

**Assembly Bill No. 2294**

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Passed the Assembly August 31, 2002

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*Chief Clerk of the Assembly*

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Passed the Senate August 28, 2002

\_\_\_\_\_  
*Secretary of the Senate*

\_\_\_\_\_

This bill was received by the Governor this \_\_\_\_\_ day of  
\_\_\_\_\_, 2002, at \_\_\_\_\_ o'clock \_\_M.

\_\_\_\_\_  
*Private Secretary of the Governor*



## CHAPTER \_\_\_\_\_

An act to amend Sections 16162 and 16164 of the Welfare and Institutions Code, relating to foster care.

## LEGISLATIVE COUNSEL'S DIGEST

AB 2294, Liu. Foster care.

Existing law requires the Office of the State Foster Care Ombudsperson to be established in the State Department of Social Services with prescribed powers and duties relating to the management of foster children, including the dissemination of information on the rights of children and youth in foster care.

Existing law requires 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 2 years.

This bill would instead provide that the ombudsperson shall be appointed for a term of 4 years, and would permit the director to reappoint the ombudsperson for consecutive terms.

This bill would expand the duties of the State Foster Care Ombudsperson to require him or her to compile and make available to the Legislature additional information, as specified, including the type and source of complaints received by the ombudsperson.

This bill would require the ombudsperson to present this data to various interested entities at appropriate child welfare conferences, forums, and other events, as determined by the department. This bill would state legislative intent that representatives of these interested entities consider this data in the development of any recommendations made toward improvements in the child welfare system.

This bill would also require the ombudsperson to make this information available to the public by posting it on his or her existing Web site.

This bill would incorporate additional changes in Section 16164 of the Welfare and Institutions Code proposed by AB 2651, to be operative only if AB 2651 and this bill are both enacted and become effective on or before January 1, 2003, and this bill is enacted last.



*The people of the State of California do enact as follows:*

SECTION 1. The Legislature finds and declares all of the following:

(a) The Office of the State Foster Care Ombudsperson is a critical resource for youth in foster care. The office is an important source of information regarding the care and concerns of youth in foster care.

(b) The office has the potential to identify program and policy problems involving foster care and to make recommendations that can improve the child welfare system and the services to youth in foster care.

(c) Years of experience are required to develop an understanding of the issues involving foster care and to build successful relationships in order to facilitate the appropriate resolution of problems identified by the office.

(d) In order to maximize the effectiveness of the office, its staffing must be consistent and professional.

(e) The Legislature intends to increase the independence and autonomy of the office and the longevity of the position of the State Foster Care Ombudsperson in order to improve the ability of the office to respond appropriately and efficiently to concerns raised by individuals and to develop recommendations that will improve the care and services of youth in foster care.

SEC. 2. Section 16162 of the Welfare and Institutions Code is amended to read:

16162. The director, in consultation with a committee of interested individuals, shall appoint an ombudsperson qualified by training and experience to perform the duties of the office for a term of four years. The director may reappoint the ombudsperson for consecutive terms. The director shall select the committee members, the majority of whom shall be representatives of children's advocacy organizations and current or former foster youth.

SEC. 3. Section 16164 of the Welfare and Institutions Code is amended to read:

16164. (a) The Office of the State Foster Care Ombudsperson shall do all of the following:

(1) Disseminate information on the rights of children and youth in foster care and the services provided by the office. The rights of



children and youths in foster care are listed in Section 16001.9. The information shall include notification that conversations with the office may not be confidential.

(2) Investigate and attempt to resolve complaints made by or on behalf of children placed in foster care, related to their care, placement, or services.

(3) Decide, in its discretion, whether to investigate a complaint, or refer complaints to another agency for investigation.

(4) Upon rendering a decision to investigate a complaint from a complainant, notify the complainant of the intention to investigate. If the office declines to investigate a complaint or continue an investigation, the office shall notify the complainant of the reason for the action of the office.

(5) Update the complainant on the progress of the investigation and notify the complainant of the final outcome.

(6) Document the number, source, origin, location, and nature of complaints.

(7) (A) 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 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, and the number of pending complaints.

(B) 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.

