

**Office of the California Foster Care Ombudsman  
Fiscal Year 2009/2010  
Annual Report**



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



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## **A Message from the California Foster Care Ombudsman:**

The Office of the California Foster Care Ombudsman (Ombudsman Office) is pleased to present its annual report for fiscal year (FY) 2009/2010. While it is our mission to be a strong voice for foster children, we also address complaints from relatives and professionals who have concerns regarding the care, placement and services for children and youth in foster care. We provide an independent forum for inquiries made by or on behalf of children placed in foster care. The Ombudsman Office provides information on foster youth rights, and conducts trainings and presentations to child welfare professionals and community partners. The 2009/2010 Annual Report will give informative data, case examples and information on the work of the Ombudsman Office.

There is an urgent need for supportive programs that provide foster children/youth the opportunities to fulfill their educational and career goals, to obtain work experience while in care and to be nurtured and guided by caring and well-trained adults. As the State Foster Care Ombudsman I have identified and participated with many promising programs in California. These programs are examples of creative ways we can meet the needs of children and youth in foster care. A few of these programs are highlighted in the next section entitled Creative and Innovative Programs. It is my hope that these types of programs will be expanded to better serve greater numbers of our foster children/youth. This is not an exhaustive list of promising programs. Future annual reports will highlight additional programs.

The Ombudsman Office partners with key organizations, both public and private, that work to improve the lives of our foster youth. We gratefully acknowledge the departments and organizations with which our office interacts. Raising awareness of ways to improve the lives of our foster children and youth is part of our job every day.

Thank you,

Karen Grace-Kaho  
California State Foster Care Ombudsman  
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## Innovative Programs

VOICE OUR INDEPENDENT CHOICES FOR EMANCIPATION SERVICES (VOICES) is a youth-led organization that empowers under-served youth 16 to 24 years old by utilizing holistic services throughout their transition from systems of care, while building a loving community to call home and establishing a solid foundation for a satisfying life. The VOICES program was founded in 2004 by ten former foster youth. Within three months of obtaining funding they held their first open house in Napa, California. Since that time they have established comprehensive support services in both Napa and Sonoma counties including the co-location of many supportive agencies focused on education, college, employment, and career development, mental health, independent living resources, health, and housing. Various counties are consulting with VOICES about establishing VOICES-like programs in their area. For more information contact (707) 251-9432 (VOICES Napa), (707) 579-4327 (VOICES Sonoma) or [www.voicesyouthcenter.org](http://www.voicesyouthcenter.org)

COURAGEOUS CONNECTION is a collaborative high school-based program which provides a wide range of support and resources for foster youth. Courageous Connections was established in 2007 at Laguna Creek High School, in Elk Grove, California. This high school has the highest concentration of foster youth in Sacramento County. The Courageous Connections program has ensured that 100% of the 12th grade foster youth who participated in the program were academically successful and graduated from high school. Courageous Connection maintains successful working partnerships with Sacramento County agencies including, the Independent Living Program (ILP), Probation Department and Department of Education. The youths' caregivers are also an important partner in this collaborative. A tool kit explaining how to establish a Courageous Connection program in other high schools is available on request. For more information contact: Vice Principal Dr. Hasan Abdulmalik, (530) 204-8628, [hasan@courageousconnection.org](mailto:hasan@courageousconnection.org) or Mike Jones, (916) 477-0890 [mikejones@courageiousconnection.org](mailto:mikejones@courageiousconnection.org) or [www.courageousconnection.org](http://www.courageousconnection.org)

QUALITY PARENTING INITIATIVE is a collaborative effort that includes the Youth Law Center, the California Department of Social Services (CDSS), and the California Welfare Directors Association (CWDA). The goal of the initiative is to ensure that every child removed from his or her home is cared for by a family who provides skilled, nurturing parenting and helps him or her maintain connections with his or her birth family. This initiative also maintains that caregivers need to be respected partners with participants in the child welfare system including agencies, case workers, courts, attorneys and others. The long term goal of this project is to develop a marketing and systems approach for the State of California that recruits and retains "high quality" resource parents through articulating their important role and aligning policy and practice to support this role. Currently the following counties are participating in this initiative: Santa Clara, Ventura, San Luis Obispo, Nevada, Humboldt, Sonoma, Kern, Fresno and Santa Barbara. For more information contact: Jennifer Rodriguez (415) 543-3379 ext: 3922, [jrodriguez@ylc.org](mailto:jrodriguez@ylc.org), Mamie Yee, [myee@ylc.org](mailto:myee@ylc.org), or Karen Grace-Kaho at [Karen.Grace-Kaho@dss.ca.gov](mailto:Karen.Grace-Kaho@dss.ca.gov).

Y.O.U.T.H. TRAINING PROJECT (Youth Offering Unique Tangible Help) is a collaboration of current and former foster youth, social work professionals, social work training academies and foundations. This project, staffed almost entirely by former foster youth, has empowered more than 70 youth to educate more than 6000 child welfare staff in California, Hawaii and beyond. The Y.O.U.T.H. Training Project is a youth development program that trains youth in facilitation skills and curriculum development and offers training to child welfare professionals and the greater community on how to better serve the needs of transition-aged youth in foster care. For more information contact: [www.youthtrainingproject.org](http://www.youthtrainingproject.org) or Jamie Lee Evans, (510) 419-3607, [jle@sfsu.edu](mailto:jle@sfsu.edu)

GUARDIAN SCHOLARS is a comprehensive on-campus program that supports former foster youth in their efforts to gain a university, community college or trade school education. The program leverages the expertise and resources of the private sector and public agencies to support students with financial assistance, life coaching, mentoring, housing and personalized attention. Many of the participating campuses also provide year-around dorm housing for the guardian scholars. The list of colleges, universities and vocational schools keeps growing and includes various campuses of the University of California, California State Universities, and many community colleges, private universities and trade schools. For more information contact: (714) 619-0200, [www.orangewoodfoundation.org/programs\\_scholars.asp](http://www.orangewoodfoundation.org/programs_scholars.asp); [www.cacollegepathways.org](http://www.cacollegepathways.org); [www.chhs.ca.gov/initiatives.../documents/guardianscholarsinitiaive.pdf](http://www.chhs.ca.gov/initiatives.../documents/guardianscholarsinitiaive.pdf);

## **Purpose and Duties of the Office of the California Foster Care Ombudsman**

The Ombudsman Office was established in accordance with Welfare and Institutions Code (W&IC) Section 16161:

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

In its role as fact finder, the Ombudsman Office provides families, citizens, and other stakeholders with an avenue for independent review of concerns related to the care, placement and services provided to children and youth in California foster care. The purpose and duties of the Ombudsman Office are set forth in W&IC sections 16160-16167. (see Appendix A).

