

State of California  
Office of the Foster Care Ombudsperson

Calendar Year 2022  
Annual Report Data Summary



California Department of Social Services  
Office of Equity

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Issued July 2024



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The Office of The Foster Care Ombudsperson  
Annual Report  
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## Legislative Mandate

In 1998, the California Department of Social Services (CDSS) was mandated by the passage of Senate Bill (SB) 933 to establish a California Foster Care Ombudsperson Program. This was in response to concerns regarding the need for an autonomous and independent entity to resolve issues related to the care, placement, and services to youth in foster care.

The Office of the Foster Care Ombudsperson (OFCO) was created in August 2000, and is empowered to investigate the care, placement, and services for youth in care; as well as make recommendations that promote the safety and delivery of appropriate services, and to safeguard the personal rights of these youth. The OFCO also must offer trainings regarding the reasonable and prudent parent standard and create standardized age-appropriate information and training materials.

Assembly Bill (AB) 175 (2019) went into effect in January 2020, expanding the Foster Youth Bill of Rights to 41 rights and clarifying the role of the OFCO to provide training and technical assistance on the rights of children and youth in foster care, reasonable and prudent parent standards, and services provided by the office. As a result, the OFCO updated the training curriculum and developed digital and printed publications in preparation for statewide in-person trainings to meet this requirement.

WIC section 16164 requires the OFCO to compile and make available to the Legislature data collected over the course of the year, including, but not limited to: the number of contacts to the office, 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, the number of pending complaints, and a summary of the data received from the State Department of Education. The office is also required to include recommendations consistent with this data for improving the child welfare system.

AB 317 and AB 1140 were signed in September of 2021. AB 317 strengthened the OFCO's autonomy and confidentiality of information gathered in the course of the OFCO's investigations and improved the OFCO's access to foster youth and their records. Through these two bills the OFCO's jurisdiction was explicitly extended to include children in the custody of the United States Department of Health and Human Services, Office of Refugee Resettlement ("ORR") living in California licensed homes and facilities.

In September of 2022, AB 1735 was signed requiring translation of certain documents for youth including translation of the Foster Youth Bill of Rights to the youth's primary language.

## Message from the California Foster Care Ombudsperson



2022 marked my first full year as the Foster Care Ombudsperson. The Annual Report is always a look back and for 2022 the report has been delayed and issued in July 2024. The year was dynamic and featured many learning experiences for me. The OFCO team delivered outstanding results. As 2022 began it looked as if we would soon be putting the COVID-19 pandemic behind us. Although the pandemic grinds on the OFCO resumed in-person training and increased in-person outreach considerably. The lessons learned from nearly two years of virtual training delivery were not lost and many virtual trainings were delivered. The OFCO began providing monthly statewide trainings on Foster Youth Rights and Reasonable Prudent Parenting Standards. These trainings were well attended and resulted in reaching over a thousand youth in the foster care system or other individuals working on behalf of those youth.

The OFCO completed many high-quality investigations. Among those were investigations of youth waiting for placement in unlicensed facilities including youth housed in a former detention center. Encouragingly, as a result of bringing attention to that situation, the county involved has shifted their approach to youth awaiting placement and established a plan to move to a much more home-like setting for the youth.

The OFCO continued to distribute its publications. However, youth are consistently reporting not being provided publications and that their rights are not discussed with them by their social worker or probation officer. The OFCO is in the process of an update and translation of its publications pursuant to AB 1735 (2022). As the OFCO moves forward with this project it will continue to address making sure all youth in care are provided copies of the material and are aware of their rights and the OFCO.

Larry Fluharty (he/him)  
Foster Care Ombudsperson

## Executive Summary

This annual report provides an overview of the activities of the OFCO during calendar year 2022. Released July 2024, it contains analysis of the number, type, and scope of complaints received and investigated. In addition to quantitative data, several issues related to foster youth rights have been identified by the OFCO as trends or key topics and are presented in more detail. Recommendations for system improvements are discussed in these areas.

