care(46), Adoption (44), Removal (40), Licensing (20), Medical/Dental (17), ICPC (14), CWS Background check (14), ILP (12), Higher Education (12), Criminal Background Exemption (9) Emancipation (9), Homelessness (9), Discrimination (6), ICWA (4), Family Finding (4), Runaway (3), Attorney (2), Probation practices (2), Immigration (1), Mental health (1).

Five-Year Comparative Chart: Six Most Frequent Complaint Issues

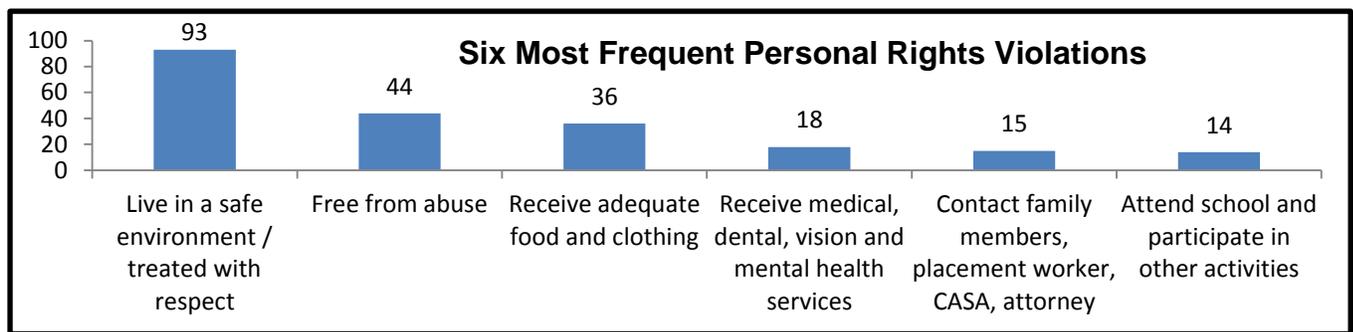
As this chart indicates, in FY 2008-09, personal rights violations were the most prominent complaint type; the highest for the five-year period (312). FY 2009-10 followed with a sharp decrease of 33%. From 2009-10 to FY 2011-12, personal rights violation complaints remained close to 200 for those three years. FYs 2011-12 to 2012-13 saw a 36% increase ending the five-year period with a 13% decrease overall.



	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
Child Welfare Practices	180	232	240	281	446
Personal Rights	312	208	238	199	271
Placement Changes	137	126	102	96	183
Reunification	112	66	106	59	175
Relative Placement	160	101	119	90	159
CPS	62	48	72	152	157

Personal Rights Violations Complaints, FY 2012-13

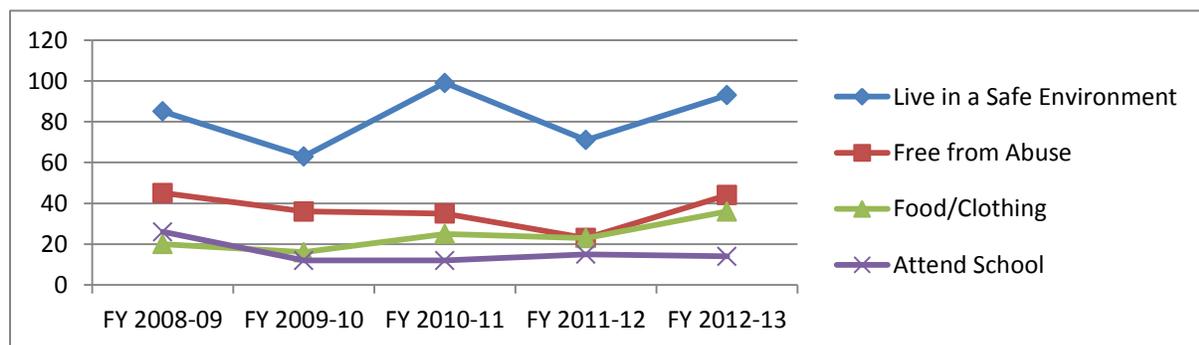
In FY 2012-13, the FCO received 271 personal rights violations complaints. Personal rights violations complaints continue to be one of the highest categories of complaints received by the FCO. Some callers reported more than one personal rights violation. The rights of children and youth in foster care were established by Assembly Bill (AB) 899 (Chapter, 683, Statutes of 2001) as codified in W&IC section 16001.9. (Appendix C) Social workers are mandated to explain the rights to every child and youth placed in foster care in an age-appropriate manner at least every six months. 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. (W&IC section 16001.9)



Other personal rights violations – Telephone calls & mail (8), Attend religious services (7), Have social contacts (5), Free from unreasonable searches of personal belongings (4), Unknown (4), Receive an allowance (4), Attend court hearings and speak to judge (3), Gender/Sexual preference discrimination (3), Not be locked in any room (3), Religion discrimination (3), Contacts with siblings (2), Confidential juvenile court records (2), Contact with CCL or Ombudsman Office (2), Review case plan (1).

Five-year comparative chart: Four Most Frequent Personal Rights Violations Complaints

The first two major complaint types, Live in a safe environment/treated with respect, and Free from abuse have been the two major complaints for all five years.



	FY 2008-09	FY 2009-10	FY 2010-11	FY 2011-12	FY 2012-13
Live in a Safe Environment	85	63	99	71	93
Free from Abuse	45	36	35	23	44
Food/Clothing	20	16	25	23	36
Attend School	26	12	12	15	14

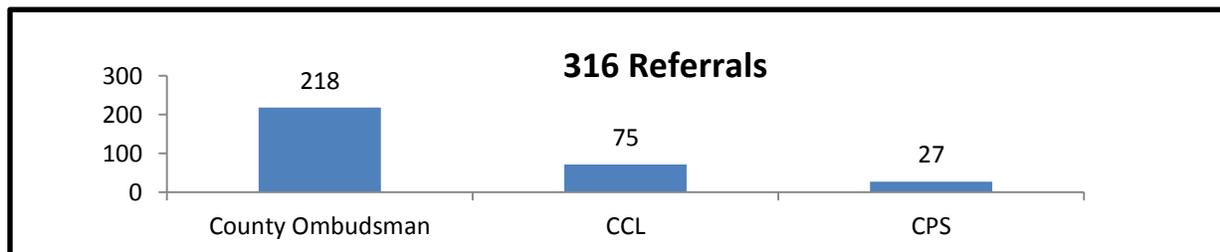
Referrals, FY 2012-13

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 (see Appendix B for additional explanations regarding the FCO's inquiry and complaint process).

During FY 2012-13, the FCO referred 316 complaints to CCL, county ombudsman offices, and/ or county CPS offices. After these entities responded back to the FCO regarding their investigation outcome, the FCO contacted the complainant to see whether the matter was resolved or further investigation by the FCO was necessary.

Nine counties, Kern, Los Angeles, Orange, Placer, Sacramento, San Bernardino, San Diego, San Francisco, and Santa Clara, each have a county ombudsman who conducts investigative inquiries regarding complaints made by the public. The FCO referred 218 complaints to these county ombudsmen. In the remaining 48 counties that do not have an ombudsman, the FCO notified the county's child welfare services contact person that the FCO was investigating a complaint.

During FY 2012-13, the FCO made 75 referrals to CCL regarding complaints concerning licensed group homes or foster homes involving possible regulatory violations of a foster child's personal rights. Additionally, the FCO made 27 referrals to county CPS offices due to the FCO receiving a report of child abuse or neglect.

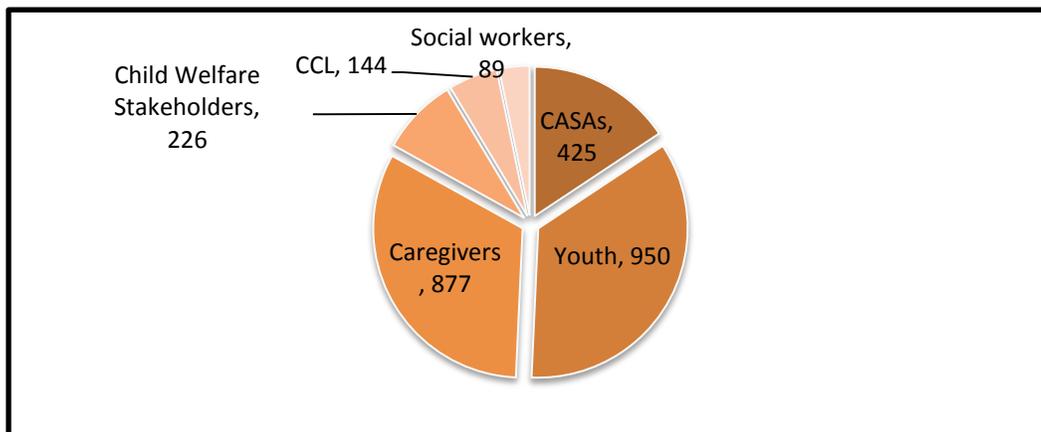


2,711 Participants Trained by the FCO, FY 2012-13

One of the main activities of the FCO is conducting outreach trainings to the public, foster children, and child welfare organization regarding foster care rights. Trainings are conducted for social workers, court appointed special advocates (CASAs), foster youth in the Independent Living Programs (ILP), foster parent associations, the Foster-Kin Care Education classes, (CCL) staff, group home staff, social workers, and community groups. These trainings also provide the opportunity for the FCO staff to witness the excellent work and dedication of many caregivers, attorneys, social workers, advocates, and other child welfare professionals.

