

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

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**As Required by  
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**Office of the Ombudsman**

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**TEXAS**  
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## Executive Summary

Independence is a critical element of an effective ombudsman program. The Texas Legislature chose to house the Ombudsman for Children and Youth in Foster Care (FCO) within the Health and Human Services (HHS) Office of the Ombudsman (OO), rather than within the Department of Family Protective Services (DFPS) to ensure FCO is as independent as possible from the programs it reviews. This independence was enhanced in 2017 when the Legislature removed DFPS from the HHS system, making it a stand-alone agency, while retaining FCO within the HHS system. Independence is crucial when FCO findings result in recommendations for the program areas who deliver services to youth in foster care in Texas.

Impartiality is another important aspect of an ombudsman program that governs how FCO approaches its work. Impartiality, or neutrality, does not mean an ombudsman never makes judgments or findings. Rather, it means that as an ombudsman approaches a complaint, equal credence is given to both sides. The ombudsman does not automatically take the side of the youth or the agency, but rather is neutral in gathering facts, investigating actions taken, and assessing the merits of the case. Once that is done, the ombudsman makes recommendations which support the conclusions the investigation reveals. In the case of FCO, sometimes that means a conclusion that the complaint of the youth is unsubstantiated, because the agency and its staff correctly applied their policy. In other situations, the conclusion is that an agency should take action to address a substantiated complaint because staff did not apply policy correctly.

FCO resolved 241 complaints from youth in fiscal year 2018. Of these, 71 were substantiated, 145 were unsubstantiated, and 25 were unable to substantiate (there was not enough evidence to make a finding). The five most common reasons for complaints by youth were:

- Rights of Children and Youth in Foster Care
- Placement Issues
- Caseworker not Responding to Phone Calls
- Caseworker Primary Responsibilities
- Not All Facts Documented in IMPACT

Rights of Children and Youth in Foster Care was the most frequent reason youth call FCO, and made up the largest number of substantiated and unsubstantiated complaints.

The report highlights the calls to FCO from youth that contain allegations of abuse or neglect while in licensed facilities. Of the 26 reports of abuse and neglect, ten involved minimum standards violations, ten were allegations of abuse or neglect, and six involved child's rights violations. Within the group of minimum standards allegations, four were allegations of staff verbal abuse and three were regarding being forced to participate in religious activities. The abuse and neglect complaints were predominantly allegations of staff verbal and physical abuse. Four of these involved allegations of illegal restraints including chokeholds. The child's rights violations are also minimum standards violations, and primarily involved basic care and needs not being met. FCO substantiated four complaints including the use of a chokehold restraint on a youth and the assignment of sleeping quarters in a case with a youth who had court-ordered supervision restrictions due to sexual aggression.

There are several areas in this year's report where FCO makes recommendations for addressing issues that have been identified by investigating complaints:

- DFPS staff should complete refresher training on the importance of following up on identified needs in a timely manner.
- Child Protective Services (CPS) management staff should ensure caseworker visits are completed timely.
- CPS management staff should ensure all caseworkers receive a refresher training in *CPS Rights of Children and Youth in Foster Care*. The training should highlight caseworker's responsibilities to respond to complaints related to these policies, and report to SWI when appropriate.
- That there be a requirement for DFPS and Health and Human Services Residential Child Care Licensing (HHS RCCL) to respond to FCO recommendations.
- That DFPS add to the *CPS Rights of Children and Youth in Foster Care* the youth's right to be notified of the outcome of any investigation in which they are involved.
- That IMPACT and CLASS IT systems be configured to provide a chronological documentation feature that date stamps all entries when they are entered, and that access to change or delete documentation be strictly limited.

As the result of the experience resolving two retaliation cases, FCO also makes a recommendation for addressing a clear process for receiving, reviewing, and responding to unplanned discharge requests in a timely manner, and documenting efforts or steps taken to work with providers to prevent placement disruption. Finally, FCO documents several positive changes based on FCO recommendations from the past year.

# 1. Introduction

Senate Bill 830, 84th Legislature, Regular Session, 2015, established FCO to serve as a neutral party in assisting children and youth in foster care with complaints regarding programs and services. The text of the bill can be found here:

<https://capitol.texas.gov/tlodocs/84R/billtext/pdf/SB00830F.pdf>

The bill requires FCO to publish an annual report of its activities each December. The law specifically requires the following elements be addressed in this report:

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

## 2. Background

FCO operations began on May 2, 2016. HHS Office of the Ombudsman (OO) staff worked with DFPS and external stakeholders to outline FCO administrative rules and standard operating procedures. Formal administrative rules for FCO were finalized January 13, 2017, and can be viewed here, by looking for Title 1, Part 15, Chapter 451, Subchapter B, Division 2:

<https://www.sos.state.tx.us/tac/index.shtml>

A website with contact and general information about FCO can be accessed here:

<https://hhs.texas.gov/foster-care-help>

FCO strives to adhere as closely as possible to the professional standards for governmental ombudsmen set out by the United States Ombudsman Association (USOA.) These standards are independence, impartiality, confidentiality, and credible review process. FCO's independence is assured by the enabling statute that created the office separate from the agency that has program responsibility for services. With the implementation of House Bill 5, 85th Legislative Session, 2017, a portion of DFPS's investigatory power was moved to the HHS system, where FCO also resides. However, FCO is part of the HHS OO and is organizationally structured outside the chain of command of all program areas. The HHS Regulatory Division houses HHS RCCL and reports to the Executive Commissioner through a different chain of command.