Some of the Ombudsman Office's responsibilities set forth in these sections are:

- ❖ Disseminate information on the rights of children and youth in foster care and the services provided by the Ombudsman Office.
- ❖ Maintain a statewide toll-free Foster Care Help-Line [1-877-846-1602].
- ❖ Investigate and attempt to resolve complaints made by or on behalf of children placed in foster care, related to their care, placement, or services.
- ❖ Document the number, source, origin, location, and nature of complaints.
- ❖ Compile and make available to the Legislature all data collected over the course of the year including, but not limited to, the number of contacts to the toll-free [help-line] telephone number, the number of complaints made, including the type and source of those complaints, the number of investigations performed by the Ombudsman Office, the trends and issues that arose in the course of investigating complaints, the number of referrals made, and the number of pending complaints.
- ❖ Present the compiled data on an annual basis, at appropriate child welfare conferences, forums, and other events, as determined by CDSS, that may include presentations to, but are not limited to, representatives of the Legislature, the [CWDA], child welfare organizations, children's advocacy groups, consumer and service provider organizations, and other interested parties. It is the intent of the Legislature that representatives of the organizations consider this data in the

development of any recommendations offered toward improving the child welfare system.

- ❖ Post the compiled data so that it is available to the public on the existing Ombudsman Office website.
- ❖ Access any record of a state or local agency that is necessary to carry out his or her responsibilities, and may meet or communicate with any foster child in the child's placement or elsewhere.
- ❖ Additionally, the Ombudsman Office engages the following meetings: quarterly meetings with the CDSS director and senior management staff to identify and address issues; quarterly meetings with the California Youth Connection (CYC) and CDSS senior management to discuss the concerns of foster youth and youth who are transitioning from foster care; and meetings with county ombudsmen.



**Ombudsman Office Staff**

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

### **The authority of the Ombudsman Office includes to:**

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

### **The Ombudsman Office is not authorized to:**

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

## **Inquiry and Complaint Process**

The Ombudsman Office has the discretion whether to investigate or refer complaints to another agency for investigation. It may do the following:

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

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

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

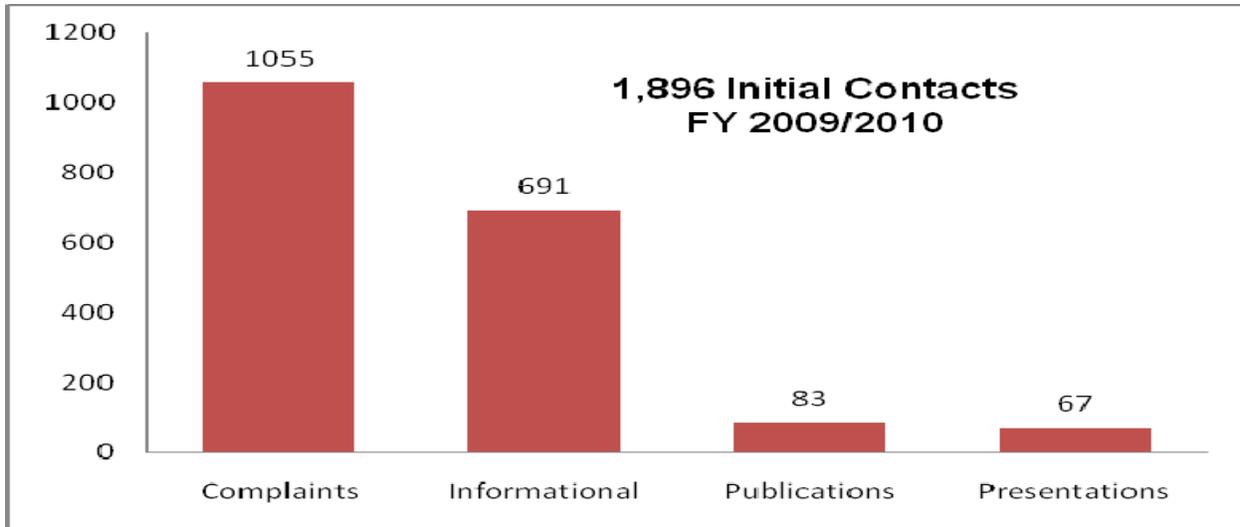
The Ombudsman Office often notifies the county point-of-contact or county ombudsman when a formal investigation is initiated. However, on a case-by-case basis, the Ombudsman Office may not send a notice when, for example, the complainant fears retaliation.

