

REPORT TO THE LEGISLATURE

ON

INVESTIGATION OF COMPLAINTS AGAINST

CERTIFIED FAMILY HOMES

AND

FOSTER FAMILY AGENCIES

JUNE 2001

STATE OF CALIFORNIA
Gray Davis, Governor

HEALTH AND HUMAN SERVICES AGENCY
Grantland Johnson, Secretary

CALIFORNIA DEPARTMENT OF SOCIAL SERVICES
Rita Saenz, Director

**Report to the Legislature on the California Department of Social
Services Experiences in Investigating Complaints Against
Foster Family Agencies and Certified Family Homes**

LEGISLATIVE MANDATE

The Budget Act of 2000 requires the California Department of Social Services to report to the legislature no later than June 30, 2001, on the Department's experiences in completing complaint investigations of Foster Family Agencies and the homes certified by them.

(Assembly Bill 1740, Chapter 52, Statutes of 2000, Item 5180-001-0001, Provision 6)

Additional copies of this report can be obtained from:

California Department of Social Services
Community Care Licensing Division
744 P Street, Mail Station 19-50
Sacramento, California 95814
(916) 322-5502

EXECUTIVE SUMMARY

Foster Family Agencies (FFAs) are private non-profit corporations that recruit and provide training and support to foster parents, provide social work services to the children in care and certify family homes. FFAs were statutorily created as an alternative to group homes in 1984. They were originally established as an adjunct to adoption agencies. FFAs are licensed by the Department of Social Services, Community Care Licensing Division (CCLD). In turn, FFAs certify homes to provide care for children that counties place with the FFA. Senate Bill 933 (Chapter 311, Statutes of 1998) amended the Health and Safety Code to require that the Department investigate complaints against certified family homes. Prior to SB 933, FFAs were responsible for investigating complaints against their own certified family homes.

Assembly Bill (AB) 1740 (Chapter 52, Statutes of 2000) requires the Department to report to the Legislature by June 30, 2001, on the Department's experiences in completing complaint investigations of FFAs and their certified homes. This report meets the legislative mandate and delineates the Department's experience in investigating and resolving complaints.

As mandated by the statute, in consultation with the stakeholders, the Department identified issues and lessons learned in complaint processing. To obtain stakeholder input for this report, the Department convened two geographically dispersed focus groups in Los Angeles and in Sacramento. The intent was to provide a forum for providers and other interested stakeholders to share their experiences and concerns regarding CCLD's investigation of complaints against certified family homes or FFAs as required by SB 933.

Complaint investigation is one of the most important child protection and regulatory enforcement functions of CCLD. Both CCLD and the provider community take complaints very seriously as the allegations, if proven, may reveal serious deficiencies that could compromise the health and safety of children in care. Licensing analysts in the district offices are statutorily required to initiate complaint investigations within 10 calendar days. If the complaint involves the death of a child, CCLD has an administrative requirement that an on-site visit must be made within two days.

CCLD assigns priority codes to all allegations based on the seriousness of the allegations. The more serious violations are assigned priority I and II allegation codes. These allegations are referred to the CCLD's Regional Investigation Sections. Examples of priority I violations include sexual abuse, bodily injury, death or serious neglect. Priority II allegations include inappropriate sexual behavior, physical abuse or actions by the foster parent that result in felony offenses.

From January 1, 2000, until December 31, 2000, the period used for this report, there were approximately 12,124 certified family homes. During this period, CCLD received 2,546 complaints, containing 4,208 allegations against Certified Family Homes. A complaint may contain more than one allegation. The majority of allegations for year 2000 were priority III and IV, the less serious allegations. Specifically, for 2000, the allegations included 9 percent priority I, 20 percent priority II, 40 percent, priority III, and 31 percent priority IV. Of the 2,546 complaints received during this period, 2,163 or 85 percent have been closed. The remaining 193 are either still under investigation or information has not been entered into the database.

The four most frequent allegations were in the areas of personal rights (35 percent), physical abuse/corporal punishment violations (26 percent) neglect/lack of supervision (19 percent) and sexual abuse (6 percent). During calendar year 2000 these four most frequently cited allegations accounted for 86 percent of all allegations. All other codes combined for the remaining 14 percent.

When the investigation of a complaint is concluded, CCLD determines that the complaint is either substantiated, inconclusive, or unfounded. Substantiated means that the allegation is determined to be valid because the preponderance of evidence standard has been met. Inconclusive means that although the alleged act may have happened, there is not a preponderance of the evidence to prove that the act constituted a violation. Unfounded means that the allegation is determined to be false, could not have happened, and/or is without a reasonable basis.

Of the four most frequent types of allegations, all but one type were substantiated less than 33 percent of the time. Allegations of neglect/lack of supervision were substantiated 34 percent of the time. Overall, approximately 27 percent of allegations received were substantiated in 2000. The percentage increases to 36% if calculated as a percentage of the allegations for which investigations have been completed.

Prior to CCLD assuming responsibility for investigating complaints against certified family homes, third parties were accustomed to reporting complaints directly to the FFA. FFAs now forward these complaints to CCLD. If the FFA forwards a complaint made about a certified family home by a third party, CCLD treats this as a complaint not an incident report. Examples of complaints reported by FFAs include allegations of licensing violations made to the FFA by the child or by the biological parent. To their credit, the largest source of complaints comes from the FFAs themselves.

CCLD also found that some FFAs were not meeting their statutory and regulatory requirements regarding certified family homes. Consequently, the Department

took the following administrative actions during calendar year 2000.¹ One hundred and forty six certified family homes were decertified. Exclusion actions were taken on 143 certified family homes. Exclusion means that an individual such as a friend or an adult child of the foster parents cannot be present in the home. In addition, 61 actions resulted in a revocation, stipulation or probation.

Compared to the total number of certified family homes, the number of administrative actions is small but the impact of the actions on children in care in the affected homes cannot be measured. Also, this number only represents actions taken by the Department. It does not include homes that FFAs decertify or that voluntarily decertify.

CCLD's experiences include a number of programmatic issues that have surfaced since assuming the responsibility for investigating complaints against certified family homes. CCLD made important program changes to address these issues. These include streamlining procedures, obtaining approval for additional staff, developing a certified family home database, and setting up individual files on certified family homes that have complaints.

CCLD also learned of provider concerns about the limitations of the current data base. Another provider concern is citing the FFA when the FFA has met all of its regulatory responsibilities and could not have reasonably known of the violation by the certified family home. Providers also expressed concern about the investigative process, inconsistency among district office staff and duplicative investigations conducted by Los Angeles County staff.

In response to these concerns, CCLD is clarifying its investigation protocols. CCLD will also establish two pilot projects. The first will address the issue of citing the FFA when it had complied with all licensing requirements. In those cases, for priority I allegations, CCLD will add a statement to the licensing report indicating that the FFA had complied with its responsibilities and that the allegation was beyond the control of the FFA. The FFA will not be cited in these cases. The second pilot, in Los Angeles County, will test joint visits by the Los Angeles County Department of Children and Family Services and CCLD to reduce duplicative visits and improve consistency. Additionally, CCLD and the California Alliance of Child and Family Services will jointly develop and deliver training to CCLD and FFA staff to clarify licensing requirements and the role of FFAs.

As the regulatory and enforcement agency, CCLD is charged by the State with overseeing the health and welfare of children in out of home care. FFAs were created to provide a unique and important link in the delivery of foster care to

¹ The number of decertified homes is based on information from the CCLD complaint database. The number does not include those homes independently decertified by the FFA or those that voluntarily decertify. The source of information on other administrative actions is the Department's Legal Case Tracking System.

children with emotional or behavioral issues that otherwise would have to be placed in group homes. CCLD and FFAs are challenged to work collaboratively to better serve children in care. The focus groups and subsequent meetings were a good beginning. Collaboration coupled with revisions to CCLD's investigation protocols and other recommendations will improve services and ensure the health and safety of vulnerable children in out-of-home care.

