

Humboldt County Child Welfare Services

Office of the Ombudsperson

Released June 28, 2024

ombudsmen: a person who investigates, reports on, and helps settle complaints : an individual usually affiliated with an organization or business who serves as an advocate for patients, consumers, employees,...¹

SUMMARY

In 2023 the Humboldt County Civil Grand Jury (HCCGJ) received a complaint regarding Child Welfare Services (CWS), a branch of the Humboldt County Department of Health and Human Services (DHHS). Among several other issues, the complainant told us that after contacting the CWS Office of the Ombudsperson to lodge a complaint and receive assistance, they never received a reply. The Humboldt County CWS Office of the Ombudsperson was created in 2018 as part of a legal settlement with the State of California that required CWS to establish a complaint office to give a voice to families involved in the Child Welfare Services system.²

We investigated the current state of this office and found that it does not follow through on promises made on the CWS website and that current practices violate CWS's own policies. We found that CWS regularly refers to the Office of the Ombudsperson as "independent" but that in reality it is intricately woven into the CWS structure. We found that CWS is good at keeping records about complaints received but does not provide information about complaint outcomes involving violations of policy, procedure, or civil rights. Moreover, we found that the public has no way to know if these violations have been addressed individually or systemically.

Crucially, we found that many people who make complaints never learn the outcomes of their complaints from CWS. These complainants are people in difficult situations. They may be at risk of losing their children, may have seen their children be abused by others, or may be abusers themselves. Whatever the case, they contact CWS to find answers, instead finding silence. Our conclusion is that CWS has an Office of the Ombudsperson in name only.

¹ The Merriam-Webster dictionary refers to "ombudsman"; however, its definition suitably describes current vernacular "ombudsperson" and its role: <https://www.merriam-webster.com/dictionary/ombudsman>

² State of California v. Humboldt DHHS and HCSO: https://oag.ca.gov/system/files/attachments/press_releases/Signed%20Proposed%20Judgment.pdf

BACKGROUND

Child Welfare Services

At its core, Humboldt County Child Welfare Services strives to preserve family unity whenever possible and pursues separation of children and parents only when clearly necessary. The child welfare system is primarily concerned with children who have been abused or neglected. According to the CWS website, these services include:

- Emergency Response Services where workers investigate reports of child maltreatment and provide short-term intensive services to stabilize families so that children can be safe and receive appropriate care.
- Family Maintenance Services, which provides time-limited services to children in their homes, aimed at preventing or correcting neglect or abuse.
- Family Reunification Services, which provides time-limited services to families whose children cannot remain safely in the home and have been placed in foster care by the Juvenile Court. The goal of the Family Reunification Services is to help the family overcome safety issues so that children can be reunited with parents or guardians.
- Permanency Planning, which is designed to provide a permanent family for those children who, because of neglect or abuse, cannot safely remain at home or return to the home of the parent(s). Possible permanent plans include: adoption, guardianship, or long-term foster care. The goal of Permanency Planning is to ensure that each child has the most stable home available to grow up.³

³ Humboldt County CWS Website: <https://humboldt.gov/497/Child-Welfare-Services>

The People of the State of California v. The Humboldt County Department of Health and Human Services and The Humboldt County Sheriff's Office

2018: Original Lawsuit

On February 13, 2018, a stipulation for entry of final judgment and permanent injunction (Judgment) was filed in the Superior Court of the State of California, County of Humboldt.⁴ It stemmed from a lawsuit filed by the State of California Department of Justice Office of the Attorney General.⁵ The 2018 Judgment mandated significant change in the operations of Humboldt County Child Welfare Services. For the purposes of this investigation, we focused on legally agreed-upon corrective actions that required CWS to create a complaint system. In this structure, the client is anyone who makes a complaint, regardless of any particular connection to the situation. The 2018 Judgment stated:

“Within 60 days of the judgment, Defendant CWS shall create a complaint procedure that can be easily understood by and publicized to the community. This procedure shall include the time frame for handling complaints submitted formally and informally, written and orally. CWS shall create a policy designating a supervisor who will be responsible for ensuring all complaints are investigated.”

In response to this section of the 2018 Judgment, CWS opted to address the requirement to establish a “complaint procedure” by creating an Office of the Ombudsperson.

2020: Performance of Corrective Actions of the Judgment

As part of the 2018 Judgment, the Center for the Study of Social Policy (CSSP) was retained to monitor CWS’s compliance with the Judgment. On June 30, 2020, CSSP published a progress report covering the period from September 1, 2019 through February 29, 2020.⁶ The progress report did not find that CWS was out of compliance with the 2018 Judgment. However, on page 33 of the progress report CSSP wrote:

“DHHS presented results of a DHHS review of the CWS Ombudsperson’s Office during the May 2020 Community Task Force meeting. DHHS reports planning to move forward to implement each of the following recommendations from their review of the Ombudsperson’s Office:

⁴ Ibid: See footnote #2

⁵ THE PEOPLE OF THE STATE OF CALIFORNIA ex. rel. XAVIER BECERRA, ATTORNEY GENERAL OF THE STATE OF CALIFORNIA, Plaintiff, v. HUMBOLDT COUNTY DEPARTMENT OF HEALTH AND HUMAN SERVICES; CONNIE BECK, In Her Official Capacity as Director; HUMBOLDT COUNTY SHERIFF’S OFFICE; WILLIAM HONSAL, In His Official Capacity as Sheriff, Defendants. Humboldt County Case No. CV-180-143.

