

BEFORE THE  
DEPARTMENT OF SOCIAL SERVICES  
STATE OF CALIFORNIA

In the Matter of:

PAMELA OXFORD  
dba Oxford Foster Home  
11512 Jenlee Avenue  
Bakersfield, CA 93312

Respondent.

Case No. 150718301

ACCUSATION  
(Revocation)

OAH No. L2008040150

10 CDSS 07

PROPOSED DECISION

This matter was heard by Julie Cabos-Owen, Administrative Law Judge with the Office of Administrative Hearings, on April 14, 2008, in Los Angeles, California. Complainant was represented by Thomas Davis, Staff Counsel for the Department of Social Services. Pamela Oxford (Respondent) was present and represented herself.

At the hearing, the Administrative Law Judge ordered that Complainant's Exhibits 6 and 7 be placed under seal following the use of the documents in preparation of the Proposed Decision. These exhibits shall remain under seal and shall not be opened, except by order of the Office of Administrative Hearings or by a reviewing court.

Oral and documentary evidence was received and argument was heard. The record was closed and the matter was submitted for decision on April 14, 2008.

FACTUAL FINDINGS

1. Complainant, Jo Frederick, filed the Accusation in her official capacity as Deputy Director of the Community Care Licensing Division of the Department of Social Services (Department), State of California.

2. Respondent is licensed by the Department to operate a foster family home at 11512 Jenlee Avenue, Bakersfield, California (facility). The license was in full force and effect at all relevant times.

3. During a period of time including April of 2006, Respondent failed to report that adult and minor relatives were residing at the facility. This is a violation of California Code of Regulations, title 22, section 89361, subdivision (f).

4. During a period of time including April of 2006, Respondent permitted children to sleep in the facility living room. This is a violation of California Code of Regulations, title 22, section 89387, subdivision (a)(3).

5. During a period of time including April of 2006, Respondent permitted an adult to sleep with a child or children. This is a violation of California Code of Regulations, title 22, section 89387, subdivision (a)(8).

6. At the administrative hearing, Respondent admitted that she was “guilty” of the April 2006 violations. She recalled attending a compliance conference in May of 2006, regarding the violations noted in Factual Findings 3, 4 and 5 and agreeing to complete a Title 22 class. However, Respondent also testified that the adult sleeping with the children was her son-in-law and that he was sleeping with his two biological sons. Nevertheless, Respondent could offer no explanation for failing to mention this parental relationship during the May 2006 compliance conference. Moreover, while Respondent indicated that one of the three other boys residing at the facility would sleep in the living room when the father slept in the boys’ bedroom, she did not explain where the two other boys slept. Consequently, the preponderance of the evidence established that an adult at the facility shared sleeping space with at least one child who was not his biological child.

7. From March 22, 2007, to April 3, 2007, Child #1 was a foster child at the facility, on emergency placement for up to 14 days.<sup>1</sup>

8. From March 22, 2007, to April 3, 2007, Child #1 was not provided with adequate, properly-fitting clothing. During that time frame, Respondent allowed Child #1 to wear overly-tight jeans, despite Child #1 continually pulling on the jeans at her vaginal area. This is a violation of California Code of Regulations, title 22, section 89372, subdivisions (a) and (c)(6).

9. On April 3, 2007, after Child #1 was moved from the facility, the new foster parent noticed dried blood on Child #1’s underwear. She took Child #1 to the hospital, and Child #1 was diagnosed with vaginitis.

10. During an April 2007 interview with a county social worker regarding the too-tight jeans, Respondent explained that she did not buy Child #1 better-fitting clothing because she did not know how long she was going to have Child #1, who was an emergency placement. Respondent also remarked that she did not want to “seem mean,” and that Child #1 liked the jeans.

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<sup>1</sup> The children are identified as “Child #1” and “Child #2” to protect their privacy.