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INTRODUCTION

Foster Family Agencies (FFAs) are private non-profit corporations that recruit and provide training and support to foster parents, provide training and support to the children in care and certify family homes. They are licensed by the Department of Social Services, Community Care Licensing Division (CCLD). In turn, FFAs certify homes to provide care for children who counties place with them. Prior to SB 933, FFAs were responsible for investigating complaints against their own certified family homes. Senate Bill 933 (Chapter 311, Statutes of 1998) amended the Health and Safety Code to require that the Department investigate complaints against certified family homes. Section 1538(e) of the Health and Safety Code provides that:

“The Department shall commence performance of complaint inspections of certified family homes upon the employment of sufficient personnel to carry out this function, and by no later than June 30, 1999. Upon implementation, the department shall notify all licensed foster family agencies.”

This report was prepared for the Legislature in response to the legislative mandate of the 2000-2001 Budget Act, Assembly Bill (AB) 1740 (Chapter 52, Statutes of 2000) Item 5180-001-0001, Provision 6. As required by statute, the report focuses on the Department's experiences in completing complaint investigations of FFAs and their certified homes. AB 1740 further requires that this report be submitted to the Legislature by June 30, 2001.

This report delineates the Department's experience in investigating and resolving complaints regarding FFAs and the family homes certified by the FFAs. A detailed summary of the statutory requirements governing the report follows:

- Develop complaint processing protocols and recommendations for investigating and resolving complaints in consultation with stakeholders and document the complaint processing protocols and investigation outcomes.
- Take into consideration the unique circumstances related to the investigation of complaints pertaining to the condition and behavior of individuals in private family homes such as those certified by FFAs.
- Recognize that FFAs and their certified homes are intended to further the public policy objective to place children in the least restrictive environment by offering a

flexible living arrangement for children with serious emotional and/or behavioral problems who would otherwise have to be placed in group homes.

- Ensure the fair, reasonable, and consistent interpretation and application of the complaint investigation process on a statewide basis.
- Distinguish between incidents occurring in certified homes that reflect deficiencies in a FFA's policies or practices and incidents that are beyond the reasonable control of a FFA and are not reflective of deficient policies or practices.
- Summarize the Department's experience processing these complaints, including the number of complaints and types of allegations, the disposition of complaints and the administrative outcomes.
- Identify the lessons learned in complaint processing and provide recommendations for further improvements in the protections provided to children in care, including oversight of FFAs and certified homes.
- Make recommendations for appropriate statutory changes to the extent such changes are indicated.

The scope of this report does not include the differences between certified family homes and foster family homes. The Department's Children and Family Services Division will submit a separate report on the usage of the two types of homes. Senate Bill 160 (Chapter 50, Statutes of 1999) requires the Department to conduct a two-phased study of FFAs and non-relative Foster Family Homes (FFH). The first phase included an analysis of data from existing sources such as the Child Welfare Services/Case Management System (CWS/CMS) database and other primary data sources. A report dated June 30, 2000, was given to the Legislature.

The second phase of the study, currently underway, will assess how placements in the two types of homes are and should be utilized to meet the needs of children and families in the future. An independent contractor is completing a second level data analysis and additional research based on the first phase recommendations. The contractor will compare the standards of practice for certification and licensure; oversight of homes; services and supports provided to parents; criteria counties use in placing a child; foster parents' reasons for choosing to provide care via a county agency or FFA; and the outcomes children experienced during and after placement in these facilities.

In the ensuing chapters this report addresses the legislative mandates regarding complaint investigations. Separate chapters provide background and historical information, complaint investigation protocols, complaint outcomes, CCLD's experience in processing complaints, and provider concerns. The last chapter provides recommendations and future actions. Copies of statutory requirements and other additional information are included in the Appendices.

CHAPTER I: BACKGROUND AND HISTORY

“Foster care is a system of care and support for abused, neglected and exploited children who have been removed from their parent’s custody by the juvenile court. In California, children receiving care and support in the foster care program may be placed in relative homes, foster homes, guardian homes, certified homes of a foster family agency, or group homes depending on the needs of the child.”¹

ROLE OF FOSTER FAMILY AGENCIES:

Foster Family Agencies (FFAs) were statutorily created as an alternative to group homes. They are private non-profit corporations that recruit, train and provide professional support to foster parents, provide support and monitoring to children in care, and certify family homes. FFAs were originally established as an adjunct to adoption agencies and the early programs provided short-term foster care for children awaiting adoption by the foster parents. In 1984, legislation passed allowing FFAs to provide treatment to children in certified family homes.

The California Department of Social Services, Community Care Licensing Division (CCLD) is responsible for licensing FFAs. FFAs, in turn, certify family homes to provide care for children who require intensive services that would otherwise be available only in group homes or institutions. A single agency can certify multiple homes. Homes certified by the FFAs must meet the licensing standards for small family homes rather than the licensing standards for foster family homes.

FFAs are designed to provide care and treatment for an increasing number of children who have emotional, behavioral, developmental or other special needs. There are two types of FFA programs: treatment (or therapeutic) foster care and non-treatment foster care. Treatment foster care was designed to provide care and supervision to a child who has treatment needs that cannot be provided in an available foster family home. Non-treatment foster care provides services to a child who does not need treatment services or is pending adoption by a family. From a funding perspective, different rates are paid based on the type of services the FFA provides. There is no distinction made between the two program types

¹ California Department of Social Services Report to the legislature: “Children Placed in Foster Family Agencies and Non-Relative Foster Family Homes”, June 30, 2000, pg. 3-4.

in regard to licensure. In some cases, counties use FFAs as placement options due to the unavailability of licensed foster family homes.

In December 2000, there were 436 licensed FFAs, including 189 sub-offices. At that time there were 12,124 certified family homes serving 20,418 children. Approximately 17 percent of all California children in foster care placement in 1999 were placed by a FFA in a certified family home.²

SENATE BILL (SB) 933 CHANGES FOR FOSTER FAMILY AGENCIES:

SB 933 (Chapter 311, Statutes of 1998) was heralded as landmark legislation for foster care in California. SB 933 made changes to all aspects of the State's foster care system. For FFAs, one of the most significant changes concerned the shifting of responsibility for investigating complaints against homes they certify. Previously, FFAs were responsible for investigating complaints against the homes certified by that FFA.

SB 933 amended Section 1538(e) of the Health and Safety Code to require that complaints against certified family homes be investigated by the Department of Social Services. Effective June 30, 1999, CCLD assumed this responsibility.

Existing law requires that CCLD investigate all complaints within 10 days. Complaints alleging physical abuse, sexual assault and suspicious deaths of clients or children are considered top priority. Investigations of these complaints are generally initiated within one or two days.

After the passage of SB 933 and prior to initiating the investigations of complaints against certified family homes, CCLD held meetings in the district offices for all FFAs. The purpose of the meetings was to go over the new process in detail, answer questions, discuss coordination and review operating procedures. Additionally, CCLD continues to co-sponsor two annual FFA conferences; one in the North and one in the South. These conferences have provided additional opportunities for clarification and training on CCLD procedures.

METHODOLOGY AND PREPARATION FOR THE REPORT:

In preparation for developing this report to the Legislature and consistent with the statutory mandate to obtain stakeholder input, the Department convened two geographically dispersed focus groups. The intent was to provide a forum for providers and other interested stakeholders to share their experiences and concerns regarding CCLD's investigation of complaints against certified family homes or FFAs as required by SB 933. In addition, several follow-up meetings were held with representative providers to obtain clarification of their issues.

² Ibid, pg. 4

Focus Groups:

The first focus group was held in Los Angeles on November 21, 2000. This was followed by a second focus group in Sacramento on November 27, 2000. Both groups were attended by providers, county representatives, and licensing staff. The groups, facilitated by CCLD Regional Managers, also included licensing field staff as well as policy staff and managers.