(C) It is the intent of the Legislature that representatives of the organizations described in subparagraph (B) consider this data in the development of any recommendations offered toward improving the child welfare system.

(D) The compiled data shall be posted so that it is available to the public on the existing Web site of the State Foster Care Ombudsperson.



(8) 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.

(b) The office may establish, in consultation with a committee of interested individuals, regional or local foster care ombudsperson offices for the purposes of expediting investigations and resolving complaints, subject to appropriations in the annual Budget Act.

(c) (1) The office, in consultation with the California Welfare Directors Association, Chief Probation Officers of California, foster youth advocate and support groups, groups representing children, families, foster parents, children's facilities, and other interested parties, shall develop, no later than July 1, 2002, standardized information explaining the rights specified in Section 16001.9. The information shall be developed in an age-appropriate manner, and shall reflect any relevant licensing requirements with respect to foster care providers' responsibilities to adequately supervise children in care.

(2) The office, counties, foster care providers, and others may use the information developed in paragraph (1) in carrying out their responsibilities to inform foster children and youth of their rights pursuant to Section 1530.91 of the Health and Safety Code, Sections 27 and 16501.1, and this section.

SEC. 4. Section 16164 of the Welfare and Institutions Code is amended to read:

16164. (a) The Office of the State Foster Care Ombudsperson shall do all of the following:

(1) Disseminate information on the rights of children and youth in foster care and the services provided by the office. The rights of children and youths in foster care are listed in Section 16001.9. The information shall include notification that conversations with the office may not be confidential.

(2) Investigate and attempt to resolve complaints made by or on behalf of children placed in foster care, related to their care, placement, or services. It is the intent of the Legislature that the Office of State Foster Care Ombudsperson shall address complaints brought by all foster youth, including gay, lesbian, bisexual, or transgender foster youth, regarding their care, placement, and services. The ombudsperson shall refer allegations



of violations of licensing regulations to the Community Care Licensing Division, and shall refer allegations of civil rights violations to the Office of Civil Rights.

(3) Decide, in its discretion, whether to investigate a complaint, or refer complaints to another agency for investigation.

(4) Upon rendering a decision to investigate a complaint from a complainant, notify the complainant of the intention to investigate. If the office declines to investigate a complaint or continue an investigation, the office shall notify the complainant of the reason for the action of the office.

(5) Update the complainant on the progress of the investigation and notify the complainant of the final outcome.

(6) Document the number, source, origin, location, and nature of complaints.

(7) (A) 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 those complaints, the number of investigations performed by the office, the number of referrals made, the trends and issues that arose in the course of investigating complaints, and the number of pending complaints.

(B) 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.

(C) It is the intent of the Legislature that representatives of the organizations described in subparagraph (B) consider this data in the development of any recommendations offered toward improving the child welfare system.

(D) The compiled data shall be posted so that it is available to the public on the existing Web site of the State Foster Care Ombudsperson.

(8) 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.



(b) The office may establish, in consultation with a committee of interested individuals, regional or local foster care ombudsperson offices for the purposes of expediting investigations and resolving complaints, subject to appropriations in the annual Budget Act.

(c) (1) The office, in consultation with the California Welfare Directors Association, Chief Probation Officers of California, foster youth advocate and support groups, groups representing children, families, foster parents, children's facilities, and other interested parties, shall develop, no later than July 1, 2002, standardized information explaining the rights specified in Section 16001.9. The information shall be developed in an age-appropriate manner, and shall reflect any relevant licensing requirements with respect to foster care providers' responsibilities to adequately supervise children in care.

(2) The office, counties, foster care providers, and others may use the information developed in paragraph (1) in carrying out their responsibilities to inform foster children and youth of their rights pursuant to Section 1530.91 of the Health and Safety Code, Sections 27 and 16501.1, and this section.

SEC. 5. Section 4 of this bill incorporates amendments to Section 16164 of the Welfare and Institutions Code proposed by both this bill and AB 2651. It shall only become operative if (1) both bills are enacted and become effective on or before January 1, 2003, (2) each bill amends Section 16164 of the Welfare Institutions Code, and (3) this bill is enacted after AB 2651, in which case Section 3 of this bill shall not become operative.



Approved \_\_\_\_\_, 2002

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*Governor*