The FCO is required in its enabling statute to serve as a "neutral party" in assisting children and youth with complaints. This neutrality is best understood by the USOA's concept of impartiality:

*The ombudsman is not predisposed as an advocate for the complainant nor an apologist for the government, however the ombudsman may, based on investigation, support the government's actions or advocate for the recommended changes. (USOA Governmental Ombudsman's Standards, which can be accessed at: <http://www.usombudsman.org/site-usoa/wp-content/uploads/USOA-STANDARDS1.pdf>)*

Impartiality is achieved by the strict process by which FCO reviews DFPS and HHS policy and assesses how it is applied in each complaint brought by a youth. FCO staff do not make subjective judgments on what they think should have happened, but rather carefully compare each complaint with the agencies' policies so that findings directly relate to whether those policies were followed. All complaints reviewed are documented as substantiated or unsubstantiated and reported back to the agency. Recommendations are based on adherence to policy and are made with the goal of improving services for children and youth in foster care.

Confidentiality is required by the FCO statute, which makes it clear all communication with FCO is confidential. FCO must secure the consent of the youth before any information can be shared with any entity, including DFPS.

Finally, credible review is achieved through the statutory language that gives FCO access to all agency records so that investigations are thorough and complete. FCO standards that ensure only people with DFPS experience are hired are also part of this concept, which is meant to assure program staff FCO has the knowledge and experience necessary to make findings and recommendations in response to complaints from foster youth. Related to this, training requirements ensure FCO staff stay up to date with their knowledge of DFPS and HHS policy and practices.

The goals of FCO are to:

- have a positive impact on youth in foster care;
- make sure youth are cared for and getting the services they need;
- work proactively with partners to identify trends and systemic problems; and
- advocate for youth and teach youth to advocate for themselves.



### 3. Foster Care Ombudsman Work

Youth may contact FCO by phone, fax, mail, or online submission. FCO staff follow up with 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 a tracking system, the HHS Enterprise Administrative Report and Tracking System (HEART.)

Each case is reviewed to determine if DFPS or HHS policy was followed. FCO staff review all available information about a case through inquiry into DFPS and HHS case management systems, including Child Care Licensing Automated Support System (CLASS) and Information Management Protecting Adults and Children in Texas (IMPACT). Applicable policies include federal and state law, administrative rules, and program handbooks, including HHS human resources policy.

During their research, if FCO staff discover a violation of DFPS or HHS policy that was not included in the youth's complaint, an additional complaint is entered in the existing HEART case. This additional action is required by the FCO statute.

After review of available systems to determine a resolution of a complaint, FCO staff request a response from appropriate DFPS or HHS program staff, if the youth has authorized discussion of their case. This response is included in the HEART case record for each complaint.

Upon completion of a case, a written response is provided to program staff outlining policies reviewed, policies found to have been violated, policies found not to have been violated, and any recommended corrective actions. Program staff are requested to respond with a summary of actions taken in response to the FCO finding. Any response received by program staff is also included in the HEART case record for each complaint.

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 DFPS or HHS 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).

## 4. Contacts and Complaints

### Inquiry and Complaint Data

There were 627 contacts received in fiscal year 2018; however, only 202 were from children and youth in foster care. The remaining contacts were from others, such as family members or providers. Children and youth contacted FCO by phone, online submission, in person, email, letter, fax, or text message. Many of the youth made multiple complaints. Additionally, if FCO staff discovered further issues during review of a youth's complaint, those additional complaints are counted here.

Table 1. Top Five Contact Reasons: All Inquiries and Complaints

Contact Reason	CPS Handbook Section	Count
Rights of Children and Youth in Foster Care	Policy 6420 - CPS Rights of Children and Youth in Foster Care	117
Placement Issues	Policy 4114 - Required Factors to Consider When Evaluating Possible Placements	41
Caseworker not Responding to Phone Calls	Policy 6143.11 - Responding to a Message from a Child or Youth	25
Caseworker Primary Responsibilities	Policy 6314 - Primary Caseworker Responsibilities	21
Not All Facts Documented in IMPACT	Policy 6133 - Case Recording	15

*CPS Rights of Children and Youth in Foster Care* complaints are the leading reason for calls received on FCO's toll-free line. DFPS provides all children and youth in foster care the *CPS Rights of Children and Youth in Foster Care*. In accordance with CPS policy, these rights must be reviewed with a child or youth and the caregiver no later than 72 hours from the date the child comes into foster care, and when any subsequent placement changes occur.

