

## RESPONSE TO GRAND JURY REPORT

Report Title: Humboldt County Child Welfare Services Office of the Ombudsperson

Report Date: June 28, 2024

Response by: Humboldt County Board of Supervisors

### FINDINGS

The county partially agrees with the findings numbered 4 and 8.

The county disagrees with the findings numbered 1-3 and 5-7.

### RECOMMENDATIONS

Recommendations numbered 1, 2, 4 and 5 have been implemented.

Recommendations numbered 3 and 6-10 will not be implemented.

Date: September 10, 2024 Signed: Ray Boh

Number of pages attached: 9



## COUNTY OF HUMBOLDT

COUNTY ADMINISTRATIVE OFFICE

825 Fifth St. Room 112, Eureka, CA 95501

Telephone: 707-445-7266 Email: [CAO@co.humboldt.ca.us](mailto:CAO@co.humboldt.ca.us)

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### INTEROFFICE MEMORANDUM

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**TO:** BOARD OF SUPERVISORS  
**FROM:** COUNTY ADMINISTRATIVE OFFICE  
**SUBJECT:** RESPONSE TO 2023-24 GRAND JURY REPORT "HUMBOLDT COUNTY CHILD WELFARE SERVICES OFFICE OF THE OMBUDSPERSON"  
**DATE:** SEPTEMBER 10, 2024

In the Grand Jury Report, "*Humboldt County Child Welfare Services Office of the Ombudsman*," the Grand Jury has requested that the Board of Supervisors respond to all Findings (1-8) and all Recommendations (1-10). The County Administrative Office is proposing the following response as detailed below.

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#### FINDINGS

Finding 1: *Humboldt County Child Welfare Services does not in any substantial way provide a standardized form for complainants to file a complaint with the Office of the Ombudsman. This lack of a standardized form creates a barrier to some people attempting to lodge a complaint. (R1, R3)*

**Response: Disagree.**

Child Welfare Services (CWS) has a standardized complaint form and provides the form upon request. Blank copies of the complaint form are available at the reception desk in the lobby of the main CWS building. The form is also available online on the Office of the Ombudsman webpage on the county's website. CWS staff has noted that this complaint form was previously provided to the Civil Grand Jury during the course of their investigation.

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Finding 2: *Humboldt County Child Welfare Services does not in any substantial way provide printed information to clients informing them that an Office of the Ombudsman exists and what the function of the office is. This lack of printed material leads to some people being unaware of options for filing a complaint. (R2, R3)*

**Response: Disagree.**

CWS has a brochure for the Office of the Ombudsperson available in both English and Spanish. These brochures are provided when someone communicates that they are dissatisfied with services, and/or would like to file a complaint. Additionally, printable brochures are available online on the Office of the Ombudsperson webpage on the county's website. CWS staff has also noted that this brochure was provided to the Civil Grand Jury during the course of this investigation.

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**Finding 3:** *The position of the Humboldt County Child Welfare Services Ombudsperson is currently filled by a person with little background in child welfare or social work, who must rely on more experienced workers for their knowledge. By not having expertise in child welfare or social work, Ombudsperson investigations can be inefficient and overly reliant on the expertise of others. (R3)*

**Response: Disagree.**

CWS maintains an Office of the Ombudsperson. The office is assigned under a Senior Deputy Director and staffed by a supervisor with 27 years of experience in Humboldt County CWS, along with a Staff Services Analyst. The Supervisor oversees the Staff Services Analyst who acts as a point of contact for the office. All staff working in the office meet all qualifications for the classification for which they are employed.

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**Finding 4:** *In violation of its Policies and Procedures, the Humboldt County Child Welfare Services Office of the Ombudsperson regularly fails to notify complainants of the findings and resolutions of their complaint. This can result in the complainant losing trust in a system that is designed to address their grievances. (R4)*

**Response: Partially agree.**

Humboldt County Child Welfare Services acknowledges that complainants are not always notified of the findings and resolutions of their complaint. CWS records and information are protected by Welfare and Institutions Code (WIC) Section 827 and cannot be disclosed to unauthorized individuals without a court order. Many complainants are not entitled to receive confidential case information. CWS staff has noted that policy will be updated to reflect this.

