

# **Report on the Ombudsman for Children and Youth in Foster Care**

---

**Senate Bill 830**

**84<sup>th</sup> Legislature  
Regular Session, 2015**

---



Office of the Ombudsman  
December 2016

# Report on the Ombudsman for Children and Youth in Foster Care

## Introduction

Senate Bill (SB) 830 (84<sup>th</sup> Legislature, Regular Session, 2015), established an ombudsman for children and youth in foster care (FCO) to serve as a neutral party in assisting them with complaints regarding any health and human services (HHS) programs and services. The FCO is administratively attached to the HHS Office of the Ombudsman established by Section 531.0171 of the Government Code. SB 830 was codified as Chapter 531, Subchapter Y of the Government Code, which can be accessed here:

[www.statutes.legis.state.tx.us/Docs/GV/htm/GV.531.htm#531.991](http://www.statutes.legis.state.tx.us/Docs/GV/htm/GV.531.htm#531.991)

FCO operations began on May 2, 2016. A website with contact and general information about FCO can be accessed here: [hhs.texas.gov/foster-care-help](http://hhs.texas.gov/foster-care-help). HHSC staff worked with the Department of Family and Protective Services (DFPS) and external stakeholders to outline FCO administrative rules and standard operating procedures. Proposed rules were published in the *Texas Register* on August 26, 2016. No comments were received and final rules are under review at this time. Additionally, the Office of the Ombudsman entered into a memorandum of understanding with DFPS Statewide Intake to facilitate implementation of SB 830's requirements that FCO provide assistance to youth reporting allegations of abuse or neglect.

One requirement of the legislation is for the Health and Human Services Commission (HHSC) and DFPS to post an annual report on their websites that includes the following:

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

## Glossary of Terms

The following terms are used in this report, and in the daily operations of FCO:

- Child Care Licensing Automated Support System (CLASS): the DFPS system used by Child Care Licensing staff for record management.
- Contact: an attempt by a youth to inquire or complain about HHS programs or services.
- Complaint: a contact regarding any expression of dissatisfaction by a youth.
- DFPS Office of Consumer Affairs (OCA): a neutral party that reviews complaints regarding case-specific activities of DFPS program areas to determine if policies and procedures were followed in compliance with DFPS administrative rules at Title 40, Part 19, Chapter 702, Subchapter I (relating to Office of Consumer Affairs Services).

## **Report on the Ombudsman for Children and Youth in Foster Care**

- HHS Enterprise Administrative Report and Tracking System (HEART): a web-based system that tracks all inquiries and complaints FCO receives.
- Information Management Protecting Adults and Children in Texas (IMPACT): the DFPS system used by Child Protective Services staff for case management, including documentation of abuse and neglect investigations.
- Inquiry: a contact regarding a request by a youth for information about HHS programs or services.
- Resolution: the point at which a determination can be made and further action is unnecessary.
- Substantiated: a complaint determination where research clearly indicates agency policy was violated or agency expectations were not met.
- Unable to Substantiate: a complaint determination where research does not clearly indicate if agency policy was violated or agency expectations were met.
- Unsubstantiated: a complaint determination where research clearly indicates agency policy was not violated or agency expectations were met.
- Youth: children and youth in the conservatorship of DFPS.

### **Overview of FCO Review Process**

Youth may contact the FCO by phone, fax, mail, or online submission. FCO staff follow up with the youth within one business day of the date of contact, and then at least every five business days thereafter, until the case is closed. FCO staff maintain a record of all inquiries and complaints in the HEART system.

Each case is reviewed to determine if DFPS policy was followed. FCO staff review all available information about a case through inquiry into DFPS systems, including CLASS and IMPACT. Applicable policies include federal and state law, administrative rules, program handbooks, and the Child Protective Services (CPS) Rights of Children and Youth in Foster Care document.