⁶ CSSP June 30, 2020 Report: <https://cssp.org/wp-content/uploads/2020/06/California-v-Humboldt-County-Progress-Report-for-the-Period-Sep-2019-Feb-2020.pdf>

1. Move Ombudsperson's Office from the CWS chain of command.
2. Clarify the role of the Ombudsperson.
3. Update the Ombudsperson's Office Policy and Procedures.
4. Implement training for the Ombudsperson and staff of the Office.
5. Standardize case file maintenance.
6. Implement marketing strategies for the Office.
7. Enhance the feedback loop for data from the Ombudsperson's Office.
8. Improve Communication.
9. Enhance confidentiality.
10. Create a closure process with complainant follow-up.
11. Utilize corrective action plans.
12. Build relationships within CWS and in community.
13. Increase involvement of practice and Cultural Coaches.
14. Ensure access to Ombudsperson's Office is youth friendly.
15. Enhance customer service.”

2020: Motion for Extension of Monitoring Period and Order of Supplemental Judgment

On January 15, 2020, in the Humboldt County Superior Court, the State of California requested that the monitoring period for compliance with the 2018 Judgment be extended due to continuing non-compliance by CWS.⁷ CWS opposed the extension of the monitoring period. On page 15 of this motion the State of California wrote:

⁷ State of California Motion for Extension:
<https://oag.ca.gov/sites/default/files/Motion%20for%20Supplemental%20Judgment.pdf>

b. DHHS-CWS' Complaint Procedure Has Not Been Fully Implemented. The Final Judgment requires DHHS-CWS to "create a complaint procedure that can be easily understood by and publicized to the community." (Final Judg., ¶ 3, subd. (GG).) DHHS-CWS's Ombudsperson's Office was created to handle public complaints. To gauge the efficacy of the Ombudsperson's Office, the monitor planned to conduct a survey of the complaints to the Ombudsperson's Office starting in March 2020 but it has been unable to undertake the planned survey due to the pandemic. (Riehl Decl., Ex. 1, p. 33.) The most recent monitoring report states that DHHS-CWS is still working "to improve the Ombudsperson's Office including clarifying the role of the Ombudsperson; standardizing multiple processes within the Office; and creating a formal complaint closure process." (Riehl Decl., Ex. 2, p. 31.) During the last monitoring period, DHHS-CWS "leadership and CSSP received complaints from stakeholders who are not contacting the Ombudsperson's Office for relief." (*Ibid.*) By February 14, 2021, DHHS-CWS will not have "create[d] a complaint procedure that can be easily understood by and publicized to the community," (see Final Judg., ¶ 3, subd. (GG)), because the public is not always using the system and the system is going through needed changes. Thus, the Proposed Supplemental Judgment requires a complaint procedure that is publicized and reviewed to ensure compliance with the Final Judgment. (Proposed Supp. Judg., § (7), subds. (M)(4) & (N).)

To summarize the portions of the above paragraph most relevant to this report:

- "DHHS-CWS' Complaint Procedure Has Not Been Fully Implemented."
- CSSP planned to "conduct a survey of the complaints" but was unable due to the pandemic. The HCCGJ could find no evidence that this survey has ever been conducted.
- The Final Judgment requires DHHS-CWS to "create a complaint procedure that can be easily understood by and publicized to the community."

The Proposed Supplemental Judgment requires a complaint procedure that is publicized and reviewed to ensure compliance with the Final Judgment.

2020: Proposed Supplemental Judgment

The document that accompanied the motion for extension was the Proposed Supplemental Judgment⁸, which was ultimately approved by the Superior Court of California, County of Humboldt. In essence, it provides the corrections requested by the State of California to address deficiencies noted in the previous document, the Motion for Extension of Monitoring Period and Order of Supplemental Judgment. It states:

⁸ Proposed Supplemental Judgment:
<https://oag.ca.gov/sites/default/files/Proposed%20Supplemental%20Judgment.pdf>

“N. Subsection (3)(GG) of the Final Judgment requires DHHS-CWS to create a complaint procedure. DHHS-CWS shall maintain and provide a complaint procedure that is publicized to the community. Part of this complaint procedure involves the Ombudsperson’s Office. Within 30 days of the entry of Supplemental Judgment, DHHS-CWS shall provide the Attorney General with its metrics, created in consultation with the monitor and Evident Change, to measure internal and external functions of the Ombudsperson’s Office, including timely investigation of complaints submitted formally and informally, written and orally.”