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

## Data Summary

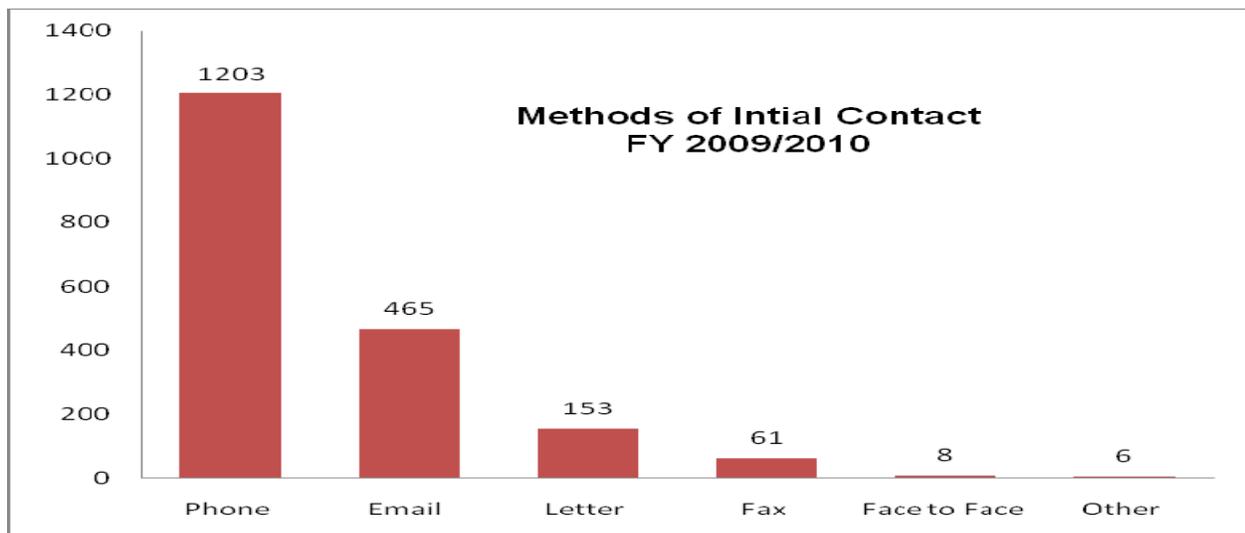
### 1,896 Initial Contacts

The Ombudsman Office received 1,896 initial contacts during FY 2009/2010. Each contact is an opportunity for the Ombudsman Office to respond to the concerns impacting the foster care population and gather information to identify recurring issues in California's foster care system.