DFPS provides a CPS Rights of Children and Youth in Foster Care document to all children in CPS foster care. This CPS Rights document is to be reviewed with a child or youth and the caregiver no later than 72 hours from the date when the child comes into foster care, and when placements change. The CPS Rights document can be viewed here: [www.dfps.state.tx.us/Adoption\\_and\\_Foster\\_Care/About\\_Foster\\_Care/rights.asp](http://www.dfps.state.tx.us/Adoption_and_Foster_Care/About_Foster_Care/rights.asp).

DFPS policy relating to youth in foster care is set out in the CPS Handbook, which can be viewed here: <https://www.dfps.state.tx.us/handbooks/CPS/default.asp>

## **Report on the Ombudsman for Children and Youth in Foster Care**

If, during the course of their research, FCO staff discover a violation of DFPS policy that was not outlined in the original submission from the youth, an additional complaint is entered in the existing HEART case.

When there is insufficient information through available systems to determine a resolution on a complaint, FCO staff request a response from appropriate DFPS program staff, if the youth has authorized discussion of their case.

Upon completion of a case, written responses to program staff include recommended corrective actions, when applicable. A written response is provided to the youth, if requested, including a description of the steps taken to investigate the complaint and a description of what FCO found as a result of their investigation. If a complaint is substantiated, the youth is also given a description of the actions taken by the HHS agency in response to that finding. If a complaint is not substantiated, the youth is given a description of additional steps they can take to have someone review their concern (e.g., speak to their court-appointed advocate or to the judge assigned to their case).

### **Fiscal Year 2016 Contacts and Complaints**

Prior to the start of FCO operations on May 2, 2016, OCA received 54 cases from 54 distinct foster youth from September 1, 2015, through April 30, 2016. In accordance with Section 2.06 of Senate Bill 200 (84<sup>th</sup> Legislature, Regular Session, 2015), the Executive Commissioner certified that OCA will be abolished on September 1, 2017, and the staff within OCA will perform ombudsman services on behalf of DFPS consumers within the HHS Office of the Ombudsman. OCA remains available to receive inquiries and complaints from former foster youth, their family members, Texas CASA (Court Appointed Special Advocate) volunteers, a youth's attorney, or anyone else that may have information about a youth.

From May 2, 2016, through August 31, 2016, the FCO received 189 contacts from youth and non-youths. Of the 189 contacts, 51 individual youth contacted FCO by phone, online submission, in person, email, letter, fax, and text message. FCO resolved all inquiries and complaints for 27 of those 51 youth. While the remaining cases were still being reviewed as of August 31, 2016, most have now been resolved.

The ages of the 51 youth ranged from 12 to 17 years old. The majority of the youth were 15 years old or older at the time of contact. All of these contacts related to the youth's CPS case, rather than other HHS services.

The 51 youth accounted for 71 inquiries and complaints to FCO. For example, one youth may have made one inquiry and two complaints, or FCO staff may have added a complaint they discovered during their review of a youth's complaint.

## Report on the Ombudsman for Children and Youth in Foster Care

The table below summarizes the top contact reasons and associated DFPS policy for these 71 inquiries and complaints. Note, the four contact reasons in the table are all complaint contact reasons.

Contact Reason	DFPS Policy	Count
Rights of Children and Youth in Foster Care	6315	15
No visit/contact w/caseworker - more than 30 days	6311	13
Placement Issue	4121	10
Not all facts documented in IMPACT	6131.2	10

From May 2, 2016, through August 31, 2016, the FCO resolved 22 complaints. Of those, 10 were substantiated, 6 were unsubstantiated, and 6 FCO was unable to substantiate.

The table below summarizes the top contact reasons for substantiated complaints and associated DFPS policy.

Contact Reason	DFPS Policy	Count
Not all facts documented in IMPACT	6131.2	3
No visit/contact w/caseworker - more than 30 days	6311	3
Biographical documentation	6315	2

The  
FC  
O  
inv

estigates cases in IMPACT and/or CLASS to ensure CPS adheres to rights and policies. If the FCO determines there may be a discrepancy in the case, the FCO requests clarification from DFPS staff. Once clarification is provided, and the FCO determines there has been a violation, the FCO will coordinate with DFPS staff to address the issue. If the complaint is found to be substantiated, the FCO will make recommendations to ensure the policy is followed in the future.