2021-2022: Performance of Corrective Actions of the Judgment

Following the involvement of CSSP, the California Center for Rural Policy (CCRP) at the California State Polytechnic University, Humboldt, was retained to monitor CWS’s compliance with the Judgment. They have published two reports, one covering the period from February 14, 2021 through August 14, 2021⁹, and the other from August 15, 2021 through February 14, 2022.¹⁰ In neither of the reports is the complaint process or the Office of the Ombudsperson referenced.

Humboldt County Child Welfare Services Office of the Ombudsperson

The following text is quoted directly from the CWS Office of the Ombudsperson website:¹¹

CWS Office of the Ombudsperson

The Humboldt County Department of Health & Human Services, Child Welfare Services (CWS) has an ombudsperson who provides the following services:

- Independent review of concerns or complaints related to Humboldt County Child Welfare Services
- Information, consultation and facilitation related to Humboldt County Child Welfare Services
- Assistance with problem resolution related to Humboldt County Child Welfare Services

⁹ CCRP First Report:

https://ccrp.humboldt.edu/sites/default/files/ca.v.humboldt_county.progress.report.2.14.2021-8.14.2021.pdf

¹⁰ CCRP Second Report:

https://ccrp.humboldt.edu/sites/default/files/ca_v_humboldt_county_progress_report_8.15.21-2.14.22_final.pdf

¹¹ CWS Website: <https://humboldt.gov.org/2360/CWS-Office-of-the-Ombudsperson>

What is an Ombudsperson?

An Ombudsperson is an official charged with representing the interests of the public by investigating and addressing complaints or violations of rights. The Child Welfare Services Office of the Ombudsperson investigates concerns or complaints related to Child Welfare Services policy, procedures, and practices in an independent and objective manner, and develops proposed resolutions.

Purpose and Function

The purpose of the Child Welfare Services Office of the Ombudsperson is to do the following:

- Provide information and consultation regarding Child Welfare Services policies, procedures and practices
- Receive and monitor concerns and complaints regarding Child Welfare Services
- Facilitate communication with pertinent Child Welfare Services staff for problem resolution in an impartial and objective manner
- Conduct independent internal reviews of concerns or complaints regarding Child Welfare Services policy, procedure and practices
- Receive and investigate grievances regarding the placement in or removal from a foster home, per Division 31[sic]¹²
- Oversee the evaluation and assessment of each concern or complaint
- Elevate findings and recommendations to management to ensure that policies and practices meet state and federal laws, and are consistent with the mission and goals of Child Welfare Services

Limitations

The Child Welfare Services Office of the Ombudsperson 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

¹² California Department of Social Services Manual: <https://www.cdss.ca.gov/inforesources/letters-regulations/legislation-and-regulations/child-welfare-services-regulations>

What to do before filing a concern or complaint with the Child Welfare Services Office of the Ombudsperson

Before contacting the Office of the Ombudsperson, try to resolve concerns by contacting the following individuals in the order listed:

- Social worker
- Supervisor
- Program manager

Call the Child Welfare Services main line at 1-707-388-6600 to obtain the names of staff assigned to your referral or case. If the complaint remains unresolved, call the Office of the Ombudsperson.

Tips on how to prepare for problem resolution

- Record the names of staff who you have contacted
- Keep records, take notes and record dates of events
- Save all documents

At the bottom of the webpage for the Office of the Ombudsperson is a final paragraph titled Overview and Policy:

The Child Welfare Services Office of the Ombudsperson was created in April 2018, and is an internal mechanism for conducting independent review of complaints concerning Child Welfare Services policies, procedures and practices that originate from clients, caregivers, tribal partners, schools, community partners and members of the public. Child Welfare Services values customer, community and staff input in problem resolution. All concerns, complaints, and grievances, whether verbal or written, will receive a thoughtful, timely and impartial response.

Office of the Ombudsperson Policy and Procedure

Humboldt County Child Welfare Services has an eight-page Policy and Procedure (P&P), section 10-75, titled “Complaint Resolution and Grievance Review.”¹³ The Humboldt County Civil Grand Jury obtained a copy of this document that was last revised on April 20, 2018. We could find no evidence that a newer revision has been released. Section 10-75 is located on a CWS webpage dedicated to policies and procedures and is not linked to or referenced by the webpage dedicated to the Office of the Ombudsperson. Sections of the P&P most relevant to our investigation include the following (*emphasis added*):

The CWS Office of the Ombudsperson is an internal mechanism for conducting *independent review* of complaints concerning CWS policies, procedures, and practices that originate from clients, caregivers, tribal partners, schools, community partners, and members of the public. CWS values customer, community, and staff input in problem resolution. *All concerns, complaints, and grievances received by the Ombudsperson, whether verbal or written, will receive a thoughtful, timely, and impartial response.*

All concerns/complaints are resolved at the lowest possible level within the CWS organizational structure. Generally, the complaint is first addressed by staff of the CWS Office of Ombudsperson, who will seek problem resolution through discussion, education, and referral. *If the Ombudsperson staff cannot completely resolve the issue, they forward the complaint to the appropriate CWS program’s staff member and supervisor, and/or to a program manager, for investigation and resolution.* If a complaint has been elevated to a program manager and remains unresolved, the CWS Office of the Ombudsperson provides an independent review and investigation. If the complaint remains unresolved, it is elevated to the CWS Director, who retains final decision-making authority for complaints and grievances.