The *CPS Rights of Children and Youth in Foster Care* can be viewed here:

[http://www.dfps.state.tx.us/Child\\_Protection/Foster\\_Care/Childrens\\_Rights.asp](http://www.dfps.state.tx.us/Child_Protection/Foster_Care/Childrens_Rights.asp)

FCO resolved 241 complaints in fiscal year 2018 (chart 1.) This includes complaints that were open at the close of the fiscal year 2017. Complaints may carry over from a previous year due to the time it takes to investigate and resolve complex complaints.

Chart 1. Complaints Resolved

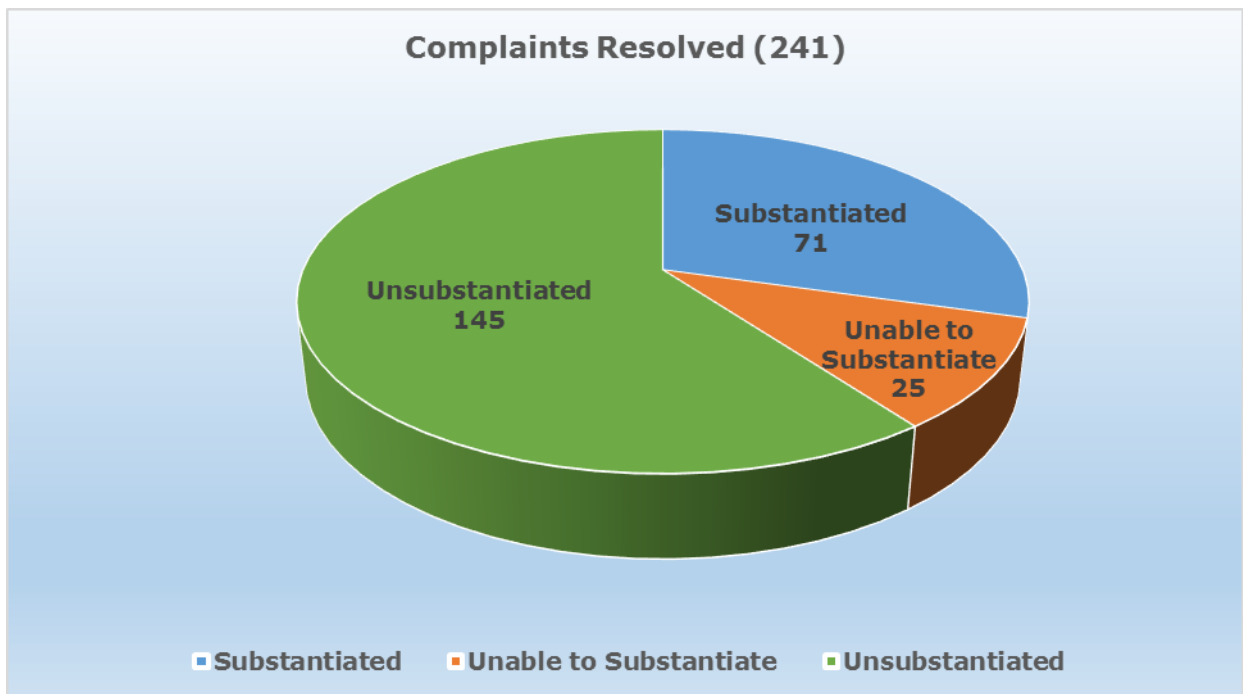


Table 2. Most Frequent Complaint Reasons by Resolution

Contact Reason	CPS Handbook Section	Substantiated	Unsubstantiated	Unable to Substantiate
Rights of Children and Youth in Foster Care	Policy 6420 - CPS Rights of Children and Youth in Foster Care	20	62	18
Placement Issues	Policy 4114 - Required Factors to Consider When Evaluating Possible Placements	1	36	3
Caseworker not Responding to Phone Calls	Policy 6143.11 - Responding to a Message from a Child or Youth	12	10	3
Caseworker Primary Responsibilities	Policy 6314 - Primary Caseworker Responsibilities	10	11	0
Not All Facts Documented in IMPACT	Policy 6133 - Case Recording	15	2	0

While complaints related to the 45 rights included in the *CPS Rights of Children and Youth in Foster Care* were the most substantiated, they also represented the largest group of unsubstantiated complaints. The three most common include:

- #1 Right to be told why I am in foster care, what will happen to me, what is happening to my family (including brothers and sisters), and how is CPS planning for my future?;
- #2 Right to good care and treatment that meets my needs in the most family-like setting possible; and

- #38 Right to go to court and speak privately to my caseworker, attorneys, administrators, probation officer, court appointed special advocate, and Disability Rights of Texas at any time.

Youth often report to FCO they are frustrated with CPS or their placements not providing a full understanding of what's going on in their case. While in some cases the youth may have a valid complaint, after researching the youth's case, FCO often determines CPS or the placement made efforts to address the youth's concern and the case is unsubstantiated.

Placement issues are also noted to represent a large number of unsubstantiated complaints. In most cases, FCO can see from case documentation that CPS has made diligent efforts to locate an appropriate placement for youth expressing dissatisfaction with their placement and asking to be moved. For example, it is not uncommon for FCO to see a prior placement has indicated they will not allow a youth to return due to their history. This is especially common when youth are temporarily hospitalized.

