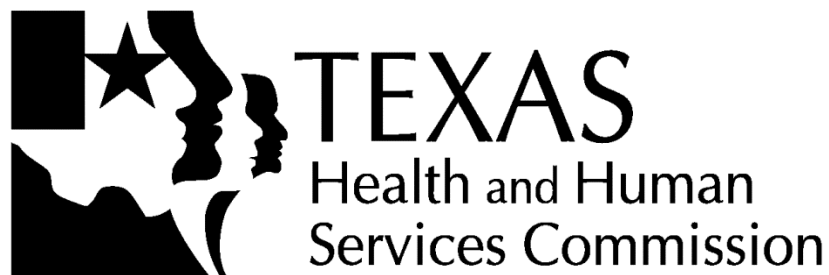


Report on the Ombudsman for Children and Youth in Foster Care

Senate Bill 830

**84th Legislature
Regular Session, 2015**



Office of the Ombudsman
January 2016

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INTRODUCTION

Senate Bill 830, 84th Legislature, Regular Session, 2015, established an ombudsman for children and youth in foster care to serve as a neutral party in assisting them with complaints regarding health and human services (HHS) programs and services.

One requirement of the bill is for the Health and Human Services Commission (HHSC) and the Department of Family and Protective Services (DFPS) to post an annual report on their websites outlining activities of the new ombudsman. The report includes the following elements:

- a description of the new ombudsman's activities;
- a list of HHS agency changes made in response to substantiated complaints received;
- a description of trends in the nature of complaints received, recommendations to address them, and an evaluation of the feasibility of those recommendations;
- a glossary of terms;
- a description of methods used to promote awareness of the new ombudsman; and
- any feedback from the public on the previous annual report.

Since this legislation was effective on September 1, 2015, this report provides an update on implementation activities to date and shares planned activities for the coming year.

HIRING PROCESS

S.B. 830 authorized one full-time equivalent position for the new ombudsman and indicated it will be administratively attached to the existing HHSC Office of the Ombudsman.

Staff in that office worked with the DFPS Office of Consumer Affairs to create a job description for the new position, which was posted in September 2015. Working with external stakeholders identified during the legislative process, HHSC further defined the expectations for the position and sought input from former foster youth during the hiring process. HHSC expects to fill the position in the next two months.

Based on input from both DFPS staff and external stakeholders, HHSC has outlined a training plan for the new position that will require approximately two months to complete before they are ready to begin taking inquiries and complaints from foster youth.

ADMINISTRATIVE RULES AND STANDARD OPERATING PROCEDURES

HHSC staff have also been working with DFPS and external stakeholders to outline administrative rules and standard operating procedures for the new ombudsman. Many of these

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procedures will be similar to those used by the HHSC Ombudsman and the DFPS Office of Consumer Affairs. For example, HHSC expects the new ombudsman to use the same definition of a “substantiated” complaint that is used by all HHS consumer affairs offices: a complaint where research indicates agency policy was violated or agency expectations were not met. However, there will also be key differences necessary to reflect the fact this position will be talking exclusively with foster youth. For example, external stakeholders have encouraged HHSC to consider options to assist foster youth in making reports of abuse and neglect to DFPS Statewide Intake staff.

LOGISTICS

In order to ensure the new ombudsman will be ready to take calls as soon as possible, HHSC staff have also worked to establish the new toll-free line, email address, and online submission form that will be available exclusively to foster youth.

The online submission form will directly import the foster youth’s information into an existing HHSC tracking system and assign the case to available staff. Additionally, HHSC is working with DFPS to ensure the new ombudsman will have access to key systems necessary to research foster care cases, including the Information Management Protecting Adults and Children in Texas (IMPACT) system and the Child Care Licensing Automated Support System (CLASS).

PLANNED OUTREACH

DFPS will notify foster youth of their right to make a complaint against DFPS and the role of the new ombudsman through the DFPS website, the Rights of Children and Youth in Foster Care document, signs in local DFPS offices, and references in the Texas Foster Care Handbook. DFPS will notify its own staff about the role of the new ombudsman through references in the CPS handbook, in DFPS rules, and through other internal communications.

HHSC will maintain a public website with the new ombudsman’s contact information and may develop brochures and other materials that can be distributed to foster youth in the future. When available, HHSC staff may attend conferences organized by DFPS for foster youth. For example, two members of the HHSC Ombudsman staff recently attended a DFPS Preparation for Adult Living conference on the campus of TAMU-Commerce in order to observe DFPS staff as they interacted with foster youth.

HHSC may also work with external stakeholders that work directly with foster youth to ensure they have the new ombudsman’s contact information and an understanding of its services.

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FY 2015 COMPLAINTS FROM FOSTER YOUTH

From September 1, 2014 through August 31, 2015, the DFPS Office of Consumer Affairs received 30 cases from foster youth. That office received another 11 cases from former foster youth and four cases from legal representatives. The DFPS Office of Consumer Affairs received 24 cases from foster youth from September 1, 2015, through December 31, 2015. That office will continue to receive inquires and complaints from foster youth until the new ombudsman is operational.