The CWS Ombudsperson promptly investigates all complaints and grievances, and all relevant parties are informed of the complaint and the investigation finding(s) and resolution(s).

To make a complaint or discuss concerns, an individual may contact the CWS Office of the Ombudsperson by email, phone call, or letter to the contacts posted on the *CWS web page* and *CWS Ombudsperson brochure*. Upon a complainant’s request, CWS staff may assist with completion of a handwritten complaint.

The CWS Ombudsperson *responds to all complaints within two business days* by calling the complainant to directly discuss their concerns/complaint. If a complainant does not provide a telephone number, Ombudsperson staff attempt to contact the complainant to obtain a telephone number.

¹³ CWS Policy and Procedure: <https://humboldt.gov/DocumentCenter/View/118876/10-75-CWS-Complaint-Resolution-and-Grievance-Review>

The Ombudsperson enters complaint- or concern-related information into the complaint tracking system/spreadsheet, and enters updates during key points during the progress of the complaint.

The Ombudsperson sends an Acknowledgment Letter to the complainant (via US Mail or email) within five business days of initially speaking to or corresponding with the complainant. All Acknowledgment Letters include a summary of the complaint.

Ombudsperson Offices within the State of California

There are many ways to define the role of an Office of the Ombudsperson. The County of Sacramento Department of Child, Family and Adult Services (DCFAS), for instance, defines their Ombudsperson/Civil Rights Coordinator as:

“A neutral party who helps resolve complaints or answer questions about DCFAS Agency policies and practices. The Ombudsperson is a liaison between DCFAS and the public, clients, and other government and private agencies. The Ombudsperson conducts, reviews independently with impartial manner to ensure that agency policies and practices are consistent with DCFAS goals and missions. The Ombudsperson seeks to resolve issues in a fair, thorough, and timely manner and to ensure that the individuals are treated fairly, respectfully and with dignity.”¹⁴

The State of California Foster Care Ombudspersons web page states:

“The mission of the California Office of the Foster Care Ombudsperson (OFCO) is to advocate on behalf of foster children and youth regarding their care, placement, and services. The OFCO is an autonomous entity that is empowered to investigate and informally resolve complaints impacting foster youth, increase awareness about foster youth rights, and make recommendations to help support systemic change.”¹⁵

While precise definitions may differ, the overall role and mission of the Ombudsperson is similar in every instance we reviewed.

¹⁴ Sacramento County: <https://dcfas.saccounty.net/Pages/Ombudsperson.aspx>

¹⁵ OFCO: <https://fosteryouthhelp.ca.gov/about/>

Humboldt County Office of the Ombudsperson Staffing

Since its inception the Child Welfare Services Office of the Ombudsperson has had at least three different people assigned to serve in that role. In periods of time where the office was unfilled, the duties of the Ombudsperson were filled by supervisors or program managers. The first two incumbents in this office had experience as CWS social workers, providing a base of knowledge about how CWS operates. The current Ombudsperson, who has been in the role since the spring of 2023, is a Staff Services Analyst.¹⁶

The duties described in the Staff Services Analyst job description revolve around “performing professional level analytical duties involving general administrative, staff development, fiscal, and/or program analytical work.” There is no requirement that this position have specific knowledge about the functions of the department in which they work. The current Ombudsperson has little experience in child welfare or social work but did receive training on how to fulfill the role of ombudsperson.

METHODOLOGY

The Humboldt County Civil Grand Jury conducted interviews with people who have firsthand knowledge of Humboldt County Child Welfare Services and the CWS Office of the Ombudsperson, researched Ombudsperson offices in other counties and states, and analyzed relevant documents. For a complete list of documents please see the bibliography at the end of this report.

DISCUSSION

During our investigation, as detailed in the following sections of the Discussion, the Humboldt County Civil Grand Jury learned that the Child Welfare Services (CWS) Office of the Ombudsperson does not adequately serve the people it is intended to help. Moreover, it does not follow its own Policies and Procedures (P&P). We found that there is a culture of inconsistent policy and procedure at the CWS Office of the Ombudsperson.

Staffing and Supervision

The Ombudsperson reports directly to a supervisor, who reports to a Program Manager, who in turn reports to a CWS Deputy Director. Based on statistics provided to us by CWS a large majority of complaints are about the provision of services.¹⁷

¹⁶ Staff Services Analyst Job Description:

<https://www.governmentjobs.com/careers/humboldtcountyca/classspecs/1210689?keywords=staff%20services%20analyst&pagetype=classSpecifications>

¹⁷ CWS Office of the Ombudsperson 2023 Q4 Progress Report, tracking statistics related to Ombudsperson performance, not publicly available.