Although different providers and staff were present at the two focus groups, the concerns and comments were similar. *Chapter IV, Provider Concerns and CCLD's Responses*, includes a summary of the general concerns raised in both focus groups. This is followed by a separate discussion of the concerns specific to Los Angeles County.

Meetings with Providers:

Following the two focus groups, the Department continued to meet with a representative group of providers and their association to better understand their concerns and issues. The meetings provided a forum for open discussion about areas of needed change and potential solutions. These are covered more fully in *Chapter V, Challenges and Future Actions*.

CHAPTER II: COMPLAINT INVESTIGATION PROTOCOLS

“CCLD must make an on-site facility visit within ten calendar days after receipt of a complaint. If the complaint involves a death of a child, the on-site visit must be made within two business days.”³

This chapter provides an overview of the complaint investigation process. In addition to definitions and an explanation of frequently used terms, it also includes a detailed summary of the procedures and protocols CCLD currently uses to investigate complaints. These protocols are part of the Evaluator Manual, the written procedures used by licensing analysts. The protocols for investigating certified family home complaints are primarily the same as those used for investigating complaints for other licensing categories. To prepare for assuming the responsibility for investigating complaints against certified family homes, CCLD met with a group of providers to determine what changes would be needed in the existing protocols. The protocols are not a static document; rather they are revised as experience and circumstances shed new light on the process.

DEFINITIONS OF FREQUENTLY USED TERMS:

- **Complaint:** A complaint is any allegation that a licensing regulation or law is being violated. It may come from a child, child’s representative, parent, guardian, neighbor, an agency using the facility or any other third party. A complaint may contain more than one allegation.
- **Incident Report:** Incident reports are generated by the FFA to notify the licensing agency of special incidents, such as death or injury, use of corporal punishment, a child left unsupervised and other information of a critical or emergency nature. Regulations require the FFA to report these incidents. The information reported may be a complaint; i.e., an allegation of a violation of statute or regulation that requires an investigation. Incidents are not defined as complaints although they may require a thorough investigation. It is important to note that the information in an incident report is an acknowledgement by the FFA that an event did actually happen; thus it should not be labeled as a complaint allegation.

³ Health and Safety Code, section 1538 (a-c)

If both a complaint and an incident report are filed covering the same set of circumstances, the licensing office will accept the allegation as a complaint and follow up as appropriate. If the information provided by the complainant is different or conflicts with what the licensee reported, further investigation is warranted. If the information is the same as the incident report, further action may or may not be required.

- **Priority I Complaint:** Complaints alleging sexual abuse that involves penetration; physical abuse with great bodily injury; deaths; unlicensed facilities; or severe neglect are considered priority I complaints, and must be referred to the Regional Investigation Section.
- **Priority II Complaint:** These include allegations of sexual abuse such as voyeurism, sexual touching or any other inappropriate sexual behavior; or physical abuse resulting in minor injuries. Priority II complaints also include actions by a certified family parent or family member that may result in felony offenses; complaints of unlicensed facilities when a visit has already been made but the facility is not complying; and ritualistic abuse. They must be referred to the Regional Investigation Section.
- **Priority III Complaint:** Complaints of physical abuse with no injuries or bruises and complaints of actions by a licensee, certified parent, volunteer or other children of misdemeanor offenses; for example, misuse of medication, neglect or lack of supervision. Referral of priority III complaints to the Regional Investigation Section is optional for district offices. They are usually handled by the district office.
- **Priority IV Complaint:** These complaints are the responsibility of the district office and include physical punishment such as spanking using the hand, a lack of supervision that did not result in injury, or other regulatory violations.
- **Regional Investigator:** Each CCLD Regional Office has a Regional Investigative Section (RIS) of special investigators, trained and certified as peace officers, who investigate the more serious and complex complaints and provide investigative assistance to the district offices.
- **Preponderance of Evidence:** This is the standard of proof applied by an administrative law judge in a formal administrative hearing to revoke a license or certification or to prohibit an individual's, such as an adult child, presence in the home. It means that 51 percent or more of the evidence must support a substantiated finding that the alleged sexual or physical abuse or other violation occurred.

- **Substantiated**: A finding that the complaint is *substantiated* means that the allegation is valid because the preponderance of the evidence standard has been met.
- **Inconclusive**: A finding that the complaint is *inconclusive* means that although the alleged act may have happened, there is not a preponderance of the evidence to prove that the act constituted a violation.
- **Unfounded**: A finding that the complaint is *unfounded* means that the allegation is false, could not have happened, and/or is without a reasonable basis.

FORMS:

A number of different licensing forms, each with a different purpose, are used to document complaint investigations and are referenced at times in this report. Sample forms are included in the appendix. They include the following:

- **LIC 802**, the Complaint Report is used to record the complaint when it comes into the district office. It includes the “who, what, when, where, why, and how.” If the complaint is received by mail, the narrative is attached to the LIC 802 as supplemental detail.
- **LIC 9099**, the Complaint Investigation Report is used to document the analyst’s or special investigator’s findings. With the exception of “unfounded” complaints, it is also a public record of the findings, including the FFA’s response and agreed upon corrections and dates.
- **LIC 811**, the Confidential Names Form is used to record the names of alleged victims, suspects, and any identifying information about individuals in Certified Family Homes. This form is filed in the confidential file.
- **LIC 809**, the Facility Evaluation Report is the official licensing evaluation form. If there are findings that require citations they are recorded on this form. The LIC 809 is a public record.

INVESTIGATING COMPLAINTS: PROCESS AND PROTOCOLS:

Complaint investigation is one of the most important child protection and regulatory enforcement functions of CCLD. The complaint investigation process is complex and involves a number of steps. Licensing analysts in the district offices are responsible for promptly initiating and following through on complaint investigations in the time frames mandated by statute and Evaluator Manual

procedures. In some situations other entities may be involved or will conduct the investigation.

For priority I and II complaints, the licensing analyst must refer the complaint to the appropriate Regional Investigation Section. If the Regional Investigation Section is unable to accept the referral, they will still be used as a resource but the district office will assume responsibility for conducting the investigation. During calendar year 2000, statewide the Regional Investigation Sections returned 7 percent of priority I complaints and 35 percent of priority II complaints to the district offices.

The primary steps in the complaint investigation process include establishing controls, planning the investigation, prioritizing and evaluating the complaint, using consultants when warranted, conducting the site visit, documenting the investigation, and taking appropriate action. Following is a description of each of the primary steps:

Establishing Controls:

- When a complaint is received in the district office, it is entered into the computerized complaint control log, generally on the day it is received. It then receives a control number and a due date and is routed to the appropriate analyst either the same day or following day.
- The licensing analyst immediately records the control log information into his/her Field Control Book to assure that the mandatory investigative timetables are followed.

Planning the Investigation:

- The licensing analyst reviews the complaint, identifies the problem and any laws or regulations that may have been violated. If the complaint information is incomplete, the complainant should be contacted for more details. In the case of anonymous complaints, this may not be possible.
- If a complaint alleges charges, which, if true, would endanger the health and/or safety of children in care, the analyst should immediately inform the supervisor. Allegations of abuse and other immediate health and safety threats are always first priority.
- Prior to making a complaint site visit, the licensing analyst must review the file and note the number and types of any previous substantiated complaints, conferring with a supervisor if needed.
- The licensing analyst may involve the FFA before the on-site complaint visit to the home. This may include a visit to the FFA or obtaining information

from the FFA by fax or telephone. However, Health and Safety Code, Section 1538(b), prohibits informing the certified family home of the substance of the complaint before the complaint visit is made.

- Depending on the nature of the complaint and the results of the file review, the licensing analyst may contact other CCLD district offices that have certified family homes associated with the same FFA. This helps identify any systemic problems within the FFA.
- Licensing analysts are mandated by law to report allegations of suspected abuse to local law enforcement or Child Protective Services.