## 2021 and 2022 At-a-Glance Comparison

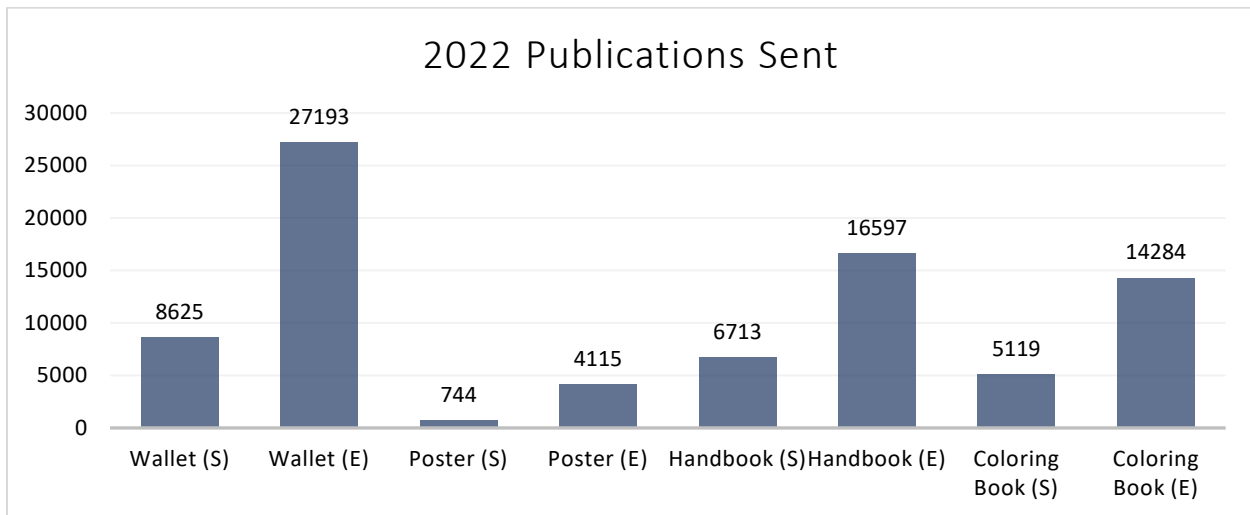
Activity	21 Count	22 Count	variance
<b>Calls Processed</b>	18,179	20,268	2,090
<b>Cases Opened</b>	5,011	5,002	-9
<b>Issues Reviewed</b>	1,964	1335	-629
<b>Investigations Conducted</b>	300	136	-164
<b>Verification Letters Provided</b>	1,675	1736	766
<b>Training Classes Taught</b>	70	57	-13
<b>Training Participants Number</b>	1,354	4,794	3,440
<b>Publications Sent</b>	60,754	80,384	22,636

Contacts with the OFCO increased in 2022. Overall, the Child Welfare Indicators Dashboard (CWIDB) showed the California Foster Care population decreased from 2021 to 2022. In addition, entries into foster care were down in 2022. This is part of a general trend of decreasing foster care population over approximately twenty years. However, contacts with the office continue to increase. Further, the OFCO is sending more publications than ever before. This increased activity is taxing the human resources of the OFCO.

## OFCO 2022 Highlights

Comparison of Publications Sent 2021 and 2022	2021 Quantity	2022 Quantity
Wallet (English)	18436	26177
Handbook (English)	13002	16107
Coloring Book (English)	9250	13889
Wallet (Spanish)	6915	8114

Comparison of Publications Sent 2021 and 2022	2021 Quantity	2022 Quantity
Handbook (Spanish)	4906	6558
Poster (English)	3974	4924
Coloring Book (Spanish)	3429	3957
Poster (Spanish)	833	658
<b>Total</b>	<b>60,745</b>	<b>80,384</b>



### Updates to Publications in Accordance With AB-175

In 2022 the OFCO continued to distribute the materials which were updated in the 2021 calendar year. The amount of materials distributed by the office in the year 2022 increased nearly 20%. Despite the increase in distribution, youth continue to report not being informed of their rights as required in statute.<sup>i</sup> California law requires the social worker or probation officer to provide the youth the Foster Youth Bill of Rights (FYBOR) materials created and distributed by the OFCO. Counties need to be held accountable for a lack of compliance with statutory mandates.

<sup>i</sup> Cal. Welf. & Inst. Code §§ 16164 subd. (e)(2) and 16501.1 subd. (g).

## Youth Housed in Unlicensed Settings

Youth housed in unlicensed settings and overstayed in licensed shelters remained a high-profile topic with numerous complaints received and investigated by the office. Notably, most of these youth are persons of color.