A 2022-2023 Humboldt County Civil Grand Jury report on CWS included the finding that “when there is an Ombudsperson they report to the Deputy Director who supervises them, who also may supervise areas that are the subject of complaints. This creates the potential for a conflict of interest.”¹⁸ In their response the Humboldt County Board of Supervisors (BOS) agreed with this finding.

The HCCGJ recommended that “by April 1, 2024, the Humboldt County Board of Supervisors remove the Ombudsperson position from the Child Welfare Services organizational structure, reallocating the position to the County Administrative Officer, to whom they will directly report.” The BOS replied that the recommendation would not be implemented, writing:

“Child Welfare Services is currently negotiating a contract with California Center for Rural Policy (CCRP) to conduct a review of the Office of the Ombudsperson and for CCRP to review other models/mechanisms used by public agencies for handling concerns or complaints. This review will include conducting an analysis that connects the desired intent and purpose with the actual types of complaints received by the Office of the Ombudsperson in order to assess whether or not the current structure is serving its’ [sic] intended purpose. The outcome of the review will include recommendations and options to ensure that, through the Office of the Ombudsperson and/or other means, Child Welfare Services has mechanisms in place to respond in a timely and effective manner to complaints or concerns.”

Throughout the course of our investigation, we could find no evidence that any of the above has taken place.

The HCCGJ learned that CWS management does not feel there are enough complaints to dedicate an employee to a full-time position. As a result, management has chosen to staff the Office of the Ombudsperson with a Staff Services Analyst, who also performs unrelated duties.

Complaint Process

The process of filing a complaint with the CWS Ombudsperson is to either call the phone number provided on their website, send an email to the email address provided, or physically go to the CWS offices at 2440 6th Street in Eureka. During this investigation, we found examples of the Office of Ombudsperson not complying with the 2018 Judgment and Injunction mentioned previously.

Our investigation found that if a complainant calls the phone number provided, nobody will answer the phone. A recorded voice states: “You have reached the Humboldt County Office of the Ombudsperson. Please leave a message and we’ll call you back as soon as possible.” Per CWS P&P, the complainant is to be called back within 48 hours of CWS receiving the complaint.

¹⁸ 2022-2023 Grand Jury Report: <https://humboldt.gov/DocumentCenter/View/117302/Humboldt-County-Child-Welfare-Services-and-the-Courts-Late-Reports-Dysfunctional-Systems-and-Traumatized-Children>

When the Ombudsperson or another worker returns the call, the complaint information is taken over the phone, documenting the complaint on an internal computerized form not available to the complainant. This documentation includes family names, children involved, social workers, outside agencies involved, and the nature of the complaint. Then, the Ombudsperson reviews the information to see if any CWS policy or procedure was violated. Based on our investigation and statistics shared with us by CWS, it appears that all calls receive an initial telephone response from CWS.¹⁹

There is no complaint form available from the website. During our investigation, it was reported to us that a form was available at the main CWS office at 2440 Sixth Street in Eureka, but we could not find any evidence to confirm this statement. Very late in the investigation CWS provided us with a complaint form that hadn't been referenced in any interviews and couldn't be found on the internet. Rather than being guided by a standard form, the complainant must write a narrative explaining their complaint. There is no defined mechanism for the Office of the Ombudsperson to receive in-person oral complaints

When a complaint has been received, the Ombudsperson follows the first steps of the procedures detailed in the background section above.

It was reported to the Humboldt County Civil Grand Jury that Child Welfare Services has directed the Ombudsperson to, after the initial complaint is taken, not return calls that supervision sees as a waste of time and considers a nuisance. This is reported to be a large number of complaints. This means that many complainants never hear a resolution to their complaint and is in direct violation of CWS Policy & Procedure section 10-75.

CWS keeps track of some data related to complaints to the Ombudsperson.²⁰ The data below was recorded from the inception of the Office of the Ombudsperson in 2018 through the end of 2023:

- 747 total complaints were received, an average of thirty-one per month
- 745 of those complaints had been “closed”, meaning they were no longer active
- Complaints were “open” for an average of twenty-four days
- Of the 747 complaints received:
 - 525, or 70%, were received over the phone, with the Ombudsperson or a staff member taking information from the complainant
 - 192, or 26%, were received via email, with the complainant writing an unguided narrative that may not supply all of the facts needed in filing a complaint
 - 24, or 3%, were received by letter, with the complainant writing an unguided narrative that may not supply all of the facts needed in filing a complaint

¹⁹ Ibid: See footnote #11

²⁰ Ibid: See footnote #11

- 7, or 1%, were received in person with the Ombudsperson or a staff member taking information from the complainant

The data on the 747 total complaints reveals the basic categories under which they fell:

- 418, or 56%, resulted in “investigation”, where the Ombudsperson examined the merits of the complaint
- 191, or 26%, resulted in “N/A”, presumably a not applicable or unknown outcome
- 83, or 11%, were for “information”
- 54, or 7%, in which CWS was unable to contact the complainant

