

Date of Hearing: May 5, 2021

**ASSEMBLY COMMITTEE ON APPROPRIATIONS**

Lorena Gonzalez, Chair

AB 31 (Lackey) – As Amended April 8, 2021

Policy Committee: Human Services

Vote: 8 - 0

Urgency: No

State Mandated Local Program: No

Reimbursable: No

**SUMMARY:**

This bill establishes the Office of the State Child Protection Ombudsperson (Office) within the California Department of Social Services (CDSS) for the purpose of reviewing individual casework, observing management structures and suggesting systematic alteration of the child welfare system (CWS). Specifically, this bill:

- 1) Establishes the Office as an autonomous entity within CDSS for the purpose of reviewing individual casework, observing management structures, and suggesting systematic alteration.
- 2) Requires the Governor to appoint the Ombudsperson subject to Senate confirmation.
- 3) Requires the Ombudsperson to serve for a term of two years.
- 4) Requires the Ombudsperson, in consultation with CDSS, to hire the necessary personnel to perform the functions of the Office, giving priority to former foster youth in hiring decisions.
- 5) Requires the Office to perform specified duties, including disseminating information on the rights of children and the services provided by the Office, investigating all child deaths caused by abuse or neglect if, at the time of a child's death, there was an active investigation by the CWS to determine if the child was being abused or neglected or there was a report that the child was subject to abuse or neglect and providing for the operation of a toll-free telephone hotline to receive complaints related to child welfare, among other requirements.
- 6) Requires the Office to submit a report to the Legislature at the end of each two-year legislative session with data collected by the office describing the nature of the complaints received and systemic suggestions to improve the CWS.

**FISCAL EFFECT:**

Estimated costs of approximately \$1.5 million (GF) annually to CDSS for approximately 10 full-time staff to perform the functions of the newly established Office. This estimate uses as a proxy the Office of the Foster Care Ombudsperson (OFCO), which has a staff of nine, an annual budget of nearly \$1 million, and approximately 22,000 contacts annually related to complaints. The office established in this bill would serve children involved with child protective services as well as anyone with a complaint related to child welfare. It is anticipated this caseload would be substantially larger than that of the OFCO.

**COMMENTS:**

- 1) **Purpose.** This bill seeks to better protect all children from abuse and neglect by creating a child protection ombudsperson. According to the author, “We are keenly aware that adverse childhood experiences can have life-long effects on how individuals process stress: an undetected cause of suffering later in life. We must do better for our children by establishing a statewide office with the sole purpose of child advocacy.”
- 2) **Background.** Existing law requires CDSS and county welfare departments to establish and support a public system of statewide child welfare services to protect children from abuse and neglect and provide for their health and safety. When children are identified as being at risk of abuse, neglect or abandonment, a county juvenile court takes legal jurisdiction. Through this system, there are multiple opportunities for the custody of the child, or their placement outside of the home, to be evaluated, reviewed and determined by the judicial system, in consultation with the child’s social worker, to help provide the best possible services to the child. The CWS system seeks to help children who have been removed from their homes reunify with their parents or guardians, whenever appropriate. However, the court may determine that an alternate permanent placement is more fitting and give preference to relatives or nonrelative extended family members. There are currently nearly 60,000 children and youth in California’s CWS.
- 3) **Foster Care Ombudsperson.** The OFCO was created to provide foster youth with an independent forum for review and resolution of concerns related to the care, placement, or services provided to children and youth in foster care. The ombudsperson is responsible for investigating and resolving complaints made by foster youth regarding their care and compiling data regarding contacts, investigations and unresolved complaints. The ombudsperson is also responsible for disseminating information relating to the Foster Youth Bill of Rights and ensuring that children and youth in foster care know their rights. Additionally, the ombudsperson is responsible for reviewing amendments to laws applicable to foster youth at the end of every two-year Legislative session and determining whether updates to the Foster Youth Bill of Rights should be recommended.

This bill creates a new ombudsperson office to investigate deaths caused by abuse or neglect if, at the time of a child’s death, there was an active investigation by CWS to determine if the child was being abused or neglected. Additionally, the new office serves as the ombudsperson for a county if the county does not have a local ombudsperson, and can review the cases of children whose families have been referred to family maintenance and reunification services. These duties differ from the OFCO in that the new office is anticipated to protect and serve at-risk children who have not yet entered foster care.

Twenty-two states, including California, have a children’s ombudsperson or child advocate office that handles and investigates complaints from citizens and families related to government services for children and families.