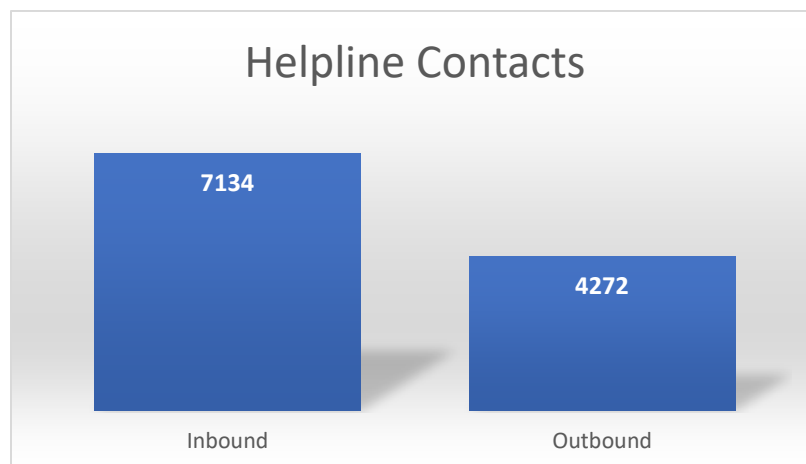
In one instance, children were housed in an office building. Once the OFCO began its investigation the children were relocated to a former detention facility. This improved some of the issues from the first setting, did not address others and created a handful of new issues.

These office-living environments are inherently averse to the mental health needs of youth. A common feature is supervision by social work staff, who are often working overtime. The rotating staff exposes youth to constantly changing rules and expectations. Youth often resort to leaving the offices without permission, resulting in police contact which frequently ends with the youth being placed on a WIC section 5150 hold.

This trend is a symptom of a larger systemic issue. Expansion of congregate care options, the direction favored by many counties, is not the solution. Counties need to increase family finding and placement preservation efforts earlier on in cases to address the overall placement shortages that result in youth sleeping in offices. Until there is sufficient capacity built, the state cannot allow counties to operate unlicensed settings. Further the State needs to make licenses available to counties when youth are in living in unlicensed facilities.