During FY 2012-13 the FCO trained 2,711 participants on the rights of foster children and youth in foster care, the duties of the FCO, the complaints the FCO receives, the After-18 program, the Chafee grant, housing options, and the Affordable Healthcare Act for emancipated foster youth.

The FCO provided training to 950 foster youth, through county ILP meetings, California Youth Connection meetings, youth conferences, and at presentations to group homes and shelters. Additionally, 877 relative and non-relative caregivers were trained at county and foster family agency (FFA) meetings as well as during various conferences. The FCO trained 425 CASAs during FY 2012-13. The FCO also trained 226 child welfare stakeholders on the complaints the office has received and how the complaints inform and prompt the evolution of policies that improve the lives of these foster children and youth. Every year, regional CCL offices invite the FCO to train their staff on foster care rights and the complaints the FCO receives. During FY 2012-13, the FCO trained 144 CCL staff. Also, 89 county and FFA social workers were trained across the state on foster care rights as well as the complaints the FCO receives and how the relationship among social workers, children, youth, and the families they serve can be improved.



1,757 Requests for Information, FY 2012-13

During FY 2012-13 the FCO received 1,757 requests for information. Individuals who contact the FCO include foster care children, youth, their families and relatives; child welfare stakeholders; other professionals; and members of the community. They contact the FCO to request information on the child welfare system, foster care or children's issues in general.

Some examples of information requests include:

- 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,
- County eligibility worker request changes to a child's Medi-Cal coverage,
- Out-of-state child welfare agencies request California child welfare background check information.

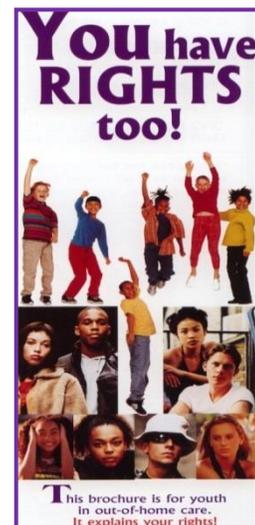
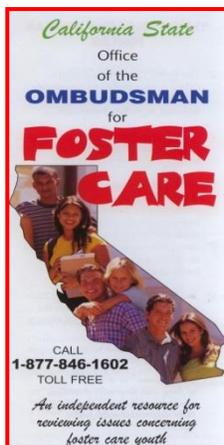
All callers are provided with the requested information and referrals are forwarded to appropriate agencies as necessary.

Publications Distributed 28,010 for FY 2012-13

During FY 2012 -13, the FCO distributed 28,010 publications. Publications were provided to participants at FCO trainings, various child welfare focused conferences and events. Publications were distributed to current and former foster youth, parents, relatives, caregivers, CASA's, group homes, ILP coordinators, FFAs, county social workers and other child welfare professionals.

The publications disseminated by the FCO include:

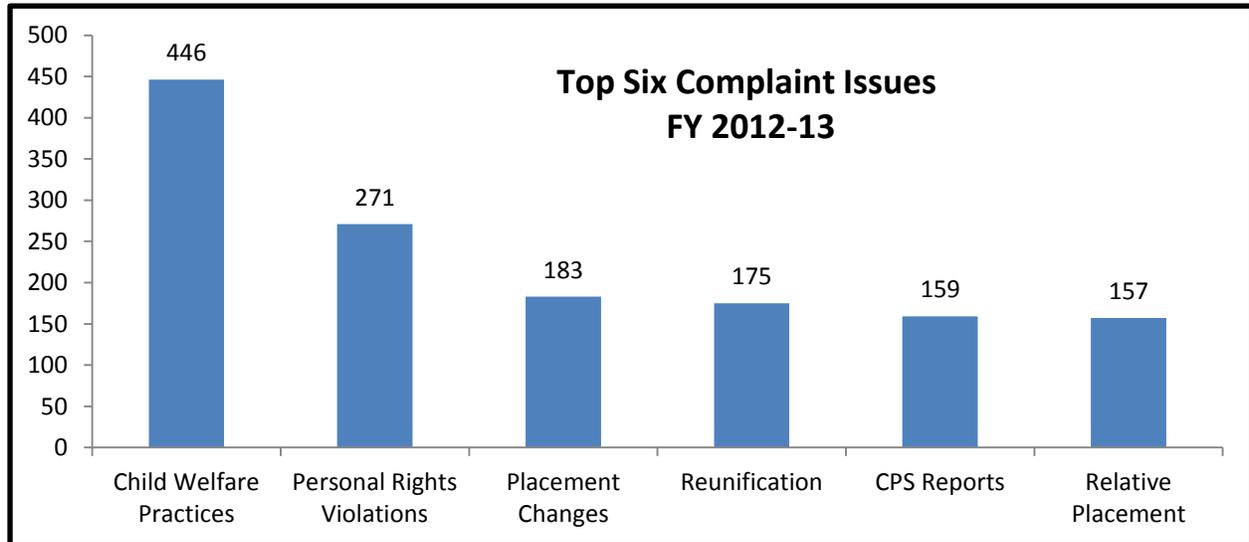
- AB 490 – Factsheet Number One
- After 18 –Future Choice, Rev. 3.22.12
- After 18 –Future Choice - Frequently Asked Questions, Rev. 3.22.12
- After 18 Program, FC 1638 (8/13)
- California Foster Youth Education Task Force- Education Rights
- California State Office of the Ombudsman for Foster Care, PUB 339 (1/04) English, PUB 339 (SP) (1/04)
- Covered till 26 Healthcare packet
- Foster Care Help-Line Card
- Foster Care Ombudsman County Contact List
- Independent Living Program (ILP), FC 1634 (12/13)
- Know Before You Go – Housing Options, Supervised ILP, Re-Entry
- Medi-Cal Eligibility for Former Foster Youth Under the Affordable Care Act, 10/2013
- Read All about it! Money to Attend College or Training!, FC 1635 (5/13)
- Resource directory – A Guide for Current and Emancipated Foster Youth
- Scholarships, FC 1636 (6/13)
- When You Turn 18 – A survival guide for teenagers
- You have Rights too! , PUB 395 (7/11) English, PUB 395 (SP) (4/07) Spanish
- A Parent's Guide to CPS and the Courts
- Caregivers and the Courts



THE SIX PRIMARY REASONS THE FCO WAS CONTACTED
FY 2012-13

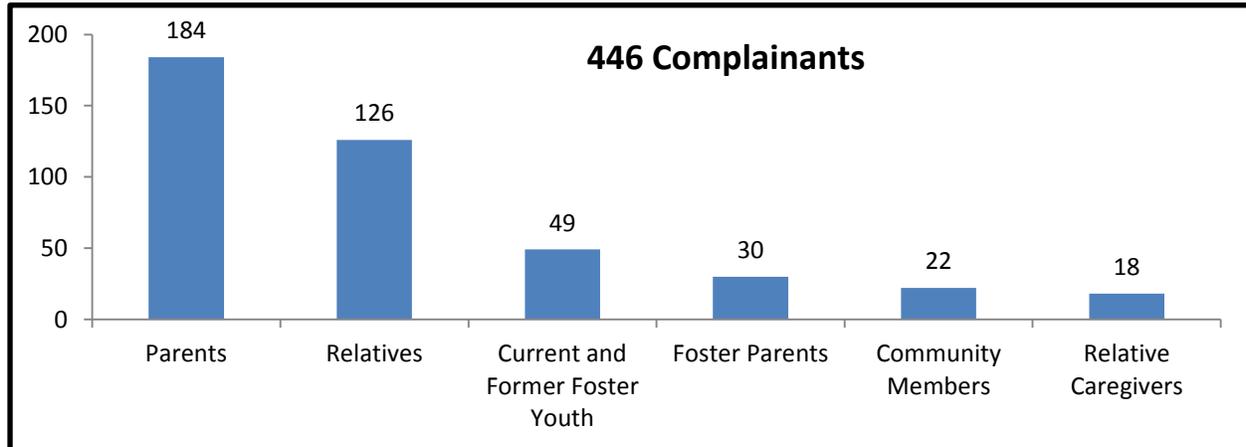
THE SIX PRIMARY REASONS THE FCO WAS CONTACTED

During FY 2012-13, the six complaint types most frequently received by the FCO were Child Welfare Practices (446), Personal Rights Violations (271), Placement Changes (183), Reunification (175), CPS Reports (159), and Relative Placement (157) (see chart below). The report on the following pages will examine these six complaint issues in detail about who is complaining; what are the specific concerns; what do these concerns have in common; including case examples from those who contacted the FCO; and recommendations for practice and policy changes to address these issues.



Child Welfare Practices, FY 2012-13 Data

The FCO defines child welfare practices complaints as any call regarding the policies, procedures, practices or individual actions or behavior of county social service agency employees. During the FY 2012-13, the FCO received 446 complaints regarding county child welfare practices.



Other Child Welfare Practices sources: Community Professionals (3), Prospective Foster Parents (3), GH (2), Legislative staff (2), Adoptive Parents (1), CASAs (1), CWS Staff (1), Guardians (1), Prospective Adoptive Parents (1), Attorney (1), and NMD (1).

The most common complaints regarding Child Welfare Practices were from parents (184) who reported that social workers:

- Were disrespectful, rude, and showed a lack of support toward them,
- Did not return phone calls in a timely manner,
- Did not include the parents in the development of the case plan and did not provide clarification of the case plan objectives, and/or
- Did not refer parents to court-ordered services in a timely manner including did not refer parents to supportive services and/ or counseling when requested by the parents.