Additionally, as noted on the public webpage for the Office of the Ombudsperson, the Office of the Ombudsperson does have limitations and while many complaints fall into these categories, does not have authority to do the following:

- Make recommendations to the court or overturn court orders.
  - Investigate matters in which appeals or lawsuits are pending.
  - Change or make exceptions to state or federal laws or regulations.
  - Investigate, make recommendations or take action in personnel or disciplinary matters.
  - Give legal advice.
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**Finding 5:** *Humboldt County Child Welfare Services collects statistical information about the performance of the Office of the Ombudsperson but does not actively share this information with the public. This prevents the public from evaluating the performance of an office meant to serve them. (R5)*

**Response: Disagree.**

Humboldt County Child Welfare Services collects statistical data on the nature of complaints received and the outcome of subsequent investigations. Qualitative and quantitative data from the Office of the Ombudsperson is shared publicly at several public meetings, including the CWS County Self-Assessment meetings and the System Improvement meetings.

It should be noted that CWS does not collect data on the performance of the Office of the Ombudsperson. The 2018 Attorney General Stipulated Judgement required that CWS create a complaint resolution process. CWS was not required to create an Ombudsperson Office and was not required to release performance data to the public.

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*Finding 6: Humboldt County Child Welfare Services fails to provide information on the outcomes of complaints, leaving the public with no information on what policies, procedures, and civil rights have been violated and what, if anything, has been done to address these violations. This failure prevents the public from evaluating the performance of an office meant to serve them. (R6)*

**Response: Disagree.**

CWS records are protected by Welfare and Institutions Code (WIC) Section 827 and cannot be disclosed to unauthorized individuals without a court order. Many complainants are not entitled to receive confidential case information. CWS records including the outcome of complaints cannot be released publicly.

As previously noted in the response to Finding 4 and on the public webpage for the Office of the Ombudsperson, the Office of the Ombudsperson does have limitations and while many complaints fall into these categories, does not have authority to do the following:

- Make recommendations to the court or overturn court orders.
- Investigate matters in which appeals or lawsuits are pending.
- Change or make exceptions to state or federal laws or regulations.
- Investigate, make recommendations or take action in personnel or disciplinary matters.
- Give legal advice.

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*Finding 7: Child Welfare Services regularly and systematically violates the terms of the 2018 Judgment of the Superior Court of the State of California related to the Office of the Ombudsperson. This results in services that Child Welfare Services agreed to provide being withheld from the public. (R7, R8, R9)*

**Response: Disagree.**

Humboldt County Child Welfare Services has not violated the terms of the 2018 stipulated judgement. The stipulated judgment required the county to create a complaint procedure, which CWS did by creating the Office of Ombudsperson. The Attorney General stipulated that CWS had “fully complied with and completed”

its obligations to create this procedure. (Joint Stipulation and Request for Stipulated Supplemental Judgment, at paragraph 17, filed May 27, 2021, People v. Humboldt County, CV 180143.)

The Department of Health & Human Services has noted that CWS strives to be responsive and resolve client concerns at the lowest level possible. As the Civil Grand Jury has noted, the CWS Office of the Ombudsperson was created in response to the 2018 stipulated judgment that CWS create a complaint procedure that can be easily understood by and publicized to the community. The stipulated judgment did not require the creation of an Office of the Ombudsperson specifically. Further, there is no mandate, nor funding, for CWS agencies to operate an Office of the Ombudsperson.

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**Finding 8:** *The Humboldt County Child Welfare Services Office of the Ombudsperson is not independent, reporting to the very institution it is designed to investigate. This can influence the scope and outcome of investigations. (R10)*

**Response: Partially agree.**

The Department of Health & Human Services agrees that the Office of the Ombudsperson is not an independent office. However, Humboldt County Child Welfare Services has no information or empirical evidence that the scope and outcome of investigations has been influenced.