Prioritizing and Evaluating the Complaint:

- Allegations of neglect, physical or sexual abuse of a child by the parent or family member of the certified family home, priority I and II allegations, require special procedures that differ from routine complaint investigations. District office staff must refer all allegations of serious abuse or suspicious deaths to the Regional Investigation Section prior to initiating any action on the complaint.
- If the RIS is unable to accept the referral of a priority I or II, the analyst and the supervisor jointly decide the appropriate course of action. In such cases, RIS will be used as a resource. As indicated earlier, 7 percent of priority I and 35 percent of priority II complaints were returned to the district offices in 2000.
- For less serious allegations, the supervisor and the analyst jointly decide if it is necessary to make an immediate visit or if the visit can be made within the regular ten day time frame.
- For expediency in offices serving remote areas, the supervisor may call a licensing analyst in the field to respond to the complaint if he or she is in the general location of the facility.
- At times, complaints are filed with the licensing agency to harass a licensee. Suspected harassment; i.e., repeated complaints that over time have never been substantiated, are thoroughly documented. Analysts will consult with their supervisor to determine if a site visit is required in such cases.

Using Complaint Consultants:

- If complaint investigations require technical knowledge and expertise beyond the capabilities of licensing staff, they may seek consultant assistance. Such services are often useful during a joint visit to the facility.

- Consultants should be requested through a licensing supervisor. Consultants under contract with the Department specialize in medicine, nursing, nutrition, pharmacology, psychiatry, and psychology. Examples of other agencies whose assistance may be valuable include local fire departments, state and local health departments, client advocate groups, placement agencies, protective service agencies, and law enforcement.

Conducting the Visit:

- Statute requires that all complaint visits be unannounced with no prior notice to the certified family home.
- The FFA staff may or may not be present during the visit, depending on individual circumstances. Upon entering the home, the licensing analyst will identify him/herself to the certified family home parent and explain the purpose of the visit and the basic substance of the complaint. The analyst will explain that the law requires that all complaints be investigated and that the complaint is an allegation, not an accusation. The analyst briefly outlines what he/she intends to do while in the certified family home, how the FFA and the certified family home parent can assist, and explain that he/she will discuss the findings with the FFA and the parent before leaving.
- If there is no FFA representative present during the certified family home visit, the analyst may discuss with the parent the essence of the complaint investigation findings. The parents must be informed that the complaint report will be given to the FFA and that the licensing office will be working with the FFA to correct any deficiencies found. If the parents have any concerns about the report, the analyst will suggest that the parents contact the FFA.
- The primary focus of a visit to the certified family home is to thoroughly investigate all elements of the complaint. For example, allegations of inadequate food served at mealtime, would require checking the quantity and quality of perishable and staple foods. Additionally, the analyst should try to schedule the visit during meal times and appropriately note the information on the Complaint Investigation Report.
- If allegations require a comprehensive evaluation to resolve the complaint, additional complaint related deficiencies may be recorded on the Complaint Investigation Report. If the comprehensive evaluation results in unrelated deficiencies, these should be recorded separately on the Facility Evaluation Report Form, LIC 809. For example, if an analyst is at the home investigating a complaint and notices a broken jagged window, this is not a complaint allegation but is clearly a licensing violation.

Documenting the Investigation:

- The official form for all complaint investigations is the Complaint Investigation Report, LIC 9099. The form is used to record the analyst's or special investigator's findings for all complaint investigations. With the exception of "unfounded complaints," it also becomes part of the "public record" of the FFA's response and agreed upon plan of correction.
- After the appropriate facility inspection, records review, and interviews, the analyst will complete the LIC 9099. This is generally completed prior to departing the site. In special situations, the licensing analyst may need to prepare the report off site and present the findings and obtain a plan of correction from the FFA. The LIC 9099 may not be mailed in lieu of a return visit unless the complaint is determined to be unfounded.
- The LIC 9099 is designed to accommodate one complaint allegation per form. The licensing analyst may document more than one allegation per form provided space is available, and the findings are the same for each allegation; i.e., all unfounded. If the findings are different, separate LIC 9099 forms must be used for each allegation.
- The FFA is informed that they may document their point of view on the licensing report and that signing the report does not imply agreement with the findings, but acknowledges receipt of the licensing report.
- The LIC 9099 report includes who conducted the investigation, the purpose of the visit, who was contacted, the complaint allegations, and a summary of the investigation findings. The report must conclude with a resolution for the complaint allegations.
- A copy of the LIC 9099 for certified family homes is provided to the designated representative of the FFA. If a routine complaint investigation is concluded at the home visit and the FFA is not present, a copy of the report will be sent to the FFA by certified mail within ten calendar days of the visit, marked "personal and confidential."
- All substantiated and inconclusive complaint allegations are retained in the public file. Unfounded complaint allegations are retained in the confidential file. If an allegation requires further investigation, the LIC 9099 is retained in the confidential file until a resolution is reached.
- If the complaint is substantiated, the FFA is cited. Deficiencies are recorded on the LIC 809 by regulation number and a plan of correction date is established. The FFA may record comments about the complaint findings on the LIC 9099 or may submit a letter to respond to the LIC 9099. These documents are public records. For confidentiality reasons, comments on the

LIC 9099, either by the licensing analyst or by the licensee, should not include the names of clients or client's family.

- If a complaint is “unfounded,” the licensing staff will notify the FFA in writing within 30 days that the complaint has been determined to be unfounded. The LIC 9099 must include the statement: *“This agency has investigated the complaint alleging (indicate the complaint allegation). We have found that the complaint was without a reasonable basis. We have therefore dismissed the complaint.”*
- All documentation of communications between licensing staff and the Department's Legal Division regarding any matter involving the investigation are retained in the confidential file. Such documentation is subject to the attorney-client privilege and may not to be released to anyone without the Legal Division's approval.

Clearing the Complaint:

After the investigation is completed, the analyst completes the Complaint Report Form, LIC 802 and records the resolution code for each allegation. It is attached to the top of the facility file with the LIC 9099 and submitted to the supervisor for approval. After the supervisor signs off, the complaint control is cleared and the documentation is placed in the facility file. Inconclusive allegations of abuse are reviewed by the Department's legal staff and must be cleared by them prior to final clearance by CCLD. The LIC 802 is filed in the confidential file. With the exception of unfounded allegations, the LIC 9099 is filed in the public file.

STREAMLINING PROCEDURES:

The summary of protocols in this chapter illustrates the complexity of complaint investigations. The unique nature of FFAs and their certified family homes adds to the complexity. When the Department assumed responsibility for investigating complaints against certified family homes, the staffing estimate was based on the time needed to complete complaint investigations of foster family homes. It quickly became apparent that CCLD did not have sufficient resources to meet the 10-day requirement because investigating complaints of certified family homes added other dimensions. The homes were not licensed homes, so licensing staff had not been to the homes previously. CCLD also needed to request information from the FFA's files and needed to coordinate the investigation with the FFA. There was also more travel time involved than with the complaint investigations for other licensing categories. CCLD experienced a backlog of complaints. Consequently, CCLD implemented a number of procedures to streamline the processing of complaints. These include:

- Assigning the complaint investigations to the district office closest to the certified family home.
- Eliminating the initial complaint investigation visit to the FFA, whenever possible.
- Eliminating the in-person exit conference with the FFA when the allegation is determined to be unfounded or inconclusive.
- Assigning the FFA responsibility for following up on the plan of correction.
- Giving investigation priority to those homes from which children have been removed pending the outcome of the investigation.
- Enlisting the assistance of the FFA in scheduling appointment times with certified family homes rather than make repeated visits in the event that the foster parents were not at home.

The streamlining procedures were implemented in November 1999 and are still in effect. The intent was, and continues to be, for the District Offices to meet the 10-day time frame for initiating all complaint investigations. This issue is further discussed in *Chapter V, Challenges and Future Actions*.

