

State of California
Office of the Foster Care Ombudsperson

Calendar Year 2023
Annual Report Data Summary



CDSS

CALIFORNIA
DEPARTMENT OF
SOCIAL SERVICES

California Department of Social Services
Office of Equity

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State of California
The Office of The Foster Care Ombudsperson
Annual Report
Calendar Year 2023

Table of Contents

Legislative Mandate	4
Message from the California Foster Care Ombudsperson	5
Executive Summary	6
OFCO 2023 Highlights	6
2023 and 2022 At a Glance Comparison	6
Publication Distribution	7
Increase of Foster Youth Verification Letters	8
OFCO Data Summary	8
Number of 2023 Helpline Contacts	8
Number and Type of Contacts that Opened New Cases	8
Number of Cases by Record Type	9
Source of Complaint	10
Complaint Issues in Investigated Cases	11
FYBOR Violations	12
Investigated Cases	13
County and Agency letters	14
Referrals Made	14
Training Activity	15
Statewide Juvenile Justice and Education Specialist	17
OFCO's Mission for Equity	17
OFCO Success and Impact Stories	17
Recommendations	18
Support Ongoing Efforts to Ensure Youth Are Informed of Their Rights	18
Support Ongoing Efforts to Prepare Youth for Transitioning into Adulthood	18
Conclusion	18

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 to promote the safety and delivery of appropriate services and safeguard the personal rights of these youth. The OFCO also must offer trainings regarding the reasonable and prudent parent standard and disseminate 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 (FYBOR) 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 during 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 Ombudsman

2023 was a year which featured many team members leaving for new opportunities and many new team members joining the office. Management, analyst, and administrative support positions were all impacted. As a result, many resources were dedicated to hiring, onboarding, and training the new team.

Consequently, the OFCO did not produce numbers in all areas as it had in the past. The one exception to this trend was Former Foster Youth Verification Letters (FYVL) which continues to grow for the OFCO. Investigations and trainings all decreased in 2023. Finally, the production and release of this report has been delayed until June 2025 in part because resources have been shifted to keep up with the demand for FYVLs.

The OFCO had a decrease in phone contacts and for the first time the number of people contacting the office via the website or email was almost equal to the number of phone contacts.

It would be great if we could say that this is because problems facing our youth in California foster care are going away. However, there still seem to be many issues facing youth and many rights violations they experience. Sadly, many of the same issues which impact youth more than 20 years ago when the FYBOR and the OFCO were created are still prevalent.

This is not to say that there has not been change. Foremost, the overall number of youth in care and entering care has decreased. The number of youth in congregate care has drastically fallen. California showed its leadership and boldness when it ended out-of-state placements for foster youth. Unfortunately, the disproportional representation of black and Native American youth in care and congregate care continues around the same level as in previous years as does the high number of Latinx youth in care compared to white and Asian youth.

Larry Fluharty (he/him)
Foster Care Ombudsman

Executive Summary

This annual report provides an overview of the activities of the OFCO during calendar year 2023 and contains an 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.

