

**Office of the California Foster Care Ombudsman  
Seven Year Perspective  
May 2000 – June 2007**



**CDSS**

CALIFORNIA  
DEPARTMENT OF  
SOCIAL SERVICES

**State of California  
California Department of Social Services**

This Perspective is dedicated to the memory of



Joyce Jacobs

in honor of her eight years of dedicated service to the

Office of the California Foster Care Ombudsman

2000 - 2008

## From the California Foster Care Ombudsman

The Office of the California Foster Care Ombudsman (Ombudsman Office) is pleased to present this Seven Year Perspective for May 2000 – June 2007. The first seven years have seen many changes and significant achievements for the Ombudsman Office.

We are entrusted with providing an independent forum for the investigation and resolution of complaints made by or on behalf of children placed in foster care and to make appropriate referrals. We maintain a toll-free number for anyone to call and express their concerns and complaints about the foster care system. We have developed an information-packed Web site that we hope you will visit at [www.fosteryouthhelp.ca.gov](http://www.fosteryouthhelp.ca.gov).

It is our mission to also be a strong voice for foster children and provide support on their behalf. We are committed to creating avenues to fill the needs of foster children and youth and provide them with a place to express their complaints regarding placement, care and services without fear of retribution. The Ombudsman Office provides foster children and youth with information on their rights while in foster care, and also conducts trainings and presentations to child welfare professionals and community partners.

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

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

Thank you.

*Karen Grace-Kaho*

California Foster Care Ombudsman

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## Executive Summary

This Seven Year Perspective (Perspective) of the Ombudsman Office illustrates the growth, challenges and accomplishments of this important office. The Ombudsman Office was established by Senate Bill (SB) 933 (Chapter 311, Statutes of 1998) as an autonomous entity within the California Department of Social Services (CDSS). The Ombudsman Office was created to provide foster children, youth and citizens with a forum for voicing their concerns regarding the care, placement and services of children and youth in foster care. The Ombudsman Office commenced in May 2000 and has been making a difference in the lives of foster children and youth ever since. We are proud of our service to children and families in the State of California.

During the seven years between May 2000 and June 2007 the Ombudsman Office received over 13,000 initial contacts via telephone, email or letter. Of these initial contacts, 6,985 were complaints regarding children in the child welfare system. The highest number of complaints (2,810) was made by relatives who had concerns about the children's placement, the quality of care the children were receiving, and the local child welfare system. Additionally, 1,637 foster youth contacted the Ombudsman Office regarding personal rights violations in their foster care placement, including poor living conditions and not being treated with respect. The balance of the complaints was received from foster care providers, social workers, attorneys, Court Appointed Special Advocates (CASA) and others.

The Ombudsman Office conducts objective investigations and attempts to resolve complaints made by or on behalf of children in foster care. Furthermore, the Ombudsman Office has made presentations throughout California to disseminate information on foster care, and has distributed well over 100,000 publications on the personal rights of children and youth in foster care, activities of the Ombudsman Office, and the California dependency process.

The Ombudsman Office maintains a toll-free Foster Care Help Line, (877) 846-1602, and a Web site, [www.fosteryouthhelp.ca.gov](http://www.fosteryouthhelp.ca.gov), with an email address to allow individuals to make a complaint, request information, and to request publications. The Web site also contains links to many resources, annual reports, All County Letters and All County Information Notices.

This Perspective includes data and case examples of the very important work performed by the Ombudsman Office. This Perspective also includes all mandated information as well as reports on activities pursued by the Ombudsman Office on behalf of the foster care population.

## History

Public sector Ombudsmen have a long and distinguished history. The first public sector Ombudsman (OM-budz-man) was appointed by the Parliament of Sweden in 1809 to protect individual rights against the excesses of the bureaucracy. This first Ombudsman's office established has served as the model for subsequent public sector offices, and has set the definition that is still accepted today: a public official appointed by the legislature to receive and investigate citizen complaints against administrative acts of government. These acts may or may not include the administrative acts of the judiciary or the legislature, depending upon the statute.

The Ombudsman movement in the United States has also grown and expanded to include offices that represent a departure from the Swedish model. These variations include offices with general jurisdiction but appointment by a governor or mayor, legislative offices with special jurisdiction, and single agency Ombudsman with statutory authority.<sup>1</sup>

The Ombudsman Office was created by statute and began operation on May 2, 2000. Ms. Karen Grace-Kaho was appointed the first Foster Care Ombudsman in California and continues to passionately serve the foster care population. Ms. Grace-Kaho also serves on the Board of Directors of the United States Ombudsman Association (USOA), and co-chairs the Children and Family USOA Chapter.

The Ombudsman Office had two locations during the first three years of operation, one in Southern California (Los Angeles) and one in Northern California (Sacramento). Locations at each end of the state allowed the Ombudsman Office to give presentations and conduct thorough on-site investigations. However, due to fiscal conditions, in 2003 the Ombudsman Office was reduced to fewer staff and one location (Sacramento).

The Ombudsman Office has established a Call-Tracking Database; protocols for complaint processing and investigation; created publications; conducted outreach presentations; and engaged in extensive collaboration with caregivers, youth, relatives, child welfare professionals and other stakeholders.

Presently, the Ombudsman Office continues to be an autonomous entity within CDSS and has a staff of ten full-time professional employees and four student assistants. All the student assistants are former foster youth attending local colleges working towards their degrees in various disciplines.

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<sup>1</sup> Source: [http://www.usombudsman.org/en/About\\_Us/history.cfm](http://www.usombudsman.org/en/About_Us/history.cfm)

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

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

The Ombudsman Office shall do the following:

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

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

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

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

### **The authority of the Ombudsman Office is limited as follows:**

- ❖ No authority to challenge court decisions.
- ❖ No authority to change case plans.
- ❖ No authority regarding local administrative personnel issues. Complaints regarding discrimination and other personnel actions are referred to the appropriate office.

# Activities and Services



**Office of the California  
Foster Care Ombudsman**

## Ombudsman Collaborative Projects

California's Foster Care Ombudsman (Ombudsman), Ms. Karen Grace-Kaho, co-chairs the **Child and Family Chapter of the United States Ombudsman Association (USOA)**, facilitating regular meetings of child welfare ombudsman from all over the country to exchange ideas and information on trends and developments in the child welfare system throughout the United States. [www.usombudsman.org](http://www.usombudsman.org)

The Ombudsman has a seat on the **Child Welfare Council (CWC)**, which is a state advisory body that considers recommendations to improve child and youth outcomes within the child welfare system. The goal of the CWC is to increase collaboration among agencies and courts that serve children and families in the child welfare system. The CWC was established by the Child Welfare Leadership and Performance Accountability Act of 2006, Assembly Bill (AB) 2216 (Chapter 384, Statutes of 2006). The Chief Justice of the California Supreme Court and Secretary of California Health and Human Services Agency co-chair the CWC, which includes agency directors, legislators, and representatives of various stakeholder groups. <http://www.chhs.ca.gov/initiatives/CACChildWelfareCouncil>

The Ombudsman also facilitates the **California Foster Youth Career Development and Employment Task Force**. This task force focuses on developing employment and training opportunities for youth while in care, and after they leave foster care. This high priority project is a collaboration between the Ombudsman Office, CDSS, Employment Development Department, California Workforce Investment Board, Casey Family Programs, CWDA, community colleges, New Ways to Work, Connected by 25, and other community partners.

The Ombudsman worked collaboratively to establish the **Guardian Scholars Program** at California State University, Sacramento (CSUS). This project continues to provide support services to former foster youth to help them achieve their academic goals. <http://www.csus.edu/gs/>

The Ombudsman participates on the **California Foster Youth Education Task Force**, which has coordinated statewide forums on educational issues facing foster youth and has developed educational materials on the educational rights of foster youth. Ensuring appropriate educational services to foster children and youth continues to be one of the major priorities of the Ombudsman. <http://www.cde.ca.gov/ls/pf/fy/resources.asp>

The Ombudsman participates on the Advisory Committee that informs the **California Permanency for Youth Project**, which has created programs in 14 counties to help foster youth to attain successful permanency after emancipation. [www.cpyy.org](http://www.cpyy.org)

The Ombudsman also sits on the **California Permanency Youth Task Force**, which is a statewide group set up to facilitate collaborations between public and private agencies to achieve permanent lifelong connections for youth within the foster care system.

