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DEPARTMENT OF SOCIAL SERVICES
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November 12, 2008

ALL COUNTY INFORMATION NOTICE NO. I-79-08

REASON FOR THIS TRANSMITTAL

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

TO: ALL COUNTY WELFARE DIRECTORS
ALL CHILD WELFARE SERVICES PROGRAM MANAGERS
CHIEF PROBATION OFFICERS

SUBJECT: CALIFORNIA STATE OMBUDSMAN FOR FOSTER CARE

Reference: ALL COUNTY INFORMATION NOTICE (ACIN) NO. 1-21-03 ALL COUNTY LETTER (ACL) NO. 00-58

The purpose of this All County Information Notice (ACIN) is to inform the child welfare stakeholders of the increased duties of the California Department of Social Services (CDSS) Office of the Foster Care Ombudsman (FCO). The FCO was established under authority of Senate Bill 933 (Chapter 311, Statutes of 1998) as an autonomous entity within the 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&I) Section 16161).

In 2006, CDSS decided that complaints previously received by the CDSS Operations Bureau (OB) should be re-directed to the FCO. Additional staff positions were transferred from OB to FCO to accommodate the increased workload. All complaints received by the FCO are handled following existing FCO protocols and procedures, including complaints previously handled by the OB (see FCO Complaint and Inquiry Process below).

Statutory Mandates of the FCO

The FCO is under statutory mandate to:

- Disseminate information on the rights of children and youth in foster care and the services provided by the office.
- Maintain a statewide toll-free Foster Care Help-Line (1-877-846-1602).

- Decide, in its discretion, whether to investigate a complaint, or refer complaints to another agency for investigation.
- 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 these 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.
 - The number of pending complaints.
- 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. 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 FCO's existing website at www.fosteryouthhelp.ca.gov.
- 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.

Authorities and Limitations of the FCO

The FCO has the authority to:

- Meet or communicate with any foster child in his or her placement or elsewhere.
- Access any record of a state or local agency necessary to carry out its responsibilities, including health, mental health and other records contained in the case record, juvenile court file, or those maintained by service providers.
- Investigate any and all complaints received by the FCO.
- Recommend case assessments.
- Investigate acts of state and local administrative agencies.
- Make recommendations on appropriate changes to safeguard children's rights.
- Report all findings to the CDSS and the California Legislature.

The authority of the FCO is limited as follows:

- No authority to challenge court decisions or make recommendations to the court.
- No authority to change case plans.
- No authority to ensure implementation of any recommendation made following our Investigation.
- No authority regarding local administrative personnel issues. Complaints regarding discrimination and other personnel issues are referred to the appropriate office.

The Complaint and Inquiry Process

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

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

The FCO has established the following protocols for handling complaints:

- Document all contacts in the FCO Call-Tracking database.
- Prioritize complaints and decide whether to dismiss it, resolve it informally, refer it to another agency for resolution, or initiate a formal investigation.
- If the complaint involves an allegation of abuse, a Suspected Child Abuse Report (SS8572) is submitted to the county Child Protective Services (CPS) and if applicable to CDSS Community Care Licensing (CCL).
- If the FCO refers a complaint to a county Ombudsman for investigation, the FCO submits a written referral to the county Ombudsman with the recommendation to investigate the matter and respond back to the FCO within 30 days. The FCO will follow-up with the complainant to verify resolution and determine whether additional investigative action will be taken.
- If a formal investigation is initiated the FCO will usually notify the county point-of-contact or county Ombudsman regarding its investigation; however, on a case-by-case-basis, the FCO may not send a notice. Examples where a notice may not be sent include, but are not limited to, cases where timely resolution is required, and/or the complainant requests anonymity or fears retaliation.

The FCO is dedicated to ensuring that clear and consistent communication occurs between the FCO and other agencies with which FCO staff interact.

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The CDSS and the FCO look forward to continuing to work closely with the county agencies, providers and individuals committed to the well being of California's foster children and youth. If you have further questions, please contact Karen Grace-Kaho, California State Ombudsman for Foster Care, at (916) 651-6560 or toll-free at (877) 846-1602 or fosteryouthhelp@dss.ca.gov.

Sincerely,

Original Document Signed By:

GREGORY E. ROSE
Deputy Director
Children and Family Services Division

c: CWDA
CSAC