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## **RECOMMENDATIONS**

**Recommendation 1:** *Humboldt County Child Welfare Services create a comprehensive complaint form for those wishing to file a complaint with the Office of the Ombudsperson that is readily available on their website, at all DHHS offices, and through the mail. This form is to be completed and available by no later than March 31, 2025. (F1)*

**This recommendation has been implemented.**

As noted in the response to Finding 1, Child Welfare Services (CWS) has a standardized compliant form and provides the form upon request. Blank copies of the complaint form are available at the reception desk in the lobby of the main CWS building. Additionally, this form has been added to the Office of the Ombudsperson webpage on the county's website. CWS staff has noted that this complaint form was previously provided to the Civil Grand Jury during the course of their investigation.

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**Recommendation 2:** *Humboldt County Child Welfare Services create a brochure detailing the procedures for making a complaint to the Office of the Ombudsperson that is readily available on their website, at all DHHS offices, and through the mail. This document is to be completed and available by no later than March 31, 2025. (F2)*

**This recommendation has been implemented.**

As communicated in the response to Finding 2, CWS has a brochure for the Office of the Ombudsperson available in both English and Spanish. These brochures are provided when someone communicates that they are dissatisfied with services, and/or would like to file a complaint. Additionally, printable brochures are available online on the Office of the Ombudsperson webpage on the county's website. CWS staff has also noted that this brochure was provided to the Civil Grand Jury during the course of this investigation.

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**Recommendation 3:** Humboldt County Child Welfare Services provide physical copies of the documents detailed in recommendations one and two to every member of the public involved in Child Welfare Services proceedings of any type. This procedure is to be implemented by no later than April 1, 2025. **(F1, F2)**

**This recommendation will not be implemented.**

At this time, Humboldt County Child Welfare Services will continue to provide the brochure and complaint form on the county's website and whenever a client or community member states they would like to make a complaint. However, this recommendation may be implemented in the future. Humboldt County Child Welfare Services acknowledges the opportunity to improve its complaint resolution practice and has an executed contract with the California Center for Rural Policy to evaluate the efficiency and effectiveness of the Office of the Ombudsperson. CWS intends to continue with this assessment and will provide final recommendations to the Board of Supervisors for their review and decision. This work is already under contract and will be completed within approximately six months. The contracted scope of work includes:

- Evaluating DHHS - Child Welfare Services' Ombudsperson Program for efficiency and effectiveness, including, without limitation:
  - Discussing the intent and purpose of the Ombudsperson Program with DHHS-Child Welfare Services staff and other key partners.
  - Reviewing all existing data and reports collected by the Ombudsperson Program in order to categorize the types of complaints received to date and, if possible, determine the percentage of complaints that are related to system-level issues versus case-level issues.
  - Comparing the desired intent and purpose of the Ombudsperson Program with the types of complaints received to assess effectiveness.
  - Reviewing other Ombudsperson programs in California and compiling summary information to inform a review of alternative models/mechanisms public agencies use to provide a clear path for complaint resolution to community members.
  - Providing recommendations on mechanisms to effectively and efficiently respond to complaints received by the Ombudsperson's office.
- Preparing a performance assessment report which summarizes key findings, clarifies the difference between current Ombudsperson Program practices and other mechanisms currently in place and identifies results and recommendations relating to both system-level and case-level areas for improvement.

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**Recommendation 3 (Please note the Humboldt County Civil Grand Jury listed two separate recommendations**

titled "Recommendation 3" in this report.): *The next and all following Humboldt County Child Welfare Services Ombudspersons have prior experience in child welfare and social work. This action is to be implemented the next time the Ombudsperson position is vacant. (F3)*

**This recommendation will not be implemented.**

However, this may be implemented in the future. As previously communicated in the response to the other Recommendation 3, CWS recognizes the need to enhance its complaint resolution practices and has engaged the California Center for Rural Policy to assess the Office of the Ombudsperson's efficiency and effectiveness. This evaluation, which is contracted to be completed in about six months, will offer final recommendations for review by the Board of Supervisors.