California was one of six states chosen to participate in the year-long **National Governor's Policy Institute on Emancipated Foster Youth**. This prestigious policy group examined and developed policies to assist governmental and nonprofit agencies serving emancipating foster youth to implement creative, viable and effective services to support these youth. [www.nga.org](http://www.nga.org)

## Special Events



**Foster Youth Day at the Capitoll!**



**California Youth Connection!**



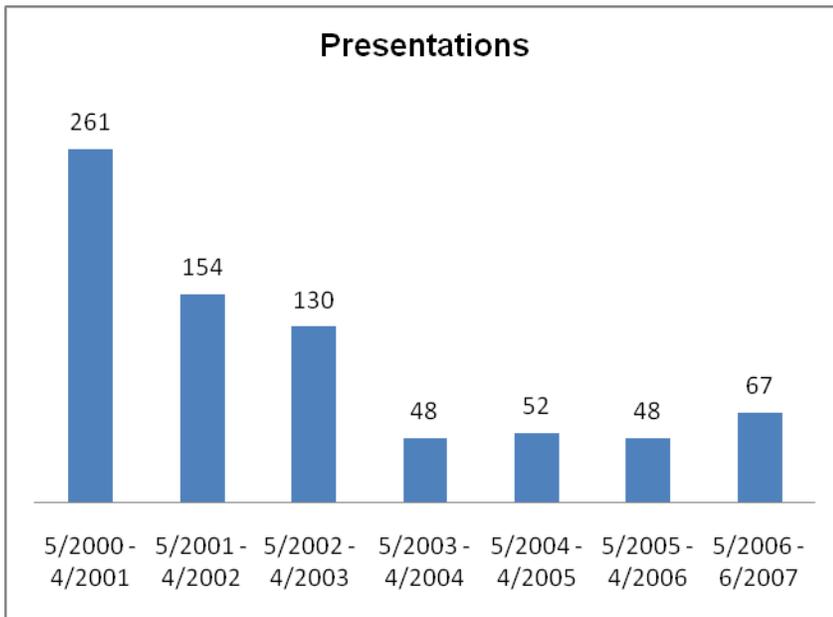
**May is Foster Care Month!**



**Foster Youth Education Fashion Show**

## Outreach Presentations

The Ombudsman Office conducts numerous outreach activities to provide information on the rights of children and youth in out-of-home care and to educate the community about the child welfare system as well as the services provided by the Ombudsman Office. The Ombudsman Office has conducted presentations to a wide variety of groups and organizations including county social services staff, Independent Living Programs (ILP), relative and non-relative care provider associations, CASA, CWDA, and county mental health organizations. Due to the budget crisis in 2003, the Southern California Ombudsman Office was closed and ability to travel was limited, therefore the number of presentations decreased.



## Foster Youth Web Site

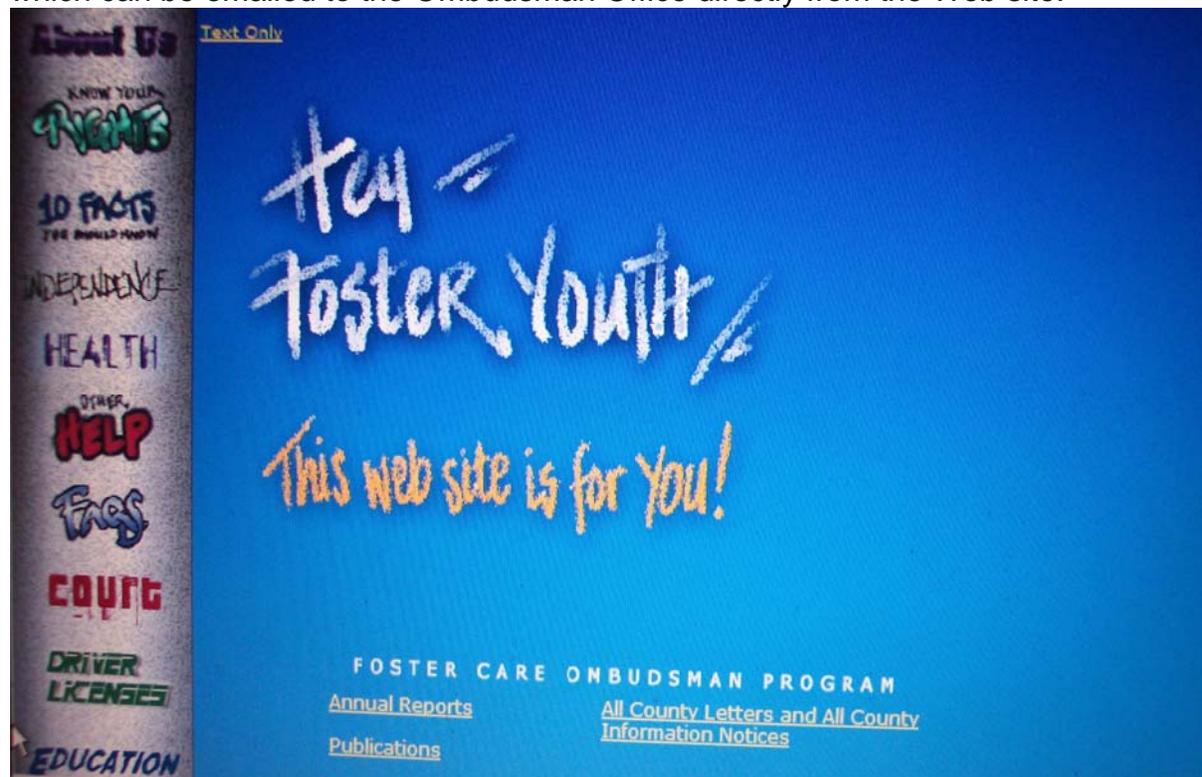
An innovative and exciting aspect of the Ombudsman Office is its Web site: [www.fosteryouthhelp.ca.gov](http://www.fosteryouthhelp.ca.gov). This Web site was designed by a student assistant (former foster youth) with the input of other former foster youth.

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

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

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

Finally, the Ombudsman Office Web site includes a complaint page to file a complaint, which can be emailed to the Ombudsman Office directly from the Web site.

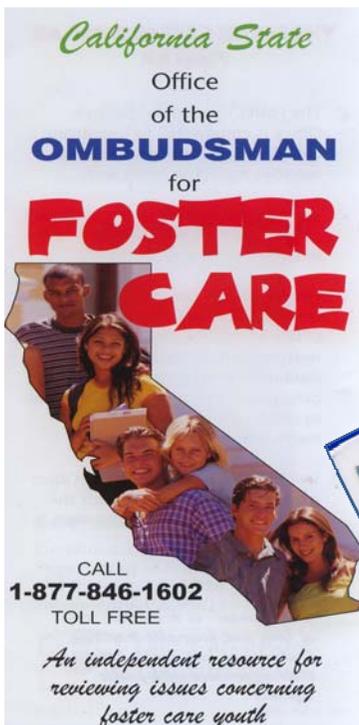


## Publications

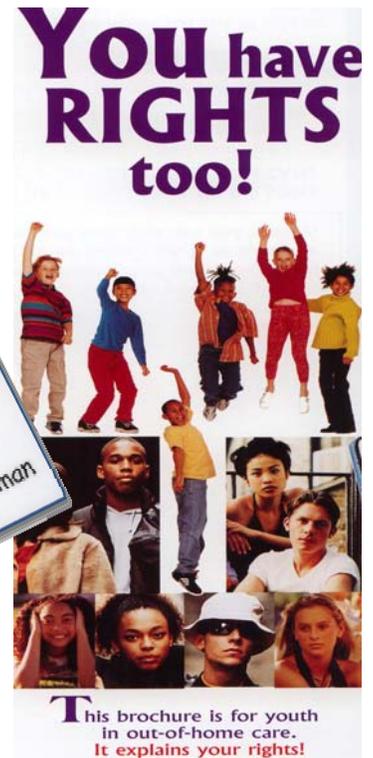
The Ombudsman Office designed eye-catching brochures and posters regarding the rights of children and youth in foster care. The rights of children and youth in foster care were established by AB 899 (Chapter, 683, Statutes of 2001). The bill requires social workers to explain the rights to every child in foster care, in age-appropriate language, at least every six months, and that licensed homes housing six or more foster children post the rights within easy and regular access for the children living there.

The Ombudsman Office publications are distributed at presentations. Agencies and organizations can request materials by telephone at (877) 846-1602 or email [fosteryouthhelp@dss.ca.gov](mailto:fosteryouthhelp@dss.ca.gov) and have them sent by mail.

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



10 Facts Every Foster Youth Should Know



Youth Crisis Lines and Help Lines

## Staff Profile

The Ombudsman Office has highly dedicated staff that possess diverse educational, professional, and personal backgrounds, which make the office a source of knowledge, talent, and commitment. One of the goals of the Ombudsman Office is to attain the highest level of excellence in serving the foster care population throughout California. The Ombudsman Office staff includes four student assistants who are all former foster youth.

The Ombudsman Office staff is an inspirational group of individuals. There are three staff members with juris doctorates, a former foster parent, a former relative caregiver, an adoptive parent, a former group home director and university instructor, a former civil rights investigator, a former attorney and law school professor. Together, the staff makes life a little better for those in the foster care system. It is a labor of love.

Many Ombudsman Office staff volunteer their time to benefit foster youth assisting in fundraising events and collecting household items for emancipating foster youth. For the last six years, staff and student assistants have helped coordinate the Foster Youth Education Fund Fashion Show, which has raised over \$140,000 to assist emancipated foster youth in reaching their educational goals. The Foster Youth Education Fund is a non-profit volunteer-run organization that has also worked with CSUS in creating and supporting their Guardian Scholars program which provides special support services for former foster youth attending the university.

### Ombudsman Office Staff



Back row from left to right: Cynthia McDowell, Laura Jestes, Bonnie Rivero, Matt Lopez (middle), Chris Forte, Donnel Jenkins, and far right Denise Cooper. Bottom row: California Foster Care Ombudsman Karen Grace-Kaho, Christina Davis-Clark and Regina Lara

## Former Student Assistants

While the Ombudsman Office is extremely proud of all current and former student assistants, three were chosen to be highlighted for this Perspective. These former foster youth were student assistants before blossoming into professional advocates. They each are currently dedicating their professional lives to helping others in the foster care system.