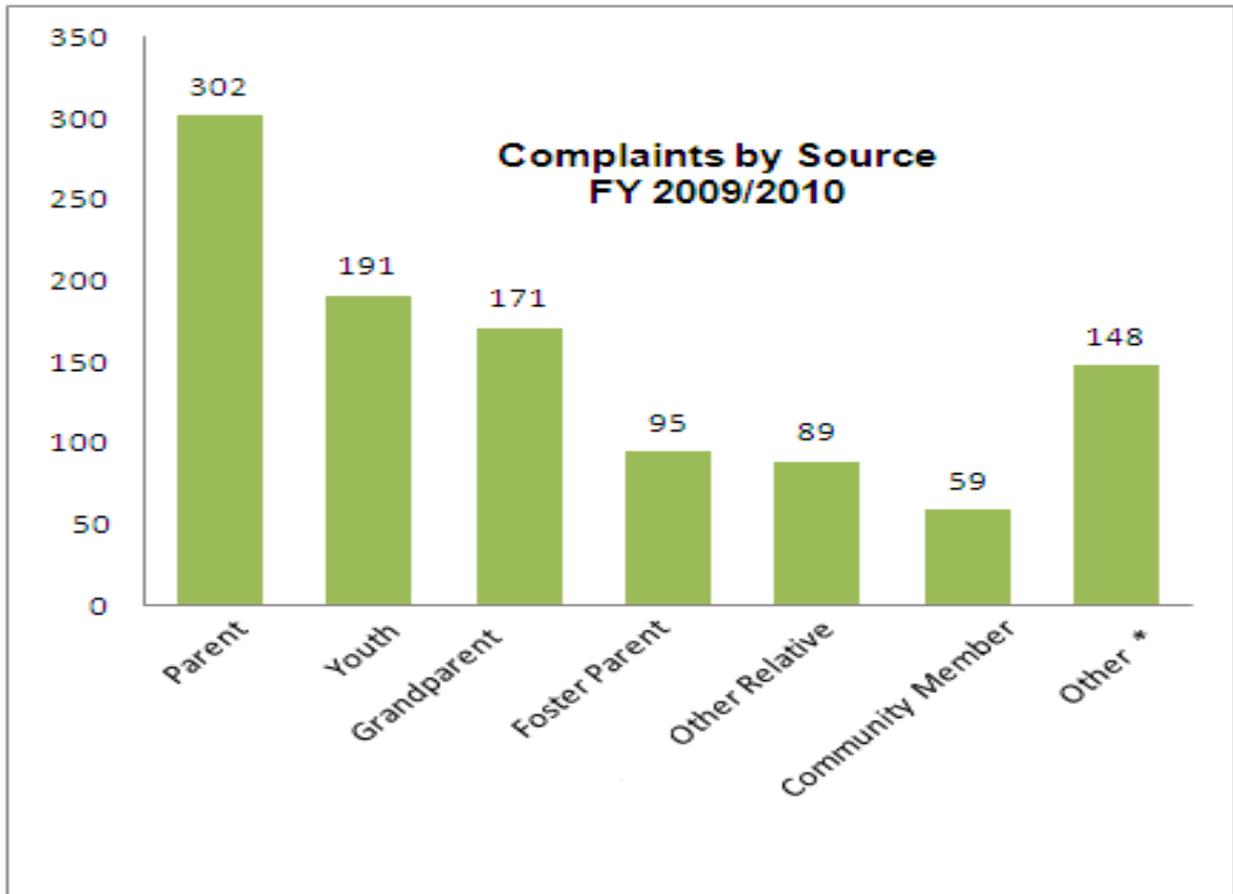
### Methods of Initial Contact

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



## Complaints by Source

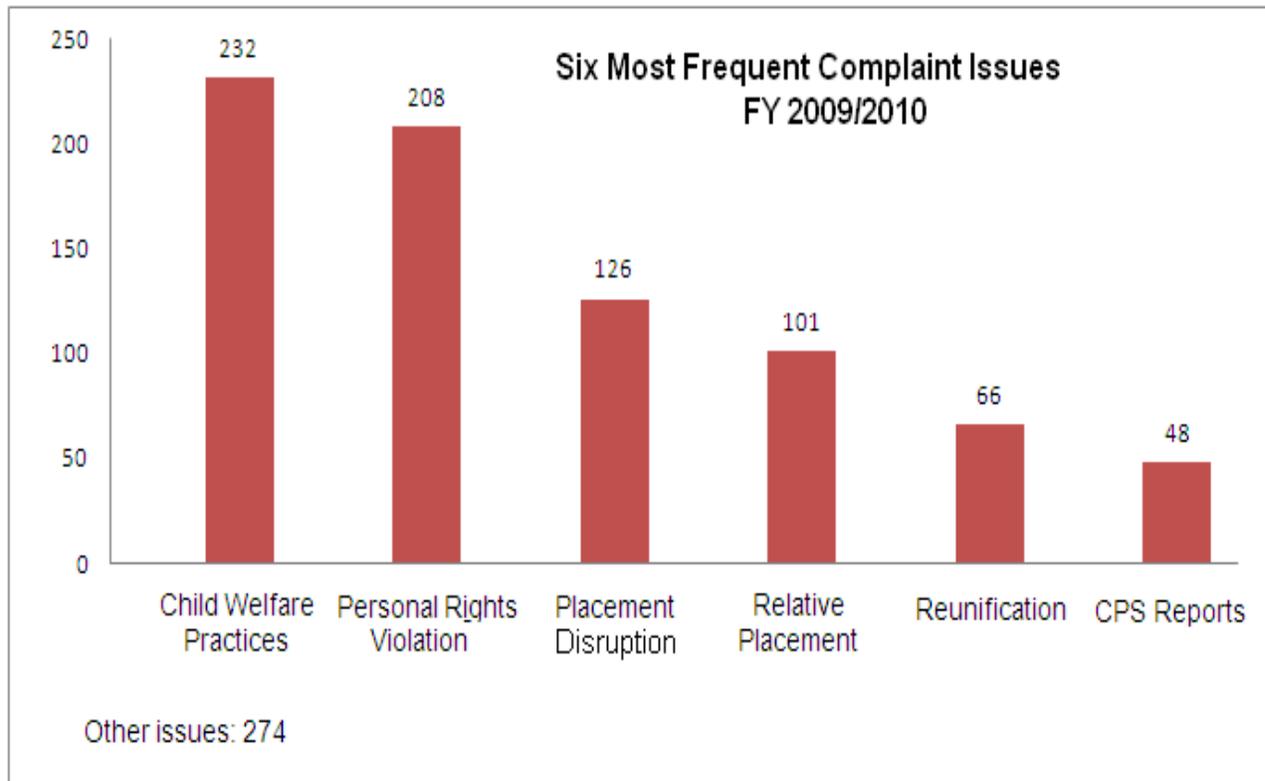
Of the 1055 complaints received by the Ombudsman Office during FY 2009/2010, the chart below identifies the caller's relationship to the children and youth in the foster care system.



\*Other categories include: Placement Worker, Judge, Attorney, Court Appointed Special Advocates (CASA), Group Home, Foster Family Agency, ILP Staff, Professional, and Legislative staff.

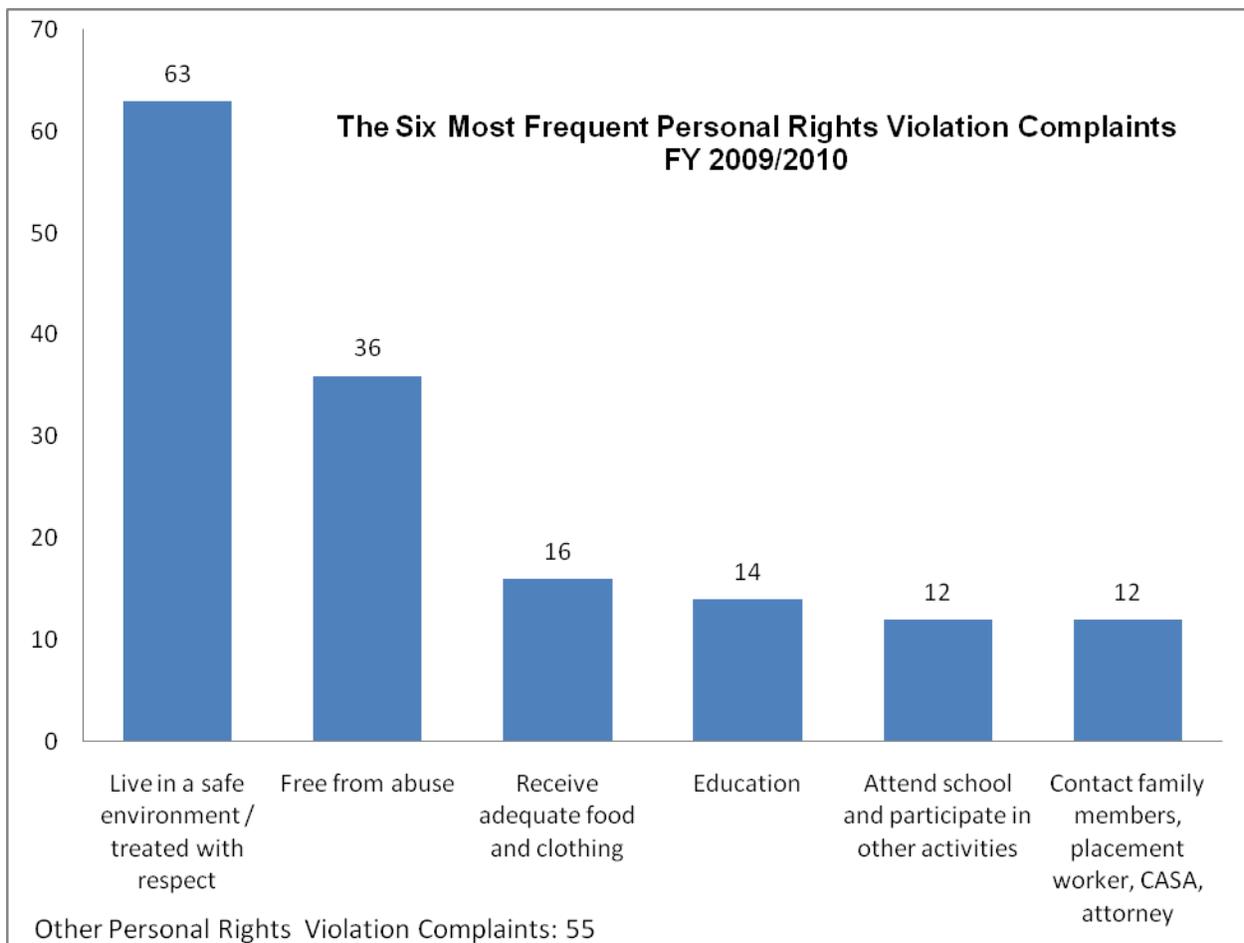
## Most Frequently Received Complaint Issues