Examples of some of the recommendations to DFPS to address the substantiated complaints include:

- Staff should complete refresher training on entering concise, complete, and timely documentation in the correct stage of service;
- Management staff should ensure caseworker visits are completed timely; and
- Management staff should ensure requests for biographical documents are provided to the youth in a timely manner.

Almost all complaints received by the FCO were related to administrative procedures and policies. One was related to abuse and neglect, which was reported to DFPS Statewide Intake for further investigation. With the exception of two youths, all complainants authorized the FCO to share information with DFPS staff for resolution.

This report covers a short period of time and a low volume of complaints. Therefore, the FCO is not making recommendations to address trends. The FCO may do so in future annual reports.

### Promotional and Outreach Activities

## Report on the Ombudsman for Children and Youth in Foster Care

HHSC and DFPS undertook a number of promotional efforts to ensure foster youth were aware of FCO's contact information and its role when operations began in May 2016. For example, HHSC created an FCO website and announced FCO through social media posts on Facebook and Twitter. DFPS staff ensured links to FCO information were available on pages within their website geared to foster youth and anyone with concerns about the agency.

HHSC produced and procured items with FCO's contact information to distribute to youth in foster care, including an FCO brochure. A copy of the brochure can be accessed here: [www.dfps.state.tx.us/Contact\\_Us/documents/FCO\\_Foster\\_Care\\_Ombudsman.pdf](http://www.dfps.state.tx.us/Contact_Us/documents/FCO_Foster_Care_Ombudsman.pdf).

The FCO staff attended these conferences:

Date	Event	Location	Youth Attending
June 8th	PAL* Aging Out Seminar	Dallas	12
June 9th	PAL Aging Out Seminar	Amarillo	26
July 11th and 12th	DFPS statewide TEEN conference	Denton	60
July 28th	PAL College Conference	Edinburg	50
July 29th	PAL Regional Resource Fair	El Paso	32
August 27th	PAL Aging Out Seminar	Fort Worth	22

\*Preparation for Adult Living

As funding permits, FCO staff will continue to attend foster youth events across the state in fiscal year 2017.

In May 2016, DFPS CPS caseworkers were informed about FCO and notified that the CPS Rights document was updated to include the FCO contact information. FCO staff have participated in several meetings of statewide PAL staff and the Statewide Youth Leadership Council. CPS staff also invited FCO to speak to a meeting of the CPS regional directors in order to further clarify FCO's standard operating procedures relating to its complaint review process. Additionally, DFPS required all residential child-care facilities, in which foster youth are placed, to display a poster with the FCO's contact information.

HHSC is aware of several stakeholder groups that also posted FCO contact information on their websites and announced the start of FCO operations through their social media outlets. For example, the Supreme Court of Texas Children's Commission Jurists in Residence distributed a notice to judges who hear child welfare cases across the state with FCO information. A copy of that notice can be accessed here: [texaschildrenscommission.gov/media/70230/Ombudsman-for-Children-and-Youth-in-Foster-Care.pdf](http://texaschildrenscommission.gov/media/70230/Ombudsman-for-Children-and-Youth-in-Foster-Care.pdf)

## **Report on the Ombudsman for Children and Youth in Foster Care**

### **Comments on the Fiscal Year 2015 Report**

HHSC did not receive comments on the fiscal year 2015 FCO report, which can be accessed here: [hhs.texas.gov/sites/hhs/files/sb-830-report.pdf](https://hhs.texas.gov/sites/hhs/files/sb-830-report.pdf). HHSC will continue to work with external stakeholders who work with foster youth to ensure they have FCO's contact information and an understanding of its services.