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Recommendation 4: *Humboldt County Child Welfare Services follow all elements of the Child Welfare Services Policies and Procedures section 10-75. This action is to be implemented by no later than November 1, 2024. (F4)*

**This recommendation has been implemented.**

Shortly after implementation of the Office of the Ombudsperson it was determined that a blanket approach of providing a response resolution letter, which was a procedural step included in the initial Complaint Policy and Procedure, could potentially violate WIC 827. Staff has confirmed that Humboldt County Child Welfare Services policy has been updated to reflect this and Child Welfare Services follows the current version of this policy

As previously mentioned, CWS acknowledges the opportunity to improve its complaint resolution practices and has contracted with the California Center for Rural Policy to evaluate the efficiency and effectiveness of the Office of the Ombudsperson. CWS will continue with this assessment and provide final recommendations to the Board of Supervisors for their review and decision. This work is already underway and is expected to be completed within approximately six months.

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Recommendation 5: *Humboldt County Child Welfare Services make available to the public the Humboldt County Office of the Ombudsperson performance data that they acquire. This action is to be completed by no later than March 31, 2025. (F5)*

**This recommendation has been implemented.**

Data acquired through the Humboldt County Office of the Ombudsperson has been shared at public meetings, including most recently the Humboldt County Child Welfare Services System Improvement Plan (SIP) Stakeholder meeting held on July 31, 2023. Data acquired through the Humboldt County Office of the Ombudsperson will continue to be shared at future SIP Stakeholder meetings and other venues as well.

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Recommendation 6: *Humboldt County Child Welfare Services expand the range of performance data acquired for the Office of the Ombudsperson to include what policies, procedures, and civil rights have been violated and what, if anything, has been done to address these violations. This is to be completed no later than March 31,*

2025. (F6)

**This recommendation will not be implemented.**

This may be implemented in the future. As noted, CWS recognizes the need to improve its complaint resolution practices and has engaged the California Center for Rural Policy to evaluate the efficiency and effectiveness of the Office of the Ombudsperson. CWS will proceed with this assessment and present final recommendations to the Board of Supervisors for their review and decision. This work is currently in progress and is anticipated to be completed within six months.

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*Recommendation 7: Humboldt County Child Welfare Services conduct a review of the terms of the 2018 Judgment of the Superior Court of the State of California and all succeeding agreements related to the Office of the Ombudsperson, compare those terms to current procedures, and prepare a report on the findings of that review. This is to be completed no later than March 31, 2025. (F7)*

**This recommendation will not be implemented.**

This recommendation misunderstands the nature of the judgment. When the case was closed by stipulation, the Attorney General stipulated that Humboldt County Child Welfare Services Division had “fully complied with and completed” most of its obligations under the agreement, with those remaining obligations to be monitored by a third-party compliance monitor. (Joint Stipulation and Request for Stipulated Supplemental Judgment, at paragraph 28, filed May 27, 2021, People v. Humboldt County, CV 180143.) That monitor, the California Center for Rural Policy at Cal Poly Humboldt found that, “CWS has completed all outstanding actions under all areas of the Stipulated Supplemental Judgment at the close of the monitoring period.” (“Performance of Correcting Actions of the Stipulated Supplemental Judgment,” California Center for Rural Policy at Cal Poly Humboldt, 2022, page 3.)

Furthermore, CWS has gone far beyond the mere terms of the judgment, and “has used the opportunity of the Judgment to build infrastructure that deepens the department’s responsiveness to issues arising in its caseload, strengthens collaboration with external stakeholders, and increases accountability to its mandate and the community. Not only have many tools and processes been customized to better fit the specific needs identified in the Judgment such as SafeMeasures reports, CFTs surveys and processes for pulling data from CWS/CMS that speak to core concerns, but several entirely new tools have been developed for these purposes including cross reporting applications, Tribal Collaboration checklists and the Child Protection Reporting Guide (CPRG).” (Ibid.)

A review of compliance with the judgment now would be costly, duplicative and unnecessary.