Throughout FY 2009/2010 the Ombudsman Office received 1055 complaints. The six most frequent complaint issues were related to child welfare practices, personal rights violations, placement disruption, relative placement, reunification and CPS reports.



## 208 Personal Rights Violation Complaints

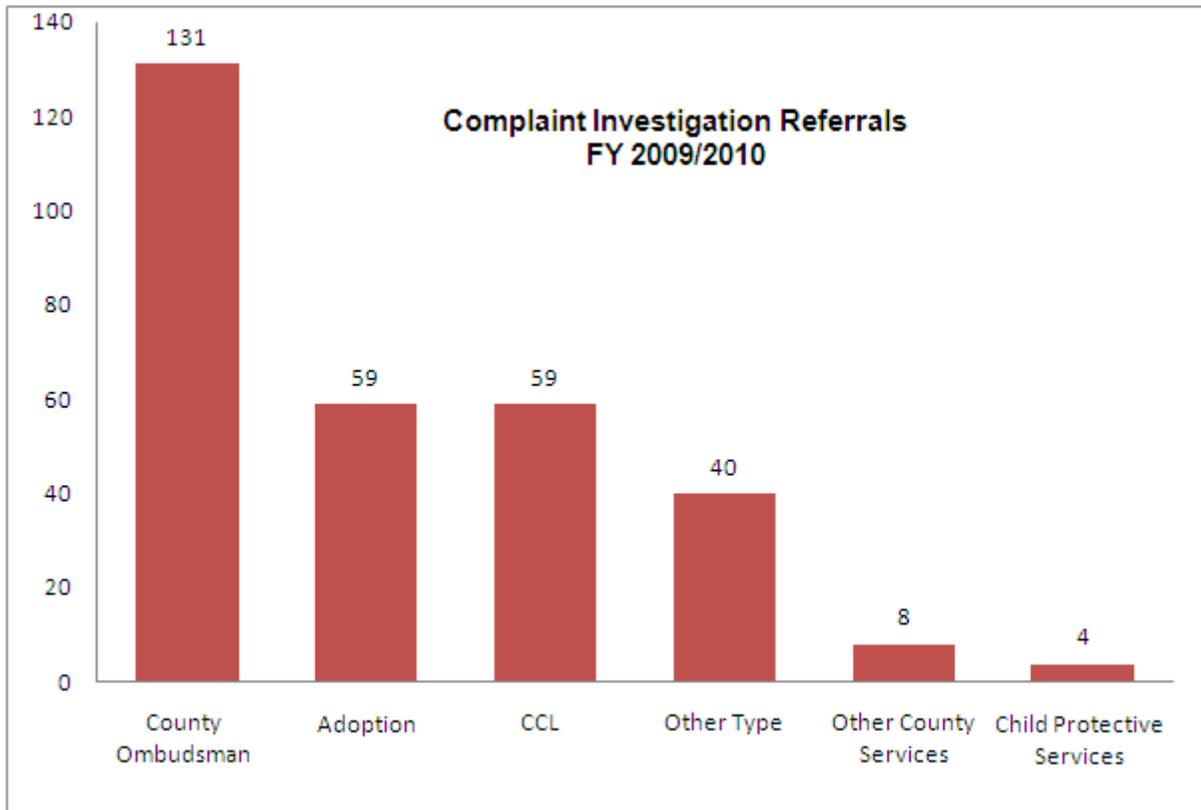
The rights of children and youth in foster care were established by Assembly Bill (AB) 899 (Chapter, 683, Statutes of 2001) as specified in W&IC section 16001.9. (Appendix B) The bill requires the Ombudsman Office to design posters regarding these rights and provide the posters to every foster care facility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



Personal rights complaints continue to be one of the highest categories of complaints received by the Ombudsman Office. In 2009/2010 a total of 208 personal rights violation complaints were filed with the Ombudsman Office. The chart above indicates the six most frequent complaints regarding violations of the rights of children and youth in foster care for FY 2009/2010.

### 301 Complaint Investigation Referrals

The Ombudsman Office refers some complaints for investigation to other agencies and departments such as: county ombudsmen, CCL, CDSS Adoptions Services Bureau (Adoptions), and CPS. When the referred agency responds back to the Ombudsman Office regarding their investigation outcome, the Ombudsman Office contacts the complainant to see whether the matter has been resolved or further investigation is necessary. In FY 2009/2010 the Ombudsman Office made 301 referrals.



## **691 Requests for Information**

During FY 2009/2010 the Ombudsman Office received 691 requests for information. Callers often request information on the child welfare system, foster care, adoptions or children's issues in general. Many requests for information are received by email through the CDSS and the Children and Family Services Division website.

Some examples of information requests include:

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

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

## **67 Presentations**

During FY 2009/2010 the Ombudsman Office provided five presentations to statewide audiences and 62 additional presentations in 15 counties including: Alameda, Butte, Calaveras, El Dorado, Marin, Mendocino, Orange, Riverside, Sacramento, San Bernardino, San Diego, San Francisco, San Joaquin, Stanislaus, and Yolo.