CASE EXAMPLE: Child Welfare Practices

A birth father contacted FCO regarding his concerns about the social worker being biased against him and only advocating for the birth mother. His six-year old daughter was currently living with the mother who was participating in a family maintenance case. Despite the fact that the Court ordered that the birth father have liberal visitation with his daughter, he reported that he only saw her for an hour and a half per week. When the birth father complained to the county social worker that the mother was not following court orders and allowing him liberal visitation, the county social worker referred him back to the mother and advised him to work it out with the mother. The birth father reported that he and the birth mother could not agree on a visitation schedule. FCO staff contacted the child's attorney regarding the birth father's complaint; of which the attorney confirmed that the court granted the father liberal visitation with his daughter. FCO recommended that the social worker develop and implement a visitation schedule for the father. The attorney spoke to the county social worker and the county social worker agreed to develop a visitation plan for the

Relative callers (126) shared similar complaints that social workers:

- Were disrespectful and rude toward them,
- Did not return phone calls in a timely manner, and
- Did not provide timely and appropriate services for their minor relatives in foster care.

The most common Child Welfare Practice complaint received from current and former foster youth (49) were that county social workers:

- Did not listen to them and/or failed to respond to the youth's complaints,
- Did not return their phone calls,
- Did not facilitate family/sibling visits, and
- Did not follow through with what they told the youth. For example, social worker's lack of follow through in providing the youth his/her clothing allowance.

Calls from foster parents (30) reported that:

- Social workers did not provide accurate information to them related to the foster child's medical, therapeutic, physical, emotional, and educational needs, and
- They feared retaliation from the social worker if they requested services for the foster child even though the services were necessary to meet the child's needs.

Community members who include community professionals (22) (e.g. teachers, hospital staff, attorneys, CASAs) also reported to the FCO that county social workers:

- Were disorganized, unprofessional, and disrespectful,
- Failed to follow through on paperwork in order for the child to be assessed for appropriate placement, and
- Did not facilitate sibling visits.

Finally, relative caregivers (18) complained that social workers:

- Showed a lack of concern in establishing a supportive and therapeutic relationship with them to determine the best interests of the foster child, and
- Offered a lack of assistance in obtaining needed services for the foster child.

Child Welfare Practice Complaint Issues

Generally, families come to the attention of CPS while they are in the midst of turmoil. Removal of children, no matter how appropriate, exacerbates the turmoil. Typical responses by parents to the removal of their children include denial, depression, anxiety, anger, and hopelessness. Parents in crisis may have difficulty listening, concentrating, and remembering. Their behavior may include increased drug or alcohol use, emotional outbursts, or aggression. They might have had a bad experience with child welfare professionals in the past and mistrust “the system.” Therefore, the trust and rapport established between social workers and parents at the beginning of the case is vital as it lays the foundation for effective communication and case planning.

Overall, the investigations conducted by FCO staff found that many social workers did not return phone calls in a timely manner to parents, relatives, foster youth, foster parents, and to relative caregivers. The FCO found that social worker’s voice mail boxes were often full and could not receive messages or social workers were out of the office for a specific period of time and their voicemail messages did not provide contact information for a supervisor.

Parents’ complained about social workers not referring them in a timely manner to court-ordered services. Many parents and relatives reported to the FCO that they needed social workers to clearly explain the complexity of the child welfare system in a way that they could understand.

In FCO’s review of the complaint cases, the FCO observed that case plans were often generic and not specific to the individual needs of the family. In particular, FCO noted that the generic case plans did not take into account logistical issues such as a parent’s lack of transportation and thus parents are dependent on public transportation which often takes hours. This is especially challenging for those parents that live in rural areas - miles away from a bus route which made it difficult for them to attend court-ordered services and visits.

Another issue of concern by the FCO is that there does not seem to be consistent oversight and accountability on the improper actions of specific social workers in working with parents, relatives and children. For example in situations when a social worker has failed to exercise due diligence to identify, notify, and engage relatives for out-of-home placement within the first 30 days of a child’s removal from their home, the FCO found that in some counties there was a lack of consistent oversight and accountability. The FCO recognizes that the majority of social workers do follow the laws and regulations. However, in FCO’s review of the child welfare practice complaints reported to the FCO, the FCO found that there were some social workers who did not follow the laws, regulations, and county procedures. The FCO’s concern is that social workers should be held accountable for their improper child welfare practices and consequences should be enforced and documented.

The complaints from current and former foster youth were that social workers did not listen to them or take their complaints seriously. The FCO found that social workers often times did not contact the youth directly regarding their concerns but rather only contacted the adult caregiver and/or group home manager. Foster youth also complained that the social worker did not arrange for sibling visits.

Foster parents and relative caregivers complained that there was a lack of engagement, communication, and support by social workers. FCO found that

social workers often failed to communicate the specific special needs of the foster child to the caregiver before placing the child in the home. Further, FCO found that after placing a child in a home, there was a lack of support from the social worker to assist the caregiver in obtaining the needed services for the foster child especially so when the child was placed out of county. FCO heard repeatedly from foster parents and relative caregivers that once the child was placed in their home, the county social worker was rarely involved in the child's life and only made the required monthly face-to-face visit, during which, at times, the social worker failed to provide quality time with the foster child and/or caregiver in order to get a real sense of the needs of the foster child. On the other hand, many of these foster parents and relative caregivers voiced to the FCO that if they continued to "advocate" for the needs of their foster children they believed the social worker would retaliate and remove the child from their home and place the child in another placement.

Community members complained to the FCO that social workers were disrespectful and unprofessional. In FCO's discussions with social workers, FCO found that some social workers responded defensively when asked by FCO to provide their perspective regarding the complaints; and these social workers were reluctant to objectively address the complaints. However, many other social workers were open to hear from the FCO to learn about the nature of the complaint in order to work toward resolving the caller's concerns.

FCO Recommendations:

- The CDSS should ensure that social workers are returning phone calls within 24-48 hours.
- Social workers should ensure that case plan goals, objectives, and updates are discussed in a manner in which both parents and children understand.

CASE EXAMPLE: Child Welfare Practices

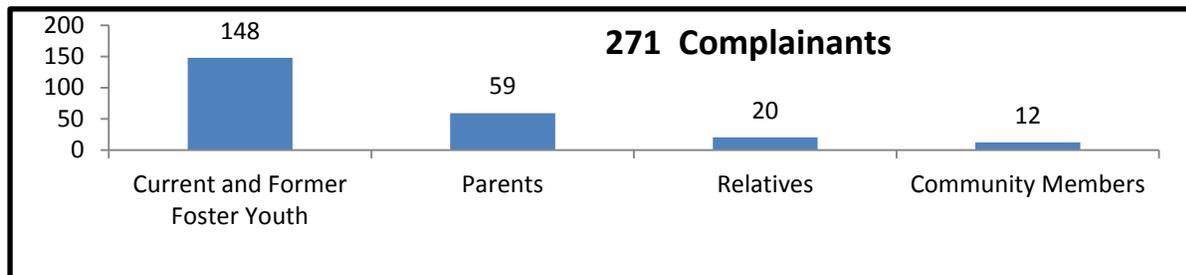
An 18 year-old foster youth contacted the FCO reporting that her county social worker was not returning her phone calls in order to discuss her eligibility to remain in extended foster care. The FCO staff contacted the youth's attorney and the county social worker about the youth's concerns and requested that the social worker assess the youth's eligibility for extended foster care and follow up with the youth and the FCO accordingly. The youth caller later informed the FCO staff that she no longer had issues with her social worker as her social worker had been communicating with her in a timely manner and provided the youth with her work cell number to contact her social worker sooner. Further, the youth stated she was found eligible to receive extended foster care benefits.

- To improve social worker engagement with clients, all counties should implement consistent practice models (e.g. California Partners for Permanency (CAPP) and the Quality Parenting Initiative (QPI) models).
- Expand social worker training to include specific communication and interpersonal skills regarding how to positively engage with birth parents, relatives, and foster children.

Personal Rights Violations, FY 2012-13 Data

The FCO defines personal rights violation complaints as any call regarding the rights of foster children and youth as defined in W&IC section 16001.9. During FY 2012-13, the FCO received 271 complaints regarding personal rights violations.

The rights of foster children and youth in foster care were initially established by AB 899 (Chapter 683 statutes of 2001) (See Appendix C). Additional foster youth rights have been added by legislation including the Foster Care Non-Discrimination Act (Chapter 31, Statutes of 2003), which prohibits discrimination of foster children based on actual or perceived race, ethnic group discrimination, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status. A new right was implemented in 2013 by SB 528 (Chapter 338, Statutes of 2013), which amended W&IC section 16001.9 to require a dependent child's social worker, if the foster child or youth is age 12 or older, to ensure that the child or youth is informed of their right to consent to and receive age-appropriate, medically accurate information about sexual development, reproductive health, prevention of unplanned pregnancies and sexually transmitted infections. Also, the statute amends W&IC section 16002.5 to mandate services and assistance to pregnant and parenting foster youth. Legislation and regulations require that these rights be communicated to foster children and youth. Social workers are required to review these rights with every foster child every six months in an age-appropriate manner (W&IC section 16501.1(f)(4)). Facilities licensed to care for six or more foster children and youth must post information on foster youth rights in their facility (Health and Safety Code section 5030.91 (b)).



Other Personal Rights Violations sources: CASAs (6), Community Professionals (5), Foster Parents (5), Attorneys (3), Relative Care Providers (3), CWS Staff (3), FFAs (2), Guardians (2), ILP Staff (1), GH (1), Prospective Adoptive Parents (1).