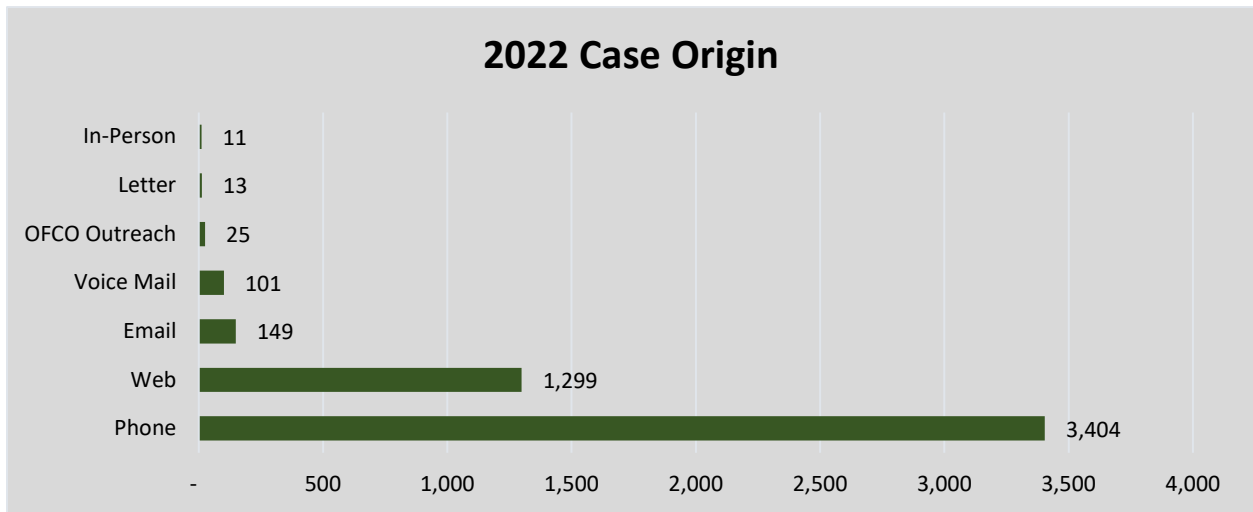
## OFCO Data Summary

### Number of Helpline Contacts



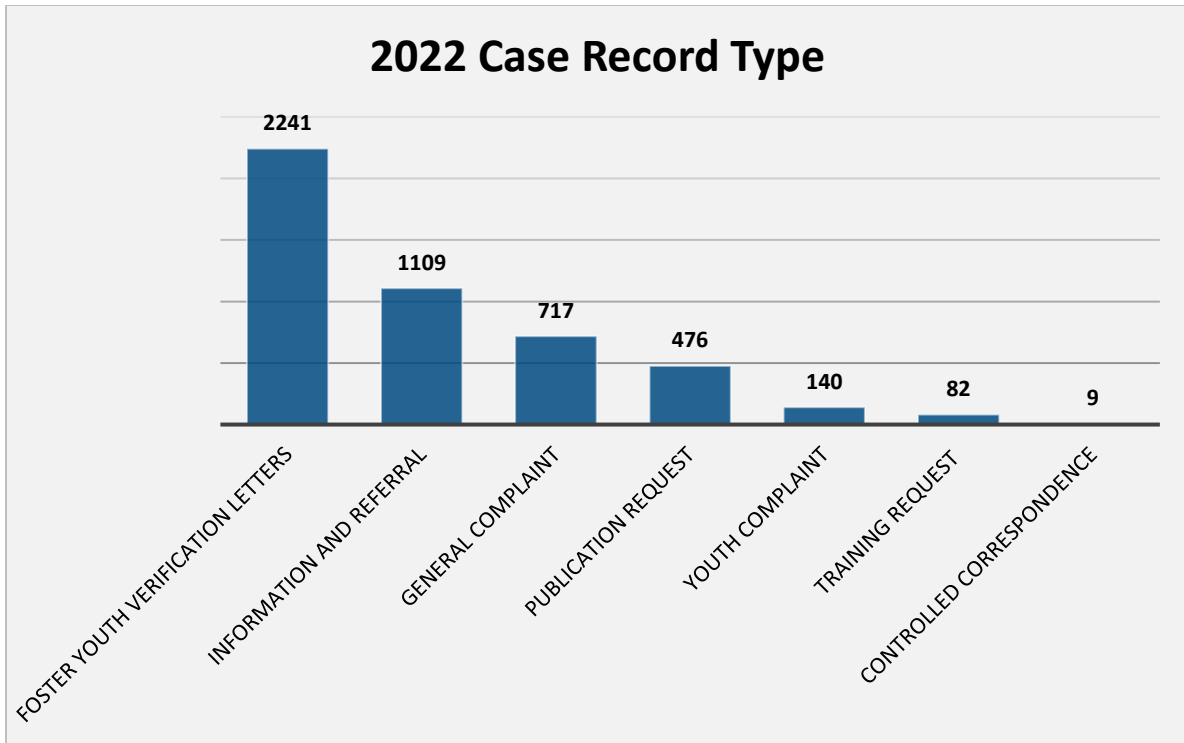
### Number and Type of Contacts that Opened New Cases

The OFCO receives contacts from various sources. Each contact from the public is an opportunity for the OFCO to respond to issues impacting the foster care population. The OFCO primarily receives communication via phone, web, and email inquiries.