OFCO 2023 Highlights

2023 and 2022 At a Glance Comparison

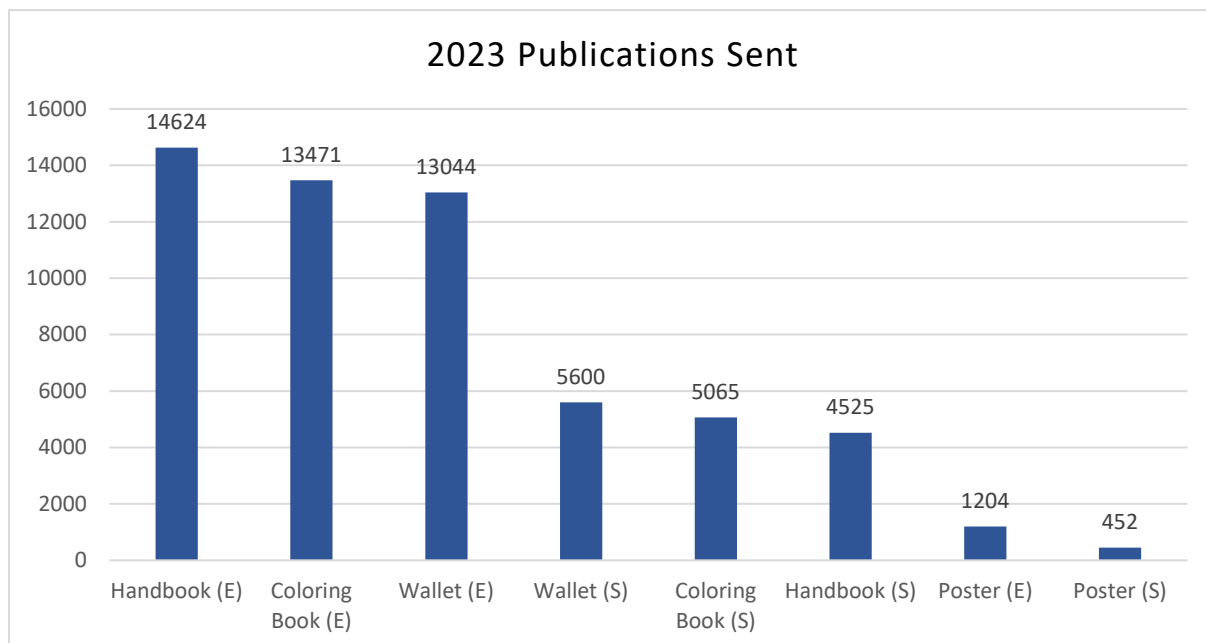
Activity	2023 Count	2022 Count	Variance
Calls Processed	12,990	20,268	-7,278
Cases Opened	6,585	5,002	1,583
Issues Reviewed	883	1,335	-452
Investigations Conducted	110	136	-26
Verification Letters Provided	2,307	1,736	571
Training Classes Taught	23	57	-34
Training Participants Number	3,170	4,794	-1,624
Publications Sent	57,985	83,390	-25,405

Contacts with the OFCO decreased in 2023. This is consistent with a decrease in the California Foster Care population as indicated in the [California Child Welfare Indicators Project \(CCWIP\)](#) from 2022 to 2023. Additionally, there was a decrease in the total number of youth entering the California Foster Care System in 2023. Although, total call volume decreased this year, the number of cases open increased by over 31%. Further, the OFCO has continued to see a significant increase in the request of FYVLs. The increase in FYVL requested required staff time and shifting of resources. The high volumes of FYVL request, it has contributed to a decrease in the number of trainings and investigations the OFCO is able to conduct.

Publication Distribution

In 2023, the OFCO continued to disseminate FYBORs materials. However, the number of materials distributed by the office decreased by 30%. Youth continue to report not being informed of their rights as required in statute.ⁱ California law mandates that social workers and/or probation officers provide youth with the FYBOR materials created and distributed by the OFCO every six months and/or at every placement change. Counties must be held accountable for their lack of compliance with these statutory mandates.

Comparison of Publications Sent 2022 and 2023	2022 Quantity	2023 Quantity
Wallet (English)	26177	13044
Handbook (English)	16107	14624
Coloring Book (English)	13889	13471
Wallet (Spanish)	8114	5600
Handbook (Spanish)	6558	4525
Poster (English)	4924	1204
Coloring Book (Spanish)	3957	5065
Poster (Spanish)	658	452
Total	80,384	57,985



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

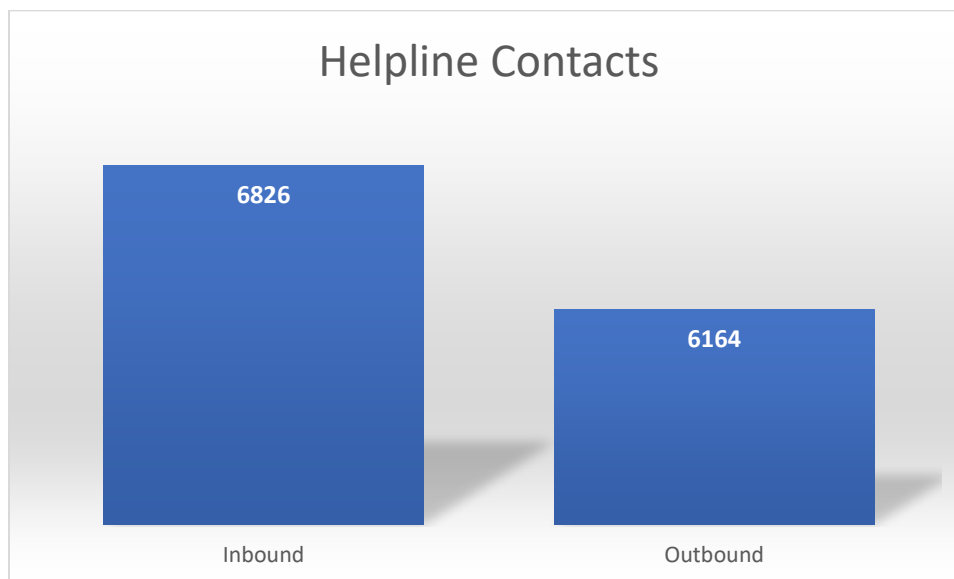
Increase of Foster Youth Verification Letters

