

DEPARTMENT OF SOCIAL SERVICES

744 P Street, Sacramento, California 95814



April 18, 2003

ALL COUNTY INFORMATION NOTICE NO. I-21-03

TO: ALL COUNTY WELFARE DIRECTORS
 ALL COUNTY PROBATION OFFICERS
 ALL CALIFORNIA PUBLIC ADOPTION AGENCIES
 ALL CALIFORNIA GROUP HOMES
 ALL CALIFORNIA FOSTER FAMILY AGENCIES

REASON FOR THIS TRANSMITTAL

- State Law Change
 Federal Law or Regulation Change
 Court Order
 Clarification Requested by One or More Counties
 Initiated by CDSS

SUBJECT: THE OFFICE OF THE CALIFORNIA STATE FOSTER CARE
 OMBUDSPERSON

The purpose of this All County Information Notice (ACIN) is to clarify the role of the Office of the California State Foster Care Ombudsperson established under authority of Senate Bill (SB) 933 (Chapter 311, Statutes of 1998). SB 933 added Welfare and Institutions Code Sections 16160 through 16167 to establish the Office of the California State Foster Care Ombudsperson (Ombudsperson Office) within the California Department of Social Services (CDSS).

This ACIN is requesting that counties and agencies advise the Ombudsperson Office of the name, address, telephone number and email address of the appropriate point of contact for future cases. The enclosed contact sheet can be faxed to the Ombudsperson Office at (916) 651-6568.

In summary, the Ombudsperson Office is mandated to perform three main functions:

- Disseminate information on the rights of children and youth in foster care and the services provided by the Ombudsperson Office;
- Investigate and attempt to resolve complaints made by or on behalf of children placed in foster care, related to their care, placement and services. All fact-finding inquiries will be conducted in a neutral and objective manner; and
- Compile and make available to the Legislature all data collected each year.

The Ombudsperson and staff are authorized to:

- Meet or communicate with any foster child in his or her placement or elsewhere;

- Access any record of a State or local agency that is necessary to carry out the responsibilities of the Ombudsperson Office;
- Investigate any and all complaints received by the Ombudsperson Office, and decide whether to investigate a complaint further or refer the complaint to another agency; and
- Report all findings to the CDSS and to the Legislature.

The authority of the Ombudsperson Office is limited as follows:

- The Ombudsperson does not have the authority to challenge court decisions;
- The Ombudsperson can recommend case reassessments but is not empowered to change case plans; and
- The Ombudsperson has no authority regarding personnel issues. Complaints regarding discrimination shall be referred to the appropriate civil rights office.

The majority of staff time in the Ombudsperson Office is devoted to resolving complaints by or on behalf of foster children and youth. The Ombudsperson Office is dedicated to ensuring that clear and consistent communication occurs between the Ombudsperson Office and the other agencies with which staff interact. In addition, every attempt is made to resolve complaints informally. When complaints are outside the authority of the Ombudsperson Office, appropriate referrals are made.

Many cases involve multiple agencies and issues. If it appears that there is a violation of Community Care Licensing Division regulations, the appropriate regional office will be contacted. If there appears to be a violation of Division 30 or 31 Regulations, the CDSS Child Welfare Services Operations Bureau will be contacted. As staff in the Ombudsperson Office are mandated reporters, the appropriate county child abuse hotline will be contacted if it appears that abuse or neglect is occurring. In all cases, the staff in the Ombudsperson Office will follow up to ensure that appropriate outcomes occur.

When a complaint is made to the Ombudsperson Office that relates to the placement or services of a foster child or youth, Ombudsperson Office staff will contact the county that has legal jurisdiction. If the county of jurisdiction has an Ombudsperson Office for foster care, the case is referred to the county Ombudsperson. The Ombudsperson staff then follows up regarding the outcome and resolution of the complaint.

For counties that do not have an Ombudsperson Office, the State Ombudsperson Office would like to establish individual points of contact, similar to the contact process used by CDSS, Child Welfare Services Operations Bureau. Once a contact is established, all future complaints will be referred to that office with similar follow-up to ensure resolution.