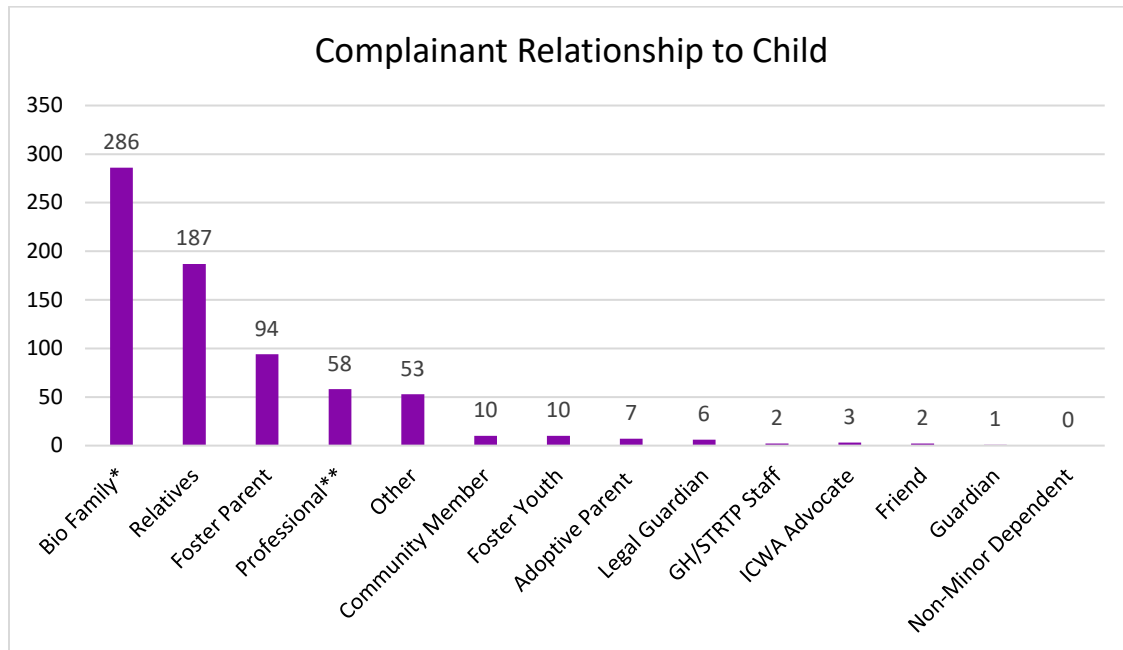
### Number of Cases by Record Type

These contacts led to OFCO staff opening 5,002 cases as detailed in the below chart:



### Source of Complaint

The OFCO receives calls from individuals who are concerned about the care, placement, services, and rights of foster youth. Complaints that come directly from foster youth are prioritized over all other inquiries. During this calendar year the OFCO received a total of 1,391 complaints, primarily from foster youth and their biological parents.