The OFCO conducted trainings and attended numerous outreach events where the OFCO provided former foster youth and professionals working with former foster youth to let them know the OFCO can provide letters for various uses, including but not limited to proof of being in foster care, priority enrollment for school, etc. Due to the continued outreach efforts, the OFCO saw a seventy five percent increase in FYVL request from 2022. FYVL are provided to former foster youth that can be used for multiple purposes.

OFCO Data Summary

Number of 2023 Helpline Contacts

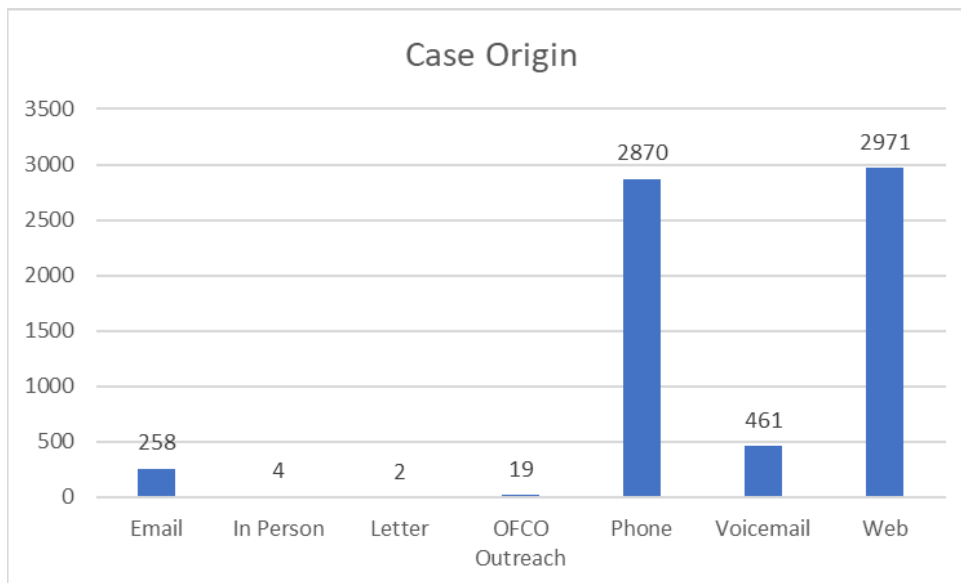
In 2023, the Helpline received a total of 12,990 contacts. Of these, 6,826 were inbound contacts (initiated by complainants), and 6,164 were outbound contacts (initiated by the OFCO staff.)



Number and Type of Contacts that Opened New Cases

The OFCO receives contacts from several 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. During 2023 most of our contacts came from our website. The OFCO provides an option to file a complaint directly on the website. This option is available 24-hours a day and is reviewed by an OFCO team member within the same or next business day.

Case Origin	Record Count
Email	258
In Person	4
Letter	2
OFCO Outreach	9
Phone	2,870
Voicemail	461
Web	2,971



