

California Office
of the Foster Care Ombudsperson

State of California
Department of Social Services

Senate Bill 1043 (2024)
2025 Report



CDSS

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Executive Summary

This special report was prepared by the Office of the Foster Care Ombudsperson (OFCO) pursuant to the authority to publish reports on subjects it considers necessary and is issued in addition to the OFCO's annual report. This report contains data and recommendations from the first year of implementation of Senate Bill (SB) 1043, Chapter 628, Statutes of 2024. This report focuses on the OFCO's responsibilities under the newly enacted legislation and highlights key insights gained during the first year. In addition, it summarizes progress on the reporting portal and dashboard, a responsibility assigned to the Community Care Licensing Division (CCLD). Finally, the report makes recommendations based on the first year of implementation.

Recommendations include more robust guidance from CCLD on the use of the reporting portal, active work with counties by the Children and Family Services Division (CFSD) to reduce congregate especially for younger youth, more vigilance by judges and attorneys in the dependency court system, and possible added protection against restraints for youth who are not in foster care.



Background

The Office of the Foster Care Ombudsperson

The OFCO was created as an autonomous office within the Department of Social Services (CDSS) in August of 2000. The OFCO is empowered to receive and investigate complaints regarding 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 training on the Foster Youth Bill of Rights (FYBOR) (Welf. & Inst. Code (WIC) § 16001.9) and on the Reasonable and Prudent Parent Standard (RPPS). Further, the OFCO must create and disseminate standardized age-appropriate information on the FYBOR.

The OFCO is mandated to collect data on contacts to the office, complaints, and other activities. The OFCO must provide a report to the Legislature annually, which includes specified data and recommendations for system change. (WIC § 16164.) The OFCO is empowered to issue reports, data, or findings in addition to the annual report to the Legislature. (WIC § 16164, subd. (a) (8) (E).) This is a report issued pursuant to that authority.

Senate Bill 1043 (2024)

Senate Bill (SB) 1043, Chapter 628, Statutes of 2024, also known as The Accountability in Children's Treatment Act, added section 1180.55 to the Health and Safety Code (HSC). Section 1180.55 establishes new requirements for the CDSS and Short-term Residential Treatment Programs (STRTP) following any incident involving manual restraints, including seclusions or behavioral restraints, of children in STRTPs.

Prior to SB 1043, existing law required STRTP facilities to report all instances of seclusion or behavioral restraints to the CDSS through a Serious Incident Report (SIR). SB 1043 added to that requirement, that STRTPs notify the youth of their personal rights, found in WIC section 16001.9, including their right to make a complaint to the OFCO or to the CCLD of the CDSS within 24 hours following a restraint or seclusion. Additionally, STRTPs are required to provide both a written and oral description of the incident to the youth and their authorized representative, parent, foster parent, guardian, or tribal representative, and when applicable, the youth's attorney. HSC section 1180.55, subdivision (c) requires the CCLD to collect data on the restraint incident and all reporting requirements of subdivision (a).



HSC section 1180.55, subdivision (b) requires the CCLD to review all reports of seclusion or behavioral restraint. It also requires the CCLD to investigate any incident that indicates a potential health or safety concern or licensing violation. Further, if the CCLD determines that an incident meets the criteria for investigation, it must provide a copy of the SIR to the OFCO.

The hallmarks of a government Ombudsperson are confidentiality, independence, and impartiality. Consequently, the OFCO has legal authority and discretion to investigate a complaint, close the complaint without investigation, or informally resolve the complaint. When the OFCO receives a SIR from the CCLD, the same authority and discretion apply. The OFCO exercises its discretion pursuant to paragraph (3) of subdivision (a) of WIC section 16164 to determine whether to investigate incidents of manual restraint in SIRs received from the CCLD.

The Office of the Foster Care Ombudsperson's Investigation Data

In the 2025 calendar year, the OFCO received 32 SIRs from the CCLD. The OFCO does not have data on the total number of restraints in SIRs during 2025. Of the SIRs OFCO received, seven cases were investigated and three were substantiated as violations of foster youth rights. The number of substantiated cases is almost fifty percent of the cases investigated. The primary violation identified was the placement's failure to utilize trauma-informed, evidence-based de-escalation techniques when responding to youth behavior.