Cases categorized under the Contact Reason "Not All Facts Documented in IMPACT" are an example of those initiated by FCO staff, as foster youth do not necessarily know whether their CPS caseworker had documented their case appropriately. After speaking with the youth, FCO staff review IMPACT to ensure they have a complete understanding of the caseworker's actions. When that documentation does not follow DFPS policy regarding case records, FCO substantiates this and reports the violation to DFPS.

Chart 2. Substantiated Complaints by Region

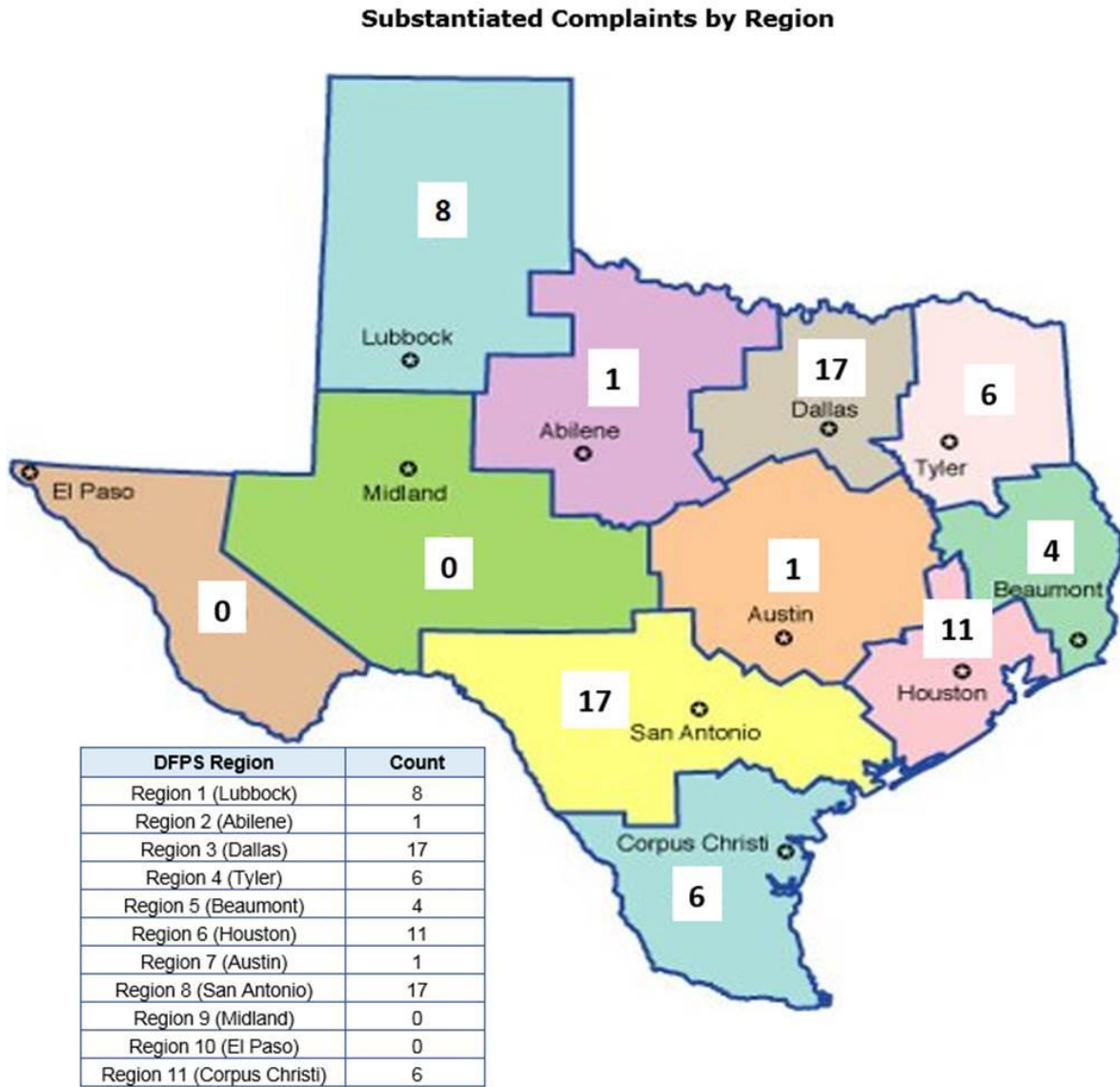


Chart 2 shows the distribution of substantiated complaints across the DFPS regions. While Regions 3, 6, and 8 show the highest number of substantiated complaints, that is in line with expectations given the large number of foster youth placed in those regions. Additionally, FCO's highest volume of complaints are received from these same three regions.