**Julianna Vasquez**, a former foster youth, helped develop the Ombudsman Office procedures and gave inspiring presentations. Julianna is currently a job-developer and recruiter and is employed by the Sacramento Works South County Career Center. She is the mother of a delightful 7-year-old daughter and relative care-provider of two foster youth. Julianna plans to be a human resource professional. "Working in the Ombudsman Office was one of the best things that ever happened to me", said Julianna, "It was very empowering. I grew personally and intellectually and I met many people who really care."



**Berisha Black**, a former foster youth who experienced eight foster homes and a failed adoption, helped establish the Ombudsman's field office in Los Angeles. She worked while attending Los Angeles State University. Since earning her Bachelor's in Social Work, Berisha has worked for the Youth Development Ombudsman in Los Angeles, California Permanency for Youth Project, and is currently with Casey Family Programs. Berisha plans to obtain her Masters in Social Work. Berisha says, "The State Ombudsman Office prepared me for my current work with advocating for foster youth." This quote from Benjamin Israel really captures her passion, "The greatest good you can do for others is not just to share your riches, but to reveal to them their own."

**Jennifer Rodriguez**, a former foster youth who experienced a number of group home placements and homelessness after leaving foster care, worked in the Ombudsman Office while attending the University of California at Davis (UCD). Jennifer created the Foster Care Ombudsman Web site and developed the first Ombudsman Office Resource Directory. Jennifer graduated with honors from UCD and was awarded a full scholarship to UCD Law School. Jennifer worked as the CYC Legislative Policy Coordinator and is currently a staff attorney at the Youth Law Center. Jennifer is the mother of two young children.



# Inquiries and Complaints



## Office of the California Foster Care Ombudsman

## **Inquiry and Complaint Process**

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

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

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

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

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

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

## Case Examples

The Ombudsman Office investigates and resolves a variety of child welfare issues. The following is a sample of cases resolved by Ombudsman Office staff.

### **Abuse/Neglect in Placement**

- ❖ An elementary school counselor contacted the Ombudsman Office to report she suspected two of her students, who were in foster care, were experiencing physical and emotional abuse by another child in the foster home. The Ombudsman Office staff reported the abuse to the children's social worker, their attorney and CCL. The children were removed and placed into a safe foster home.
- ❖ A foster youth called to report that the smaller children in the foster home were neglected and physically abused by the foster mother. A dependent infant spent his life in a play-pen in the living room of the foster home, two youth were sleeping in the basement of the home, and strangers were living in the back yard. The Ombudsman Office staff contacted CCL, CPS, and the youth's attorney. Once the allegations were substantiated, the children were removed from the home.
- ❖ A 14-year-old foster youth in a group home placed an anonymous call to report that a staff person pushed her against the wall. Due to the youth's anonymity, Ombudsman Office staff could not contact the youth's social worker or attorney. Ombudsman Office staff contacted the group home director and CCL. A follow-up call was made by the CCL investigator to the Ombudsman Office staff to inform them that the group home investigated and subsequently terminated the staff person.

### **Sibling Visitation**

- ❖ A 15-year-old foster youth called to inquire about obtaining visits with her younger brother who lived in another foster home. The Ombudsman Office staff discussed the situation with both children's attorneys and with their social worker. They agreed to a plan that would allow the siblings to spend more time together.
- ❖ A 17-year-old foster youth contacted the Ombudsman Office regarding the lack of regular sibling visitation. The youth's 11-year-old sister was placed in another county and was soon to be adopted. The youth's social worker told him it was unlikely he would be able to continue to have visitation with his sister once she was adopted. The Ombudsman Office staff contacted the youth's attorney who worked with the county and the sister's attorney to ensure that visitation would continue after the adoption.
- ❖ A 14-year-old foster youth called because she wanted her twin brother, who lived in another foster home, to visit with her over the holidays at her foster home. The Ombudsman Office staff contacted the children's social workers, and their attorneys. The holiday visit was agreed to by all, and became a reality.

## Case Examples

### Child Welfare Practices

- ❖ A foster parent contacted the Ombudsman Office because she feared that one of her foster children was going to be removed. The child's social worker told the foster parent that the child would be removed because she had allowed the child's birth mother to visit. The foster parent thought the social worker had authorized the visits. The Ombudsman Office staff contacted the child who said she enjoyed living with this foster family and was doing well in school. Also, the Ombudsman Office staff contacted the child's attorney and the child's social worker who said she had not authorized the visits with the birth mother and was planning to move the child into another home. After discussing the issues with the Ombudsman Office staff, the social worker agreed that it was in the child's best interest to remain in the home.
- ❖ A youth called the Ombudsman Office to report that a foster family agency (FFA) had called the youth's foster mother to say that the youth would be moved to another placement because the foster mother planned to become certified by another FFA. The youth, who was happy in the foster home, did not want to move, and the foster parent was willing to continue caring for the youth. The Ombudsman Office staff contacted the youth's attorney and the county program supervisor who, in turn, contacted the FFA and told them they could not move the youth.
- ❖ An aunt contacted the Ombudsman Office because a social worker transported her nephew to her home for visitation, but never returned to retrieve him. Several months had passed, and the social worker would not return her calls. The Ombudsman Office staff contacted the youth's attorney and the social worker. It was agreed that the youth would continue to live with the aunt and that the aunt would receive foster care payments. A new social worker was assigned to prepare the youth for emancipation.
- ❖ A foster parent turned to the Ombudsman Office because she had not received a clothing allowance for the children in her care. She and her two foster children were deaf and communicated by sign language. The Ombudsman Office staff contacted the county and was told that the clothing allowance would be provided for the children. The Ombudsman Office staff also contacted the children's social worker and their attorney and reminded them of the need for special services required by individuals with hearing disabilities. The foster parent received the clothing allowance and necessary special services.



## Case Examples

### Education

- ❖ The education coordinator at a group home contacted the Ombudsman Office because she was told that a foster youth who resided in the group home could not attend the local high school. The Ombudsman Office staff contacted the high school principal who explained that the problem was that the youth had violated school rules on several occasions. The Ombudsman Office staff discussed the issue with the youth's attorney, social worker and education coordinator who all agreed to work with the youth on following the school rules. The local high school principal agreed to allow the youth to attend as long as his behavior improved. If that failed, they would enroll the youth in a school that specialized in educating youth with behavioral problems.
- ❖ A foster parent contacted the Ombudsman Office because the school principal of the neighborhood school would not enroll her recently placed foster child. The Ombudsman Office staff contacted the child's attorney and social worker to notify them of the matter. The Ombudsman Office staff informed the school principal of AB 490 that established the right of foster youth to immediate school enrollment and emailed a copy of the Ensuring Educational Rights and Stability for Foster Youth. The foster parent contacted the Ombudsman Office staff that afternoon to say that the principal agreed to enroll the child.
- ❖ A social worker contacted the Ombudsman Office because the local public school refused to enroll a foster child. The Ombudsman Office staff emailed a copy of the Ensuring Educational Rights and Stability for Foster Youth to the social worker, highlighting the statute regarding immediate enrollment of foster children. The social worker met with the school principal and provided him with a copy of the statutes. Thereafter, the school immediately enrolled the youth. The Ombudsman Office staff also informed the youth's attorney of the problem.



## Case Examples

### Emancipation/Independent Living Program

- ❖ An 18-year-old emancipated youth contacted the Ombudsman Office seeking assistance with rent. The youth was one month behind on paying rent and not expecting a check until the following month. The Ombudsman Office staff contacted the county ILP worker who provided the youth with financial assistance.
- ❖ An emancipated foster youth contacted the Ombudsman Office because she had not heard whether her Chafee Grant for college funds had been approved. The Ombudsman Office staff contacted the CDSS Chafee Grant analyst who discovered that the youth's birth date was incorrect on the application. Based on the incorrect birth date the Student Aid Commission had denied the Chafee Grant to the youth. The Student Aid Commission corrected the birth date and the youth was approved for the Chafee Grant.
- ❖ The caregiver of a foster youth contacted the Ombudsman Office because the youth, who was also a Regional Center client, was in need of emancipation preparation services. The Ombudsman Office staff contacted the Regional Center's administrator, the youth's attorney and social worker. An emancipation plan was developed for the youth that included housing through the Regional Center, job training, and job placement.
- ❖ A homeless emancipated foster youth contacted the Ombudsman Office for assistance. The Ombudsman Office staff referred the youth to Job Corps, the county ILP, and the county emancipation specialist. Through these resources, the youth was able to find employment and transitional housing.
- ❖ An 18-year-old former foster youth moved from his county of jurisdiction when he emancipated from the system. Sometimes he lived with an aunt, but the rest of the time he slept in his car. He asked the Ombudsman Office to help him find housing and other services. Ombudsman Office staff contacted the county ILP Coordinator where the youth lived. The coordinator agreed to find housing and services for the youth. The jurisdictional county agreed to pay for the services.