Finally, the data reveals very general information about the outcomes:²¹

- 208, or 28%, were “unfounded”, i.e. there was no factual basis for the complaint and the complaint was dismissed
- 104, or 14%, were “founded”, i.e. the complaint had a factual basis based in a violation of policy, procedure, or civil rights, with some sort of corrective action taken
- 91, or 12%, were “partially founded”, i.e. there was a partial factual basis for the complaint and some sort of corrective action may or may not have taken place
- 15, less than 1%, were “inconclusive”, i.e. no determination could be found

Note that the total outcomes provided is 418 as opposed to 747 complaints. We were unable to determine outcomes for the remaining 329, or 44%, of the complaints, which may or may not be categorized under the unofficial category of “nuisance”. The data continues to break down complaints by type, detail the relationship of the complainant to the case, and detail the general nature of the complaint, i.e. “service delivery” or “individual staff.”

Aside from “unfounded”, “founded”, “partially founded”, or “inconclusive”, no information about the nature of the outcomes is provided. For complaints deemed “founded” or “partially founded” there is no information about the nature of the violation of policy, procedure, or civil rights. There is no information about any corrective measure(s) that may have been implemented. There is no way of knowing if CWS is addressing problems identified by complaints.

We understand that specific information is confidential and cannot be revealed. However, we also understand that more detailed information on resolutions will shed light on the progress, or lack thereof, of CWS addressing internal procedures that may arise from complaints.

²¹ Due to rounding the percentages in this section total 99%

Deficiencies

- CWS is violating both the spirit and the letter of the 2018 stipulation for entry of final judgment and permanent injunction regarding the Office of the Ombudsperson and the complaint process. The CWS complaint procedure is not “easily understood by and publicized to the community.” Information of any substance is limited to a website.
- At the inception of the Office of the Ombudsperson in 2018, CWS produced a two-page, tri-fold pamphlet describing the process of making a complaint.²² It is not available online through CWS – we could only find it through the College of the Redwoods. We have been told that the pamphlet may be available at a CWS office. Even if it is available at the office, only seven out of 747 complainants since 2018 have made their complaints in-person.
- No standardized complaint form is readily available. Those wishing to make a complaint by email or letter will likely not provide all the necessary information and therefore must speak with someone to provide information and explain their complaint. Making an oral complaint can be intimidating to some people. Without specific knowledge of what will be required the complainant may not be prepared to make an oral complaint. The information provided on the Office of the Ombudsperson website is not sufficient to address this problem.
- In the 2020 report Performance of Corrective Actions of the Judgment written by the Center for the Study of Social Policy it was stated that “DHHS reports planning to move forward to implement each of the following recommendations from their review of the Ombudsperson’s Office,” CWS has failed to follow through on implementation of many of these items.

1. Move Ombudsperson’s Office from the CWS chain of command. This has not taken place and was dismissed when recommended in a 2022-2023 HCCGJ report.

2. Clarify the role of the Ombudsperson. The HCCGJ has no historical information about how the role was previously defined and cannot determine if this has taken place.

3. Update the Ombudsperson’s Office Policy and Procedures. We could find no evidence that CWS Policy & Procedure 10-75, which covers the Office of the Ombudsperson, has been updated since it was introduced in 2018.

4. Implement training for the Ombudsperson and staff of the Office. The current Ombudsperson has received training on being an Ombudsperson.

²² CWS Pamphlet: <https://www.redwoods.edu/Portals/52/Brochures/Ombudsperson%20Brochure.pdf?ver=2019-02-26-142607-357>

5. Standardize case file maintenance. This appears to have been implemented.

6. Implement marketing strategies for the Office. The HCCGJ could find no evidence that, aside from a webpage, the Office has been “marketed” in any way.

7. Enhance the feedback loop for data from the Ombudsperson’s Office. This does not define who is to be included in this “feedback loop”. If the “feedback loop” includes complainants, it has not been implemented to any significant degree.

8. Improve Communication. This is a very broad recommendation. If it refers to communication between complainants and CWS it has not been implemented to any significant degree.

9. Enhance confidentiality. The HCCGJ does not know if this has happened.

10. Create a closure process with complainant follow-up. This has not been implemented because, as already reported, many complainants never receive information on the outcomes of their complaints.

11. Utilize corrective action plans. The HCCGJ does not know if this has happened.

12. Build relationships within CWS and in community. The HCCGJ has no way of knowing if this recommendation has happened.

13. Increase involvement of practice and Cultural Coaches. The HCCGJ does not know if this has happened.

14. Ensure access to Ombudsperson’s Office is youth friendly. The HCCGJ has no evidence that the Office of the Ombudsperson is friendly, unfriendly, or neutral towards youths.

15. Enhance customer service. Customer service may have been enhanced since 2020 but it has not been enhanced enough to create a process sufficient to respectfully work with complainants.