## Complaint Reports to Statewide Intake

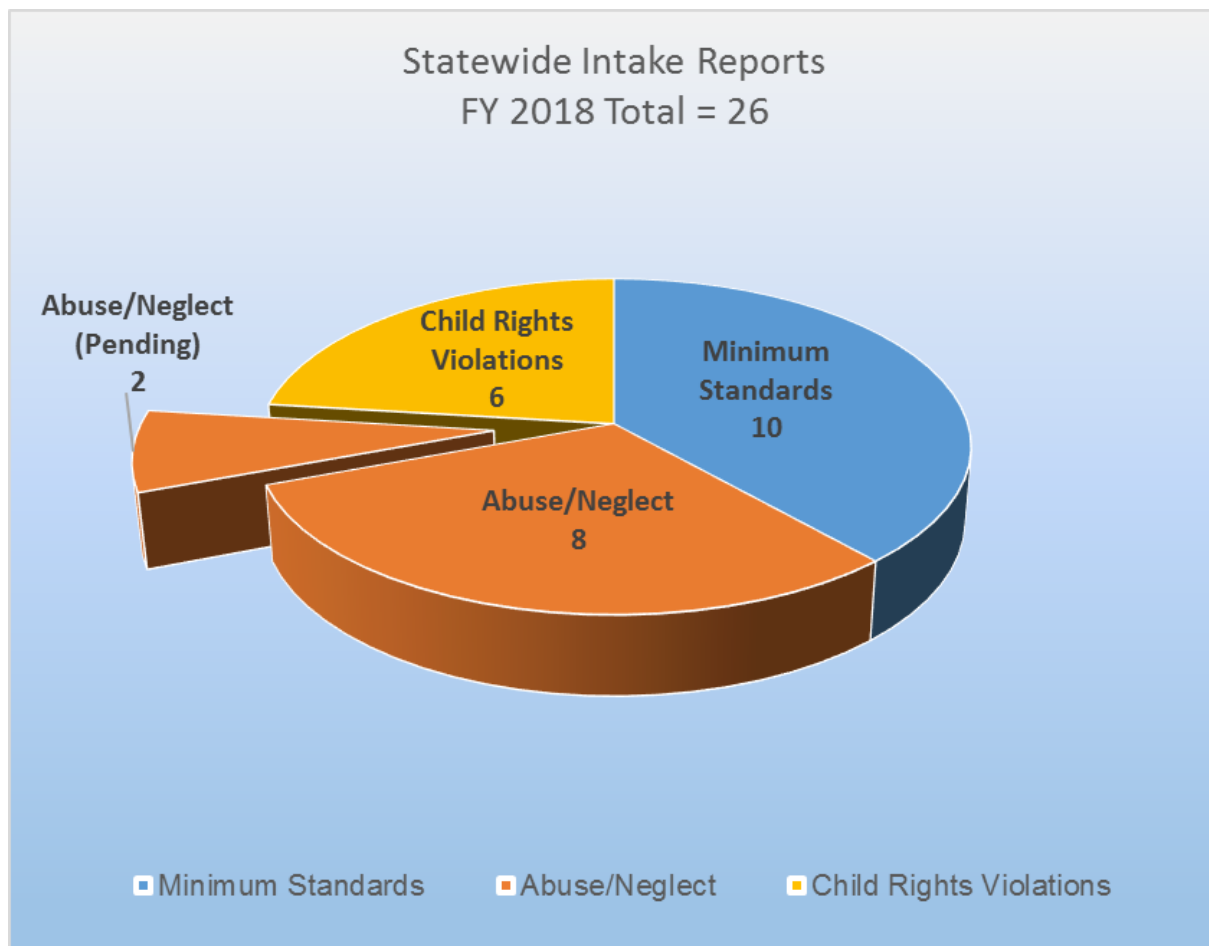
When youth contact FCO with a complaint that includes allegations of abuse and neglect, minimum standards violations, or possible violations of the *CPS Rights of Children in Foster Care*, the related part of the complaint is reported to DFPS Statewide Intake (SWI).

DFPS Investigations is responsible for investigating allegations of child abuse and neglect to protect the health, safety, and well-being of children in care. HHS RCCL is responsible for investigating and enforcing minimum standards of care violations and *CPS Rights of Children in Foster Care*.

Sometimes part of the complaint regarding CPS policy may still be handled by FCO, but all complaints of abuse and neglect called in to FCO by a youth and investigated by DFPS and HHS RCCL are reviewed by FCO to ensure the youth's complaint was fully addressed.

In fiscal year 2018, there were 26 contacts from youth in foster care that included allegations of abuse and neglect, minimum standards violations, or violations of *CPS Rights of Children in Foster Care*. The chart below shows the number of abuse and neglect, Minimum Standards, and *CPS Rights of Children in Foster Care* complaints referred to DFPS SWI (*Note: CPS Rights of Children in Foster Care complaints often duplicate Minimum Standards violations and if so are counted in the chart as "Minimum Standards".*)

Chart 3. Statewide Intake Reports



Of the 26 reports of abuse and neglect, ten involved minimum standards violations, ten were allegations of abuse or neglect and six involved child’s rights violations. Within the ten minimum standards allegations, four were allegations of staff verbal abuse and three were regarding being forced to participate in religious activities. The abuse and neglect complaints were predominantly allegations of staff verbal and physical abuse. Four of these involved allegations of illegal restraints including choke holds. The child’s rights violations are also minimum standards violations, and were primarily basic care needs such as taking away a cell phone and failure to provide cleaning supplies.