## Case Examples

### Medical Services

- ❖ A foster mother contacted the Ombudsman Office because a foster child placed with her from another county needed medical attention. The Ombudsman Office staff contacted the child's attorney and connected the foster parent with the child's social worker so that an appropriate pediatrician could be located.
- ❖ An emancipated foster youth contacted the Ombudsman Office. She had a medical condition but her Medi-Cal card had expired. The Ombudsman Office staff contacted the Medi-Cal Ombudsman who expedited a Medi-Cal card for the youth.
- ❖ A foster parent called the Ombudsman Office because a doctor had recommended orthopedic surgery for her foster son, but Medi-Cal denied authorization of the surgery. The Ombudsman Office staff contacted the child's attorney and social worker and linked the foster parent with the Medi-Cal Ombudsman who agreed to review the case for consistency with Medi-Cal standards.
- ❖ An anonymous caller contacted the Ombudsman Office to report that a recently emancipated foster youth, who was attending college out of state, was told his Medi-Cal card had expired. The youth is diabetic and depends upon Medi-Cal for his insulin. The Ombudsman Office staff immediately contacted the youth's former social worker and eligibility worker who expedited the paperwork to ensure the youth received a reinstated Medi-Cal card within 48 hours. The youth was able to refill his prescription before he ran out of insulin.



## Case Examples

### Foster Youth Personal Rights

- ❖ A foster youth contacted the Ombudsman Office because the group home was forcing him to quit his job because they did not have staff available to transport him to his workplace. The Ombudsman Office staff contacted the youth's attorney, social worker and the group home administrator. All parties agreed that preservation of the youth's employment was a high priority. The youth agreed to have the Ombudsman Office staff consult with the youth's employer who was then willing to revise the youth's schedule to accommodate the group home's transportation schedule.
- ❖ A foster youth called the Ombudsman Office to report the staff in his group home were treating him disrespectfully and playing practical jokes on him. Also, some of his personal belongs were missing. The Ombudsman Office staff contacted CCL, the youth's attorney and social worker who resolved the issues with the group home.
- ❖ A foster youth contacted the Ombudsman Office because the group home staff opened his mail before giving it to him. The Ombudsman Office staff contacted CCL, the youth's attorney and social worker. When the Ombudsman Office staff contacted the group home, the group home administrator said it was their policy to open all mail at the main administration building before delivering it to the youth residents. The Ombudsman Office staff informed the administrator that, outside of a court order stating otherwise, the policy violated the youth's personal rights to privacy. The group home administrator stated the practice would be terminated.
- ❖ A FFA social worker contacted the Ombudsman Office for clarification regarding a foster youth's right to employment. The youth's foster parents had threatened to terminate the foster youth's employment as a form of punishment. The Ombudsman Office staff contacted the youth's attorney, county and FFA social workers, and clarified that terminating the youth's employment would be a violation of the youth's personal rights. Thereafter, a parenting plan was put in place that preserved the youth's rights.



## Case Examples

### Placement

- ❖ A grandmother of a child in foster care reported to the Ombudsman Office that she wanted her grandchild placed in her home. If that was not possible, she wanted to have regular visits with the child. The Ombudsman Office staff contacted the child's attorney and social worker. The social worker agreed to set up a visitation schedule that allowed the grandmother holiday, vacation, and other regular visits with the child.
- ❖ An aunt requested that her 8-year-old nephew be placed with her. She reported that she had begun the approval process just hours after the child was placed in foster care. One month later the child was still in the original placement. By then, the county determined that the child had bonded with the foster family. The aunt countered that the child had known her since birth, spent vacations with her, and they had a loving relationship. Ombudsman Office staff discussed the aunt's reasons for placement with the county and the child's attorney. It was agreed that the child would be placed with the aunt.



- ❖ An aunt contacted the Ombudsman Office complaining that she had been waiting for two years for a county to finalize the home approval process for placement of her niece. The county had just informed her that they had decided not to place the child with her. The Ombudsman Office staff contacted the county social worker who explained the child had lived with the foster parents since birth. The foster parents wanted to adopt the child. The social worker felt that removing the child from the foster parents would cause unnecessary trauma for the child. The Ombudsman Office staff helped the aunt to come to an empathetic understanding of the child's deep bond with the foster parents. The aunt agreed to focus her efforts on developing a deeper relationship with the child and the child's foster/prospective adoptive family. All parties worked together to develop a suitable visitation plan for the aunt.

# Data Collection



## Office of the California Foster Care Ombudsman

## Call-Tracking Database

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

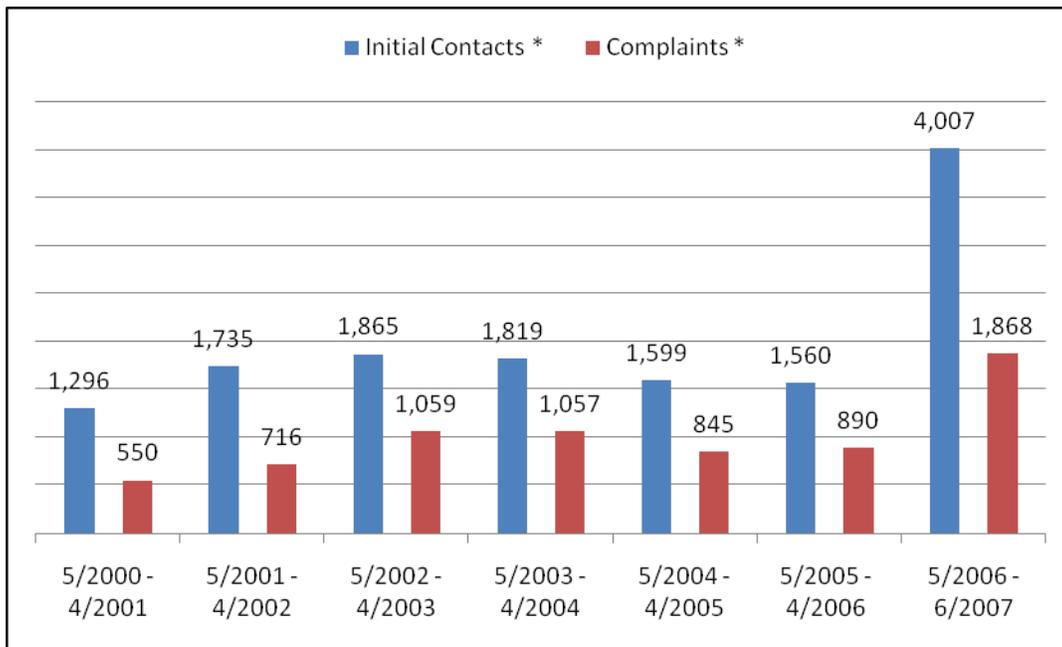
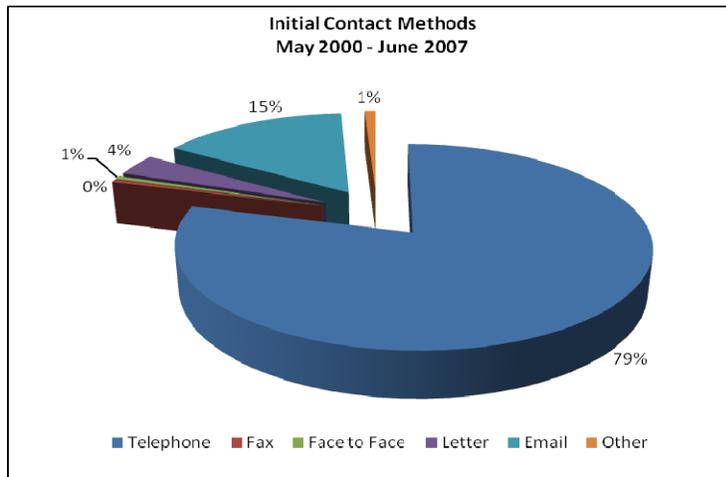
The Complaint Issues field is populated with subfields. The number of subfields has expanded over the years as common issues are identified. Subfields will continue to be modified as recurring issues are identified. Definitions for each subfield are listed alphabetically in Appendix B.

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

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

## Data Summary

Because the Ombudsman Office began providing assistance to the public in May 2000, the annual reporting cycle has been May 1 through April 30. The Ombudsman Office recently decided to alter the reporting cycle to match the State Fiscal Year (FY), July 1 through June 30. Consequently, in this Perspective each data category contains additional statistics to cover May 1, 2007 through June 30, 2007. This portion of the Perspective describes the total number of initial contacts including telephone calls, emails, and letters made to the Ombudsman Office during the specified reporting periods.