CWS has not followed through with many of its own recommendations from 2020.

- Child Welfare Services does not follow section 10-75 of their Policies & Procedures that states “The CWS Ombudsperson promptly investigates all complaints and grievances, and all relevant parties are informed of the complaint and the investigation finding(s) and resolution(s).” CWS instead directs the Ombudsperson specifically to not inform most complainants of the “investigation finding(s) and resolution(s).”
- Performance data for the Office of the Ombudsperson does not include any significant information on the outcomes of complaints. “Founded” complaints involve confirmed violations of policy, procedure, or civil rights. The public has no way of determining the nature of these violations. Just as importantly, the public has no idea what CWS has done to correct these violations and ensure that they do not happen in the future.

- The Office of the Ombudsperson is occupied by someone with little child welfare or social work background. Regardless of this person’s other work attributes, they do not possess the same knowledge base as an experienced social worker. Child welfare is a complex system that takes years to master, and most social work positions at CWS require a Masters of Social Work degree. Without this wealth of knowledge, the Ombudsperson cannot be expected to efficiently and thoroughly investigate complex internal procedures without significant assistance from more experienced people.
- CWS states in multiple places that the Office of the Ombudsperson is independent.

The Ombudsperson provides “independent review of concerns or complaints related to Humboldt County Child Welfare Services.” - Office of the Ombudsperson webpage.

“The Child Welfare Services Office of the Ombudsperson was created in April 2018, and is an internal mechanism for conducting independent review of complaints concerning Child Welfare Services...” - Office of the Ombudsperson webpage.

“The purpose of the Child Welfare Services Office of the Ombudsperson is to do the following: Conduct independent internal reviews of concerns or complaints regarding Child Welfare Services policy, procedure and practices. - Office of the Ombudsperson webpage.

“The CWS Office of the Ombudsperson is an internal mechanism for conducting independent review of complaints concerning CWS policies, procedures, and practices...” - CWS Policies & Procedures section 10-75.

“The CWS Office of the Ombudsperson provides an independent review and investigation.” - CWS Policies & Procedures section 10-75.

The Child Welfare Services Office of the Ombudsperson is demonstrably not independent. An individual or office tasked with investigating the very department they are employed by is the antithesis of independence. The CWS Ombudsperson is an employee of CWS, reports to CWS management, and has no review of their work from outside CWS.

“DHHS reports planning to move forward to implement each of the following recommendations from their review of the Ombudsperson’s Office. 1. Move Ombudsperson’s Office from the CWS chain of command.” - Center for the Study of Social Policy, 2020 Performance of Corrective Actions of the Judgment.

The preceding indicates that CWS itself does not see the Office of the Ombudsperson as independent. The HCCGJ can think of no other reason CWS would promise to move the Ombudsperson from the CWS chain of command..

“If the Ombudsperson staff cannot completely resolve the issue, they forward the complaint to the appropriate CWS program’s staff member and supervisor, and/or to a program manager, for investigation and resolution.” - CWS Policies & Procedures section 10-75.

This section of policy is perhaps the most conclusive evidence of a lack of independence. The Ombudsperson may need to turn over their investigative duties to the very people whose chain of command includes the subject(s) of the complaint. This also provides a clear venue for conflict of interest by the person to whom the Ombudsperson turns over an investigation.

- The Humboldt County Board of Supervisors agreed with a previous HCCGJ finding related to potential conflict of interest with the Office of the Ombudsperson. They did not agree that the Ombudsperson should be placed in a different supervisory structure independent from CWS, instead promising a review that would ensure that “Child Welfare Services has mechanisms in place to respond in a timely and effective manner to complaints or concerns.”²³ This review has not taken place.

These common and flagrant violations disrupt the trust between the public and Child Welfare Services.

CONCLUSION

The Humboldt County Civil Grand Jury concludes that the Child Welfare Services Office of the Ombudsperson does not fulfill its stated mission and instead serves as an ineffective complaint department. By directing the Ombudsperson to not provide resolutions to complainants, management consistently violates CWS Policies & Procedures, and contradicts the 2018 stipulated agreement. The Office of the Ombudsperson is not independent in any way, and the very structure of the office provides opportunities for conflicts of interests

These deficiencies result in poor customer service and bad perceptions of CWS. More importantly, it leaves people who have vital interests in complex and emotionally difficult situations without any sense of resolution. When an institution provides a venue for complaint with the promise of providing the complainant with closure, and then regularly fails to do so, people are left with a sense of distrust during a particularly difficult time in their lives.

Humboldt County Child Welfare Services and the Humboldt County Board of Supervisors should make a choice. They can raise the standards, transparency, and responsiveness within the current system to have a true Office of the Ombudsperson. Barring that, they can dismantle the Office of the Ombudsperson, revise their policies and procedures, and create a complaint line that does not promise investigation or response to complainants. Continuing with what is an Office of the Ombudsperson in name only does not provide a public service, it just minimally attempts to comply with the letter of the 2018 legal agreement.