CHAPTER III: OUTCOMES AND CCLD EXPERIENCE

“A supervisor should be immediately informed of all allegations, which, if true, would endanger the health and safety of any children in care. Allegations of abuse and other immediate health and safety threats are always first priority.”⁴

Complaint data for this report are based on calendar year 2000, from January 1 through December 31. This chapter includes an analysis of the data and outcomes and concludes with a discussion of the experiences CCLD has encountered in conducting complaints, including the limitations of the current complaint database.

Prior to discussing complaint data, it is helpful to have a frame of reference and context. The chart below provides a statistical snapshot of the number of FFAs and their certified family homes in 1984 compared to 2000 and illustrates the growth of this licensing category. The growth can be attributed in part to the greater needs of children coming into the foster care system. Certified family homes provided an alternative to group homes for these children, allowing for placement in a less restrictive environment.

GROWTH OF FFAS AND CERTIFIED FAMILY HOMES 1984-2000

Table 1

Category	1984	2000
Foster Family Agencies	72	436
Certified Family Homes	1,344	12,124
Children Served	Not available	20,418

FFAs and certified family homes represent the highest rate of growth of all CCLD residential licensing categories. From 1984 until 2000, FFAs grew from 72 to 436, an increase of 600 percent, and certified family homes grew from 1,344 to

⁴ CCLD Evaluator Manual, , “Planning the Investigation,.” Section 3-2200.

12,124, and increase of over 800 percent. Currently, FFAs serve over 20,000 children in their certified family homes.

COMPLAINTS AND ALLEGATIONS:

Complaints:

From January 1, 2000 until December 31, 2000, CCLD received 2,546 complaints, containing 4,208 allegations against Certified Family Homes. A complaint may contain more than one allegation. Of the 2,546 complaints received during that period 2,163 or 85 percent have been closed. The remaining 193 are either still under investigation or information has not been entered into the database.

CCLD does not currently maintain information on the source of complaints in the automated database. CCLD district offices indicate that the single largest source of complaints is from the FFAs. Prior to CCLD assuming responsibility for investigating complaints against certified family homes, third parties were accustomed to reporting complaints directly to the FFA. FFAs now forward these complaints to CCLD. If the FFA forwards a complaint made about a certified family home by a third party, CCLD treats this as a complaint rather than an incident report. Examples of complaints reported by FFAs include allegations of licensing violations made to the FFA by the child or by the biological parent. Other sources of complaints received by the district offices include placement agencies, schools, therapists, law enforcement, relatives and anonymous complaints.

A random sample of complaints conducted by the Los Angeles District Office in September 2000 showed the following sources:

- 41% Foster Family Agencies
- 26% Placement agencies
- 17% Other professionals (law enforcement, schools, therapists)
- 11% Biological parents/relatives
- 5% Anonymous

Allegations:

There are 19 separate codes for complaint allegations. The most serious allegations involve the health and safety of children in care. Table 2 on page 17 provides a breakdown of the allegations received during calendar year 2000. For the purpose of this report, allegations are arrayed in descending order of frequency.

Resolutions of Allegations

Table 2

Allegation	Number and (%)	Substantiated	Inconclusive	Unfounded
Personal Rights	1,476 (35%)	409 (27%)	395 (27%)	336 (23%)
Physical Abuse/ Corporal Punishment	1,108 (26%)	248 (22%)	311 (28%)	272 (25%)
Neglect/Lack of Supervision	804 (19%)	275 (34%)	184 (23%)	172 (21%)
Sexual Abuse	272 (6%)	55 (20%)	58 (21%)	75 (27%)
Physical Plant	79 (2%)	29 (37%)	10 (13%)	18 (23%)
Food Service	67 (1.5%)	8 (12%)	25 (37%)	19 (28%)
Medication	46 (1%)	23 (50%)	4 (7%)	9 (20%)
Crimes	38 (.9%)	8 (21%)	4 (11%)	8 (21%)
Qualifications	27 (.6%)	7 (26%)	6 (22%)	2 (.07%)
Level of Care	21 (.5%)	4 (19%)	4 (19%)	7 (33%)
Financial Issues	11 (.2%)	6 (55%)	1 (.09%)	0 -
Financial Abuse	10 (.2%)	5 (50%)	3 (33%)	2 (20%)
Questionable Death	10 (.2%)	4 (40%)	0 -	2 (20%)
Record Keeping	9 (.2%)	2 (22%)	0 -	2 (22%)
Unlicensed Care	9 (.2%)	2 (22%)	0 -	4 (44%)
False Statements	7 (.2%)	3 (43%)	1 (14%)	1 (14%)
License	4 (.1%)	2 (50%)	0 -	1 (25%)
Fire Clearance	0 -	0	0 -	0
Other ⁵	210 (5%)	56 (27%)	38 (18%)	52 (25%)
TOTAL⁶	4,208	1,146 (27%)⁷	1,044 (25%)	982 (23%)

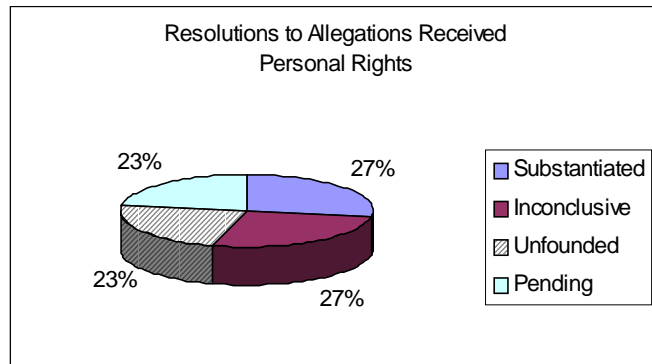
The four most frequent allegations include personal rights violations, physical abuse/ corporal punishment, neglect/lack of supervision and sexual abuse. During calendar year 2000 these four allegation codes accounted for 86 percent of all allegations. Following is a discussion of these four allegation codes, their frequency during calendar year 2000, their priority classification and their resolutions.

⁵ The "other" listing in the table is the total of allegations that are infrequent in nature and that do not have a specific allegation code.

⁶ The numbers in the three resolution columns total 3,172, or 75 percent of the total allegations. The difference between this number and the total number of allegations received represents allegations that are pending. In some cases an investigation is still ongoing. In other cases the final outcome had not been entered into the system at the time data was compiled for this report.

⁷ Twenty seven percent represents the percentage of substantiated allegations based on 4,028, the total number of allegations received. The percentage increases to 36 percent if calculated as a percentage of the 3,172 allegations for which the investigations have been completed.

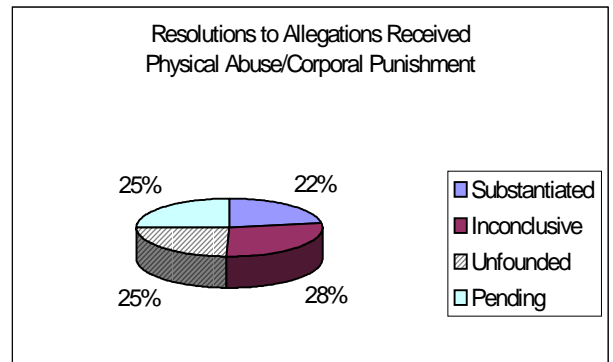
- **Personal rights violations** represent the single largest number of allegations at thirty five percent, or 1,476 of 4,208 total allegations. This is not surprising



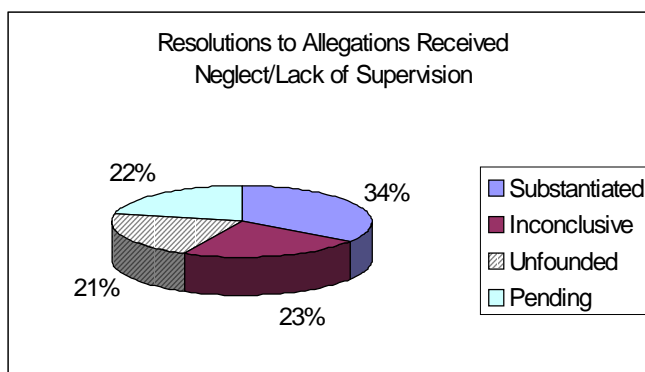
given the range of violations included in this allegation code. Examples of personal rights violations range from denying authorized visitors, denying children the right to wear their own clothes, denying access to phones, demeaning the child, or not treating a child with respect. These

allegations were determined to be substantiated 27 percent of the time, inconclusive 27 percent, and unfounded 23 percent, with 23 percent pending.