Number of Cases by Record Type

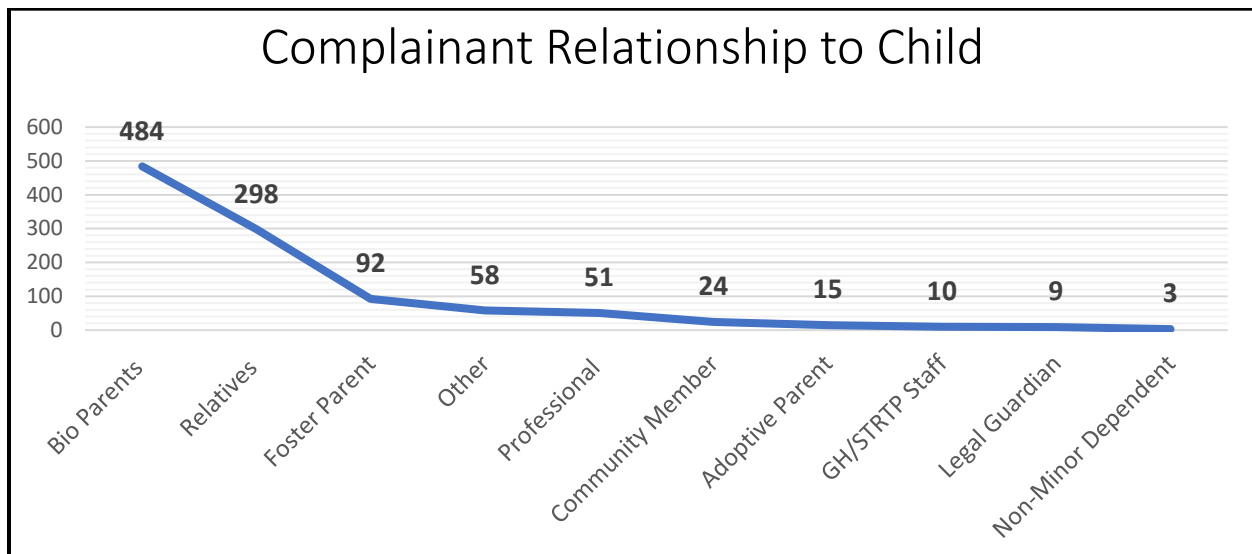
The OFCO opened 6,585 cases as detailed in the below table.

Case Record Type	Record Count
Verification Letter	4161
Information and Referral	936
General Complaint	750
Publication Request	453
Youth Complaint	191
Training Request	74
Youth Complaint	19
Total	6,585

Source of Complaint

The OFCO receives calls from individuals concerned about the care, placement, services, and rights of foster youth. During this calendar year, the OFCO received complaints, primarily from biological parents, relatives, and foster parents.

Relationship to Child	Record Count
Bio Parents*	484
Relatives	298
Foster Parent	92
Other	58
Professional**	51
Community Member	24
Adoptive Parent	15
GH/STRTP Staff	10
Legal Guardian	9
Non-Minor Dependent	3



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

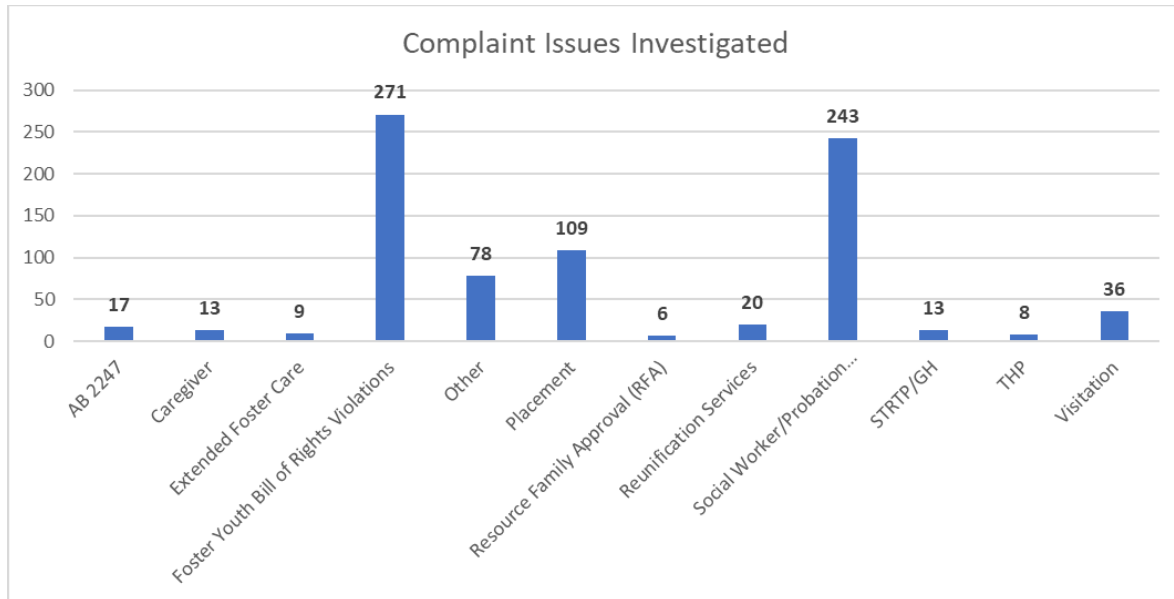
**Professional may include child welfare professionals in addition to attorneys, CWS Staff, placement workers, ILP Staff, CASAs, and social workers