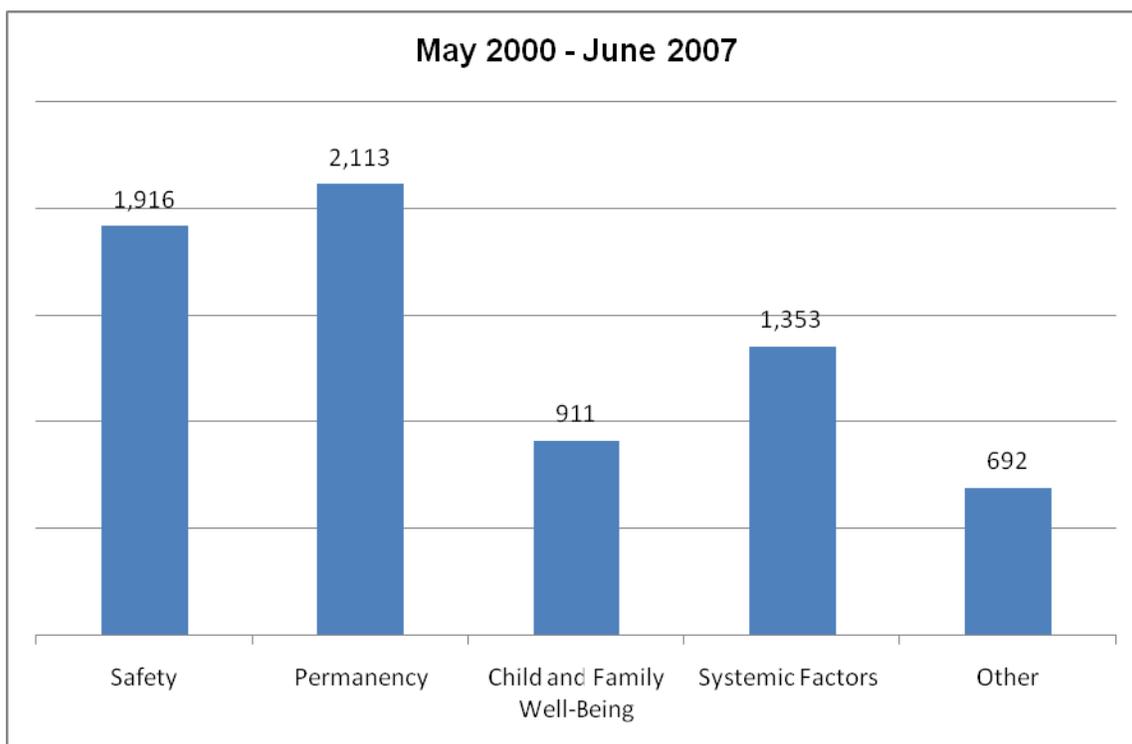


\*Data approximate for the first two years of the program.

## Child and Family Services Review Federal Outcome Measures

The United States Department of Health and Human Services Agency administers the Child and Family Services Review (CFSR) for the State of California. This process assesses the performance of state child welfare agencies with regard to achieving positive outcomes for children and families, and identifies the following specific outcome measures: **Safety, Permanency, Child and Family Well-Being and Systemic Factors** in areas such as Statewide Information System, Case Review System, Quality Assurance System, Training, Service Array, Agency Responsiveness to the Community, Foster and Adoptive Parent Licensing, Recruitment and Retention. The focus of the CFSR is on continuous quality improvement; high standards are set to ensure ongoing attention to achieving positive outcomes for children and families.

The Ombudsman Office collects information in its Call-Tracking Database using Complaint Issues and receives inquiries and complaints on all outcome measures referenced above. The Ombudsman Office will continue to follow and document inquiries and complaints, as well as refine data gathering tools and processes to meet legislative mandates and discover trends and issues in foster care and the child welfare system in general.



See Appendix E for Ombudsman Complaint Types which correlate to the Federal Outcome Measures

## Complaints By Source

This portion of the Perspective identifies the total number of complaints that were made by or on behalf of children and youth placed in foster care during the specified periods by the complainant's relationship to the children/youth in the foster care system.

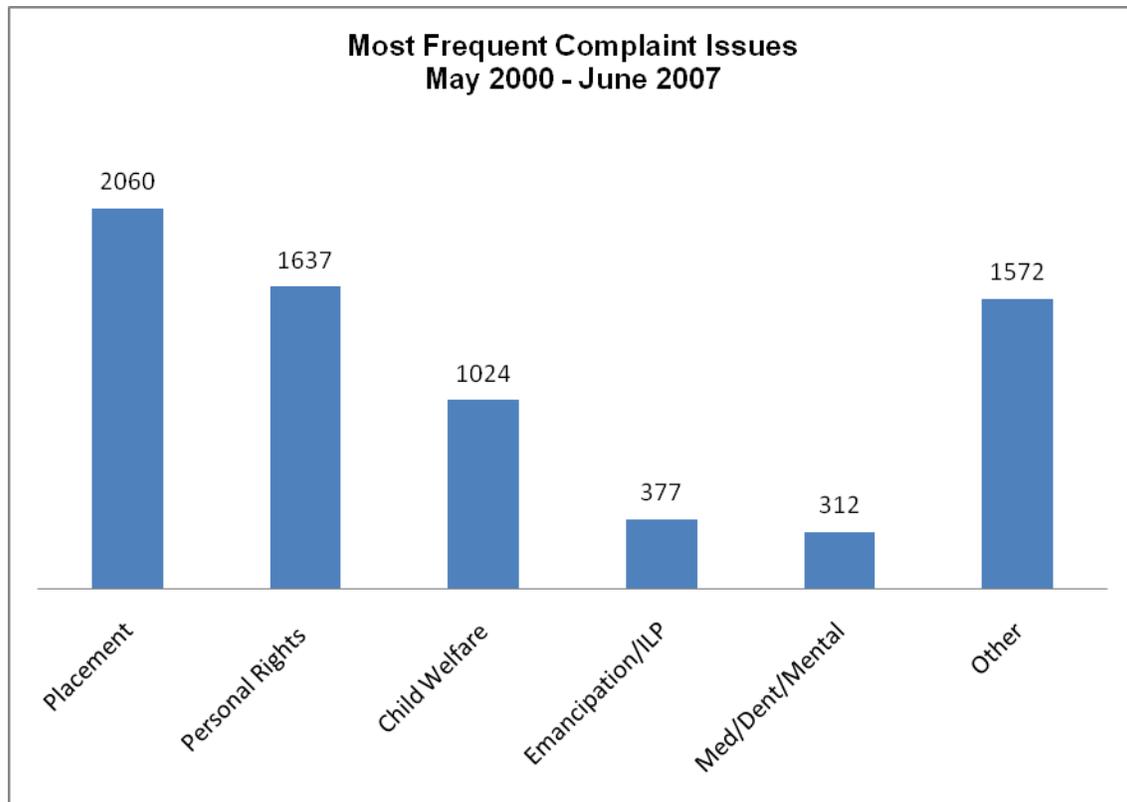
<b><u>MAY 2000 – APRIL 2001</u></b> <b>TOTAL COMPLAINTS = 550</b>	<b><u>MAY 2001 – APRIL 2002</u></b> <b>TOTAL COMPLAINTS = 716</b>
<b>TOTAL RELATIVES</b> 170	<b>TOTAL RELATIVES</b> 248
GRANDPARENT 70	GRANDPARENT 93
PARENT 65	PARENT 88
OTHER RELATIVE 35	OTHER RELATIVE 67
FOSTER YOUTH 140	FOSTER YOUTH 154
FOSTER PARENTS 120	FOSTER PARENTS 160
PROFESSIONALS 100	PROFESSIONALS 119
OTHER INTERESTED 20	OTHER INTERESTED 35
<b><u>MAY 2002 – APRIL 2003</u></b> <b>TOTAL COMPLAINTS = 1059</b>	<b><u>MAY 2003 – APRIL 2004</u></b> <b>TOTAL COMPLAINTS = 1057</b>
<b>TOTAL RELATIVES</b> 413	<b>TOTAL RELATIVES</b> 365
GRANDPARENT 138	GRANDPARENT 117
PARENT 185	PARENT 152
OTHER RELATIVE 90	OTHER RELATIVE 96
FOSTER YOUTH 330	FOSTER YOUTH 391
FOSTER PARENTS 139	FOSTER PARENTS 139
PROFESSIONALS 90	PROFESSIONALS 86
OTHER INTERESTED 87	OTHER INTERESTED 76
<b><u>MAY 2004 – APRIL 2005</u></b> <b>TOTAL COMPLAINTS = 845</b>	<b><u>MAY 2005 – APRIL 2006</u></b> <b>TOTAL COMPLAINTS = 890</b>
<b>TOTAL RELATIVES</b> 298	<b>TOTAL RELATIVES</b> 316
GRANDPARENT 95	GRANDPARENT 93
PARENT 124	PARENT 134
OTHER RELATIVE 79	OTHER RELATIVE 89
FOSTER YOUTH 289	FOSTER YOUTH 293
FOSTER PARENTS 90	FOSTER PARENTS 104
PROFESSIONALS 43	PROFESSIONALS 41
OTHER INTERESTED 125	OTHER INTERESTED 136
<b><u>MAY 2006 – APRIL 2007</u></b> <b>TOTAL COMPLAINTS = 1640</b>	<b><u>MAY 2007 – JUNE 2007*</u></b> <b>TOTAL COMPLAINTS = 228</b>
<b>TOTAL RELATIVES</b> 863	<b>TOTAL RELATIVES</b> 137
GRANDPARENT 250	GRANDPARENT 31
PARENT 439	PARENT 80
OTHER RELATIVE 174	OTHER RELATIVE 26
FOSTER YOUTH 297	FOSTER YOUTH 31
FOSTER PARENTS 156	FOSTER PARENTS 20
PROFESSIONALS 77	PROFESSIONALS 7
OTHER INTERESTED 247	OTHER INTERESTED 33

\*Partial data only. The Ombudsman Office will be compiling data by state fiscal year beginning Fiscal Year 2007/2008

## Most Frequent Complaint Types

The top five most frequent complaints involve placement, child welfare practices, personal rights issues, emancipation/ILP issues, and medical, dental/mental health services.