CASE EXAMPLE: Personal Rights Violation

The FCO received a complaint from a foster youth who was living in a group home. The youth reported that his personal rights were being violated due to the group home's Executive Director making inappropriate, abusive and demeaning comments to him. The FCO staff referred the youth's complaints to the youth's social worker, attorney and to CCL. The youth's complaints were substantiated by CCL who cited the group home. Additionally, the group home was mandated to provide training to all staff regarding effective communication and appropriate youth engagement techniques.

The overwhelming majority of personal rights violations complaints were reported to the FCO directly from foster children and youth (148). These foster children and youth cited the following examples:

- Not feeling safe in group homes (i.e. youth feel bullied by other youth and staff),
- Staff not treating youth with respect, belittling them and making inappropriate comments or making fun of them,
- Not being able to make confidential phone calls,
- Not being fed adequate amounts of food and/or being served expired or rotten food,
- Not being provided adequate clothing or not receiving a clothing allowance even after the social worker approved it.

Calls from parents (59) reported the following concerns:

- Group home placements were not a safe living environment for their child,
- Foster children and youth were unable to make confidential phone calls in their placement,
- Foster children and youth were not provided with adequate clothing.

The major complaints reported by relative callers (20) were:

- They were unable to have contact with their minor relatives in foster care, and
- The relative foster children were not provided with adequate food and clothing.

Finally, community members (12) reported to the FCO concerns surrounding:

- The safety and well-being of foster children residing in group homes, and
- The lack of supervision provided by group home staff.

Personal Rights Violations Issues

The FCO received the majority of complaints regarding personal rights from foster youth residing in group homes. The FCO also received complaints from parents, relatives, and community members expressing their concerns regarding the care and services being provided to the foster youth.

Foster homes and group homes are quite different. Foster homes are intended to provide a comfortable, least restrictive, and family-like living environment, while group homes are intended to provide a higher level of care with highly structured programs staffed by employees who work in shifts. The FCO found that group home staff are usually paid minimum wage and were found at times to be inexperienced and uneducated in working with high-risk children and youth. The FCO observed that some group homes experienced high staff turnover rates.

CASE EXAMPLE: Personal Rights Violation

An 18 year-old non-minor dependent who resided in a group home contacted the FCO to complain that one of the staff was especially harsh and treated him unfairly. The staff took away his cell phone while he was sleeping and if the youth's clothes were left on the bedroom floor, the staff person would throw the clothes away. The FCO staff contacted the youth's social worker and attorney to inform them of the complaint and that a referral would be sent to CCL. The referral was submitted to CCL and the allegations were substantiated. The group home was issued citations for all of the allegations and the staff was required to receive training on the foster care rights.

Further, children and youth living in group homes reported to the FCO that they seldom received attention that nurtured their overall well-being. The FCO found that group home programs generally operated in a manner that over-emphasized house rules and a behavior-focused level system that did not always meet the needs of the individual child and youth. Additionally, services including mental health such as individual and group therapy and academic assistance such as tutoring or homework support were frequently neglected by staff.

In some instances during interviews and presentations to youth in foster care, the FCO found that not all social workers had reviewed the foster youth rights with dependent children as required by W&IC section 16501.1(f)(4). Children and youth in foster care reported to the FCO that they were not always aware that they had rights and that no one had informed them of their rights. Additionally, foster children and youth expressed to the FCO that they did not want to talk to their social worker or attorney about their personal rights being violated in fear that the social worker would abruptly remove them from their placement or fear that they would experience some type of retaliation by their caregiver (group home staff or foster parent) if they made a complaint to the FCO.

Reports made to the FCO of personal rights violations are forwarded to CCL, who conducts an on-site investigation by privately interviewing youth and staff. When CCL finds that allegations are substantiated, CCL has the authority to cite the group home based on Title 22, Division 6, Section 84172. The CCL then requires the facility to complete a corrective action plan within a specified time frame. In some cases when the FCO received on-going complaints related to a certain group home facility, the FCO conducted a joint investigation with CCL. The FCO notifies the youth's attorney of any personal right violation made by the youth.

FCO Recommendations:

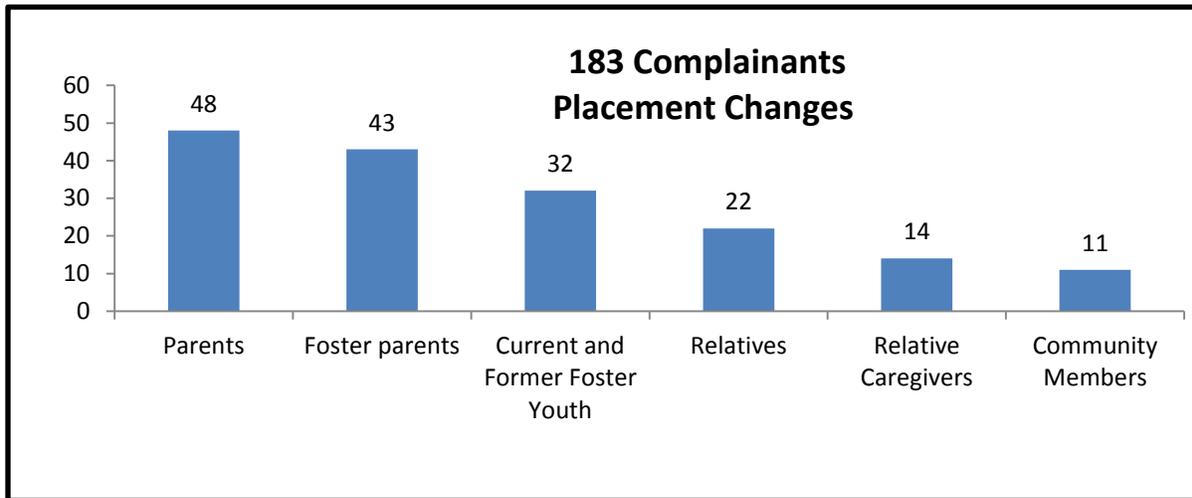
- All county social workers, group home staff, foster family agency social workers, shelter staff, and caregivers should be required to complete yearly training regarding the personal rights of foster children and youth.
- The CDSS should require a statewide minimum age of 21 years and educational requirements of 12 units of college credit for group home staff ³.
- The CDSS should create and require mandatory standardized training for all group home staff.
- The CDSS should require a child-focused and evidence-based statewide assessment of every child and youth before placement in a group home to ensure that our foster children and youth receive appropriate care and services.
- Social workers should be required to document in court reports and contact notes the date they reviewed the Foster Care Rights with the foster child and youth in age-appropriate language. This will ensure review of rights occurs every six months as mandated by W&IC section 16501.1(f)(4).

³Since the compiling of this annual report, Senate Bill 855, Chapter 29, was passed on June 20, 2014 that requires that each person employed as a facility manager or staff member of a group home on or after October 1, 2014, must be at least 21 years of age.

Placement Changes, FY 2012-13 Data

The FCO defines complaints regarding placement changes as any call concerning a change in a foster child or youth's placement.

During the FY 2012-13 the FCO received 183 complaints regarding changes of placement. This complaint category focuses on the actions and policies of county social workers in removing foster children and youth from their caregivers. This is an important issue as any unplanned placement change can result in additional trauma to the child.



Other Placement Changes complaint sources - Community Professionals (3), Guardians (2), Prospective Foster Parents (2), Attorneys (1), CWS Staff (1), FFA (1), Group Homes (1), ILP Staff (1), Prospective Adoptive Parents (1).

The FCO investigations of placement changes found that birth parents (48) were the largest group of complainants. They were concerned that:

- Multiple moves were causing unnecessary emotional trauma to their children,
- Siblings were being separated and moved to other placements, and
- Their requests for removal of their children were ignored even though they reported the children were being abused or neglected by their caregivers.

Foster Parents (43) were the second largest source of complaints. Their concerns included:

CASE EXAMPLE: Placement Changes

A children's dependency attorney contacted the FCO on behalf of her 17 year-old client whose foster parent had received a seven-day notice from the social worker to remove the foster youth from the home because the social worker was missing some annual re-certification paperwork. The youth had lived with the foster parent for two years and was stable and comfortable in the home. The FCO staff immediately contacted the county child welfare director and the youth's social worker. Due to the FCO staff's intervention, the caregiver provided the necessary paperwork and the youth was not moved and was approved for another year.

- Retaliatory removals by social workers in response to their requests for services,
- Lack of seven-day notices prior to removals and lack of transition plans,
- Not being told the reason for removal,
- The foster child or youth was scheduled to reunify with their birth parent even though the parent may not be ready to fully provide appropriate and adequate care.

Calls from current and former foster youth (32) alleged that:

- A placement change would negatively impact their school placement.
- They were separated from their siblings.
- They were not consulted beforehand about placement changes.
- The placement change severed a positive bond they had with their caregiver.
- They were not well matched with their new caregiver.

The complaints from relatives (22) regarding placement changes of their minor relatives were:

- Multiple moves were causing trauma to their minor relatives.
- Children should have been placed with relatives when they were first removed.
- Relatives should have been considered for placement whenever there was a placement change.

CASE EXAMPLE: Placement Changes
<p>A 15 year-old pregnant youth contacted the FCO because the FFA social worker was moving her from her foster parent with whom she had developed a strong bond. The reason for the removal was because the youth, who was finishing high-school through an on-line course, was home alone during the day until the caregiver returned from work. The county social worker and the youth's physician had approved of the arrangement due the youth's high risk pregnancy. The FCO staff discussed the matter with the FFA social worker. The FFA social worker finally agreed that, as long as the foster parent arranged for service providers and close friends to check in with the youth during the day and that a record of these contacts be maintained, the youth could remain in the home.</p>

Additionally, relative caregivers (14) who had their relative children placed with them complained that:

- They did not receive placement of siblings.
- Children were removed because relatives opted for guardianship rather than adoption.