Complaint Issues in Investigated Cases

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

In 2023, the Office of the Foster Care Ombudsperson (OFCO) investigated 110 complaint issues. Most cases involved Foster Youth Rights (FYR), followed by concerns related to social worker responsibilities, placement issues, and group homes. Other issues included placement preservation and visitation, highlighting key areas of focus in foster care.

Complaint Issue	Record Count
AB 2247	17
Caregiver	13
Extended Foster Care	9
Other	78
Placement	109
Resource Family Approval (RFA)	6
Reunification Services	20
Social Worker/Probation Officer/Agency Responsibility	243
STRTP/GH	13
THP	8
Visitation	36
Foster Youth Bill of Rights Violations	271



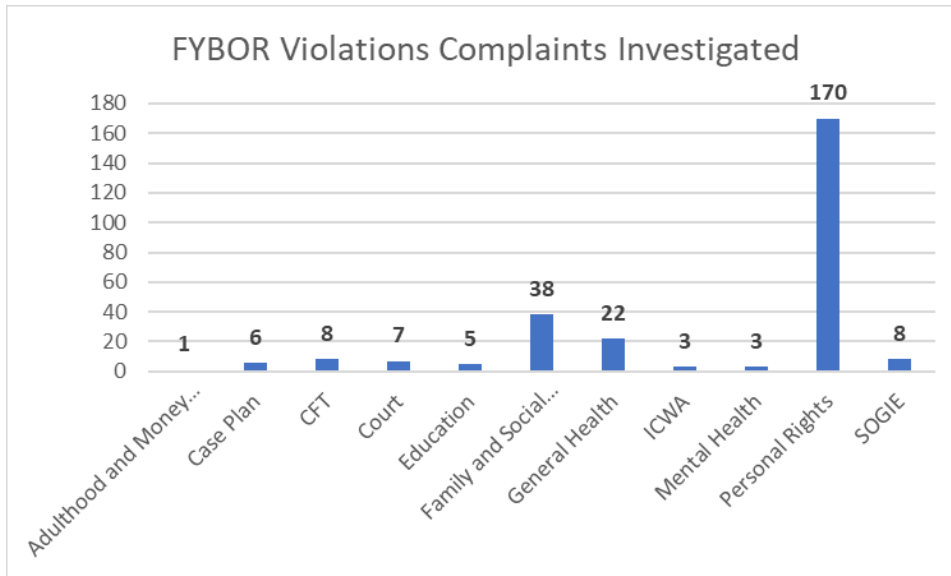
*County (SW, PO, Agency Responsibilities, CPS ER, RFA, AB 2247)

*FY Bill of Rights category includes Child Family Teams, Court, Education, Health/Mental Services, ICWA, Placement, Visitation)

FYBOR Violations

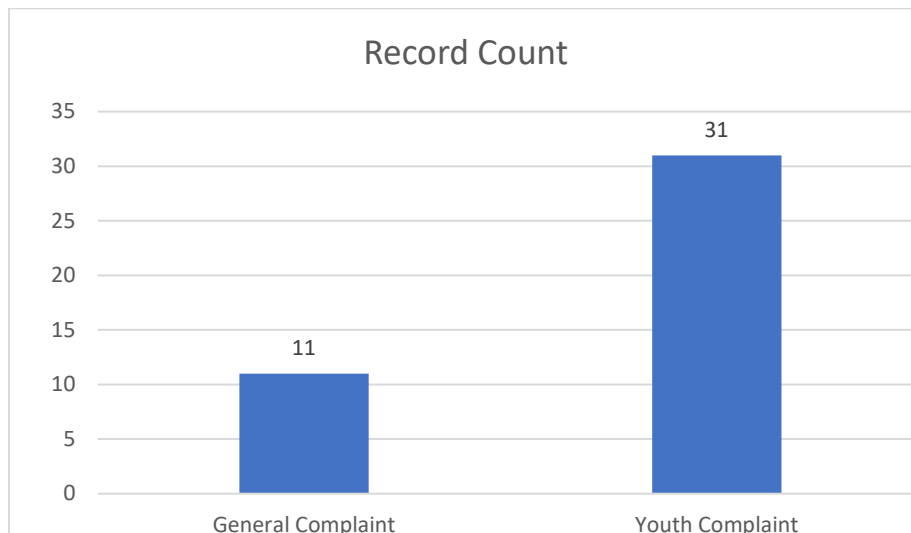
The OFCO prioritizes and investigates all complaints from foster youth. During this reporting period the OFCO received 271 possible FYBOR violations. We received the most FYBOR complaints from the Personal Rights category.