Although SB 1043¹ took effect January 1, 2025, the OFCO did not begin receiving SIRs from the CCLD until mid-February of 2025. Throughout the 2025 calendar year, the OFCO received more SIRs from the CCLD than anticipated. Many were not investigated by the OFCO for various reasons, the most common being that the youth involved was not in foster care.² Other reasons included SIRs not being provided to the OFCO in a timely manner or the incident occurring in facilities outside the OFCO's jurisdiction.

Many SIRs received by the OFCO involved youth who were not in foster care. Although these youth are not within the OFCO's jurisdiction, the high number of SIRs raises questions. Anytime there is an incident of restraint or isolation in any facility it is harmful most of all to the person restrained. However, the impact goes beyond just the individual restrained; it also harms other residents and negatively impacts staff. Foster youth who live alongside non-foster youth are harmed using restraints, even when they

¹ Subdivisions (a) and (b) of Health and Safety Code section 1180.55 went into effect January 1, 2025. Subdivision (c) which concerned data collection and display was effective on January 1, 2026.

² Only youth placed through a California County Child Welfare Agency, Probation Department, or the Federal Department of Health and Human Services, Office of Refugee Resettlement are within the jurisdiction of the OFCO. Children may be placed by their parents, or a child welfare agency from another state and live in a California Licensed STRTP.



themselves are not restrained and even when those restraints are justified. Are non-foster youth more likely to be restrained than foster youth? If so, why?

In each substantiated case, facility staff responses did not align with best practices for trauma-informed care, increasing the risk of emotional harm and undermining placement stability. The findings highlight the need for additional staff training, oversight, and implementation of evidence-based de-escalation strategies to ensure foster youth are supported in a safe, respectful, and developmentally appropriate manner. The OFCO does not have data on the total number of incidents of restraint in 2025.

The OFCO relied heavily on investigations by the CCLD, primarily to prevent multiple interviews of youth, and due to geographic and staffing limitations for the OFCO. Greater regional distribution of the OFCO investigators would allow for less reliance on the CCLD and improve the OFCO's capacity to conduct investigations.

Lessons from the Office of Foster Care Ombudsperson's First Year Implementing Senate Bill 1043

Age of Youth in STRTPs

By far, the most startling revelation from the 2025 SIRs was the age of youth in STRTPs, including restraints of youth ten years old and younger. After receiving several SIRs from the CCLD involving youth in this age range, the OFCO requested data from the CDSS on the number and ages of foster youth in STRTPs in California. A positive note is that point-in-time data for August 2025 showed there were no foster youth younger than 9 in California STRTPs. Unfortunately, there were 62 youth 9 to 10 living in STRTPs. Alarming, 24 were in a single county.

In the last 20 years, California has made significant strides in reducing placement of children in congregate settings. Data shows that STRTP use has declined significantly. The OFCO received data on children placed in STRTPs through both child welfare agencies and probation departments.

Data on Statewide STRTP Placement

Since 2020, overall use of STRTPs in California by child welfare and probation agencies had declined by almost fifty percent. Child welfare placements dropped from just over two thousand youth in STRTPs to just over one thousand in 2025. Use of STRTPs by probation departments has dropped from slightly above eight hundred to just over four



hundred. While the child welfare population has decreased by one third in this time span, the probation population has remained steady.

It is encouraging to see that placements of youth ages six to ten years old have decreased by a third. However, the overall number of youth in STRTPs in 2025, 62 youth, remains too high. As noted above, a single county accounted for 24 of these placements, indicating a significant need for system change within that county. No other county had close to that number.

No Reported Complaints from Attorneys

The CCLD does not yet have data on how many restraints took place in STRTPs because time was needed to develop the reporting portal. Previously, the CCLD estimated that approximately 3,000 restraints take place each year in STRTPs statewide.

The OFCO did not receive any complaints from attorneys regarding restraints or seclusions in STRTPs during 2025. STRTPs are required to provide both oral and written notice to attorneys whenever one of their clients is restrained. Given the estimated volume of restraints, it is very unlikely that no attorney would contact the OFCO if they were being properly notified.

Additionally, youth must be informed of their right to make a complaint to the CCLD and the OFCO following any restraint or seclusion. The OFCO received only one complaint from a youth about a restraint, and a SIR was not submitted for that incident.