Over the last seven years the Ombudsman Office has received 2,060 complaints regarding placement issues, 1,637 personal rights complaints, 1,024 on child welfare practices, 377 emancipation/ILP complaints, 312 complaints regarding medical, dental and/or mental health services, and finally the balance of the complaints for those years is 1,572.



See Appendix F for Frequent Complaint Issues by year.

## Foster Youth Personal Rights

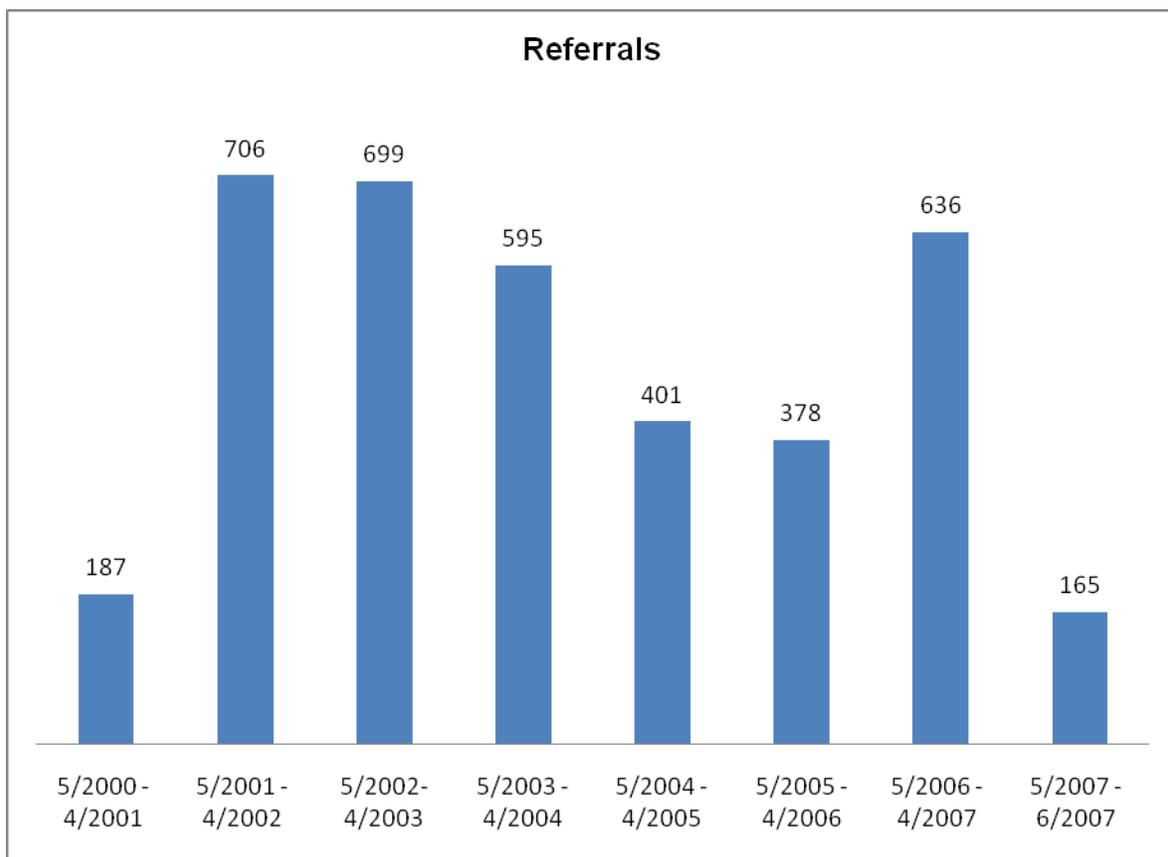
Personal rights, by statute, are intended to ensure that children and youth in foster care have a family-like environment safe from abuse, neglect, and discrimination; access to the court; educational stability; and continued contact with family and friends. The chart below reflects the categorized personal rights data from 2002 – 2007 regarding foster youth personal rights violations. The personal rights complaint data from May 2000 – April 2002 is not included in this chart because personal rights violations were not categorized. However, during that period there were 271 personal rights violation complaints made to the Ombudsman Office. The total personal rights violation complaints from May 1, 2000 – June 30, 2007 is 1,637.

<b>FOSTER YOUTH PERSONAL RIGHTS CATEGORIES</b>	<b>5/2002 – 4/2003</b>	<b>5/2003 – 4/2004</b>	<b>5/2004 – 4/2005</b>	<b>5/2005 – 4/2006</b>	<b>5/2006 – 4/2007</b>	<b>5/2007 – 6/2007</b>
<b>TOTAL 1366</b>	<b>312</b>	<b>212</b>	<b>247</b>	<b>224</b>	<b>328</b>	<b>43</b>
Safe environment free from abuse, neglect, unreasonable search of personal belongings and be treated with respect	159	184	126	119	216	33
Contact with family/sibling, social worker, CASA, and attorney	35	43	31	22	23	3
Other	37	20	26	31	28	0
Attend religious services, school, participate in other activities, have social contacts, develop job skills and work, attend Independent Living Program	19	21	17	13	12	1
Receive adequate food and clothing allowance	15	21	18	16	25	3
Receive telephone calls and mail	16	12	11	10	7	1
Receive medical, dental, vision and mental health services	6	5	7	5	3	0
Attend court hearings and speak to the judge	5	8	5	0	4	0
Contact Community Care Licensing and/or Ombudsman	5	2	3	0	4	1
View court records and case plan	3	1	2	1	1	0
Have storage space	0	1	1	2	0	0
Be free from administration of medicine	2	0	0	3	0	0
Not be locked in any room	0	4	0	1	1	1
Free from discrimination based on religion, ethnicity, gender or sexual orientation	0	0	0	1	4	0

## Referrals

In addition to resolving specific complaints, the Ombudsman Office provides referrals to other agencies and departments such as: county Ombudsman, CCL, CDSS, ILP, county child welfare agencies and other community resources. The Ombudsman Office staff informs the caller of the response from the referred agency as appropriate.

From May 1, 2000 - June 30, 2007, the office has made 3,767 referrals.

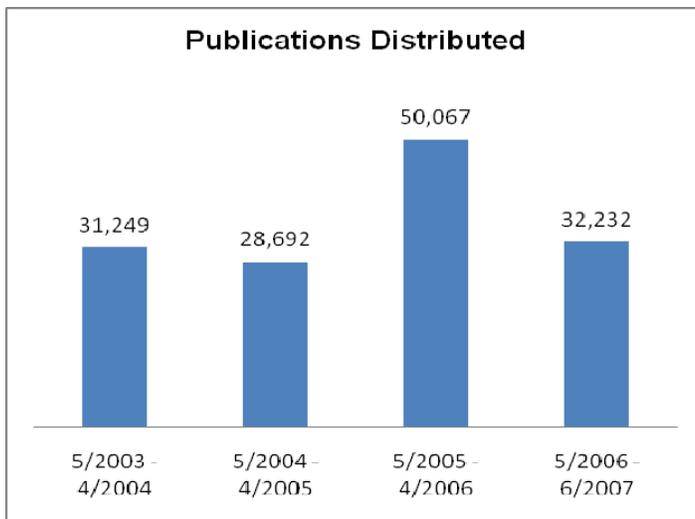
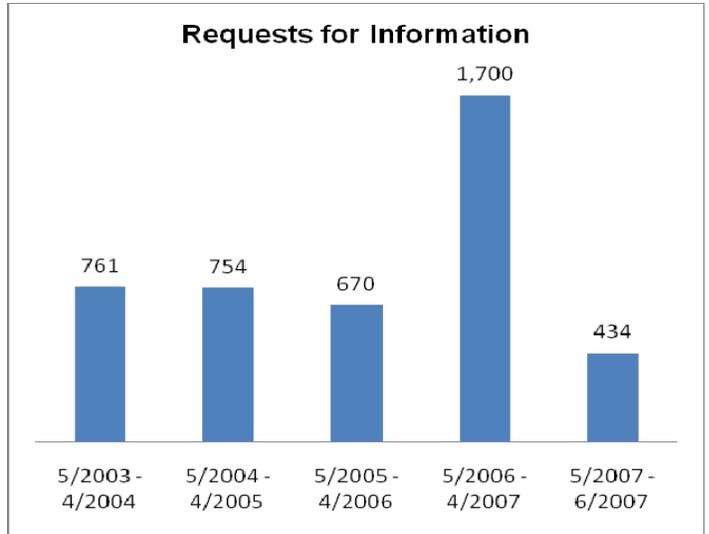


## Requests for Information and Materials

Individuals who call the Ombudsman Office are as diverse as California's population. People call for information on the child welfare system, foster care or children's issues in general. The Ombudsman Office began tracking requests for information in 2003. Many informational inquiries are received via email through CDSS and the Children and Family Services Division Web site. [www.childsworld.ca.gov](http://www.childsworld.ca.gov)

Some examples of information requests include:

- ❖ How to become a foster parent?
- ❖ How to adopt a child in foster care?
- ❖ How to find siblings that were adopted from foster care?
- ❖ Where to get information on the Safely Surrendered Baby law?
- ❖ How to become a Social Worker?
- ❖ How to request a reduction of child support payments?
- ❖ The location of child care programs.
- ❖ What services are available for a defiant teenager?
- ❖ Requests from college students who need child welfare statistical data for various school projects.



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, and their families and caretakers. The Ombudsman Office began tracking publication and materials requests in 2003.