FCO does not investigate abuse and neglect complaints, but has a statutory obligation to follow up on the abuse and neglect cases reported to them by youth to ensure the issues were fully addressed.



In the ten abuse and neglect cases that resulted from calls to FCO, FCO reviewed the investigation findings of the cases and found the actions taken by DFPS or HHS were not in accordance with their policy in four of the cases. These four cases included the use of a chokehold restraint on a youth and the assignment of sleeping quarters in a case with a youth who had court-ordered supervision restrictions due to sexual aggression.

In these four cases, FCO recommended stronger action be taken by regulatory and investigations staff to correct the issues substantiated in the complaint, and also recommended additional training for staff to correct oversights made in the investigation process.

FCO may publically report de-identified complaint findings, as allowed in statute, to more fully illustrate the kinds of issues and trends experienced by foster care youth.

## 5. FCO Recommendations

### FCO Recommendations to Address Most Frequent Complaints

The top substantiated complaints listed in Table 2 resulted in the following recommendations for CPS:

- Staff should complete refresher training on the importance of following up on identified needs in a timely manner.
- Management staff should ensure caseworker visits are completed timely.
- Management staff should ensure all caseworkers receive a refresher training in CPS *Rights of Children and Youth in Foster Care*. The training should highlight caseworker's responsibilities to respond to complaints related to these policies, and report to SWI when appropriate.

CPS provided a list of 27 actions taken in response to FCO recommendations for the 71 substantiated complaints. This represents a 38 percent response rate to FCO recommendations. Of the 27 actions taken:

- One action indicated a written warning was given to the caseworker.
- Three actions indicated training was provided.
- Three actions indicated the program director will review the policy violation.
- 20 actions indicated "counseled with the worker."

*Further Recommendation: Follow up from DFPS on FCO recommendations is presently not mandated in the MOU agreed to by both agencies. In order to close the loop on complaints and share valuable insight into the process, FCO recommends there be a requirement for DFPS or HHS RCCL to respond to FCO recommendations.*

*Feasibility of Recommendation: Would require agreement among entities and update of MOU, likely achievable within one year.*

FCO also recommended that youth who reported abuse or neglect be notified of the outcome of the investigation. There are rules (40 TAC §745.8445) and DFPS handbook policies (6633, *Notifying the Reporter of Investigation Results*) in place

that require the reporter to be notified of the outcome of a case. There are additional policies that require the caseworker be notified in cases involving foster care youth (6635, *Special Notifications for Investigations Involving Children in DFPS Conservatorship*). However, FCO recommended clarification that notification should also include a youth if they are the reporter or victim. In a meeting with FCO staff, DFPS agreed that notifying the youth of investigation outcomes was reasonable and fair. DFPS indicated they would communicate that to field staff.

*Further Recommendation: In addition to this verbal communication to field staff, FCO also recommends that DFPS add to the CPS Rights of Children and Youth in Foster Care the youth's right to be notified of the outcome of any investigation in which they are involved as the victim or the reporter, with appropriate support from a therapist, when necessary.*

*Feasibility of Recommendation: Would require update to the CPS Rights of Children and Youth in Foster Care, likely achievable within one year.*

## **FCO Recommendation for Consistent, Timely Documentation: Follow Up to Fiscal Year 2017**

During fiscal year 2017, the most frequent substantiated complaint was "Not all Facts Documented in IMPACT" (37). For fiscal year 2018, the number substantiated complaints for this reason decreased to 15. While this is excellent progress, this still made the top five complaint reasons. Some cases still showed narratives copied and pasted from one month to the next month in the contact summary, making it difficult to know if the caseworker actually visited the youth. FCO continued to see instances of caseworkers not updating cases timely.

The IMPACT and CLASS systems allow staff to enter post-dated documentation, making it difficult to verify the documentation existed prior to it being cited by FCO. Also, at times FCO staff were able to verify that documentation had been changed at a later date, because supervisors have the ability to change previous documentation. This makes it difficult to track actions taken or not taken as the case progresses and to verify findings in FCO complaints.

*Further Recommendation: For accountability and transparency, FCO recommends IMPACT and CLASS be configured to provide a chronological*

*documentation feature that date stamps all entries when they are entered, and that access to change or delete documentation be strictly limited.*

*Feasibility of Recommendation: Unknown, considering potential cost/technical effort. Unlikely to be achievable within one year unless recommendation coincides with other planned updates to these systems.*

## **FCO Recommendations for Retaliation Cases**

As defined through a joint agreement of DFPS and FCO staff, retaliation is a harmful action taken because of, or substantially motivated by, reprisal or revenge in response to a legally protected activity, such as making a good faith complaint. By statute, FCO determines what constitutes retaliation but is charged collaborates with DFPS to determine consequences for the person or entity found to have retaliated. FCO has investigated two cases of retaliation since May 2016. The two cases are described in this report because they were closed in fiscal year 2018.

