

Per California Code of Regulations, title 2, section 548.5, the following information will be posted to CalHR's Career Executive Assignment Action Proposals website for 30 calendar days when departments propose new CEA concepts or major revisions to existing CEA concepts. Presence of the department-submitted CEA Action Proposal information on CalHR's website does not indicate CalHR support for the proposal.

A. GENERAL INFORMATION

1. Date

12/24/2015

2. Department

California Department of Social Services

3. Organizational Placement (Division/Branch/Office Name)

Office of the Foster Care Ombudsperson

4. CEA Position Title

Foster Care Ombudsperson (FCO)

5. Summary of proposed position description and how it relates to the program's mission or purpose. (2-3 sentences)

The Office of the Foster Care Ombudsperson provides foster children and youth, and interested adults, with a forum for voicing concerns regarding the Foster Care system's services, treatment, and placement policies. The FCO is a highly sensitive and controversial position with policy interpretation and development authority of significant consequence.

The FCO provides a central statewide clearinghouse and technical assistance for county child welfare Ombudsperson offices, coordinates with them to address concerns related to foster youth in their county and provides direct outreach to foster youth who may be experiencing problems with their care providers, county workers and/or preparation for emancipation, as related to the mission of CDSS to serve, aid, and protect needy and vulnerable children and adults in ways that strengthen and preserve families, encourage personal responsibility and foster independence.

6. Reports to: (Class Title/Level)

Deputy Director, CEA B

7. Relationship with Department Director (Select one)

- Member of department's Executive Management Team, and has frequent contact with director on a wide range of department-wide issues.
- Not a member of department's Executive Management Team but has frequent contact with the Executive Management Team on policy issues.

(Explain): The Ombudsperson interacts frequently with the Director and Chief Deputy Director on policy issues relative to the statewide Foster Care system.

8. Organizational Level (Select one)

- 1st
- 2nd
- 3rd
- 4th
- 5th (mega departments only - 17,001+ allocated positions)

B. SUMMARY OF REQUEST

9. What are the duties and responsibilities of the CEA position? Be specific and provide examples.

The Foster Care Ombudsperson (FCO) is the highest level independent advocate for 62,400 foster children in the State of California who initiates and conducts high level policy negotiations with multiple federal, state and local representatives. The FCO is required to work closely with leaders of statewide provider organizations, and children advocacy groups, to gain access to confidential county and state records, in order to conduct sensitive investigations and negotiations in politically charged environments. Of equal importance, the FCO disseminates information on the rights of children and youth within the foster care system. By the nature of the position, the FCO is a high administrative and policy influencing position with continuous and direct contact with the CDSS Director and members of the Executive Management team.

The FCO is a highly sensitive and controversial position with policy interpretation and development authority of significant consequence. In accordance with section 16164 of the Welfare and Institutions Code, the FCO is responsible for ensuring the best possible outcomes for fostered children and youth. Responsibilities include:

1. Serves as the highest level independent and objective intermediary in the CDSS for the safety of children in foster care.
2. Develops program strategic goals.
3. Directs and evaluates the statewide, multi-department, inter-governmental and public interface activities of the FCO.
4. Independently negotiates with high level program and policy managers in the CDSS and other state, county, and private agencies to resolve system and case-specific issues related to the safety and personal rights of children within foster care.
5. Oversees the continued development and implementation of a uniform statewide complaint and issue response process on behalf of foster children through issuance of an Ombudsperson handbook, All-County Information Notices, issue memorandums, and other documents.
6. Oversees outreach efforts, including training for county staff, foster parents, group home and foster family agency staff. Ensures that information developed relative to the rights of children and youth within foster care, and the services provided by the office, is disseminated.
7. Develops evolving complaint resolution protocols, forms and tracking systems to identify trends and patterns to illuminate opportunities for system changes and improvements. Plans and provides informational seminars and organizes work groups for training purposes. Ensures that all complaints, calls and contacts are responded to timely, and that complainants are informed of the status of their complaints.
8. Develops and maintains effective working relationships with the County Welfare. Departments, community organizations and child advocacy groups including youth groups, foster care providers, local law enforcement and other departmental staff.
9. Ensures the completion of all legislative activities including bill analysis, development of legislative reports, and testifying at various proceedings.
10. Establishes procedures for disclosure of information from the Ombudsman's files while ensuring the protection of confidential information.
11. Ensures the voice of foster children and youth is heard and act on their behalf.
12. Creates an avenue for foster children and youth to file complaints regarding their placement, care and services without fear of retribution from care providers.
13. Acts as an independent forum for the investigation and resolution of complaints made by or on behalf of children placed in foster care and makes appropriate referrals.
14. Provides children and youth with information on their rights when placed in foster care.
15. Provides annual reports to the Legislature to present data on the calls received by the FCO office and reflects the trends and areas of major concern for children and youth in California's child welfare system.
16. Maintains a toll-free telephone number which foster care children and youth may call from anywhere in California to express their concerns and complaints.