Foster Youth Right Complaint	Record Count
CFT	8
Court	7
Education	5
Case Plan	6
Adulthood and Money Management	1
Family and Social Connections	38
General Health	22
Mental Health	3
Personal Rights	170
ICWA	3
SOGIE	8



Investigated Cases

All calls received by the OFCO are screened upon intake if it falls within the jurisdiction of the Office. The OFCO analyst determines if a case will be accepted for investigation. Complaints received from foster youth are given the highest priority and an investigation will be conducted to ensure foster youth are heard and empowered. In 2023, 31 investigated complaints were initiated by foster youth. By prioritizing foster youth complaints, the OFCO upholds its mission to advocate on behalf of foster children and youth in care. The staffing shortage and lack of adequate personnel led to a drastic decrease in the ability for the OFCO to investigate complaints in 2023.



County and Agency letters

After the OFCO analysts determines if the case will move forward for investigation, a thorough investigation process take place. place. At the completion of an investigation, if the issue is substantiated, OFCO may issue a formal recommendation to the relevant county agency, or parties involved. In accordance with WIC Section 16165(d), when recommendations are made, the state or local agency must respond to the OFCO within 30 days, outlining the actions taken or plan to prevent the recurrence of the identified issue.

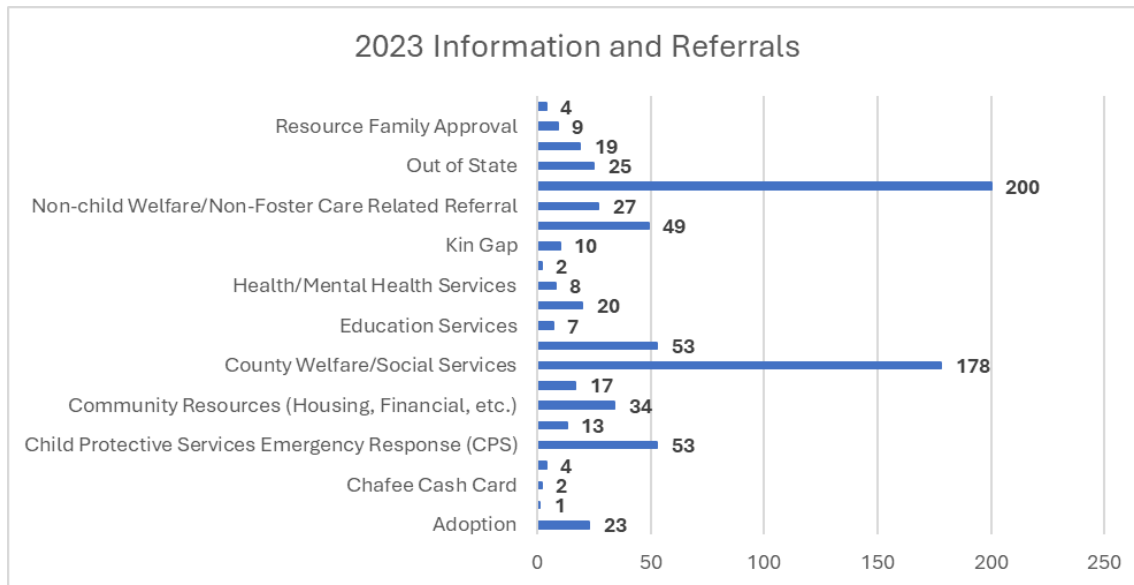
Referrals Made

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 the OFCO provided callers to 758 resources. The 200 “other” resources that were provided included: education services, Kin Gap, adoptions, mental health services and adult protective services. The “other” category included provided technical assistance to callers regarding placement issues, child and family team meetings, visitation, and foster youth tax credit.