Community members (11) reported concerns:

- Children were separated from siblings.
- Children were experiencing multiple placements.
- Children were not placed with relatives, or with other appropriate caregivers.
- Inadequate services for foster children, youth and caregivers.

Placement Change Issues

The FCO investigations of placement changes complaints found that the unique needs of individual foster children were not being properly assessed at the onset of the placement. The FCO found that placement changes were often unexpected and unexplained to the foster child and/or the caregiver. Further, FCO found that preventative measures such as counseling and mental health services were often not put in place to preserve placements. Likewise, foster parents were not informed beforehand about the special needs of the children who were placed with them. Additionally, FCO heard directly from foster youth that they did not have a voice in their placement matters. Consequently, these foster children were placed with families who did not share their same culture, values, religion, or in some cases, the same language.

The FCO found that change can be the most difficult for children, and placement changes have a profound effect on children's lives and impacts placement and educational stability. Moving children abruptly without a transition plan can result in secondary trauma to the child's emotional well-being. The way a child leaves a placement may affect the way a child enters the next placement. The FCO finds that when a change of placement is warranted, a proper transition plan is needed to ensure that the child feels secure in his or her new surroundings. Placement stability results from carefully matching children and youth with appropriate caregivers.

FCO Recommendations:

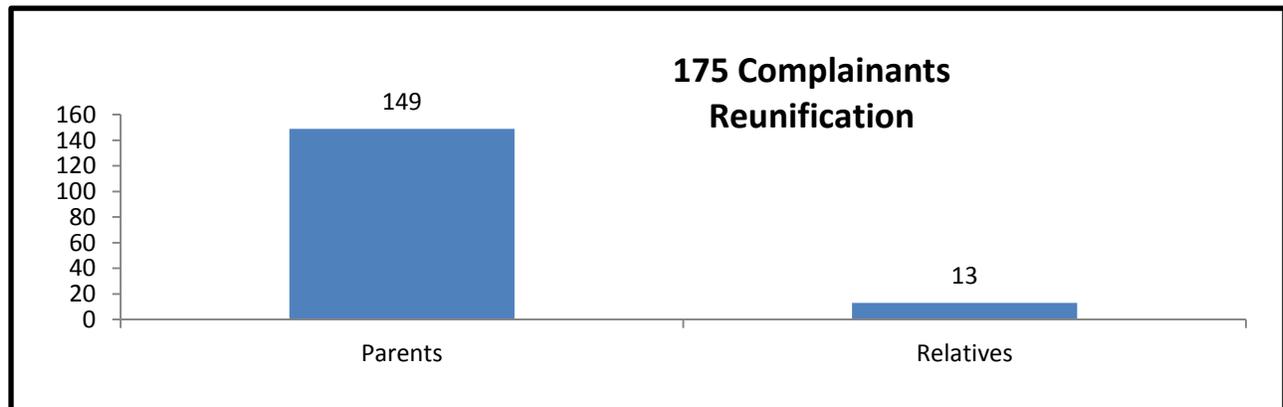
- To avoid abrupt placement changes, social workers should be required to develop and follow a transition plan to help all parties understand the need for the placement change and provide seven-day notices, unless there is an immediate risk to the health and safety of the child.
- Counties should implement the QPI transition planning process and the QPI Partnership Agreement to ensure placement stability and to decrease unnecessary placement changes.
- Social workers should ensure that caregivers are provided with the training and medical, therapeutic, respite, financial, and educational supports necessary to accommodate the child's unique strengths and needs to ensure placement stability and to decrease unnecessary placement changes.
- The CDSS should ensure that foster parent trainings include information about the use of court form JV-290 "Caregiver Information Form". The JV-290 provides caregivers (any individual or agency caring for a foster child) with an accessible way to provide factual information about the foster child to the court so the judge can make an informed decision on placement changes.
- The CDSS should ensure that foster parent trainings include information on the use of court form JV-295 "De Facto Parent Request". The JV-295 allows a current or former caregiver (who has cared for a foster child for a substantial period) with an accessible way to request approval to be present at court hearings and to present evidence regarding a foster child's care, placement, or

services. The DeFacto Parent can provide factual information to the court so the judge can make an informed decision on placement changes.

Reunification, FY 2012-13 Data

The FCO defines reunification complaints as any call regarding services and supports arranged or provided by child welfare staff, including obstacles to reunification of a child to his or her parent.

During the FY 2012-13, the FCO received 175 complaints regarding reunification.



Other Reunification complaint sources: Foster parents (5), Relative Care Providers (3), Adoptive Parents (1), CASAs (1), Community Member (1), Community Professionals (1), Current or Former Foster Youth (1)

Of the 175 complaints that FCO received, 149 of these complaints were from parents who complained that the county social worker:

- Did not refer them to appropriate services in a timely manner,
- Did not provide clarification regarding their case plans,
- Did not involve them in developing the case plan,
- Failed to take into account the parent's circumstances (i.e. their school or work schedules; lack of housing and/or transportation).

Relatives (13) reported the following complaints to the FCO:

- Concern that birth parents were not receiving adequate and timely reunification services that would prepare the parents to safely reunify with their children.
- Concern that parents continued to use illegal drugs while the agency ignored their reports of the parents' drug use and pursued reunification putting the children at risk of further abuse and neglect.

Reunification Issues

Since the county social worker is responsible for preparing a case plan, as required by W&IC section 706.5, which includes specific time-limited goals (generally the maximum amount of time that a parent can receive reunification services is 18 months), it is important for the social worker to assess the parents' specific needs in relation to the time limits. Reunification case plans often contained the following required services: parenting classes; alcohol and drug testing, obtain housing and employment; and individual and/or family counseling. The FCO found that many parents expressed concerns regarding their ability to complete all their reunification services within the 18-month period, as required by the 1997 Adoption and Safe Families Act (ASFA).

Parents with children under the age of three often found it impossible to complete reunification services within the six months they were allocated. As many reunification cases were centered on the issues of mental health and addiction, many parents reported that addressing all of the elements of their case plan when they were struggling to stabilize their mental health issues and become addiction-free was unrealistic. It is uncertain whether parents can make progress regarding the case plan until their mental health and addiction issues have been stabilized.

Another common complaint from parents is that they only received a few hours of visitation per week with their children during reunification and that not seeing their children on a regular basis made it more challenging for them to stay connected to their children. Visitation allows the parent an opportunity to demonstrate the skills they learned in the court ordered parenting classes by interacting with their children in a positive manner.

FCO found that several counties use "cultural brokers" and/ or "parent partners," to assist parents through the dependency process. Cultural brokers often serve not only as interpreters but they assist in mediating and/or linking persons of different cultural backgrounds to community resources and facilitate communication between families and child welfare workers. Parent partners can also provide support to parents in the child welfare system because they have been involved in their own child welfare case and had successfully reunified with their children, they have a special understanding of birth parents' needs and frustrations. Both parent partners and cultural brokers can help ease the birth parents' fears and mistrust and can often clarify the requirements of the case plan.

CASE EXAMPLE: Reunification

A mother contacted the FCO to request assistance in the reunification of her three year-old daughter. The mother stated that although she had completed her case plan, the social worker was not following through with the court-ordered overnight visits. In addition, the social worker had not completed a background check on the mother's brother who resided in the home. The FCO staff contacted the child's attorney and the county social worker's supervisor. The FCO staff was later informed by the mother that her brother's background check had been conducted and cleared and the social worker assured the mother that she was going to recommend unsupervised overnight visits at the next court hearing.

Some relatives complained about parents not being fully prepared or ready to reunify with their children. The FCO found the overall concern was that relatives felt that social workers were more concerned in meeting the reunification deadlines than what was in the best interest of the child. The FCO's investigation of these complaints found that in some cases children were reunified with parents before the parents completed addiction and mental health services, or were stable both emotionally and financially. The FCO found that in some cases, parents relapsed a few months after they were reunified with their children only for the children to be placed into the foster care system once again.