The first case was received in June 2016. A youth claimed his rights were violated because he was punished by having an outing taken away for choosing not to participate in religious activity at his placement. The youth felt that was unfair and a violation of his rights, so he talked with his caseworker, his Court Appointed Special Advocate, and the placement administrator. He reported that several negative actions took place after he did so, including a safety plan being put in to place and later extended for what seemed to be minor infractions.

Once FCO contacted CPS to address the issues, CPS requested the placement consider flexibility with the youth and rewrite the safety plan to be a reminder of the rules and not be used as punishment. The youth contacted FCO again and said the placement had issued a notice of discharge. Despite efforts by FCO to request another solution, CPS said it could not force a placement to retain a youth once they have submitted a notice, and the youth was discharged.

In March 2017, FCO received a second retaliation complaint. The youth indicated he asked his foster mother for personal items like clothing, a lock box for personal documents, and drive time so he could get a license. CPS directed his foster mother to help with these tasks but she did not. The youth also said there were bed bugs in his room when he first moved to the home, and although the room had been exterminated, the bugs were still there.

FCO initiated contact and CPS asked the foster mother to get the lock box and take the youth to the doctor for the bug bites. The caseworker visited the home to address the issues after the youth contacted FCO. During the visit the foster parent verbally indicated she wanted the youth removed from her home. The youth was discharged from this placement.

FCO determined in both cases the placements took retaliatory actions against the youth for making a good faith complaint. FCO and DFPS attempted on several occasions to collaborate on a plan to address these cases. However, collaboration efforts were not successful for several reasons:

- CPS indicated they do not have the authority to implement enforcement action on contracted placement homes, indicating HHS RCCL is responsible for that.
- DFPS and HHS RCCL indicated FCO recommendations were too prescriptive and they would need to use their standards to determine what happens if they agreed that a youth is retaliated against.
- HHS RCCL indicated they would not be able to place a contractor or provider on an enforcement action based on a single incident of retaliation, that instead a pattern would have to be proven.
- FCO failed to follow up timely when negotiations with DFPS did not result in an agreement on the retaliation findings or consequences.
- There was no formal process among the agencies for addressing retaliation.

When DFPS was removed from the HHS system and designated as a stand-alone agency by the Legislature, a formal MOU was signed by the DFPS and HHS Commissioners outlining a process for addressing retaliation cases. FCO must immediately notify DFPS or HHS RCCL of a finding of retaliation and follow up so these situations can be addressed quickly.

*Further Recommendation: CPS implement a clear process for receiving, reviewing, and responding to unplanned discharge requests in a timely manner, and document efforts or steps taken to work with the provider to prevent placement disruption.*

*Feasibility of Recommendation: Unknown, would require collaboration between CPS and providers to formulate and implement requirements, possible contract amendments to include process in required procedures. Unlikely to be achievable within one year.*

## 6. Changes Resulting from Substantiated Complaints

During fiscal year 2018, FCO noted positive changes in the following areas related to substantiated complaints and recommendations noted in previous reports:

- The number of substantiated complaint findings for the most frequent complaint in the 2017 Report on the Ombudsman for Children and Youth in Foster care, CPS caseworkers failing to document actions taken, were reduced by 60 percent in this year's report.
- CPS began reporting back to FCO in some cases when corrective actions were taken as a result of an FCO finding and recommendation.
- DFPS and HHS RCCL staff have initiated follow up investigations after FCO intervention in specific cases. These follow up investigations have often resulted in citations that were not issued in the original investigation.

## 7. Foster Care Ombudsman Promotional Efforts

FCO undertook several additional promotional efforts this year to ensure youth in foster care are aware of FCO's contact information and its role. FCO drafted letters to stakeholders and providers and offered site visits to share FCO information with management and staff at residential placements, as well as with youth, particularly younger youth who are the most vulnerable population in care.

At the start of FCO operations in 2016, DFPS CPS caseworkers were informed about FCO and notified that CPS *Rights of Children and Youth in Foster Care* was updated to include FCO contact information. Additional information was also provided to DFPS caseworkers for clarification about FCO and its process. The CPS *Rights of Children and Youth in Foster Care* is required to be reviewed with a youth in foster care and their caregiver no later than 72 hours after their placement and any subsequent placement changes. Additionally, DFPS required all residential child care facilities in which youth in foster care are placed to display a poster with FCO's contact information. A copy of the poster can be accessed near the bottom of the FCO website:

<https://hhs.texas.gov/foster-care-help>

FCO produced and procured items with its contact information to distribute to youth in foster care during Preparation for Adult Living (PAL) meetings and other youth in foster care events. These items include: an FCO brochure and bookmark, backpack, tumbler, pen, and lanyard that has a USB drive attached. The lanyard was pre-loaded with a copy of CPS *Rights of Children and Youth in Foster Care*. All of the items were chosen in a neutral green to suit males and females. Each item contains FCO contact information.