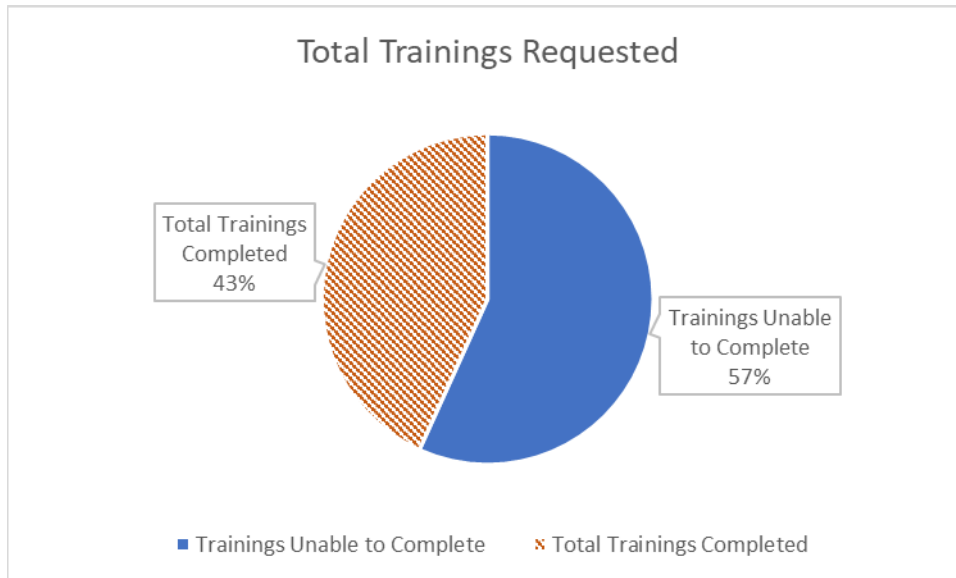
Information and Referral Categories	Record Count
Adoption	23
Adult Protective Services (APS)	1
Child and Family Team (CFT)	4
Child Protective Services Emergency Response (CPS)	53
Community Care Licensing	13
Community Resources (Housing, Financial, etc.)	34
County Ombudsperson	17
County Welfare/Social Services	178
Court/Legal Aid	53
Education Services	7
Extended Foster Care	20
Health/Mental Health Services	8

Interstate Compact on the Placement of Children (ICPC)	2
Kin Gap	10
Medi-Cal	49
Non-child Welfare/Non-Foster Care Related Referral	27
Other (See Issues and Notes)	200
Out of State	25
Placement	19
Resource Family Approval	9
Visitation	4
Chafee Cash Card	2



Training Activity

The OFCO is mandated to provide training on the FYBOR and Reasonable Prudent Parenting Standards (RPPS). In 2023, the OFCO provided 36 trainings to 3,170 participants. Staff turnover and ensuring trainers were adequately trained resulted in the OFCO postponing trainings in 2023. However, the OFCO was able to provide all of the monthly OFCO Statewide Virtual Trainings.



In 2023, 194 youth participated in Foster Youth Bill of Rights Trainings which are specifically geared to and focused on youth. OFCO continues to seek opportunities to work directly with the youth and educate them on their rights. The OFCO provides virtual trainings monthly to anyone who registers. Attendees include resource families, social workers, probation officers, and others involved in the foster care system. Over 1,000 people were trained in these monthly virtual sessions. The OFCO continues to offer both virtual and in person trainings to increase engagement opportunities. Out of the 36 trainings 8 were in-person. The Office also trained 519 new Licensing Program Analysts (LPAs) in collaboration with Community Care Licensing Division (CCLD).

In March of 2023 the OFCO was invited and presented for the first time at the Health, Education and Career Fair hosted by California State University, Sacramento. This conference provided former foster youth to talk about their educational experiences during foster care and allowing others to witness a journey.