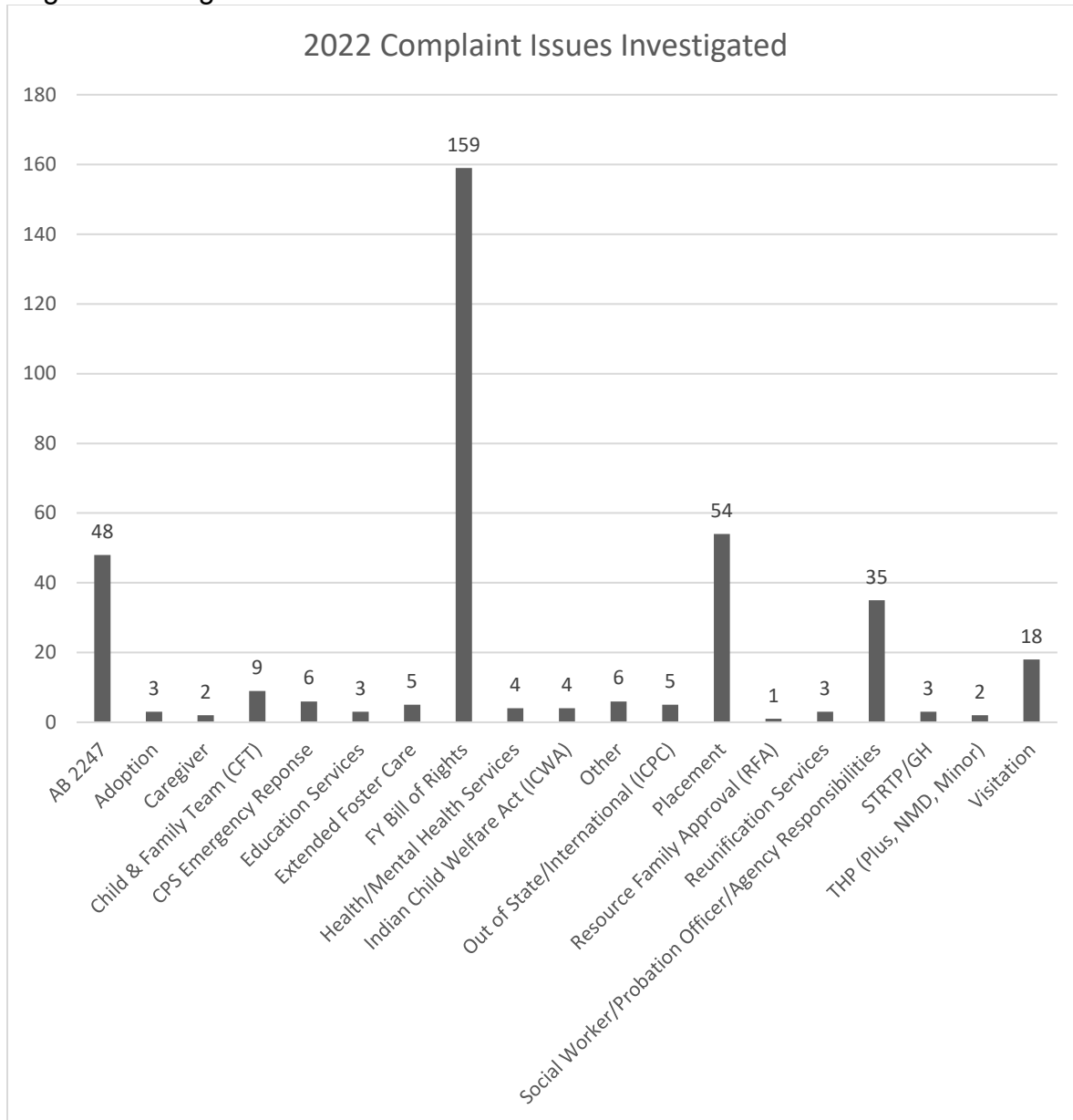


\*Bio Family includes mother, father, maternal grandmother, maternal grandfather, maternal aunt, paternal grandmother, paternal grandfather, paternal aunt, other relatives, siblings, and stepparents

\*\*Professional includes child welfare professionals in addition to attorneys, CWS Staff, placement workers, ILP Staff, CASAs, and social workers

## Complaint Issues in Investigated Cases

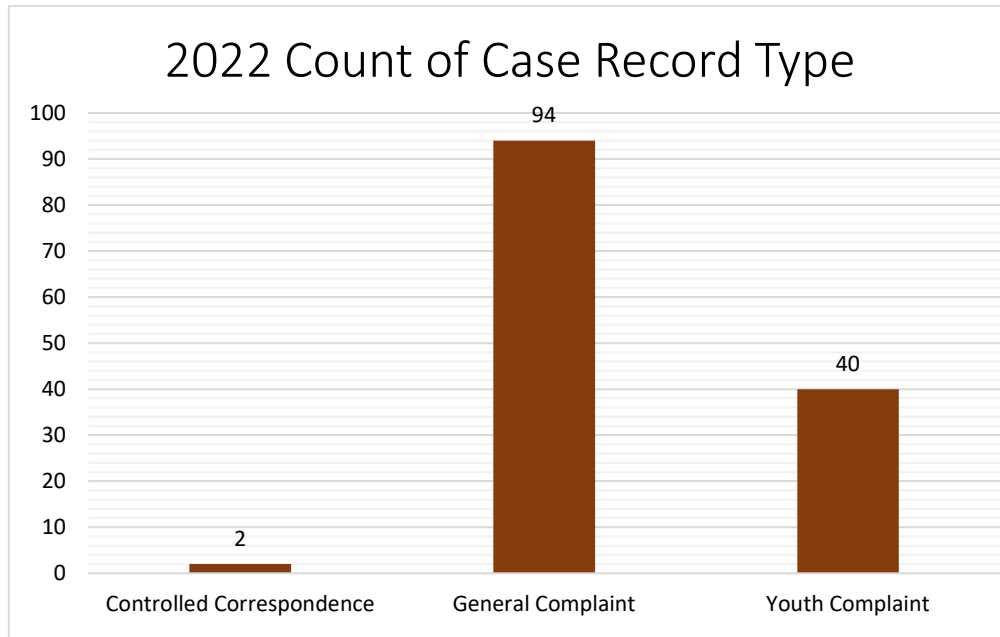
When a complaint is received, the OFCO staff identify and track issues by category. Most complaints include more than one issue, and issues may be added or changed during the investigation.