# Appendices



## Office of the California Foster Care Ombudsman

## **Appendix A**

### **Office of the California 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 Web site of the State Foster Care Ombudsperson.

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

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

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

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

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

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

(b) Attempt to resolve the complaint informally.

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

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

## **Appendix B**

### **Complaint Issue Definitions**

#### **with Selected Statutory/Regulatory Cites**

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

## **Appendix C**

### **California Rights of Children and Youth in Foster Care Welfare and Institutions Code section 16001.9**

16001.9. (a) It is the policy of the state that all children in foster care shall have the following rights:

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

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

(18) To have storage space for private use.

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

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

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

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

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

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

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

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

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

## **Appendix D California Foster Care Legislation 2000 – 2007**

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

### **2000**

#### **AB 1740 Child Welfare Stakeholders Group (Chapter 52, Statutes of 2000)**

AB 1740 establishes the Child Welfare Services Stakeholders Group to examine current child welfare programs and propose a redesigned system by June 2003.

#### **AB 1987 Sibling Relationships (Chapter 909, Statutes of 2000)**

AB 1987 requires social workers to include in court reports a section on the child's sibling relationships and the plans for visitation of siblings. It also requires social workers to notify children on their caseload of significant events in the lives of siblings.

#### **AB 2877 Medi-Cal Eligibility (Chapter 93, Statutes of 2000)**

AB 2877 makes emancipated foster youth categorically eligible for Medi-Cal. It eliminates the re-application process that emancipated youth previously had to go through in order to get health care. Youth now experience a seamless transition of their Medi-Cal services until they reach 21 years of age.

### **2001**

#### **AB 333 Confidential Discussions (Chapter 675, Statutes of 2001)**

AB 333 requires that monthly visits by probation officer/social worker with children in group homes include private, confidential discussions.

#### **AB 427 Transitional Housing for Foster Youth Fund (Chapter 125, Statutes of 2001)**

AB 427 provides funding for housing and services for emancipated foster youth through age 20. AB 427 creates the Supportive Transitional Emancipation Program (STEP), which allows counties to provide monthly financial support to emancipated foster youth as long as they are attending school or working towards the goals outlined in their Transitional Independent Living Plans (TILP). AB 427 also makes changes to the state's Transitional Housing Placement Program (THPP) for community care facilities participating in transitional housing programs, and includes those certified facilities

within the scope of transitional housing facilities. These changes encourage providers to create or expand housing programs for current and former foster youth.

**AB 636 Child Welfare System Improvement and Accountability Act of 2001 (Chapter 678, Statutes of 2001)**

AB 636 establishes a statewide Child and Family Services Review system to review county systems and assist them in meeting outcomes, which are to be consistent with those measured by the federal Child and Family Services Reviews.

**AB 705 Sibling Placement (Chapter 747, Statutes of 2001)**

AB 705 requires that siblings be placed together and various other changes relative to the procedure for placing siblings.

**AB 899 Consolidation of Foster Children Rights (Chapter 683, Statutes of 2001)**

AB 899 consolidates all of the rights of foster children into a common location in California law. It also requires social workers to inform youth of their rights at least once every six months, and it requires the list of rights to be posted in facilities that care for six or more foster children.

**AB 1261 Increase of Savings Limits (Chapter 686, Statutes of 2001)**

AB 1261 increases the amount of savings that foster youth participating in transitional living services may retain.

**AB 1695 Clarification of Evaluation of Foster Care Providers (Chapter 653, Statutes of 2001)**

AB 1695 clarifies that relative and non-relative foster care providers are to be evaluated according to the same standards.

**SB 841 Pilot Project for Early Start to Emancipation (Chapter 694, Statutes of 2001)**

SB 841 provides State funding for an Early Start to Emancipation pilot project to be implemented in 3 counties statewide.

## **SB 940 Termination of Parental rights (Chapter 830, Statutes of 2001)**

SB 940 requires local probation departments to pursue termination of parental rights and adoption in any case in which a child adjudicated as a delinquent has been in foster care for 15 of the most recent 22 months.

## **2002**

### **AB 1119 Transitional Housing Placement Services (Chapter 639, Statutes of 2002)**

AB 1119 allows counties to increase the rate paid to Transitional THPP providers. The bill also includes payments to housing providers for emancipated youth ages 18 to 21 years old. The program was expanded to allow counties the opportunity to provide housing for emancipated foster/probation youth without requiring county participation in the Supportive Transition Emancipation Program (STEP).

### **AB 1979 Improving the Independent Living Program (Chapter 271, Statutes of 2002)**

AB 1979 creates statewide regulations for the Independent Living Program.

### **AB 2294 Term of Appointment for State Foster Care Ombudsperson (Chapter 1160, Statutes of 2002)**

AB 2294 provides that the Office of State Foster Care Ombudsperson for foster care shall be appointed for a term of four years, and permits the director of the California Department of Social Services to reappoint the Ombudsperson for consecutive terms.

## **2003**

### **AB 408 Prudent parents and important people check (Chapter 813, Statutes of 2003)**

AB 408 requires caregivers to use a prudent parent standard to determine whether to grant permission for the child to participate in any particular activity. It mandates that all children in foster care have access to age and developmentally appropriate extracurricular, enrichment, and social activities. In addition, it requires the social worker to ask youth who are older than ten and have lived in group care for more than six months about people important to the dependent youth. The social study, evaluation, or supplemental report used by the court shall also include a discussion of whether the child has relationships with individuals other than the child's siblings that are important to the child.

### **AB 458 Fair and equal treatment (Chapter 331, Statutes of 2003)**

AB 458 adds to foster child's rights the right to fair and equal treatment and access to services and freedom from discrimination or harassment regardless of perceived race, ethnic group identification, ancestry, national origin, color, religion, sex, sexual orientation, gender identity, mental or physical disability, or HIV status.

### **AB 490 Ensuring Educational Rights and Stability for Foster Youth (Chapter 862, Statutes of 2003)**

AB 490 Ensuring Educational Rights and Stability for Foster Youth, improves public school procedures so that foster youth have a better chance to succeed in school by requiring that youth are not forced to change schools unnecessarily, won't lose credits and can immediately enroll and quickly receive records at a new school. The bill also requires designation of a foster youth education liaison in each district.

### **AB 579 Dependent children: notice to siblings (Chapter 558, Statutes of 2003)**

AB 579 requires a social worker/probation officer/court clerk to provide hearing notices to a youth's siblings who are 10 years old or older.

### **AB 1413 Delayed birth registration: dependent children (Chapter 315, Statutes of 2003)**

AB 1413 requires expedited processing of delayed birth certificates when the application for the birth certificate is for a child under the jurisdiction of the Juvenile Court pursuant to WIC 300.

### **SB 464 Invitation to representative of a group home to individualized education program team meetings (Chapter 413, Statutes of 2003)**

SB 464 requires a school district, special education local plan area, or county office of education to invite to the individualized education program team meetings a representative of the group home in those cases in which a pupil with exceptional needs has been placed in a group home by a juvenile court, as specified. To the extent local educational agencies would be required to perform additional duties; this bill would impose a state-mandated local program.

### **SB 591 Willingness of caregiver to provide legal permanency (Chapter 812, Statutes of 2003)**

SB 591 requires that the study or evaluation, and the information received in evidence by the court, include the willingness of the caregiver to provide legal permanency for the child if reunification is unsuccessful.

## **2004**

### **AB 129 Juvenile court: dual status children (Chapter 468, Statutes of 2004)**

AB 129 allows counties to create a protocol between the county probation department and child welfare services to serve youth who have cases in both locations.

### **AB 1858 Quality non-public schools for foster youth (Chapter 914, Statutes of 2004)**

AB 1858 sets standards and mandates oversight for group home schools. This bill also requires the State Department of Education to ensure that the California School Information Services' system meets the needs of pupils in foster care and includes disaggregated data on pupils in foster care.

### **SB 1178 Teen parents in foster care (Chapter 841, Statutes of 2004)**

SB 1178 requires child welfare agencies to support whole-family placements for dependent youth and their children.

### **SB 1639 Education WORKS! CalWORKs recipients: education and training (Chapter 668, Statutes of 2004)**

SB 1639 supports foster youths' right to access information on higher education and encourages the California Community Colleges, the California State University, and the University of California to disseminate information to foster care agencies regarding admissions requirements and financial aid.

The bill also requests the Regents of the University of California and the Trustees of the California State University to explore methods of using the admissions-by-exemption category to assist the transition of students in foster care into 4-year public institutions of higher education. SB 1639 also includes intensive English language immersion within the scope of California Community Colleges vocational curricula for CalWORKs recipients.

## **2005**

### **AB 519 Children's rights to familial connection (Chapter 634, Statutes of 2005)**

AB 519 allows foster youth to emancipate from the child welfare system with the child's legal parentage intact and a connection to a family and therefore reinstates the child's right to inheritance, social security, and other survivor benefits.

**AB 824 AFDC-FC (Aid to Families with Dependent Children-Foster Care) benefits: Transitional housing (Chapter 636, Statutes of 2005)**

AB 824 stabilizes housing needs for youth exiting the foster care program by offering transitional assistance up to age 24.