The OFCO continued online virtual trainings for Court Appointed Special Advocates (CASA) programs for multiple counties. In November 2023 the OFCO provided its first in person CASA training since the beginning COVID 19 shutdown. The goal is to continue and increase training CASAs across the State in 2024. In addition, the OFCO expanded curriculum to include information for youth who were impacted by the juvenile justice system that includes information to assist this population. The OFCO has participated in monthly check in meetings with The Office of Youth and Community Restoration (OYCR) and attended juvenile justice conferences and trainings offered by Chief Probation Officers of California (CPOC).

The OFCO began emphasizing trainings in cultural competence and cultural humility for caregivers and professionals working with current and former foster youth, this will continue to be implemented in trainings moving forward.

Statewide Juvenile Justice and Education Specialist

In the 2023/2024 budget the OFCO was authorized a position for a Juvenile Justice and Education Specialist to provide specialized training to child welfare professionals, probation and juvenile justice professionals, CASA's, Tribes, advisory committees and foster youth and justice involved youth on their rights and how to recognize cultural humility when working with young people. That position was filled in October of 2023. The Specialist began work immediately to define the role and has made a plan to begin with a networking and outreach drive to school districts and juvenile justice partners. The addition of this role has increased outreach by providing a specific point of contact within OFCO for more complex cases and their resolution.

In the upcoming 2024 calendar year the specialist will continue to build partnership to inform external parties that we're a resource, collect data about what is happening within the juvenile justice and education system for youth in care to produce a report with recommendations on improvements.

OFCO's Mission for Equity

In 2022, Governor Gavin Newsom signed Executive Order N-16-22 that directed state agencies and departments to embed policies and practices in their strategic plans to further advance equity and opportunity and address disparities in access and outcomes. In 2023 the OFCO in partnership with the Office of Equity (OOE) Division began to draft an OFCO Equity Plan (EP). The EP includes internal workforce goals and impact program goals, along with plans for evaluation and accountability measures to improve outcomes for program participants. Currently, the OFCO has identified goals focused on the following categories training and communication, workforce, data, external partner engagement, and programmatic outcomes.

OFCO Success and Impact Stories

The OFCO continues to be strong advocates for youth in care. Our team is committed to ensuring that foster youth's rights are upheld and are being protected and safe while in care. There have been many of times where we've intervened on behalf of the youth and have seen very positive outcomes.

This year we worked with a foster youth who was being detained in a juvenile detention facility solely due to their status as a dependent of the juvenile court and due to the lack of the county placement worker inability to provide a proper foster care placement. After talking to the youth, the OFCO analyst was able to advocate for the youth by speaking with the county placement worker which led to family finding efforts and the youth being removed from juvenile hall and placed with a relative out of state.

Recommendations

Support Ongoing Efforts to Ensure Youth Are Informed of Their Rights

The OFCO received numerous calls from youth in care being unaware of their rights and not being provided a copy of their rights every six months or at placement change. Anecdotally, youth not receiving copies of their rights is a huge systemwide deficiency in county practice. Further, youth report receiving out-of-date or non OFCO versions of their FYBOR materials. Currently, this is not a metric which is tracked in the Child Welfare Service/ Case Management System (CMS/CWS) As CMS/CWS is being replaced by CARES there must be include in CARES the ability to track that social workers and probation officers are complying with statutory obligations to provide the youth their rights, so that there can be accountability within the system.

There was a growing trend in youth in Short Term Residential Therapeutic Programs (STRTP) reporting their rights being violated, with a high report of SOGIE complaints. The STRTP staff should be held accountable by being trained and upholding all foster youth rights. The passage of SB407 in 2023 shows the Legislature's commitment to ensuring these youth are protected as well as the recognition that up to a third of youth in care identify as LGBTQIA+. That bill addressed resource family homes. There is a need for stronger protections for youth in congregate settings.

Support Ongoing Efforts to Prepare Youth for Transitioning into Adulthood

The OFCO observed an increase of calls from foster youth that were close to or recently aged out of the foster care system. Young people are not being provided a timely transition plan to assist with them with transitioning into adulthood. Foster youth are leaving care without the necessary guidance and experience a high rate of homelessness, lack of knowing how to navigate through systems, and a lack of support. It is recommended that Social Workers/Probation Officers to have a transition plan in place, resources to provide to youth, and ensure that prior to foster youth exiting care has all their needed documents such as identification card, birth certificate, medical card, and any other important documents for a successful transition.

Conclusion

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.