- **Physical abuse or corporal punishment** was the second most prevalent allegation. Both are captured under the same allegation code. These allegations range from slapping or spanking a child to more serious abuse. Physical abuse/corporal punishment accounts for 1,108 or 26 percent of the total allegations for the year 2000. Substantiated allegations in this category were 22 percent, inconclusive were 28 percent, and unfounded were 25 percent. Twenty five percent are pending.

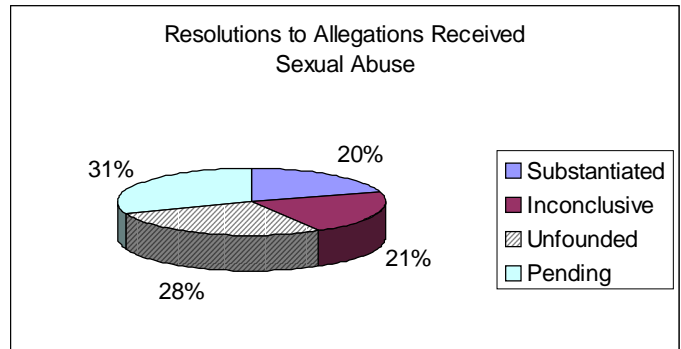


- **Neglect or lack of supervision** at 19 percent with 804 allegations is the third most frequent violation. These violations range from not providing sufficient



care or appropriate supervision, or leaving a child unattended in a car. Substantiated allegations accounted for 34 percent, inconclusive 23 percent and unfounded were 21 percent. Twenty two percent are pending.

- **Sexual abuse** is the fourth most prevalent allegation. During 2000, CCLD received 272 allegations of sexual abuse or 6 percent of the total allegations. These allegations were substantiated 20 percent of the time, found inconclusive 21 percent, and unfounded 27 percent. The remaining 31 percent are pending.



ALLEGATION PRIORITIES:

CCLD priorities are assigned based on the seriousness of the complaint and the allegations. The more serious allegations are priority I and II allegations. During the course of the investigation, the priority may be changed. This is especially true with priority III and IV allegations. In such cases the investigation may reveal more serious deficiencies and the priority is elevated to a priority I or II as warranted

Table 3 displays the number and percentage of allegations by priority for the four most frequent allegation codes. They are arrayed in descending order of frequency of the allegation, the same order as Table 2, Resolutions of Allegations. The reader will note that there is a discrepancy between the number of allegations shown in the table and the total allegations CCLD received. This is because some district offices do not enter the priority code into the system until resolution. The percentages in the table are calculated based on the number of priority codes entered into the database and not on the total number of allegations. CCLD's remedy to this issue is addressed in Chapter IV, page 27, under CCLD's response to statistical data issues.

Priority Levels of Most Frequent Allegations

Table 3

Allegation	Priority 1	Priority 2	Priority 3	Priority 4
Personal Rights	31 (2%)	147 (11%)	591 (42%)	623 (45%)
Physical Abuse/ Corporal Punishment	93 (9%)	307 (29%)	539 (50%)	123 (12%)
Neglect/Lack of Supervision	27 (4%)	80 (11%)	315 (42%)	337 (43%)
Sexual Abuse	94 (36%)	113 (43%)	49 (19%)	6 (2%)

Although the numbers on the above chart do not include all allegations, the numbers and percentages are indicative of the patterns of priorities and are similar to those run for other time periods.

Looking at priority I and II allegations, the numbers indicate these priorities represent well under 50 percent of the total, with the exception of Sexual Abuse. Unlike the other three most prevalent allegations, allegations of sexual abuse are most frequently priority I and II. This is largely due to the serious nature of these allegations. The other three categories have a majority of allegations that are priority III and IV, the less serious.

CCLD EXPERIENCES AND LESSONS LEARNED:

AB 1740 required the department to identify the lessons learned in complaint processing. Following is a summary of lessons learned.

Lessons Learned:

- FFAs provide an important link in the California foster care system as an alternative to group homes.
- FFAs provide services in geographical areas where there are limited foster homes.
- FFAs forward complaints of licensing violations they receive against their own certified homes. A large source of complaints comes from the FFAs themselves.
- Of the four most frequent and serious allegations, all but one had less than 33 percent of the complaints substantiated. Allegations of Neglect/Lack of Supervision were substantiated 34 percent, slightly over one third, of the time.
- Overall, approximately 27 percent of the total allegations received were substantiated in 2000. The figure increases to 36 percent if calculated against the number of allegations for which the investigations have been completed.
- The majority of allegations are priority III and IV, the less serious allegations.
- FFAs have demonstrated their willingness to work with CCLD to improve compliance and to better serve the children in the homes they certify.

Administrative Actions:

In the process of investigating complaints against certified family homes, CCLD discovered that some FFAs were not meeting their statutory and regulatory requirements regarding certified family homes. Consequently, the Department took the following administrative actions during calendar year 2000:⁸

- 146 Certified family homes decertified
- 143 Exclusion actions associated with certified family homes
- 61 Actions resulting in either a revocation, or probation

Compared to the total number of certified family homes the numbers of administrative actions are small. This number represents only actions taken by the Department. CCLD does not currently collect information on the number of homes that are decertified by FFAs or that voluntarily decertify.

CCLD PROGRAMMATIC EXPERIENCES AND RESPONSES:

CCLD's experiences include a number of programmatic issues that have surfaced since assuming the responsibility for investigating complaints against certified family homes. CCLD has taken positive steps to make important changes in the program to address the issues. These include streamlining procedures, obtaining additional staff, developing a certified family home database, and maintaining files on certified family homes.

- **Streamlining Procedures:** As discussed on page 11, shortly after assuming responsibility for investigating complaints against certified family homes, it became apparent that CCLD did not have sufficient resources to meet the requirement that all complaints be investigated within 10 days. Initially, staffing needs were underestimated as the estimates were based on investigating complaints in foster family homes. The added dimensions of coordinating with the FFAs, greater travel, and homes that had not previously been visited by licensing required more time for investigations than anticipated. Also, the number of certified family homes has continued to increase. This caused a staff shortage and CCLD experienced a backlog of complaints. Streamlining procedures were implemented to reduce the backlog and handle the complaints more expeditiously.
- **Additional staff:** As a result of the increased workload associated with investigating complaints against certified family homes, CCLD requested and received additional staff. The additional staff will greatly assist in meeting the statutory 10-day mandate and processing complaints more expeditiously.

⁸ The number of decertified homes is based on information from the CCLD complaint database. The number does not include those homes decertified by the FFA or those that voluntarily decertify. The source of information on other administrative actions is the Department's Legal Case Tracking System.

- **Certified Family Home Database:** CCLD piloted a new database to permit the collection and analysis of information on certified family homes that has previously been unavailable. The database, originally piloted in Los Angeles, has been expanded to all residential offices. Licensing offices are in the process of inputting information into the database on certified family homes in their area. This should be complete by July 1, 2001. The next step in the process will be to have information available through a central database.
- **Certified Family Home Files:** CCLD District Offices are also establishing files on Certified Family Homes. The files are established on a flow basis as complaints are received. Previously files were only kept on the FFA. The new files provide additional information, including when a Certified Family Home is associated with more than one FFA, which is not allowable. The files also help the District Offices to identify patterns of non-compliance.