In fiscal year 2018, FCO attended 18 PAL meetings across the state and one Youth Leadership Council meeting.

During fiscal year 2018, FCO met 715 youth in PAL conferences across the state.

Table 3: Fiscal Year 2018 PAL Seminar, Conference Attendance, and Stakeholder Meetings

<b>Date</b>	<b>Event</b>	<b>Location</b>	<b>Number of Youth at Event</b>
October 5, 2017,	PAL Aging Out Seminar	Kingsville	45
October 21, 2017	Youth Leadership Council	Dallas	18
November 6, 2017	PAL College Conference	Commerce	60
December 19, 2017	PAL College Conference	Tyler	2
December 21, 2017	PAL Aging Out Seminar	Beaumont	35
March 30, 2018	PAL College Conference	Brownwood	47
April 21, 2018	PAL Aging Out Seminar	Goldthwaite	25
May 26, 2018	PAL Aging Out Seminar	Stafford	30
June 6, 2018	Texas Network of Youth Services Conference for Youth and Families	Houston	50
June 13, 2018	PAL Aging Out Seminar	Beaumont	20
June 24, 2018	PAL College Conference	Denton	165
July 11, 2018	PAL Aging Out Seminar	Austin	50



<b>Date</b>	<b>Event</b>	<b>Location</b>	<b>Number of Youth at Event</b>
July 25, 2018	PAL Aging Out Seminar	San Antonio	56
August 8, 2018	PAL Aging Out Seminar	Lufkin	20
August 17, 2018	PAL College Conference	Austin	42
August 27, 2018	Stakeholder Meeting	Austin	N/A

## **Fiscal Year 2019 Planned Activities**

The 85<sup>th</sup> Legislature provided three additional full-time positions for FCO. These additional staff were hired in fiscal year 2018 and are preparing to do outreach and site visits to increase FCO’s ability to reach more children and youth in foster care, and share information about FCO services.

In the coming year, FCO efforts will be focused on continuing to visit with youth who participate in the PAL meetings across the state, but also beginning visits to youth who are placed in residential treatment centers. It is assumed these in-person visits will allow FCO to interact with younger youth, and perhaps receive complaints from youth that have not previously contacted FCO the toll-free line.

## **8. Public Comments Relating the Previous Annual Report**

FCO received no public comments regarding the 2017 Report on the Ombudsman for Children and Youth in Foster Care, which can be accessed at the bottom of the FCO website:

<https://hhs.texas.gov/foster-care-help>

## 9. Conclusion

According to DFPS, there are over twenty thousand youth in the foster care system in Texas at any given time. By virtue of these children and youth being removed from their families under stressful circumstances, they are critically in need of compassionate care and support. It is the goal of FCO to offer an independent perspective on DFPS' and HHS RCCL's work, one that is useful in improving the daily experience of those children and youth.

There is need for a strong partnership among DFPS staff who place youth in foster care, DFPS staff who investigate abuse and neglect, HHS RCCL staff who monitor programs to protect youth in placement, and FCO staff. The observations and recommendations in this report are made with the hope that, working together, DFPS, HHS and FCO can improve the lives of children and youth in foster care.

## 10. Glossary

**Child Care Licensing Automated Support System (CLASS)** – The HHS information system used by Child Care Licensing staff for record management.

**Contact** – An attempt by a youth to inquire or complain about HHS or DFPS programs or services.

**Complaint** – A contact regarding any expression of dissatisfaction by a youth.

**Fiscal Year 2018** - The 12-month period from September 1, 2017 through August 31, 2018, covered by this report.

**Foster Care Ombudsman (FCO)** – A neutral party that reviews questions and complaints from children and youth in foster care regarding case specific activities of DFPS and HHS programs areas to determine if policies and procedures were followed.

**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 or DFPS programs or services.

**Placement Hold** – A decision not to allow placements into a licensed residential child care program for a prescribed period of time.

**Residential Treatment Center (RTC)** – A general residential operation for 13 or more children or young adults that exclusively provides treatment services for children with emotional disorders.

**Resolution** – The point at which an FCO determination can be made as to whether a complaint is substantiated, and further action is unnecessary by FCO.

**Rule out** – The determination by DFPS staff of an allegation of abuse or neglect which were unfounded.

**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 under the age of 18 in the conservatorship of DFPS.

## **List of Acronyms**

<b>Acronym</b>	<b>Full Name</b>
CLASS	Child Care Licensing Automated Support System
CPS	DFPS Child Protective Services
DFPS	Department of Family Protective Services
FCO	Ombudsman for Children and Youth in Foster Care
HEART	HHS Enterprise Administrative Report and Tracking System
HHS	Texas Health and Human Services
IMPACT	Information Management Protecting Adults and Children in Texas
MOU	Memorandum of Understanding
OO	HHS Office of the Ombudsman
PAL	Preparation for Adult Living
RCCL	HHS Residential Child Care Licensing
RTC	Residential Treatment Center
SSCC	Single Source Continuum Contractors
SWI	DFPS Statewide Intake