## Investigated Cases

Complaints that are accepted for investigation are assigned to an OFCO Analyst. During the reporting period a total of 167 complaints were investigated. This was a significant drop off from 2021 when 300 were investigated. The reason for the change remains an outstanding question, the quality and the impact of the complaints

investigated in 2022 remains outstanding. Forty of these complaints came directly from a foster youth. These complaints are given the highest priority and may be conducted without regard to severity or impact to ensure the youth is heard and empowered. These interactions are critical insofar they help deescalate issues and inform foster youth of their rights.

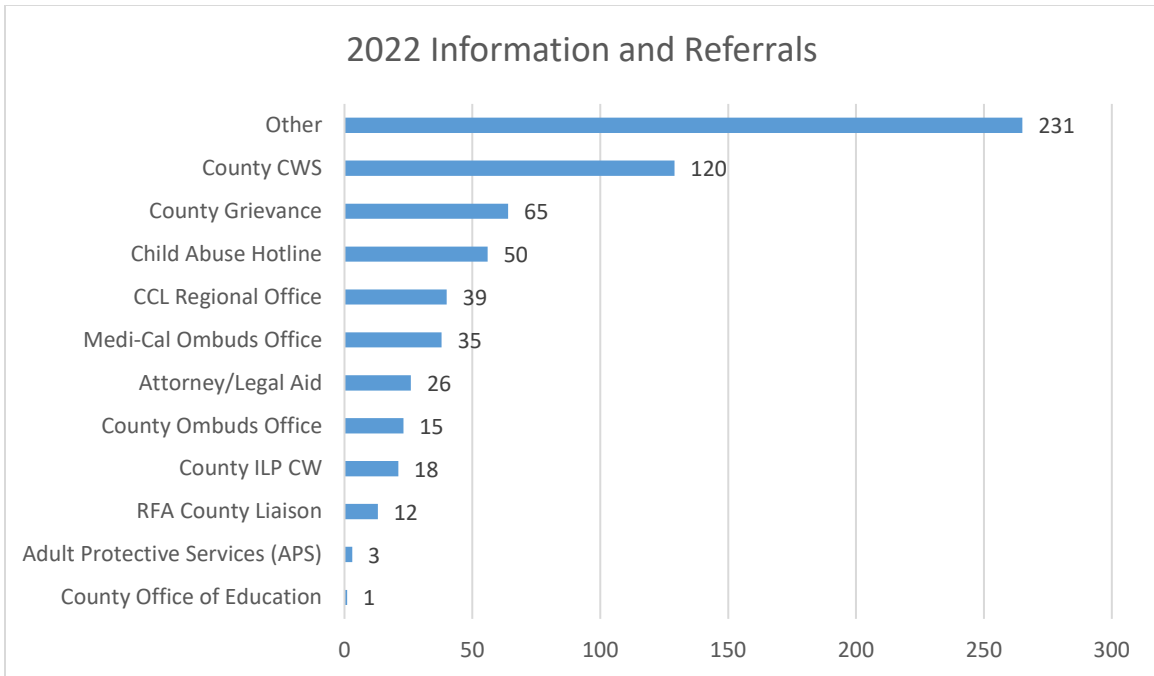


\*Controlled Correspondence are general complaints that come through the Governor’s Office, Legislature, CalHHS Agency or CDSS Executive offices.

### Referrals Made

The OFCO provides general child welfare information and makes referrals to other agencies and local resources. Callers are encouraged to take direct action to attempt to resolve issues themselves before engaging the OFCO in a complaint. This prompts self-advocacy and creates opportunities to involve the public in understanding and upholding the rights of foster youth. Education of the public and empowerment of those interacting with the foster care system are an important role played by the OFCO.

During this reporting period, 333 callers were referred to 358 resources. Referrals to 265 “other” resources were made, including education services, Kin-Gap, state adoptions, mental health services and adult protective services. The “other” category also includes technical assistance provided regarding the Chafee Cash Card Program, placement issues, child and family team meetings, Interstate Compact on the Placement of Children (ICPC) and visitation.



## Training Activity

The OFCO provides training in three main topic areas: FYBOR Reasonable and Prudent Parenting Standards (RPPS) and Overview of the OFCO. Trainings are provided upon request to youth and anyone with an interest in the foster care system. In 2022 the OFCO further developed specialized trainings regarding important topics. In 2022 the OFCO continued providing virtual trainings as well as increasing in-person trainings. During this time OFCO provided trainings to programs such as Foster Care Kinship Education (FKCE) to ensure foster youth rights information was provided to resource parents and care providers. The OFCO also began providing trainings related to probation and/or juvenile justice involved youth and partnering with county probation departments and the Chief Probation Officers of California (CPOC) to ensure the FYBORs are being upheld for these youth as applicable to foster care and WIC 16001.9.