Therefore, as requested above, please advise the Ombudsperson Office of the name, address, telephone number and e-mail address (if available) of the appropriate point of contact for future cases. The enclosed contact sheet can be faxed to the the Ombudsperson Office at (916) 651-6568. For further information or questions, the Ombudsperson Office can be contacted by calling (916) 651-6560 or via e-mail at fosteryouthhelp@dss.ca.gov

Please direct comments, questions, or concerns regarding the Ombudsperson Office, contact Karen Grace-Kaho, Ombudsperson, at (916) 653-4296 or e-mail her at karen.grace-kaho@dss.ca.gov

The CDSS and the Ombudsperson Office look forward to continuing to work closely with county agencies, providers, organizations and individuals committed to the well being of California's foster children and youth.

Sincerely,

Original Signed by Sylvia Pizzini

SYLVIA PIZZINI
Deputy Director
Children and Family Services Division

Enclosures

CONTACT INFORMATION

Please provide your Agency's point of contact information for complaints referred from the Office of the California State Foster Care Ombudsperson.

Please fax this information to the Ombudsperson Office at (916) 651-6568 or email to fosteryouthhelp@dss.ca.gov

Name of County:

Contact Person:

Telephone/Fax Number:

E-mail Address:

Mailing Address:

Additional Information:

Office of the California State
Foster Care Ombudsperson
744 P Street – MS 9-025
Sacramento, CA 95814
(916) 651-6560

FACT SHEET THE OFFICE OF THE CALIFORNIA STATE FOSTER CARE OMBUDSPERSON

HISTORY

The Office of the California State Foster Care Ombudsperson (Ombudsperson Office) was established under Welfare and Institutions Code Sections 16160-16167 in response to concerns that children placed in foster care needed an autonomous, independent means for resolving issues and concerns related to their care, placement and services.

The Ombudsperson Office is empowered to investigate the acts of State and local administrative agencies and to recommend changes to promote the safety and delivery of appropriate services to foster youth and to safeguard their rights. The Ombudsperson Office is responsible for resolving these issues as informally as possible.

PURPOSE

The Ombudsperson Office was established as an autonomous entity within the California Department of Social Services (CDSS) for the purpose of providing children who are placed in foster care, either voluntarily or pursuant to Section 300 and Sections 600 of Welfare & Institutions Code, with a means to resolve issues related to their care, placement or services. The primary role of the Ombudsperson Office is to inquire into individual complaints in an objective manner and report the findings to the CDSS and the Legislature.

The Ombudsperson Office shall:

- Investigate and attempt to resolve complaints made by or on behalf of children or youth placed in foster care, related to their care, placement or services; establish a toll-free telephone number available to individuals placing a complaint; assist complainants with a timely resolution of their complaint; decide whether to investigate a complaint or refer to another agency for investigation. The Ombudsperson Office shall consider the concerns of all parties involved while conducting an objective fact-finding inquiry.
- Disseminate information on the rights of children and youth in foster care and the services provided by the Ombudsperson Office. The information shall include notification that conversations with the Ombudsperson Office may not be confidential, and that all reports of child abuse will be reported. The Ombudsperson Office shall assist in educating complainants regarding the Child Welfare System. The Ombudsperson shall also explain the limitations of his/her role.

- Given the limitations of the Ombudsperson Office, every attempt will be made to resolve complaints. When complaints are outside the authority of the Ombudsperson Office, appropriate referrals will be made.

CONFIDENTIALITY OF FILES

All files, correspondence, and records of the Ombudsperson Office are confidential. Every effort will be made to oppose subpoenas to produce records or to testify in any court proceeding.

Various confidentiality statutes protect the information regarding children in the dependency system. The Ombudsperson Office is required to follow the law, regulations and policies related to confidentiality as set forth by the CDSS (including Welfare & Institutions Code sections 10850 and 827 and other related regulations). The Ombudsperson Office shall not divulge any case specific information.