²³ Ibid: See footnote #12

FINDINGS

The Humboldt County Civil Grand Jury finds that:

F1: 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 Ombudsperson. This lack of a standardized form creates a barrier to some people attempting to lodge a complaint. **(R1, R3)**

F2: Humboldt County Child Welfare Services does not in any substantial way provide printed information to clients informing them that an Office of the Ombudsperson 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)**

F3: 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)**

F4: 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)**

F5: 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)**

F6: 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)**

F7: 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)**

F8: 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)**

RECOMMENDATIONS

The Humboldt County Civil Grand Jury recommends that:

R1: 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)**

R2: 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)**

R3: 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)**

R3: 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)**

R4: 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)**

R5: 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)**

R6: 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)**

R7: 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)**

R8: 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)**

R9: 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)**

R10: 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)**

RESPONSES

Pursuant to California Penal Code sections 933 and 933.05, each entity or individual named below must respond to the enumerated Findings and Recommendations within specific statutory guidelines.

Responses to Findings shall be either:

- The respondent agrees with the finding; or
- The respondent disagrees wholly or partially with the finding, in which case the response shall specify the portion of the finding that is disputed and shall include an explanation of the reasons therefor.

Responses to Recommendations shall be one of the following:

- The recommendation has been implemented, with a summary regarding the implemented action; or
- The recommendation has not yet been implemented, but will be implemented in the future, with a time frame for implementation; or
- The recommendation requires further analysis, with an explanation and the scope and parameters of an analysis or study, and a time frame for the matter to be prepared for discussion by the officer or head of the agency or department being investigated or reviewed, including the governing body of the public agency where applicable. This time frame shall not exceed six months from the date of the publication of the Grand Jury report; or
- The recommendation will not be implemented because it is not warranted or is not reasonable, with an explanation therefor.

REQUIRED RESPONSE WITHIN 90 DAYS

The Humboldt County Board of Supervisors
(All findings, all recommendations)

INVITED RESPONSES

The Humboldt County Civil Grand Jury also invites the following entities or individuals to respond.

The Humboldt County Department of Health and Human Services
(All findings, all recommendations)

Responses are to be sent to:

The Honorable Judge Kelly L. Neel
Humboldt County Superior Court
825 5th Street, Eureka, CA 95501

The Humboldt County Civil Grand Jury
825 5th Street, Eureka, CA 95501

Reports issued by the Grand Jury do not identify individuals interviewed. Penal Code section 929 requires that reports of the Grand Jury not contain the name of any person or facts leading to the identity of any person who provides information to the Grand Jury.

BIBLIOGRAPHY

California State Polytechnic University, Humboldt

- **California Center for Rural Policy, Research & Policy Briefs – Humboldt County Child Welfare Services Compliance Monitoring** (Two reports available covering February - August 2021 and Aug. 2021 - February 2022.)
<https://ccrp.humboldt.edu/research/humboldt-county-child-welfare-services-compliance-monitoring>

Center for the Study of Social Policy

- **People of the State of CA v. Humboldt County DHHS and Sheriff's Office (September 1, 2019–February 29, 2020) Compliance Report**
<https://cssp.org/wp-content/uploads/2020/06/California-v-Humboldt-County-Progress-Report-for-the-Period-Sep-2019-Feb-2020.pdf>

College of the Redwoods

- **Humboldt County Child Welfare Services 101**
<https://www.redwoods.edu/Portals/52/Class%20Packets/Humboldt%20County%20Child%20Welfare%20Services%20101%20cherie-1.pdf?ver=2020-09-23-201549-930>

County of Humboldt

- **CWS Office of the Ombudsperson, Humboldt County Website**
<https://humboldtgov.org/2360/CWS-Office-of-the-Ombudsperson>
- **CWS Policy and Procedures**
<https://humboldtgov.org/2454/CWS-Policies-Procedures>
- **Staff Services Analyst I/II job description:**
<https://humboldtgov.org/DocumentCenter/View/54044/Staff-Services-Analyst-I-II---Humboldt-2013--MSS?bidId=>

County of Sacramento

- **Department of Child, Family, and Adult Services Ombudsperson/Civil Rights Coordinator**
<https://dcfas.saccounty.net/Pages/Home.aspx>

Humboldt County Civil Grand Jury 2022-2023

- **Humboldt County Child Welfare Services and The Courts: Late Reports, Dysfunctional Systems, and Traumatized Children**
<https://humboldtgov.org/Archive.aspx?AMID=62>

State of California

- **State of California, ex. rel. Xavier Becerra Attorney General's Office vs. County of Humboldt Child Welfare Services, Signed Stipulated Judgment, 2018**
https://oag.ca.gov/system/files/attachments/press_releases/Signed%20Proposed%20Judgment.pdf

State of California, ex. rel. Xavier Becerra Attorney General's Office vs. County of Humboldt Child Welfare Services, Supplemental Judgment, 2021

<https://oag.ca.gov/sites/default/files/Proposed%20Supplemental%20Judgment.pdf>