CASE EXAMPLE: Reunification

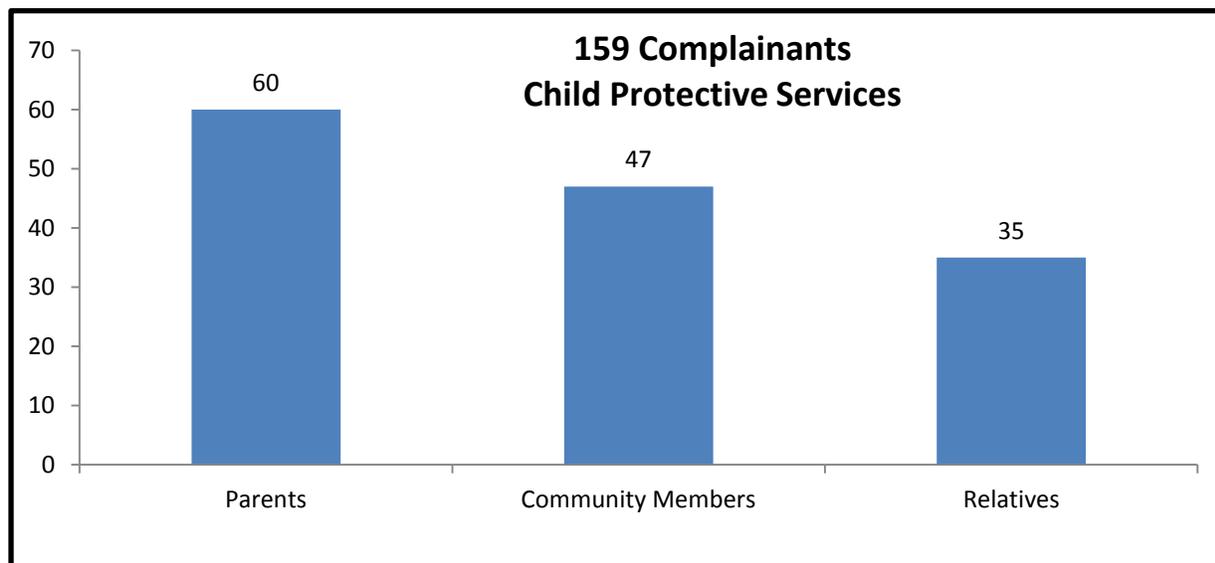
A father contacted the FCO and stated he had left telephone messages for his social worker regarding his need for referrals to complete his court-ordered reunification services but the social worker was not returning his calls. The FCO staff contacted the county social worker, the social worker supervisor, the father's attorney, and also the children's attorney about the caller's concern. As a result of the FCO's intervention the father received timely referrals for the court-ordered services and the child was reunified with the father.

FCO Recommendations:

- Social workers should be required to collaborate with parents on the development of the case plan.
- Parents' services and supervised visits with children should be arranged by the social worker to accommodate the parents' work schedules. The social worker should address transportation issues the parents may have by exploring options including providing visits and services on weekends and evenings.
- Social workers should reassess addiction and mental health issues throughout the case and ensure that the issues are stabilized before adding additional case plan objectives.
- Counties should establish Parent Partners and Cultural Broker Programs to help explain the reunification process and the need for services including addiction and mental health services.
- Counties should increase the number of residential addiction programs statewide that enable parents and children to live together while the parents receive addiction services and the children receive appropriate therapeutic services.

County Child Protective Service Reports, FY 2012-13 Data

The FCO defines child protective services (CPS) reports complaints as 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. The FCO received 159 complaints regarding county CPS. The majority of the complaints alleged that CPS investigations were not performed properly and were neither objective nor factual.



Other CPS complaint sources – Caregivers (5), Youth (4), CWS Staff (3), Community Professionals (2), Relative Caregivers (2), Guardians (1).

Calls to the FCO from parents (60) alleged that:

- CPS ignored their complaints of abuse and neglect perpetrated by the other parent because it involved a family law custody matter.
- Their children were being abused in their adoptive/guardian homes.
- CPS was “harassing” them due to allegations reported to the CPS.

Calls from community members and professionals (47) reported concerns about:

- Witnessing abuse of children and making a CPS report, but were not contacted or interviewed, nor had they received verification from CPS that an investigation had occurred.

Calls to the FCO from relatives (35) complained that:

- Their CPS report regarding the parents’ abuse and neglect of the children were not taken seriously.
- CPS investigations were not performed objectively.

The FCO has “statewide read” access to CPS reports in the Child Welfare Services/Client Management System (CWS/CMS) database to facilitate the FCO’s investigation and fact-finding process for CPS complaints. When investigating CPS complaints related to children who are not placed in foster care, the FCO staff will review CWS/CMS referrals and speak with Emergency Response social workers to obtain their perspective on the agency’s CPS investigation protocols, including, who has been interviewed, where and when the interviews occurred, and on what basis CPS concluded their investigative findings. In some cases, the FCO staff may identify an alleged perpetrator with similar allegations in other counties and notify the appropriate county CPS agency. In cases where FCO found that certain safety issues were not thoroughly investigated by CPS, the FCO staff requested the county CPS to conduct further investigation and report back to the FCO accordingly.

CASE EXAMPLE: CPS Reports

A paternal grandmother contacted the FCO regarding concerns she had for her nine-year-old grandson and his sixteen year-old half-brother. The boys had confided that their mother had threatened to stab them with a knife and threatened to burn the house down. The children regularly missed school and her grandson complained that his half-brother physically abused him. The grandmother had contacted county CPS; however, the investigators dismissed the allegations as the product of a custody battle between the parents. The FCO staff contacted the county welfare director who directed his CPS staff to re-investigate the allegations. The CPS emergency response social worker interviewed the grandson, at school, as well as his teacher and the school principal. The social worker discovered that the child missed school because he was so emotionally distraught due to the home environment that he was physically ill much of the time. The school personnel acknowledged that the child’s mother would make unscheduled visits to the school while seemingly under the influence of drugs and would rage at school staff. The CPS emergency response social worker substantiated the allegations and both children were removed from their mother’s home. The oldest child was placed with his father and the youngest child was placed with his paternal grandmother.

When a caller informs the FCO of an allegation of abuse or neglect, which was not reported to the county CPS agency, the FCO submits a Suspected Child Abuse Report to the CPS office and requests the county to inform the FCO of their investigative findings

County Child Protective Service Report Issues

The FCO acknowledges the difficult work of emergency response social workers, who have an important responsibility in our system of intervention for suspected child abuse and neglect reports. The CPS goal is to keep the child in his or her own home when it is safe. When the child is at risk of abuse, neglect, exploitation, or parental absence, the goal is to develop an alternate plan as quickly as possible. The Emergency Response worker is required to make critical decisions in crisis situations, immediately assess or identify threats made to a child, gather facts and clarify the safety problems. CPS social workers work in a job with many challenges and obstacles, such as angry parents, and clients who are dangerous or have mental illnesses. This intense level of intervention in

a family's life should require the hiring and retention of the most dedicated, qualified, and experienced staff in all CPS units statewide. However, the FCO found that CPS workers are often expected to work independently with families in crisis while performing in the most difficult social service areas. In some counties becoming a CPS social worker required only a minimum of two years of child development courses and generally the new CPS worker has little or no supervised hours interning or partnering with an experienced social worker. These dedicated professionals need specialized training to support the completion of objective investigations and findings. It's also critical that CPS workers partner with experienced social work professionals, parent partners, or culture brokers when responding to suspected child abuse and neglect reports.

In FCO's review of the complaints received from the various parties, the FCO found that in some cases CPS social workers conducted investigations which could have potentially placed the children at even greater risk of abuse or neglect. For example, FCO found that the alleged offending parent and supporting witnesses were not always interviewed. Further, collaborative reports from doctors, therapists, and teachers were often not taken seriously by CPS investigators, and emergency response social workers interviewed children in the presence of the alleged perpetrators. The FCO found that in some cases when the parent did not answer the door, the emergency response worker left a business card requesting the parent to contact CPS; however, parents didn't always contact CPS and the referral was closed without further attempts to contact the child or family.

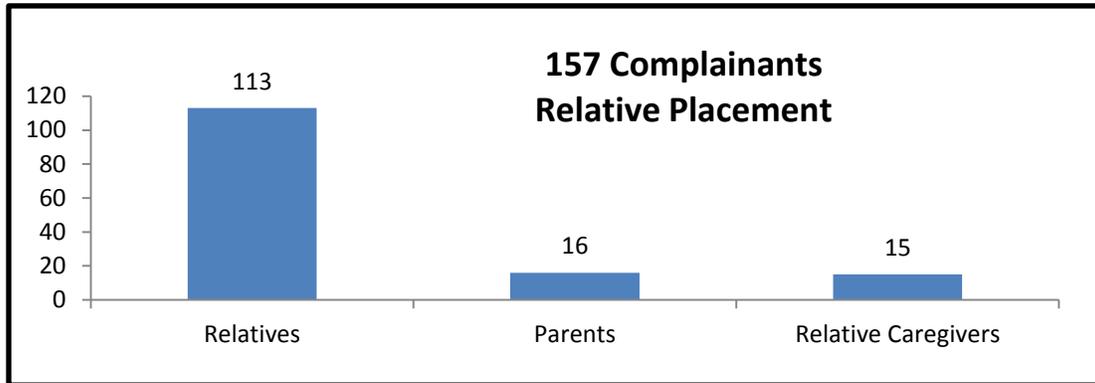
FCO Recommendations:

- CPS emergency response investigators should be provided with specialized investigation training and a higher pay rate.
- CPS investigators should be required to work with a partner in order to provide an additional perspective.
- The CPS investigation process should include a review of the entire history of the family and children; and interviews of all witnesses and collateral parties including physicians, teachers, neighbors, and relatives, which should be included in the CPS investigative findings/narrative reports.

Relative Placement, FY 2012-13 Data

The FCO defines relative placement complaints as any complaint regarding placement of a related child or youth with the relative, including adoption, guardianship and KinGAP. Also, calls regarding a county's assessment process, approval, and denial of the relative's home for placement.

The FCO received 157 complaints regarding relative placement issues.



Other Relative Placement complaint sources – Community Members (5), Foster Parents (3), Foster Youth (2), Adoptive Parents (1), Attorneys (1), Community Professionals (1)

The majority of complaints from relatives (113) reported that:

- They were not notified that the children were in foster care.
- They were told that it was too late in the dependency proceedings to request placement.
- They were notified but the assessment process was extended and delayed over several months and upon approval they were told that the children were already bonded to the foster parents. Therefore, the agency would not consider a placement change.
- They were told that they were too old or too disabled to care for the children.
- During the first 30 days after removal and/or during the relative assessment process they could not reach a social worker although they left telephone messages requesting consideration for placement.
- They were denied placement of siblings of children already in their care.
- Some relatives failed to receive information about the dependency and the home approval process.
- They were not told why they were denied placement in a timely manner.
- They didn't understand why convictions dating back decades should prohibit their relative from being placed with them.
- They were told that their house was too small but, if they moved into a larger home they could not be guaranteed placement.
- They were not allowed visits or phone contact with their minor relatives that would have facilitated relative placement.