Chapter IV includes further discussion on the changes CCLD has made and recommendations for future actions.

CHAPTER IV: PROVIDER CONCERNS AND CCLD'S RESPONSES

“Thank you for convening and conducting the “Focus Meeting” on November 27. I very much appreciated the invitation.... Most people want to be part of the process and the “Focus” format brought in everyone and filled the room. A clear indication of motivation and interest.”⁹

During the two focus groups held in Los Angeles and in Sacramento during November 2000 and follow-up discussions with provider representatives, a number of concerns were voiced. As previously indicated, there was considerable similarity in the focus group issues. This chapter provides a summary of the provider concerns raised most frequently during the focus groups and subsequent meetings. The concerns are grouped by category beginning with a discussion of statewide issues that cut across geographical boundaries, followed by those that were specific to Los Angeles. Each issue is followed by CCLD's response to improve the complaint investigation process.

STATEWIDE CONCERNS:

ISSUE: Citing the Foster Family Agency

The single most frequently voiced concern during the focus groups was the citing of a FFA when violations, they believe, are beyond the reasonable control of an agency.

- FFAs are concerned about the citing of a Foster Family Agency when the agency has done everything it could reasonably do to prevent the violation, and the agency has no deficient practices or policies.
- FFAs asked about the possibility of CCLD using advisory notes in lieu of citations in such instances.
- FFAs asked about the possibility of doing a statewide trend analysis that would differentiate complaint allegation types and identify whether the FFA or the certified family home was accountable.

⁹ Excerpt from a letter received from a Foster Family Agency that participated in one of the focus groups.

Response:

As indicated earlier, staff cite the FFA because the FFA is the licensee, whereas certified family homes are not licensed. They are under the direct control and supervision of the FFA. As the licensees, FFAs are accountable for the actions of the homes they certify. This is the same principle that is applied to employees of other licensed facilities. The facility is held accountable for the actions of its employees. CCLD may order a problem employee of a facility to be excluded and not cite the licensee if they were not or could not have been aware of the employee's actions and did not condone the actions. Conversely, a licensee will be cited for an employee's actions if they were aware of the actions, should have been aware or if they condoned or permitted the behavior.

CCLD will pilot a project in Los Angeles for priority I and II substantiated allegations consistent with the way employee behaviors are handled when the licensee did everything it could and the violation was beyond the licensee's control. Under the pilot, if the licensing analyst can clearly determine that the FFA has complied with all regulatory and statutory requirements and that the allegation was beyond the control of the FFA, the LIC 9099 will include a statement to that effect in lieu of a citation. The FFA will remain responsible for the plan of correction.

CCLD will meet with representatives from the California Alliance of Child and Family Services and other FFAs to develop the criteria for the pilot, the implementation schedule, and an evaluation component. Regarding the suggested trend analysis, CCLD will defer action on this pending the development of the pilot project in Los Angeles.

ISSUE: Incidents and Complaints

The difference between incidents and complaints was another frequently raised concern. Many FFAs believe that incidents are being counted as complaints and distorting the statistics. They feel there is a lack of clear understanding of the differences in some district offices. The California Alliance for Child and Family Services (CACFS), which represents providers throughout the state, was particularly concerned about this issue. Their members are increasingly concerned about their exposure to lawsuits, filed primarily by birth parents of dependent children placed in foster care. CACFS notes that it is becoming more and more common for the plaintiff's counsel to cite the number of complaints filed with CCLD as a *prima facie* indication of liability.

Response:

During the spring and summer of 2000, CCLD provided additional training for all licensing staff on conducting complaint investigations for certified family homes.

This included a module on the difference between incidents and complaints. As a result of the focus groups, CCLD learned that there is not always a clear distinction between incidents and complaints. Consequently, a second round of complaint investigation training was completed in April 2001. This training included FFA staff as well as licensing analysts. CCLD will continue to monitor this issue and determine if revisions are needed to the Evaluator Manual. Also, CCLD will utilize its quarterly meetings for licensing staff with FFA caseloads to further clarify this issue if needed.

ISSUE: Impact on Children in Care

Providers across the state expressed concern about the impact of complaint investigations on children in care. They would like to see more timely investigations and resolutions. With lengthy investigations, FFAs may, as a cautionary measure, remove children from the home while an investigation is pending.

Response:

CCLD believes that the additional staff authorized for complaint investigations will result in more timely investigations. CCLD will continue to monitor the time required to complete the investigations and request additional staff if warranted.

ISSUE: FFA Involvement in Investigation

FFAs would like to be more involved in investigations. They further indicated that the social worker could play a supporting or neutral role for the family and minimize the trauma to the family when an investigation is underway. They also believe this approach would decrease the number of certified homes that voluntarily decertify during an investigation. Some FFAs want to take back the responsibility for investigating some of their own complaints such as investigating priority III and IV complaints. While there was great interest in this issue from some providers, many others did not want to do so.

Some FFAs maintain that the legislative requirement for the Department to investigate complaints was a direct result of provider input. They further maintain that the original intent was for the Department to assume responsibility for the more serious complaints and the FFAs would continue to investigate the less serious complaints. Other representatives on the SB 933 legislative work group have different recollections and believe that there was a lack of consensus among providers on the issue. If a dual investigative approach was the legislature's intent, such intent was not incorporated into the language of SB 933. Subsequently, CCLD assumed responsibility for investigating all complaints against certified family homes and FFAs.

Response:

There appears to be a misconception among some FFAs and District Offices that the streamlining procedures adopted by CCLD preclude involving the FFA in investigations. The streamlining procedure provides for “eliminating the initial complaint investigation visit to the FFA.” This does not preclude involving the FFA, only visiting the FFA initially. The intent was not to impede the investigation by requiring CCLD to visit the FFA first, as FFAs are frequently some distance from the homes they certify. In lieu of actually visiting the FFA, licensing staff can contact them by phone to discuss the case and obtain needed information. Another of the streamlining procedures is to “enlist the assistance of the FFA in scheduling appointment times with certified family homes rather than make repeated visits because the foster parents are not at home.” This can be done via fax or telephone. CCLD will issue a policy clarification to the District Offices reiterating the intent of the streamlining procedures.

ISSUE: Inconsistency

FFAs expressed concerns about the lack of consistency in investigating complaints when different licensing analysts are involved.

Response:

CCLD believes that the training recently provided to the licensing analysts with FFA caseloads will minimize inconsistencies. Additionally, CCLD is proposing a program realignment that would establish a single program manager to oversee all district offices throughout the state that have responsibility for children’s residential facilities. This would also work to ensure consistent application of policies by all district offices.

ISSUE: Status of Investigations

FFAs would like CCLD to keep them more informed on the status of an investigation and the expected timeframe for completing the investigation. This would help prevent premature relocation of children in care. Some FFAs suggested that CCLD advise them of when to decertify a home.

Response:

Many of the District Offices do keep the FFA apprised of the status of investigations. The issue of when to decertify is a complex one that depends on the seriousness of the allegation and the progress of the investigation. CCLD will revise the complaint investigation protocols to provide guidelines to the district offices on these issues.

ISSUE: Statistical Data

Many FFAs voiced concern about CCLD's statistical data. Specific concerns include:

- The current database does not provide good statewide data for meaningful statistical analysis. They noted the lack of data on certified family homes and on the source of complaints. They further noted that if the data is used as an indicator of quality, then some constant divisor, such as days of care, be used to establish a benchmark ratio. Such a benchmark would show the number of allegations per "x" days of care, a much more meaningful statistic according to the FFAs. Without benchmarking, there is no way of telling whether a given number of complaints or allegations is a lot or a little. For example: Are 2,247 allegations in Los Angeles a lot or little?
- The current database cannot tabulate the number of allegations by priority. The database can determine the number of priority I allegations but not how many of those priority I allegations were found to be substantiated, unfounded or inconclusive.
- FFAs and their provider association also question the reliability of the data maintained in the current databases. This is primarily because of their concerns about perceived discrepancies among licensing analysts and district offices in their understanding and application of the definition of a complaint. They expressed concern that new policies or legislation may be generated on unreliable data. They are concerned that the number of complaints may be misconstrued as FFAs being "out of control."