The hosts for these presentations included organizations such as: the California Youth Connection Policy Conference, CWDA, the Judicial Council, the United States Ombudsman Association, various foster parents associations, Foster Family Agency Conference, and CASA. The Ombudsman Office is committed to providing education and information on the foster care system, and, more specifically, on foster youth rights.

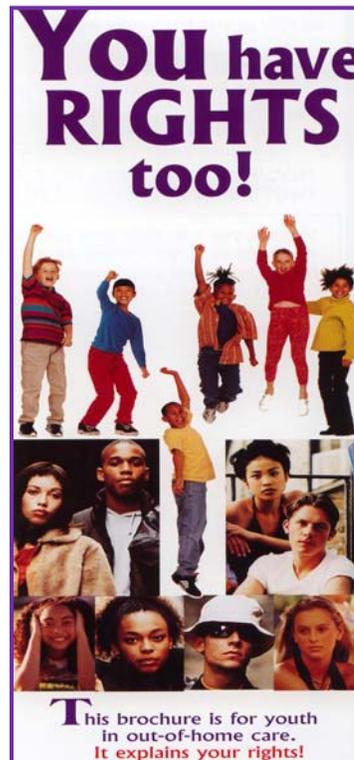
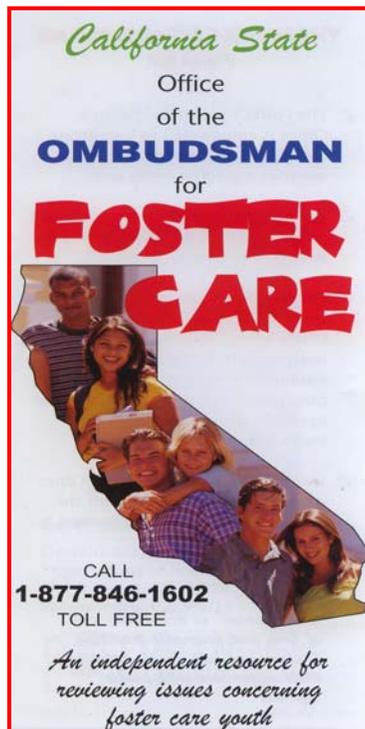
## 30,601 Publications

During FY 2009/2010, the Ombudsman Office received 83 requests for publications and distributed more than 30,601 publications. The Ombudsman Office receives calls requesting publications and materials that educate the statewide community regarding the rights of children in out-of-home care, the child welfare system and the supportive services and resources available for foster children, youth, their families and caretakers.

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



[www.fosteryouthhelp.ca.gov](http://www.fosteryouthhelp.ca.gov)



## Case Summaries

### Child Welfare Practices

- A foster parent contacted the Ombudsman office because she was worried about the safety of a 15-year-old foster youth who once lived in her home. The youth had contacted her by telephone and told her she was on the run from her group home. The youth had been in several placements since she was removed from the foster parent's home and had run away, been raped, forced to prostitute herself, was beaten, and hospitalized. The Ombudsman Consultant asked the foster parent to encourage the youth to contact the Ombudsman Consultant directly. Subsequently, the youth did contact the Ombudsman Consultant. The youth said the foster parent was the only one who actually demonstrated real love for her and if she could not return to the foster parent she did not want to return to foster care. The Ombudsman Consultant discussed the case with the youth's social worker, the program manager and the youth's attorney. The attorney stated that the youth's best placement was with the foster parent. As a result of the Ombudsman Consultant's intervention, the county reversed its decision and placed the youth back with the foster parent.

### Personal Rights Violations

- During a Foster Care Ombudsman group home visit, a 15-year-old foster youth reported that group home staff made him and another youth stand outside as discipline regardless of weather conditions. The Ombudsman Consultant referred the complaint to CCL to conduct an investigation. Based on the investigation, CCL substantiated the allegation, cited the facility for violating the youth's personal rights, and instructed staff to offer alternatives for discipline.
- A 15-year-old foster youth contacted the Ombudsman Office to report that the Vice Principal (VP) expelled her from summer school because she exceeded the maximum number of absences when she attended her dependency court hearing. The Ombudsman Consultant contacted the youth's attorney, county social worker, foster youth education liaison, and the VP. The VP stated that all summer school students were informed of the attendance policy and that a student would be dropped from summer school if three or more days were missed. After the Ombudsman Office discussed the issue with the VP, the VP agreed that the youth could continue to attend summer school; and a new policy would be written that would excuse dependency hearing attendance and provide foster youth with the opportunity to make up missed class work.
- A group home medical coordinator contacted the Ombudsman Office because she was having problems arranging medical and dental services for seven out-of-county youth, ages 12 through 17 years-old, who lived in the group home. The

Ombudsman Consultant referred the complaint to both the Medical Managed Care Ombudsman and the Mental Health Ombudsman for investigation and corrective action. The Medical Managed Care Ombudsman quickly identified and resolved the problem. The group home coordinator was able to schedule medical and dental services for the youth.

- A 16-year-old probation youth contacted the Ombudsman Office because the group home where she lived served food and drinks that had expired date stamps. Also, the youth reported that a group home staff person made a video recording of the youth without her permission. The Ombudsman Consultant made an immediate referral to CCL for investigation and contacted the youth's probation officer. Based on their investigation, CCL substantiated both allegations and cited the facility for violating the youth's personal rights. The staff person was reprimanded and the staff was trained on foster youth personal rights, food and safety issues, and instructed that no video recordings of the group home residents would be allowed.
- A 17-year-old probation youth contacted the Ombudsman Office from school to report the group home staff speaks disrespectfully to the residents, keeps the refrigerator locked, and will not allow her to call the Ombudsman Office from the group home. The Ombudsman Consultant referred the complaint to CCL for investigation and notified the youth's probation officer of the allegations. After their investigation CCL substantiated the allegations and also cited the facility for not serving a sufficient amount of food to the youth. The Ombudsman Consultant informed the youth's probation officer of CCL's findings.
- A 15-year-old foster youth contacted the Ombudsman Office because she was having trouble accessing the savings the group home held for her. The youth stated she had \$900 in her savings, but the group home house manager said the youth had only \$270 in her account. The Ombudsman Consultant spoke with the group home house manager who agreed to conduct an audit of the youth's savings account. The audit showed that the youth's savings account actually contained \$850.