In 2022 the OFCO began providing monthly statewide trainings on the FYBOR and RPPS which resulted in improved outreach to over two thousand people. The virtual trainings accounted for almost half of the four thousand seven hundred foster youth, non-profit staff, foster care providers and county child welfare and probation agencies trained by the OFCO in 2022. The OFCO returned to in-person trainings and presented at workshops that included topics on Foster Youth Bill of Rights, data of youth in care, cultural humility, and cultural competence practices while caring for youth in care. In addition, Diversity, Equity and Inclusion was included in curriculum. The OFCO Presented at two conferences, the Foster Youth Education Task Force Summit,

California Chief Probation Officers Foster Care Conference and at the Partnerships for Well-Being Institute Conference.

During 2022 the OFCO worked on further developing curriculum for juvenile justice trainings and outreach, updated information on foster care policies, education, sexual orientation, and basic personal rights. After evaluating trainings need of the OFCO determined there was a need to have trainings in specific areas including but not limited to youth in ORR custody, juvenile justice involved youth, and education issues for foster youth.

## Recommendations

### Increase Family Finding and Engagement

Counties continue to struggle to include family as partners in the case throughout the life of the case. Improvements were seen in 2022 and the establishment of the Center of Excellence in Family Finding and Engagement will certainly be an excellent tool in the culture shift towards a child welfare system which values and includes families. However, the lack of inclusion of family in Child and Family Team meetings and not placing children in relative homes continued to be major issues in complaints received by the office. The OFCO recommends the Legislature and the Governor continue to support the Center for Excellence and other similar programs to shift the State's child welfare system toward a Kin-First Culture.

### Provide Meaningful Options to Prevent Youth from Living in Offices

Youth across the state continue to live in offices or other unlicensed settings while placement is sought. This is not a new problem, nor is it unique to California. Many of these youth have experienced trauma and have complex needs. They are in need of treatment, but their experience in unlicensed settings results in not receiving behavioral and mental health interventions. Even access to basic needs such as education, healthy food, showers have not been provided in some instances. Shelters are not the answer to the problem. Counties with ten-day shelters are experiencing overstays measured in months. Counties need to recruit more quality homes and relative caregivers for these youth. The state needs to create a licensing category to bridge between the need for a placement and a suitable long-lasting placement. The current situation of using unlicensed care is unregulatable and the rights of the children cannot be enforced. More importantly, treatment is nearly impossible to obtain. A two-pronged approach to build quality and capacity while creating a license which will allow children to live in a home-like setting where their rights can be respected, basics of life are provided, and treatment are available.

### Support Adequate Qualified Staffing for Counties and Providers

Upon contact with county and provider leadership, the most common response to deficiencies, poor practices and violation of youth rights was the county or the provider were understaffed. Challenges in quality staffing have existed for years. Never in recent years has there been an inability to hire and retain people to work with youth and families. These are the people who are face-to-face with the youths and their families and are extremely important to the quality of social work and of care for the youth. There needs to be support and resources adequate to recruit and retain individuals who provide quality and consistency in hands-on work with youth and their families.

## Support Ongoing Efforts to Ensure Youth are Informed of Their Rights

Youth consistently report being unaware of their rights, unaware of the OFCO, and are not provided a copy of their rights every six months or when they change placements. California law requires social workers and probation officers to provide every youth with copies of their Foster Youth Rights material created by the OFCO. While the OFCO has a responsibility to provide outreach, the Legislature has mandated county social workers and probation officers provide youth their rights. There is a need for accountability in complying with this mandate.

## Conclusion

2022 was a significant year in the Office of the Foster Care Ombudsperson. We reached over two thousand individuals with our monthly statewide virtual trainings. The OFCO continued to prioritize training and outreach. However, we also conducted several quality investigations which resulted in improvements to the lives of foster youth.

As we look forward, the OFCO will continue to prioritize the rights of foster youth as we work with them and counties to ensure they have access to quality services. In addition, we look forward to expanding our community outreach and training programs to better inform the youth, their care givers, and social workers of their rights and responsibilities.