- Out-of-state relatives complained of problems trying to obtain placement, visits, or phone contact.
- Out-of-state relatives were not informed of the placement process or encountered numerous delays in the Interstate Compact on the Placement of Children (ICPC) process

The FCO also received complaints from parents (16) who were concerned that:

- The agency ignored their requests to have their children placed with relatives.
- Relatives were not allowed visits.
- The social worker disregarded their concerns about relatives with whom the parents did not want their children to be placed.

Further, relative caregivers (15) who had relative foster children placed in their care complained that:

CASE EXAMPLE: Relative Placement
<p>A maternal aunt and uncle of two children, nine and four years-old, contacted the FCO for help obtaining placement of the children. The children had lived with the family all of their lives. However, the aunt and uncle had not obtained legal guardianship of them. The children's mother's occasional visits were disruptive and she would physically abuse the children. Not knowing what to do to best protect the children, they contacted county CPS to ask how to apply for legal guardianship. The county CPS investigated and substantiated the abuse by the mother but, rather than leaving the children with the aunt and uncle, the county removed the children to foster care. At the hearing, the aunt and uncle were told that the children would not be returned to them because the 35 year-old uncle was convicted of a non-injury hit and run when he was 18 years-old. His record was expunged by the court but the county said that he needed a criminal background exemption before the children could be reunited with them. The uncle did not know how to apply for the exemption and his attempts to contact the social worker were unsuccessful. The FCO contacted the county ombudsman and the children's attorney. The county ombudsman connected the family with the social worker who expedited the exemption process. The children returned to their aunt and uncle who are in the process of becoming their legal guardians.</p>

- Once the children were placed with them, they encountered problems receiving medical, mental health, dental, behavioral, and academic services for the children.
- They were not receiving adequate financial assistance.
- Siblings of the relative children in their care were not being placed with them.

Relative Placement Issues

Overall, the FCO complaint investigations found that despite laws giving relatives placement preference (W&IC section 16000 (a)) and mandating that relatives be notified within 30 days according to W&IC sections 309 and 628, some county practices did not support relative placement. The FCO investigations found that in spite

of laws regarding the societal advantages of relative placement, some counties did not have Family Finding units to efficiently notify extended family members.

Some studies, nationwide, have demonstrated that placement with relatives is as safe, if not safer than, placement with non-relatives. Children placed with relatives experience fewer placement changes than those who are placed with non-relatives; and children placed with relatives suffer less psychological trauma. (See: Time for Reform: Support Relatives in Providing Foster Care and Permanent Families for Children⁴)

Additionally, while all foster parents receive foster care payments, FCO found that relative caregivers can only receive federal foster care benefits if a child meets the federal rules. Unfortunately, because of antiquated federal eligibility rules, 56% of California's foster children are not federally eligible. Consequently, these relatives are forced to support dependent children through a CalWORKs program that offers much less than what is paid to licensed foster parents.

FCO further found that when children were placed with relatives, the relatives were left with the responsibility of having to locate resources and services in their area in order to meet the child's needs; the social workers were not proactive in locating and arranging the required services prior to the child's placement with the relative.

CASE EXAMPLE: Relative Placement

The FCO was contacted by the maternal grandmother of a seven year-old, special-needs child who was removed from his birth mother due to her mental health condition. The maternal grandmother wanted placement and visits with her grandson. The child's mother was homeless and his father was unknown. The grandmother was told that the county would not consider placing the child with her because she resides in another state. Consequently, she put her home up for rent and moved to California and rented a two-bedroom apartment near the child. However, a year and a half later, the county still refused to allow the grandmother visits with the child and would not do a home study of her apartment. The FCO staff contacted the county welfare director and the child's attorney. The county set up a visitation schedule, completed a home study of the grandmother's apartment, and, three months later, placed the child with the very happy grandmother.

FCO Recommendations:

- The CDSS should provide relatives with the same payments, benefits, and services as given to non-relative caregivers regardless of whether the children's parents meet the federal eligibility requirements.⁵

⁴ See: **Time for Reform: Support Relatives in Providing Foster Care and Permanent Families for Children**, Pew Charitable Trusts and Generations United, March 19, 2007, retrieved at: http://www.pewtrusts.org/uploadedFiles/wwwpewtrustsorg/Reports/Foster_care_reform/SupportingRelatives.pdf

⁵ Since the compiling of this annual report, Senate Bill 855, Chapter 29, was passed on June 20, 2014 that established the Approved Relative Caregiver Funding Option Program that will give counties the option to pay an approved relative caregiver a rate that is equal to the basic rate paid to foster care providers for an AFDC-FC child.

- County social workers should ensure implementation of the 30-day relative notification process provision of W&IC section 309 (e)(1) and 628 (d)(2).
- The CDSS should require Family Finding technology and processes to be instituted in all counties.
- County social workers should expand the use of family conferencing.
- When safe and appropriate, county social workers should place children and youth with a relative immediately after initial removal on an emergency basis while the relative undertakes the approval process. W&IC section 309 (d)(1).

FOSTER CARE OMBUDSMAN ACTIVITIES
FY 2012-13

Caregiver Advocacy Network (CAN)

The FCO coordinates and hosts annual Caregiver Advocacy Network (CAN) Meetings at the CDSS in Sacramento. The CDSS developed the Caregiver Advocacy Network in 2009 to establish a communication network for caregiver advocates, to share information, and to improve caregiver support services. Caregivers that participate in the CAN include relative caregivers, and foster parents. The CAN has identified key issues and recommendations that impact caregivers, which are now the focus of advocacy.

The CAN meeting participants receive updates on the Quality Parenting Initiative and the Resource Family Approval. In addition, participants discuss caregiver job expectations and challenges. As a part of this important project, the FCO hosted a Caregiver Advocacy Network Webinar.

The FCO designed a CAN website: www.fosterfamilyhelp@dss.ca.gov. The website not only links CDSS webpages that may be of interest to foster parents and caregivers, but provides links to other websites that provide information and support. There is a link to the FCO where caregivers can ask specific questions, register complaints, and make suggestions.

California Child Welfare Council (CWC)

The FCO is an active member of the California Child Welfare Council (CWC). The CWC was established by the Child Welfare Leadership and Accountability Act of 2006 (W&IC sections 16540–16545) and serves as an advisory body responsible for improving the collaboration and processes of the multiple agencies and the courts that serve the children in the child welfare system. The CWC is co-chaired by the Secretary of the California Health and Human Services Agency and the designee of the Chief Justice of the California Supreme Court. Membership is comprised of state departments, county departments, nonprofit service providers, advocates, parents and former foster youth. The CWC is charged with monitoring and reporting on the extent to which the agencies and courts are responsive to the needs of children in their joint care. The CWC has addressed a wide range of issues including: disproportionality of certain ethnic groups in foster care, kinship care, prioritization, young children in foster care, flexible funding, and commercial sexual exploitation of children.

Quality Parenting Initiative (QPI)

The FCO prepares the Quality Parenting Initiative (QPI) training budgets and coordinates the meetings of the QPI Executive Committee. The QPI is a joint effort among the Youth Law Center, CDSS, and the County Welfare Directors Association (CWDA). The goal of the initiative is to ensure that every child removed by CPS is cared for by a family that provides skilled, nurturing parenting, helps maintain connections with family and that the foster parent is a respected partner in the child welfare system.

The theory behind the project is that, if the important role of the foster parent is clearly understood and supported, more families with the ability to provide high quality care will become foster parents and fewer of these families will leave foster parenting. The long-term goal of this project is to develop a marketing and systems approach for the State of California for the recruitment and retention of "high quality" foster parents. The QPI has developed a Foster Parent+Agency Partnership Agreement which articulates the roles and expectations of both the foster parents and the agency social workers.

There are 20 QPI counties: Santa Barbara, San Luis Obispo, Kings, Santa Clara, San Francisco (also RFA counties), Ventura, Humboldt, Sonoma, Kern, Fresno, Shasta, Tehama, Glenn, Butte, Yuba, Madera, Tuolumne, Orange, San Diego, and Stanislaus.

New Legislative Initiatives

Continuum of Care Reform (CCR)

The FCO staff actively participated in the program workgroup for Continuum of Care (CCR). In September 2012, the CDSS in partnership with the CWDA launched the CCR effort. Authorized through Senate Bill (SB) 1013 (Statutes of 2012), the CCR will develop recommended revisions to the state's current rate-setting system, services and programs serving children and families in the continuum of Aid to Families with Dependent Children – Foster Care (AFDC-FC) eligible placement settings.

Through the CCR efforts, a detailed action plan will be developed and provided to the California Legislature by October 1, 2014. This action plan will include information on current reform improvements made administratively and recommended revisions to improve the Continuum of Care through legislative action.

Resource Family Approval Project (RFA)

The FCO staff continues to participate in the Resource Family Approval (RFA) project. The RFA was the result of W&IC section 16519.5, which required the CDSS, in consultation with county child welfare agencies, foster parent associations, and other interested community parties, to implement a unified, family friendly, and child-centered resource family approval process to replace the existing multiple processes for licensing foster family homes, approving relatives and non-relative extended family members as foster care providers, and approving families.