B. SUMMARY OF REQUEST (continued)

10. How critical is the program's mission or purpose to the department's mission as a whole? Include a description of the degree to which the program is critical to the department's mission.

- Program is directly related to department's primary mission and is critical to achieving the department's goals.
- Program is indirectly related to department's primary mission.
- Program plays a supporting role in achieving department's mission (i.e., budget, personnel, other admin functions).

Description: The mission of CDSS is to serve, aid and protect needy and vulnerable children and adults in ways that strengthen and preserve families, encourage personal responsibility and foster independence.

The Office of the Foster Care Ombudsperson provides foster children and youth, and interested adults, with a forum for voicing concerns regarding the Foster Care system's services, treatment, and placement policies. The FCO provides a central statewide clearinghouse and technical assistance for county child welfare Ombudsperson offices, coordinates with them to address concerns related to foster youth in their county and provides direct outreach to foster youth who may be experiencing problems with their care providers, county workers and/or preparation for emancipation.

B. SUMMARY OF REQUEST (continued)

11. Describe what has changed that makes this request necessary. Explain how the change justifies the current request. Be specific and provide examples.

In 1998, the California Legislature passed Senate Bill (SB) 933 which established the Office of the Foster Care Ombudsperson. Through SB 933, the Legislature directed the CDSS to establish a Foster Care Ombudsperson program in response to concerns that children placed in foster care require an autonomous, independent means for resolving issues related to their placement, services and care.

SB 933 required the Director of Social Services, in consultation with a committee of interested individuals chosen by the Director, to appoint the Ombudsperson for a term of two years. In 2002, AB 2294 (Liu, Chapter 1160, Statutes of 2002) was passed which changed the term of the Foster Care Ombudsperson to four years.

At the time the Ombudsperson position was established, the CDSS utilized the managerial level Staff Services Manager (SSM) III classification to perform the duties of the Foster Care Ombudsperson. In 2002, the CDSS worked with the State Personnel Board to create classification code 9118-Foster Care Ombudsperson. This unique classification, specific to one position within one department, provided a 12-month probationary period, which if passed, allows an incumbent to attain permanent civil service status. This is in direct conflict with section 16162 of the Welfare and Institutions Code which requires appointment to a four year service term.

As the Foster Care Ombudsperson position was recently vacated, the CDSS is requesting to correct this classification error. Specifically, the CDSS requests to reclassify the Foster Care Ombudsperson from classification code 9118-Foster Care Ombudsperson to 7500- Career Executive Assignment (CEA). By utilizing the 7500 classification code, the CDSS will comply with section 16162 of the Welfare and Institutions Code. Approval of this request also will enable abolishment of classification code 9118.

C. ROLE IN POLICY INFLUENCE

12. Provide 3-5 specific examples of policy areas over which the CEA position will be the principle policy maker. Each example should cite a policy that would have an identifiable impact. Include a description of the statewide impact of the assigned program.

The FCO is an independent position responsible to recommend and implement statewide changes to the foster care system. These policies safeguard children's rights and ensure that the foster child perspective is considered when ongoing system changes are contemplated by the Legislature and/or by the CDSS. These policies are developed in response to legislation, citizen complaints and concerning trends discovered by the Ombudsperson. Examples include:

1. California Fostering Connections to Success Act (Act)-The Act provides eligible foster youth in California the option to remain in foster care, and receive services and support until age 20. The FCO established program policies, and disseminated information and training, to facilitate access to this system support option. Participating youth can now receive help with their education and employment goals, as well as have time to develop lasting relationships with caring adults. New housing options are also available to youth 18 and older. The Transitional Housing Placement-Plus Foster Care Program included an extension of foster care benefits until age 21. This also allows foster youth 17 or older to learn self-sufficiency skills while living in an apartment in the community and being supervised by the youth's case worker and a care provider. In collaboration with the county Independent Living Program a foster youth can learn valuable skills that are needed when they emancipate. This program was developed in response to the large number of older youth staying in foster care for long periods without obtaining the necessary skills to live independently. Foster youth who emancipated from foster care on their 18th birthday can have Medi-Cal health insurance until they turn 21, regardless of how much money they have or whether they are working or not. Prior to this program, youth who left foster care would lose their Medi-Cal benefits and would not have any medical coverage; now the youth are guaranteed continued care and do not face the difficult decision of either paying rent, buying food or paying for medical insurance. Statewide impact: Emancipated foster youth prepared to integrate successfully into society and support themselves in a meaningful and long term manner.

2. Access to Birth Certificates-In response to complaints to the FCO that foster children and youth were experiencing difficulty obtaining their birth certificates (a required document to obtain a driver's license and employment) the court now is required to order that the child's caregiver receive the child's birth certificate, or, if the child is 16 years of age or older, that the child receive his or her birth certificate, when appropriate. The FCO facilitates this conversation and establishes policies and procedure to ensure all children and youth within the foster care system understand this right and know how to obtain assistance if they experience any barriers to obtaining their birth certificate. Statewide impact: Positioning foster youth to achieve the same access to services as enjoyed by their peers outside of the foster care system, leading to better emancipation outcomes.

3. Compile Data on Youth Satisfaction, "Youth-Voice," and Youth Perspective As Part of the Oversight Process
The FCO is the independent entity that receives reports of excessive use of restraints, over medication and lack of staff training. The FCO provides oversight and access to services that improve foster care youths' experiences and better prepare them for life after foster care. By collecting qualitative and quantitative information, the FCO ensures accountability of foster care providers. As a result, providers with good outcomes will continue to see greater utilization, and those with poor outcomes will either improve their programs or lose the ability to provide services. Statewide impact: The early identification of foster care issues, and the provision of corrective actions, thereby supporting foster youth in attaining a living environment that facilitates the learning and development necessary for success.

4. Over-medicated Foster Youth-After a number of press articles and legislative hearings focusing on use of psychotropic medication with foster youth, the CDSS and the Department of Health Care Services entered into a data sharing agreement. This agreement allows the CDSS to provide Medi-Cal billing/claim information to counties specific to the number of prescribed medications foster youth may have. This facilitates a county assessment of the appropriateness of the mental health services provided and the opportunity to identify those physicians who may be high medication prescribers for further review. This agreement is being further developed through the current Continuum of Care Reform (AB 403). Statewide impact: Better outcomes for foster youth which result in the reduction of costly lifelong institutional behaviors.

C. ROLE IN POLICY INFLUENCE (continued)

13. What is the CEA position's scope and nature of decision-making authority?

The FCO advocates and negotiates with statewide County Welfare Departments, provider agencies, law enforcement agencies, school systems, community organizations, as well as the CDSS's management to ensure the safety of California's children in foster care. The FCO is responsible to determine yearly priorities for the program after conferring with child advocate organizations and child welfare service system stakeholders. The FCO must regularly review complaints submitted by, or on behalf of, foster children and decide the necessary course of action, and recommended policy changes, to be taken by the program. The FCO must also decide under what circumstances referrals will be made to other organizations for follow-up and the sufficiency of such follow-up. The FCO regularly advises the CDSS Director and Chief Deputy Director relative to regulations, county policies and legislation impacting foster children in California and provides testimony before the Legislature.

14. Will the CEA position be developing and implementing new policy, or interpreting and implementing existing policy? How?

Both. The FCO is responsible to assess, develop and implement policies that impact the foster care system. A current example is AB 403, the Continuum of Care Reform (CCR). The FCO will be instrumental in the development and implementation of new policies and procedures designed to implement this legislation and further modify its requirements via subsequent legislation. The CCR is designed to ensure all foster system children and youth receive the best case management solutions to address their unique and individual needs. The policy development planning and implementation workload with advocacy groups, counties, Legislative staff and child advocacy stakeholders is unprecedented. The FCO is actively involved in high level policy discussions with Legislative staff and advocacy groups in the implementation of this legislation. The FCO is engaged in the development of policies designed to improve the foster care experience and the facilitation of successful independence upon emancipation.