STRTPs Portal and Dashboard

Subdivision (c) of HSC section 1180.55 became effective January 1, 2026. This subdivision requires the CDSS to have a public facing website related to restraints in STRTPs. At the time this report was prepared, the dashboard was launched, but not enough time has passed to evaluate its impact. To gather data required for the dashboard, the CCLD has launched its Online Reporting Portal and a procedure manual for providers reporting restraints. This will ensure SIRs for behavioral restraints are uniform and information reported is consistent. This will improve the ability to investigate SIRs and enhance data collection. Although the portal recently became active, improvements to the portal and user instructions are needed to ensure it fulfills its purpose and collects all required information. The portal does not appear to record information regarding notification of the child's attorney and the child's Tribe. Finally, the form generated by the portal does not include a section to document how the child was informed of their right to make a complaint to the OFCO and the CCLD. This most



certainly will lead to gaps in data. It will be a challenge to track compliance with HSC section 1180.55, subdivision (a), if there is no information collected about compliance with those provisions which were added to improve transparency about restraints and protect youth from unnecessary restraints.

Recommendations

The Child and Family Services Division (CFSD) of the CDSS should develop a plan to address younger youth in STRTPs, as well as youth reaching 18 years old while placed in STRTPs

The use of congregate care for foster youth has decreased greatly since 2020. Use of STRTPs as a placement for children under 6 years of age has been effectively eliminated. Youth in STRTPs from 6 to 10 years old has decreased from 227 to 65. This represents a great achievement, yet the number of children in this age range is still too many. One county accounted for 24 of the 62 youth in the 9 to 10 year age-range from the point-in-time data. This county is also highest in overall STRTP use. The CFSD should work with this county to study what factors lead to the use of STRTPs and develop a plan with the county to address the high use of STRTPs. It is also recommended that the CFSD reviews practices in other counties with high STRTP use and work with those counties to develop a plan to reduce STRTP use and placements of younger youth. The CFSD should leverage data from the Child Welfare Services/Case Management System and Safe Measures to address counties with cultures that contribute to high use of STRTPs. This can be folded into work underway with the Center for Excellence on Family Finding and Engagement. As discussed below, Juvenile Courts play a pivotal role in placement of children into STRTPs. The Juvenile Court needs to serve as an active partner in working with counties that heavily rely on the use of STRTPs.

The CCLD should issue a Provider Information Notice (PIN) providing clear guidance to STRTPs on meeting all noticing requirements under HSC section 1180.55

The CCLD has not issued a PIN specifically on the requirements of HSC section 1180.55. In March 2026, the CCLD issued PIN 26-02-CRP announcing the online portal for reporting manual restraints, as required by SB 1043. In addition, the CCLD has created a [webpage](#) addressing SB 1043. The CCLD also issued a [Technical Support Program Resource Guide on SB 1043](#) outlining requirements of HSC section 1180.55. This is a commendable action to implement the legislation. However, guidance in the form of a comprehensive PIN on all of the requirements of HSC section 1180.55 is needed to inform providers of their responsibilities, including the requirement to inform



attorneys and Tribes of restraints, and to inform youth of their right to make a complaint³.

The CCLD should also modify the portal and supporting documents to ensure data is collected on all people required to receive notice of restraints. Further, the portal should include a field to collect information on whether the youth restrained was informed of their right to make a complaint to the CCLD or the OFCO.

Judges and attorneys should insist on compliance with laws designed to prevent the overuse of STRTPs

Judges play a critical role in the placement of children in STRTPs. For children in the Dependency Court, Juvenile Court Judges must approve all STRTP placements. Under existing law, a judge is not required to conduct a hearing to approve a STRTP placement when no party objects, even when the child is under 5 years old. Judges can hold a hearing regardless of whether anyone objects, and as a matter of practice, they should exercise that discretion to hold hearings for all STRTP placements involving youth under 12 years old. The Legislature should consider statutory changes, and the Judicial Council should consider changes to the California Rules of Court, to require hearings whenever a child under 12 years of age is placed in a STRTP and whenever there is a plan to extend that placement beyond six months.

Conclusion

SB 1043 was a necessary change to law to improve transparency around restraints and seclusions in congregate care. However, not enough time has passed for full implementation, and the impact cannot be fully assessed. The creation of the reporting portal is an important step. The reporting portal has not been operating long enough to collect meaningful data, and the dashboard cannot operate effectively without information to display. The number of restraints of youth in STRTPs who are not in foster care raises important questions about who those youth are and whether they are in need additional protection through the OFCO or other means. SB 1043 appears to have been a success as it has already increased awareness of younger foster youth in STRTPs and is highlighting counties with higher reliance on STRTPs.

³ SB 1043 and HSC § 1180.55 were included in [PIN 25-07 CRP](#) on chaptered legislation.