The RFA process consists of one application, one background check, combined home environment and permanency assessments, and pre-approval and post-approval training for all families. The RFA also includes procedures for the placement of children prior to resource family approval, including emergency placement with relatives and non-related extended family members (NREFM's); and placement of children based on compelling reasons (i.e. sibling placement). In the absence of RFA, foster parents are not required to complete the same kind of permanency training as prospective adoptive parents. Likewise, caregivers with completed background checks (including fingerprint clearance and home inspections) required for their foster care license would have to repeat background checks and home inspections if they decided to adopt.

APPENDICES

Appendix A

Office of the Foster Care Ombudsman Statute

California Welfare and Institutions Code Section 16160-16167:

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

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

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

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

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

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

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

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

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

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

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

(7) (A) Compile and make available to the Legislature all data collected over the course of the year including, but not limited to, the number of contacts to the toll-free telephone number, the number of complaints made, including the type and source of those complaints, the number of investigations performed by the office, the trends and issues that arose in the course of investigating complaints, the number of referrals made, and the number of pending complaints.

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

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

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

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

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

(c) (1) The office, in consultation with the California Welfare Directors Association, Chief Probation Officers of California, foster youth advocate and support groups, groups representing children, families, 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 B

Inquiry and Complaint Process

The FCO program statutes are located at W&IC sections 16160-16167. Pursuant to W&IC 16165, the FCO has the discretion whether to investigate a complaint or refer complaints to another agency for investigation. Further, 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 (CCLD).
- ❖ 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.

The FCO is not authorized to:

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

Appendix C

California Rights of Children and Youth in Foster Care

Welfare and Institutions Code section 16001.9:

(a) It is the policy of the state that all minors and nonminors 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 (CASAs), 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 a 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, with minimal disruptions to school attendance and educational stability.
- (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, including 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 the 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) To have caregivers and child welfare personnel who have received instruction on cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual, and transgender youth in out-of-home care.
- (25) 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.

(26) To have access to age-appropriate, medically accurate information about reproductive health care, the prevention of unplanned pregnancy, and the prevention and treatment of sexually transmitted infections at 12 years of age or older.

(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).

(Amended by Stats. 2013, Ch. 338, Sec. 2. Effective January 1, 2014.)

Appendix D

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 Medi-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 complaint regarding the rights of foster children and youth as defined in W&IC section 16001.9.

Placement Changes: 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, fast-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 E

California Child Welfare/Foster Care Legislation

Statutes of 2012

AB 1435 (Chapter 520) Penal Code section 11165.7(41)(42)

Child abuse reporting: athletic personnel.

Adds athletic coaches, athletic administrators, and athletic directors employed by any public or private school that provides any combination of instruction for kindergarten, or grades 1 to 12, inclusive, to the list of individuals who are mandated reporters.

AB 1707 (Chapter 848) Penal Code section 11169(g)

Child Abuse Central Index.

Requires the removal, 10 years from the date of the incident resulting in the CACI listing, of any person listed in the CACI as of January 1, 2013, who was listed prior to reaching 18 years of age if the person is listed only once in the CACI with no subsequent listings.

AB 1712 (Chapter 846) W&IC section 16522

Minors and nonminor dependents: out-of-home placement.

Includes THP-Plus Foster Care within the definition of a community care facility for purposes of the Community Care Facilities Act. By expanding application of the act, this bill would expand the scope of an existing crime, thus imposing a state-mandated local program. The bill would delete existing separate fingerprinting requirements applicable to THP-Plus Foster Care providers, making those providers subject to the background check information generally applicable to community care facilities.

AB 1817 (Chapter 521) Penal Code section 11165.7(41)(A)(B)

Child abuse reporting

Expands the list of persons identified as mandated reporters to include commercial computer technicians, as defined.

AB 1856 (Chapter 639) Health and Safety Code section 1522.41(c)(1)(I)

Foster care services: cultural competency.

Requires the training for an administrator of a group home facility, licensed foster parent, and relative or nonrelative extended family member *caregiver* to also include instruction on cultural competency and sensitivity relating to, and best practices for, providing adequate care to lesbian, gay, bisexual, and transgender (LGBT) youth in out-of-home care.

AB 1909 (Chapter 849) Education Code section 48853.5(b)(c)

Foster children: placement: suspension and expulsion: notifications.

Requires the educational liaison, if designated by the superintendent of the local educational agency, to notify the foster child's attorney and the appropriate representative of the county child welfare agency of pending expulsion proceedings if the decision to recommend expulsion is a discretionary act, pending proceedings to extend a suspension until an expulsion decision is rendered if the decision to recommend expulsion is a discretionary act, and, if the foster child is an individual with exceptional needs, pending manifestation determinations, as specified.

AB 1928 (Chapter 120) W&IC section 17732.2(a)

Foster homes: residential capacity.

Specifies that, in determining the licensed capacity of a specialized foster family home or a specialized certified family home, the State Department of Social Services shall consider all adoptive, biological, and foster children, and children in guardianship living in the home, in order not to exceed a total of 6 children living in the home.

AB 2060 (Chapter 176) W&IC section 319(g)(2)

Juveniles: educational decisions.

Requires the court, after limiting a parent's educational rights in dependency or wardship proceedings, to determine if there is a responsible adult who is a relative, nonrelative extended family member, or other adult known to the child and who is available and willing to serve as the child's educational representative before appointing an educational representative or surrogate who is not known to the child.

AB 2209 (Chapter 144) W&IC section 366 (2)(d)(1)

Juveniles: dependent children: placement.

Prohibits the placement of any dependent child with any person who is not a parent, outside the United States prior to a judicial finding that the placement, by clear and convincing evidence, is in the best interest of the child, *except as required by federal law or treaty.*

AB 2292 (Chapter 208) W&IC section 366.21(e)

Juveniles: reunification orders.

Requires the court to consider the admissible and relevant evidence before issuing an order returning a minor to the physical custody of his or her parents in dependency or wardship proceedings.

SB 1064 (Chapter 845) Family Code section 3040(b)

De León. Child custody: immigration.

Permits a court to place a child in any of those proceedings with a parent, legal guardian, or relative regardless of the immigration status of the parent, legal guardian, or relative.

SB 1264 (Chapter 518) Penal Code Section 11165.7

Vargas. Child abuse reporting: mandated reporters.

Includes in the list of individuals who are mandated reporters any athletic coach, including, but not limited to, an assistant coach or a graduate assistant involved in coaching at a public or private postsecondary institution. By imposing the mandated reporting requirement on a new class of persons, for whom failure to report specified conduct is a crime, this bill would impose a state-mandated local program.

SB 1319 (Chapter 663) Health & Safety Code section 1530.5(a)

Child welfare.

Provides that licensed foster family homes, as well as certified family homes of foster family agencies, are not subject to civil penalties under the California Community Care Facilities Act, except that the certified family homes and foster family homes both would be subject to certain penalties relating to fingerprinting requirements and operating without a valid license.

SB 1407 (Chapter 657) Civil Code section 56.106(a)

Medical information: disclosure.

Prohibits a psychotherapist, as defined, who knows that a minor has been removed from the physical custody of his or her parent or guardian in dependency proceedings, from releasing or disclosing the information in the mental health records of that minor

patient to the patient's parent or guardian based solely on an authorization to release those records signed by the parent or guardian, and from allowing the parent or guardian to inspect or obtain those records, unless the juvenile court has authorized the

parent or guardian to sign an authorization for the release of those records after finding that the authorization order would not be detrimental to the minor.

SB 1425 (Chapter 179) W&IC section 388 (d)

Juveniles: dependent children

Requires a court to order a hearing on a proposed modification of reunification services, custody, or visitation orders concerning a child for whom reunification services were not ordered if the court finds that the best interests of the child would be met by the proposed change.

SB 1521 (Chapter 847) W&IC section 361.5(16)

Child welfare services.

Under existing law, except under specified circumstances, whenever a child is removed from a parent's or guardian's custody, the juvenile court is required to order the social worker to provide designated child welfare services, including family reunification services, to the child and the child's mother and statutorily presumed father or guardians. Existing law does not require provision of family reunification services, in cases in which the court has made one or more specified findings regarding the qualifications of the parent or guardian. This bill would include as a situation when family reunification would not be required when a parent has been required by the court to be registered on a sex offender registry under a specified federal law.

SB 1568 (Chapter 578) Education Code section 48853.5(d)(2)(3)

Pupils: foster children: education placement.

Imposes a state-mandated local program by requiring a local educational agency to allow a former foster child to continue his or her education in the school of origin through the end of the highest grade maintained at that school if the jurisdiction of the court is terminated and applying to former foster children the provisions described above relating to foster children transitioning between school grade levels.

Statutes of 2013

AB 406 (Chapter 7) W&IC section 18961.7(a)

Child abuse reporting.

Existing law, until January 1, 2014, authorizes counties to establish a child abuse multidisciplinary personnel team, as defined, to allow provider agencies to share confidential information in order to investigate reports of suspected child abuse or neglect or for the purpose of child welfare agencies making detention determinations, as specified. Existing law authorizes members of the team, for 30 days, or longer if good cause exists, following a report of suspected child abuse or neglect, to disclose to and exchange with one another information and writings related to any incident of child abuse that are designated as confidential if the member of the team reasonably believes it is relevant to the prevention, identification, or treatment of child abuse. This bill deletes the repeal of these provisions, thereby making them operate indefinitely

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CHILDREN AND FAMILY SERVICES DIVISION

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