## **Placement Disturbances**

- An adoptive parent called the Ombudsman Office because the county denied her request for placement of her adopted child's three-year-old sibling. The county was planning to move the three-year-old from her current placement with a non-related foster family to another non-related foster family. The Ombudsman Consultant contacted the three-year-old child's attorney and CASA to discuss the adoptive parent's concern and the planned placement disruption. The child's attorney and CASA were very involved in the case and recommended the child be placed in the adoptive home with the sibling. As a result of the Ombudsman Office's intervention, the county scheduled a Team Decision Making (TDM)

meeting where it was decided that the three-year-old would be placed with the adoptive parent and sibling.

- A foster parent called the Ombudsman Office because two foster youth (11 and 14-year-old siblings) living in another foster home were scheduled to change placement because their foster parent was facing a surgical procedure and weeks of recuperation. The boys did not want to move as they were bonded with their caregiver and did not want to change schools. The caller, who lived in the same school district, offered to provide respite care for the brothers until her friend, the foster parent, was on her feet again. However, for unknown reasons, the social worker was reluctant to place the boys with her. The brothers often stayed at the caller's home and she visited with them regularly. The Ombudsman Consultant contacted the county ombudsman and the children's attorney. As a result of this intervention, the social worker decided to place the brothers in respite care with the caller until their foster parent recuperated from the surgery.
- A respite caretaker of two foster siblings aged four and five years old contacted the Ombudsman Office to request assistance with permanent placement of the children. The social worker had denied the request for placement on grounds that the respite caretaker and her husband are not willing to accommodate the children's religious needs. The caretaker informed the Ombudsman Consultant that she and her husband are willing to maintain the children in the faith of their choice. The Ombudsman Consultant contacted the children's attorney and county ombudsman. A Team Decision Making meeting took place the next day to clarify the county's objective for the placement of the children. Subsequently, the children were placed with the respite caretaker as a permanent placement.
- The grandmother of an 18-month-old foster child contacted the Ombudsman Office for assistance with maintaining placement of her granddaughter, who had been placed with the grandparents at birth. The county recently discovered that the grandfather had a 20-year-old conviction for a non-exemptible crime and planned to remove the child. The Ombudsman Consultant contacted the child's attorney and made a referral to the county ombudsman. The county responded that, because the grandfather had not received an exemption for the crime, the law mandated the child's removal. In response to the impending county action, the grandparents have exercised their right to apply for an exemption and a grievance hearing. The grandfather also applied for a Certificate of Rehabilitation through the California Superior Court.

## **Relative Placement**

- A grandparent called the Ombudsman Office to report that the social worker was not responsive to her request to have her six-year-old grandson placed in her home. The grandmother had previously adopted the grandson's two siblings. The Ombudsman Consultant informed the minor's attorney and the county

ombudsman of the matter. Based on the information the Ombudsman Consultant provided, the county began the home-study process in preparation for possible placement of the child with his grandmother.

- A grandmother contacted the Ombudsman Office after her request of placement and adoption of her four grandchildren, ages nine, six, two and one years old was denied. The grandmother explained that she was extremely close to all of her grandchildren who she took care of for months at a time. All her grandchildren had been placed in a non-relative foster home. The Ombudsman Consultant contacted the county ombudsman and the children's attorney. The social worker decided if the children did not reunify with their mother, to re-evaluate the grandmother for placement.
- An aunt contacted the Ombudsman Office requesting assistance in obtaining visits and placement of her 14-year-old niece as she felt the county social worker was not actively responding to her requests for visits and placement. The aunt stated she passed both the criminal and home study evaluations, but the county wasn't placing her niece in her home. The Ombudsman Consultant contacted the minor's attorney and county social worker requesting that the aunt have regularly scheduled visits with her niece. Both the attorney and the county social worker stated they were not aware that regular visits were not occurring. The county social worker agreed to contact the aunt and schedule weekly visits and consider placement with the aunt once the youth's behavioral issues improved. The Ombudsman Consultant later learned from the aunt that she was receiving unsupervised visits and preferred that her niece get her behavioral issues under control prior to her being placed in her home.
- A grandmother contacted the Ombudsman Office because the county denied her request for placement of her two year old granddaughter. The denial was based on her husband's 20-year-old criminal conviction. The Ombudsman Consultant provided the county social worker supervisor with statute and CCL regulation cites regarding exemptible crimes. This information enabled the county to exempt the grandfather's 20-year-old conviction and the child was subsequently placed with the grandparents.

## **Reunification**

- A parent called the Ombudsman Office to say that her social worker denied her request to increase visits with her 11-year-old daughter to support and accelerate reunification. The Ombudsman Consultant directed the parent to work with her social worker and attorney to present her concerns and requests at her upcoming court hearing. The Ombudsman Consultant contacted and informed the minor's attorney of the parent's complaint. The minor's attorney informed the Ombudsman Consultant that it was in the minor's best interest that the visits progress slowly. The attorney and county needed time to observe that the parent was able to protect the minor from the alleged sexual perpetrator. Some months

later, the parent contacted the Ombudsman Consultant to say that her visits had been increased and that overnight visits with her daughter were going to be scheduled.