Response:

Currently, each licensing office maintains a complaint database which tracks all complaints and allegations logged with the office and investigation outcomes. CCLD is exploring options for integrating these separate databases into a centralized complaint database and integrating the centralized complaint database with the licensing information systems.

Regarding data reliability, CCLD believes the existing data is valid. There is, however, a lag in some district offices in getting information into the system due to staffing constraints. Also, in gathering data for this report, CCLD determined that district offices have inconsistent practices regarding data entry for complaint investigation priorities. For example, some district offices do not enter the priority code of the allegation into the system until resolution whereas other offices enter the code upon initial determination of the priority.

To remedy this discrepancy CCLD will issue clarifying data entry instructions to the district offices. This coupled with the additional staff recently hired will address both the issue of when priority codes are entered into the system as well as the lag time.

Additionally, CCLD has recently completed complaint investigation training on the differences between incidents and complaints that will address the perceived inconsistencies in data entry for incidents and complaints.

ISSUE: Role of Special Investigators

The role of special investigators generated considerable discussion in the two focus groups. FFAs expressed the following concerns:

- Special investigators often lack sensitivity when visiting the certified family home and that investigators do not have the knowledge of the regulations that licensing analysts have.
- Special investigators need to better understand the relationship between the FFA and the certified family home. Some FFAs noted that they had to explain this relationship to the special investigators.
- FFAs also expressed concerns about special investigators having pre-conceived ideas prior to conducting the investigations. In the words of one provider: "Their minds are made up when they go in."

Response:

CCLD has conducted several training sessions for analysts and investigators over the last year, including Complaint Investigation Training and Interviewing Children. A panel that included CCLD Legal, Central Training, Policy, and University of California specialists in child welfare conducted this training. Further, all CCLD field staff recently completed training on Effective Communication, including maintaining positive working relationships with care providers. CCLD will continue to involve the investigators in training that is provided to the licensing analysts as appropriate.

CONCERNS SPECIFIC TO LOS ANGELES:

ISSUE: Duplicative and Inconsistent Investigations in Los Angeles

The issue of duplicative and inconsistent investigative findings between different government entities was an area of considerable concern to providers at the Los Angeles forum. It does not appear to be an issue in other areas of the state.

- Many FFAs operating in the Los Angeles area expressed concern that there was a duplicative investigation effort between CCLD and the Los Angeles County Department of Children and Family Services. Both agencies are conducting separate investigations on the same complaints.
- These FFAs also noted that, at times there are inconsistent findings from the two investigations. They would like to know who has the final authority.

Response:

CCLD is responsible for licensing and monitoring FFAs. Counties decide which FFAs to use and which children to place with the FFA. Only CCLD can cite a FFA for a licensing violation, revoke a license or order a home decertified. To address the issue of duplicative and inconsistent findings between the Los Angeles County Department of Children and Family Services (DCFS) and CCLD investigative findings in the Los Angeles Region, CCLD will implement a pilot project to jointly investigate priority I complaints. The results of the pilot will then be compared to the findings of a control group to see if there are measurable reasons for the current inconsistent findings.

CCLD managers have met with the Los Angeles County DCFS management to discuss the issue and set up protocols for the pilot. The parties agreed that there are some inconsistencies, and often multiple visits due to differing mandates. DCFS indicated it has already made some changes that should help with the problem. They have incorporated CCLD definitions of findings into their system and now use “substantiated, inconclusive or unfounded” as well as the CCLD allegation priority codes. These are important and positive steps that should minimize differences in investigative findings.

CCLD and DCFS have agreed to a six-month pilot project whereby all priority I complaints will be jointly investigated, beginning May 1, 2000. The Los Angeles Regional Investigators will coordinate each of their priority 1 investigations with DCFS investigators to assure that both departments work as a team. A second team of investigators from both departments will investigate the same type of allegation independently and the results of both groups will be evaluated at the end of the third and sixth month. A comparison of the findings from both teams will help determine if there are differences, and if the differences are measurable.

This pilot will allow the two entities to determine the magnitude of the problem as well as identify what might be causing inconsistent investigative findings. The pilot will also have a positive effect on the children and families involved in the complaints by reducing the number of visits to the home when visits are completed jointly. The following are the agreed upon procedures for the six-month pilot joint investigations:

- CCLD and DCFS will jointly investigate all priority 1 complaints and will share all information obtained during the investigation.
- CCLD has assigned a supervising investigator to oversee the project for CCLD; DCFS will also assign a supervisor to oversee the pilot for DCFS.
- Each entity will assign a primary investigator and a back up investigator to the project.

In October, at the end of the six-month pilot, CCLD and DCFS will evaluate the pilot and the process and determine if the project should continue or if other changes are warranted.

The concerns raised in the focus groups and in subsequent meetings provided important information to the Department. CCLD's recommended actions for addressing the concerns are based on input from the meetings as well as district office experiences in conducting complaint investigations. The final chapter of this report, Chapter V, concludes with *Challenges and Future Actions*.

CHAPTER V: CHALLENGES AND FUTURE ACTIONS

“We appreciate the collaborative atmosphere.... Our mutual interest in protecting children in care will be well served by our continued close working relationship.”¹⁰

CHALLENGES AHEAD:

Based on information obtained during the focus groups and subsequent meetings with FFA representatives and information from CCLD District Offices, CCLD has concluded that there are many challenges ahead for both CCLD and FFAs to improve the system and ensure protection for children in care. These challenges and future actions needed include:

CCLD Challenges:

- Work closely with FFAs to assure regulatory services are assisting, not hindering service delivery.
- Provide FFA outreach and conduct regular meetings with FFA staff and their provider associations.
- Provide consultation services for FFAs regarding compliance with regulations.
- Anticipate changes and growth in the FFA program in order to respond promptly.
- Identify FFAs experiencing problems and work with them to achieve compliance.
- Revise and clarify protocols for investigating complaints in certified homes to address issues raised in the focus groups.

¹⁰ Excerpt from a letter from the California Alliance of Child and Family Services following a meeting for them to express their concerns.

FFA Challenges:

- Focus services on hard to place children.
- Train parents to handle children with problems.
- Identify problems in certified family homes and take prompt corrective action.
- Develop system where FFAs can share information regarding certified family home parents.
- Address the tendency of some FFAs to recruit homes from other agencies and state licensed foster homes.
- Improve screening of applicants to find quality certified homes.
- Provide more effective and consistent oversight of certified homes.
- Assure staff can provide social work services as well as effective monitoring.
- Retain Social Work staff.

Two themes emerge from these challenges. For CCLD, the theme is the need for greater interaction and collaboration with the FFAs. For FFAs, the theme is to ensure that children receive appropriate services in a quality home.

FUTURE EFFORTS:

As the regulatory and enforcement agency, CCLD is charged by the State with overseeing the health and welfare of children in out of home care. FFAs were created to provide a unique and important link in the delivery of foster care to children with emotional or behavioral issues that otherwise would have to be placed in group homes. The challenges should not be viewed as barriers, but rather as opportunities for all parties to work collaboratively. To that end, CCLD will continue to co-sponsor two FFA meetings annually. Additionally, CCLD and the California Alliance of Child and Family Services will jointly develop and deliver training to CCLD and FFA staff to clarify licensing requirements and the role of FFAs, and to improve compliance. These collaborative actions coupled with revisions to the protocols and other recommendations will ensure the health and safety of vulnerable children in out-of-home care and improve services.