**AB 1412 Permanency for all foster youth (Chapter 640, Statutes of 2005)**

AB 1412 expands AB 408 by requiring social workers to ask foster youth in every type of placement about adult relationships that are important to them, take actions to support and maintain those relationships, and explore them as potential permanency options. Additionally, social workers are required to allow youth to be involved in their case plan, particularly their permanency plan, as soon as youth enter foster care. Youth are also to be involved in convening a team of adults that focuses on achieving and maintaining permanence.

**AB 1633 Foster children: Social Security assistance: high school (Chapter 641, Statutes of 2005)**

AB 1633 requires the California Department of Social Services to convene a workgroup to develop best practice guidelines for county welfare departments to assist children residing in the state's or a county's custody who are eligible for social security benefits and supplemental security income benefits. AB 1633 also expands existing law to allow 18-year-old foster youth to remain in their foster home until age 19 while they are in the process of completing their high school equivalency certificate.

**SB 218 Termination of parental rights: prospective adoptive parents (Chapter 626, Statutes of 2005)**

SB 218 establishes "prospective adoptive parent" designation and prohibits the removal of a child from the home of a foster parent so designated unless properly noticed. The bill creates an exception to an adoption agency's exclusive care and control of a child for purposes of adoption by allowing the juvenile court to designate a current caretaker as a prospective adoptive parent of a child who is a dependent of the juvenile court.

**SB 436 Foster Care: Transitional Housing (Chapter 629, Statutes of 2005)**

SB 436 provides a safety net for pregnant and parenting foster teens and increases the amount of housing available for them.

**SB 500 AFDC-FC: Pregnant and parenting foster youth (Chapter 630, Statutes of 2005)**

SB 500 keeps teenage mothers in foster care united with their babies by providing placement in a whole family foster home where teen parents develop the skills necessary to provide a safe, stable, and permanent home for their children. SB 500

mandates that full foster care payment be paid for both the teen parent and their child and provides an additional \$200 a month in support for the child.

## **2006**

### **AB 2216 California Child Welfare Council (Chapter 384, Statutes of 2006)**

AB 2216 creates the California Child Welfare Council, within the Health and Human Services Agency, to increase collaboration among agencies and courts that serve foster youth, improve coordination of services, better support the restructuring of child welfare services, and continue to improve outcomes of children and youth in foster care.

### **AB 2488 Establishing and maintaining family and other important connections (Chapter 386, Statutes of 2006)**

AB 2488 makes it easier for children and youth in foster care to get in touch with siblings by providing intermediaries to facilitate contact between siblings and lowering the age for siblings separated by adoption to consent to have their contact information shared with one another.

### **AB 1979 Lifelong connects with a mentor (Chapter 382, Statutes of 2006)**

AB 1979 eliminates barriers for foster youth to make meaningful and lifelong connections with a mentor by waiving the fees for criminal background checks for mentors, thereby encouraging more Californians to become mentors.

### **AB 2985 Protecting foster youth from identity theft (Chapter 387, Statutes of 2006)**

AB 2985 protects youth in foster care from identity theft by requiring county welfare departments to request credit checks for foster youth who are 16 or older, and providing referrals to credit counseling organizations if the credit check discloses any negative information.

### **SB 1641 Family-like placement settings (Chapter 388, Statutes of 2006)**

SB 1641 seeks to ensure that children and youth in foster care live in family environments by encouraging that youth be placed in the most family-like setting possible and requiring the Department of Social Services to report on efforts to modify state licensing regulations consistent with the bill's goal.

### **AB 2480 Children's access to attorneys (Chapter 385, Statutes of 2006)**

AB 2480 ensures children and youth have access to an attorney during dependency proceedings at the appellate level. This will ensure consistent legal representation by an attorney in the dependency system.

### **AB 2195 Emergency relative placement (Chapter 383, Statutes of 2006)**

AB 2195 facilitates the expeditious and safe placement of foster youth with relatives and other family members when their primary foster caregiver suddenly becomes unavailable to provide care by establishing standards and procedures for counties to assess and approve relative providers on an emergency basis.

### **SB 1667 Hearing notices for foster parents (Chapter 389, Statutes of 2006)**

SB 1667 makes it easier for foster parents to participate in dependency hearings by making sure they receive appropriate notices and forms, as well as information on how to provide input and recommendations to the court.

## **2007**

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

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

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

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

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

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

### **SB 39 Public release of files in child fatality cases (Chapter 468, Statutes of 2007)**

SB 39 allows the public release of specified portions of juvenile case files of any child who has suffered a fatality as the result of substantiated abuse or neglect.

### **AB 340 Resource Family Pilot Program (Chapter 464, Statutes of 2007)**

AB 340 creates the Resource Family Pilot Program to establish a unified approval process for foster family homes, foster care providers and adoptive families. This program will streamline applications and reduce the duplicative process that foster and adoptive families must complete before foster youth can be placed in a safe, permanent home.

### **AB 1512 Expedited process for out-of-county health benefits (Chapter 467, Statutes of 2007)**

AB 1512 creates an expedited process to ensure the continued provision of health benefits when foster youth are transferred from a county organized health system to an out-of-county placement.

### **AB 402 Transfer of property to foster youth (Chapter 450, Statutes of 2007)**

AB 402 amends the inter-familial exemptions for property transfers and allows foster parents to transfer their property to current or former foster youth without the value of the property being reassessed for property tax purposes.

**Appendix E**  
**Correlation of Ombudsman Office Complaint Issues**  
**with Federal Outcomes**

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

**Safety:**

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

**Permanency:**

Adoption  
ICPC  
Placement  
Relative Placements  
Reunification

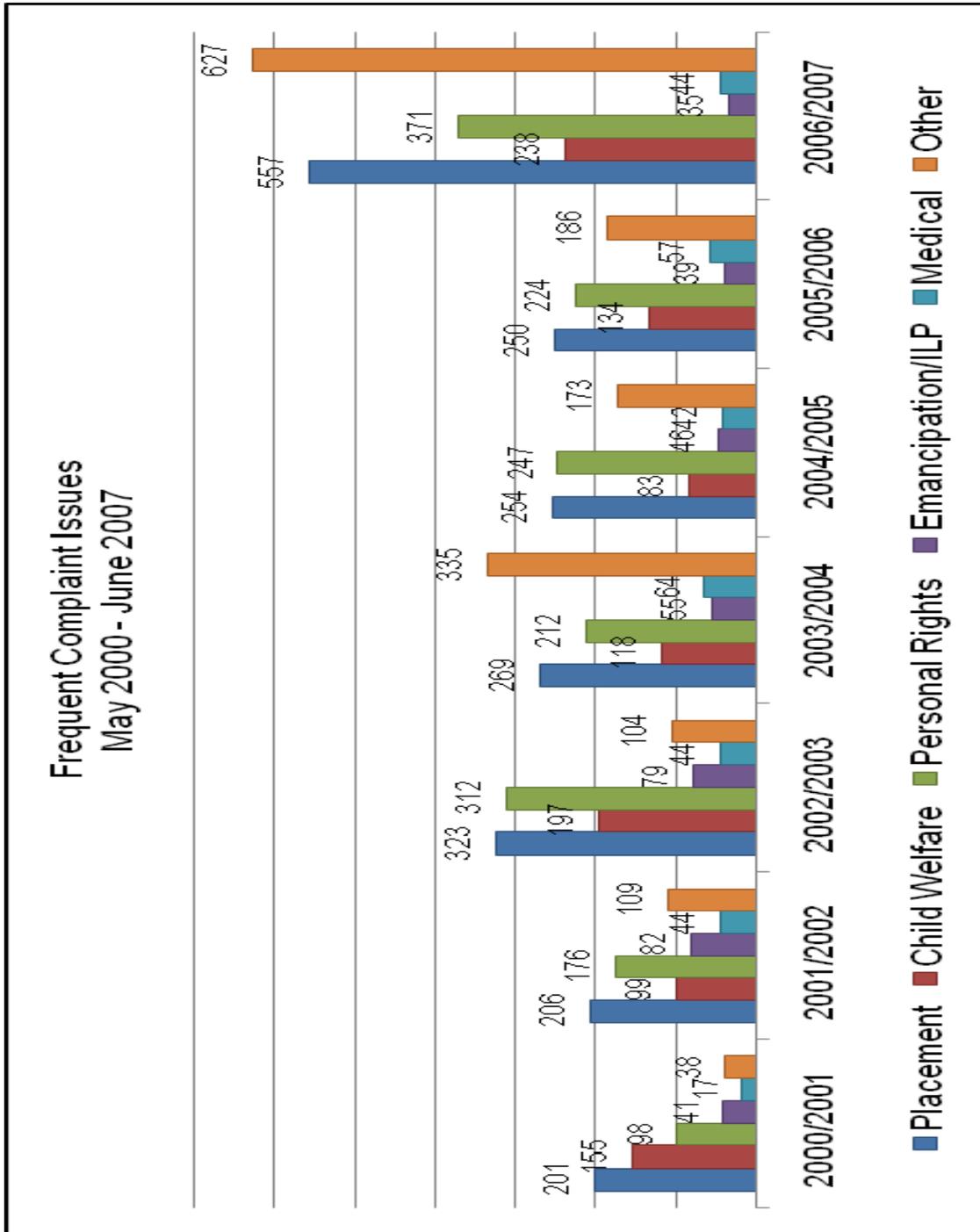
**Child and Family Well-Being:**

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

**Systemic Factors:**

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

## Appendix F



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California Department of Social Services

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