- A birth father from Pennsylvania contacted the Ombudsman Office seeking reunification with his four-year-old son, who was taken by the child's mother to California two years prior. When the father discovered that the child was in foster care in California he immediately contacted the county. The child's social worker recommended adoption of the child to his current non-relative foster parents and had not considered reunification with the father. Instead, the social worker asked that the father voluntarily relinquish his parental rights. The Ombudsman Consultant contacted the child's attorney, the County Child Welfare Director, the Assistant Director, and the Child Welfare Program Manager. These parties reinvestigated the situation and requested that the court order reunification with the father. An ICPC was completed and father and son were subsequently reunited.
- A mother contacted the Ombudsman Office to request assistance with being reunified with her three-year-old daughter. The mother stated that although she has completed her case plan, the social worker continues to deny reunification and has not followed through with court ordered overnight visits. In addition, the social worker has not completed a home assessment or a background check on the mother's brother who resides in the home. The Ombudsman Consultant contacted the child's attorney and the social worker's supervisor. Two weeks later, the mother informed the Ombudsman Consultant that her home has been assessed and approved, her brother's background check is scheduled, and at the upcoming hearing, the social worker is going to recommend unsupervised and overnight visits.

# Appendices

## **Appendix A**

### **Office of the Foster Care Ombudsman Statute**

California Welfare and Institutions Code Section 16160-16167:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(b) Attempt to resolve the complaint informally.

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

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

## **Appendix B**

### **California Rights of Children and Youth in Foster Care**

Welfare and Institutions Code section 16001.9:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(18) To have storage space for private use.

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

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

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

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

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

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

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

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

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

## **Appendix C**

### **Issue Definitions with Selected Statutory/Regulatory Citations**

#### **Complaint Issue Categories:**

**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 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 courts, judges or court personnel.

**CPS Reports (Child Protective Services):** Any call relating to a report of known or suspected child abuse or neglect of a child or youth who is not in foster care.

**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 foster parents or relative caregivers regarding services for foster children in their care.

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

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

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

**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.

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

**Licensing:** Any call relating to a CCL or county licensing situation or concern.

**Medical/Dental:** Any call regarding the physical or dental health of foster children and youth, inter-county coordination issues, Early and Periodic Screening, Diagnosis and Treatment (EPSDT) and eligibility for Med-Cal.

**Mental Health:** Any call regarding the mental health of foster children and youth, inter-county coordination issues, the need for counseling services, and Therapeutic Behavioral Services (TBS), and eligibility for Med-Cal.

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

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

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

**Placement:** Any call regarding a change in placement by child welfare or probation of a child or youth into or from or between a temporary, permanent, foster-adopt, group home or foster family agency. This includes any call from a relative who wants a child's or youth's placement to be changed but who is not requesting that the child be placed with him/her.

**Presentation:** Any request for Ombudsman consultant to present information on the rights of foster children and youth and on the duties of the Ombudsman Office.

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

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

**Relative Placements:** Any call from a relative regarding placement of a related child or youth with the relative, including adoption, guardianship and KinGAP, and calls regarding county approval of the relative's home for placement.

**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.

**Shelter Care:** Any call about a child or youth who has been in temporary shelter care or receiving home for longer than 30 days or any other concern regarding this specific type of placement.

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

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

## **Appendix D**

### **California Child Welfare/Foster Care Legislation State Fiscal Year 2009/2010**

The following is a summary of legislation chaptered during the 2009/2010 State fiscal year affecting the experience of foster children and youth while they are in the California child welfare system:

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

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

#### **SB 352 Juvenile offenders: health facilities (Chapter 46, Statutes of 2009)**

SB 352 clarifies statute related to sharing information about juvenile court wards placed out of the county of residence.

#### **SB 597 Child welfare services, foster care services, and adoption assistance (Chapter 339, Statutes of 2009)**

SB 597 establishes the development of a plan for the ongoing oversight and coordination of health care services for foster youth and the development of a personalized transition plan for a foster youth in the 90-day period before he or she ages out of foster care to conform to Public Law 110-351, the Fostering Connections to Success and Increasing Adoptions Act of 2008, and modifies foster family agency staffing ratios and foster care group home payment rates and levels.

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

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

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

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

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

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

**AB 167 High school graduation: local requirements: foster children (Chapter 223, Statutes of 2009)**

AB 167 requires school districts to exempt a pupil in foster care from district graduation requirements that exceed state requirements if the pupil transfers to the district, or transfers from one high school to another within a district, in the 11th or 12th grade, unless the district makes a finding that the pupil is reasonably able to complete the additional requirements in time to graduate from high school while he or she remains eligible for foster care benefits pursuant to state law, and requires the district to notify and provide specified information to the pupil if the exemption granted would affect the pupil's ability to gain admission to a postsecondary institution.

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

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

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

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

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

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

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

AB 665 broadens the use of the federal adoption incentive awards that are received by the state as a result of increased adoptions of older children to include other legal

permanency options available to older foster youth in order to increase the opportunities for these youth to be placed in stable homes. Other legal permanency options include legal adoption, relative guardianship and reunification services when those services were previously terminated.

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

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

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

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

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

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

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

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

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

AB 938 requires the child's social worker or probation officer, within 30 days of removal: to use due diligence in investigating the names and locations of the relatives, including asking the child; to provide specified written notification and, when appropriate, oral notification, that explains that the child has been removed from his or her parents and the various options available to participate in the care and placement of the child and support of the child's family.

### **AB 941 Adoption (Chapter 492, Statutes of 2009)**

AB 941 makes several technical and clarifying changes to adoption requirements. Specifically, this bill clarifies: That an optional post-adoption contact agreement between adoptive parents and birth relatives, other than the birth parents, may, if the parties agree, include more than just the sharing of information about the child, if the birth relatives have a preexisting relationship with the child.

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

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

### **AB 1393 College Campus Housing for Foster youth (Chapter 391, Statutes of 2009)**

AB 1393 requests the California Community Colleges (CCC) and the University of California (UC), and requires the California State University (CSU), in order to ensure stable housing for current and former foster youth, to give priority for campus housing to current and former foster youth with first priority for housing open for uninterrupted year-round occupation and next priority for housing open for occupation most days during the calendar year.



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