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*Recommendation 8: Humboldt County Child Welfare Services create a plan of correction for all areas of noncompliance with the 2018 Judgment of the Superior Court of the State of California and all succeeding agreements related to the Office of the Ombudsperson. This is to be completed no later than June 30, 2025. (F7)*

**This recommendation will not be implemented.**

The recommendation is not warranted. As noted in the response to Recommendation 7, this recommendation also misunderstands the nature of the judgment. When the case was closed by stipulation, the Attorney General stipulated that Humboldt County Child Welfare Services Division had “fully complied with and completed” most of its obligations under the agreement, with those remaining obligations to be monitored by a third-party compliance monitor. (Joint Stipulation and Request for Stipulated Supplemental Judgment, at paragraph 28, filed May 27, 2021, People v. Humboldt County, CV 180143.) That monitor, the California Center for Rural Policy at Cal Poly Humboldt found that, “CWS has completed all outstanding actions under all areas of the Stipulated Supplemental Judgment at the close of the monitoring period.” (“Performance of Correcting Actions of the Stipulated Supplemental Judgment,” California Center for Rural Policy at Cal Poly Humboldt, 2022, page 3.)

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Recommendation 9: *Humboldt County Child Welfare Services implement a plan of correction for all areas of noncompliance with the 2018 Judgment of the Superior Court of the State of California and all succeeding agreements related to the Office of the Ombudsperson. This is to be completed no later than December 31, 2025. (F7)*

**This recommendation will not be implemented.**

The recommendation is not warranted. As previously mentioned, when the case was closed by stipulation, the Attorney General stipulated that Humboldt County Child Welfare Services Division had “fully complied with and completed” most of its obligations under the agreement, with those remaining obligations to be monitored by a third-party compliance monitor. (Joint Stipulation and Request for Stipulated Supplemental Judgment, at paragraph 28, filed May 27, 2021, People v. Humboldt County, CV 180143.) That monitor, the California Center for Rural Policy at Cal Poly Humboldt found that, “CWS has completed all outstanding actions under all areas of the Stipulated Supplemental Judgment at the close of the monitoring period.” (“Performance of Correcting Actions of the Stipulated Supplemental Judgment,” California Center for Rural Policy at Cal Poly Humboldt, 2022, page 3.)

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Recommendation 10: *The Humboldt County Board of Supervisors remove the Humboldt County Child Welfare Services Office of the Ombudsperson from the Humboldt County Child Welfare Services organizational structure and reallocate the Office of the Ombudsperson to report to the Humboldt County Administrative Office. This is to be completed by no later than July 1, 2025. (F8)*

**This recommendation will not be implemented.**

As previously stated, Humboldt County Child Welfare Services acknowledges the opportunity to improve its complaint resolution practice and has an executed contract with the California Center for Rural Policy to evaluate the efficiency and effectiveness of the Office of the Ombudsperson. CWS intends to continue with this assessment and will provide final recommendations to the Board of Supervisors for their review and decision. This work is already under contract and will be completed within approximately six months. The contracted scope of work includes:

- Evaluating DHHS - Child Welfare Services' Ombudsperson Program for efficiency and effectiveness, including, without limitation:
    - Discussing the intent and purpose of the Ombudsperson Program with DHHS-Child Welfare Services staff and other key partners.
    - Reviewing all existing data and reports collected by the Ombudsperson Program in order to categorize the types of complaints received to date and, if possible, determine the percentage of complaints that are related to system-level issues versus case-level issues.
    - Comparing the desired intent and purpose of the Ombudsperson Program with the types of complaints received to assess effectiveness.
    - Reviewing other Ombudsperson programs in California and compiling summary information to inform a review of alternative models/mechanisms public agencies use to provide a clear path for complaint resolution to community members.
    - Providing recommendations on mechanisms to effectively and efficiently respond to complaints received by the Ombudsperson's office.
  
  - Preparing a performance assessment report which summarizes key findings, clarifies the difference between current Ombudsperson Program practices and other mechanisms currently in place and identifies results and recommendations relating to both system-level and case-level areas for improvement.
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