11. During the April 2007 interview with the county social worker, Respondent reported certain behaviors by Child #1, including: (1) that Child #1 frequently touched or pulled her pants at the vaginal area; (2) that Child #1 was "aggressive" toward boys and tried to hug and kiss them; (3) that Child #1 stole food from others and from the cupboards at night; (4) the Child #1 lied; and (5) that Child #1 had chewed on a pencil eraser and bitten the metal part. Respondent had not previously reported these behaviors to the Department. She told the social worker that she did not do so because "it was not a big deal at the time," and she did not "want to seem like a tattler."

12. At the administrative hearing, Respondent further explained that she thought the behaviors were normal and that she could "take care of it on her own," without help from social workers. Respondent also noted that "kids chew on pencils," and "it is normal for a child to chase boys around."

13. Respondent's explanation was reasonable regarding lying and chewing the pencil, since these behaviors did not "threaten the physical or emotional safety of any child."<sup>2</sup> However, Child #1's frequent pulling of her pants at the vaginal area indicated potential physical issues, ranging from possible sexual abuse to infection, the latter being discovered as the actual cause. Additionally, Child #1's chasing boys could indicate an emotional issue which needed to be addressed, and, depending on the amount of aggressiveness, could threaten the physical or emotional safety of the other children. Furthermore, stealing food could indicate possible physical problems (excessive hunger of unknown etiology) or emotional problems which needed to be addressed.

14. Respondent's failure to report to the Department Child #1's frequent pulling on her pants at the vaginal area, her aggressiveness toward boys and her stealing food constituted a violation of California Code of Regulations, title 22, section 89361, subdivision (a)(3).

15. From March 22, 2007, to April 3, 2007, Child #1, who was over age five years old, was required to share a bedroom with Child #2, who was of the opposite sex. This is a violation of California Code of Regulations, title 22, section 89387, subdivision (a)(2), which prohibits children of the opposite sex from sharing a bedroom "unless each child is under five years old."

16. At the administrative hearing, Respondent explained that she made "an honest mistake in placing those two together." Respondent explained that she thought she could put children of the opposite gender in the same room if they were five years old. This was an erroneous and unreasonable reading of the regulation.

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<sup>2</sup> California Code of Regulations, title 22, section 89361, subdivision (a)(3) requires that a caregiver shall report to the Department "[a]ny unusual incident or child absence which threatens the physical or emotional health or safety of any child."

17. After the May 2006 compliance conference, Respondent completed "Title 22" classes. At the administrative hearing, she stated that she would be willing to complete the "Title 22" classes again "to understand more."

### LEGAL CONCLUSIONS

1. Cause exists, pursuant to Health and Safety Code Section 1550, subdivision (a), to revoke Respondent's license to operate a foster family home, based on Respondent's violations of California Code of Regulations, title 22, sections 89361, subdivisions (a)(3) and (f), 89372, subdivisions (a) and (c)(6), and 89387, subdivisions (a)(2), (a)(3) and (a)(8), as set forth in Factual Findings 3 through 16.

2. Cause exists, pursuant to Health and Safety Code Section 1550, subdivision (c), to revoke Respondent's license to operate a foster family home, based on Respondent's violations of California Code of Regulations, title 22, sections 89361, subdivisions (a)(3) and (f), 89372, subdivisions (a) and (c)(6), and 89387, subdivisions (a)(2), (a)(3) and (a)(8), which constitutes conduct inimical to the health, welfare and safety of an individual in, or receiving services from, the facility, as set forth in Factual Findings 3 through 16.

3. In 2006, Respondent committed various violations, including providing improper sleeping arrangements and failure to report information to the Department. She was allowed to complete Title 22 training to learn how to comply with the regulations governing foster care. Despite that training, Respondent again committed violations in 2007 which included failure to provide adequate clothing and failure to report information to the Department pertaining to a child's physical and/or emotional health. Although Respondent is willing to repeat the Title 22 training, the evidence did not establish that the training would be fruitful this time. The violations have escalated to the point where a child's medical issue was ignored. The Department should not wait until the violations escalate further. Protection of the public health, safety and welfare warrant revocation of Respondent's foster family home license.

### ORDER

**WHEREFORE, THE FOLLOWING ORDER is hereby made:**

Respondent Pamela Oxford's license to operate a foster family home is revoked.