



To: Texas Judges Who Hear CPS Cases

**From: The Honorable Robin Sage and The Honorable Dean Rucker,
Jurists in Residence, Supreme Court Children's Commission**

Date: May 18, 2016

RE: Ombudsman for Children and Youth in Foster Care

During the 84th legislative session, Senate Bill 830 created the Office of the Ombudsman for children and youth in foster care. The Ombudsman is administratively attached to the Health and Human Services Commission and is independent of the Department of Family and Protective Services (DFPS).

Q: Why was the Office of the Ombudsman created?

A: Many of the youth who are abused in foster care are unaware of the need to or unable to report maltreatment, primarily because they do not know who to tell and how to report it, or they fear retaliation. Also, when maltreatment concerns are reported, there is often no report back to the youth as to what, if anything, has been done to address it.

Q: What does the new Ombudsman do?

A: The Ombudsman will assist children and youth who report maltreatment in foster care and may also assist foster youth with complaints regarding issues that are within the authority of the other Health and Human Services (HHS) agencies, such as the Department of State Health Services, the Department of Aging and Disabilities, and Superior Health.

Q: How will the Ombudsman handle complaints about abuse or neglect?

A: In addition to assisting any youth making complaints or reporting allegations of abuse or neglect, the Ombudsman has the authority to conduct an investigation into individual complaints and to suggest to DFPS a resolution regarding trends or systemic issues identified in the process. All communications with the Ombudsman are confidential during an investigation and remain so even after the complaint is resolved. The Ombudsman must ensure each youth who lodges a complaint is informed of the results of any investigation of the complaint, including whether the complaint was substantiated.

Q: What other services can the Ombudsman offer youth to address concerns?

A: The Ombudsman may refer a youth to any HHS program or service that can assist the youth, and with the youth's permission, may work with staff in any HHS program to resolve a complaint. Retaliation is specifically prohibited, and DFPS is required to cooperate with the Ombudsman to create consequences

for any person who is found to have retaliated against a youth because of a complaint made to the Ombudsman.

Q: How can youth contact the Ombudsman?

A: All residential child-care facilities, including foster homes, where youth in DFPS conservatorship are placed must display information about the Ombudsman and how to file a complaint in a location that is easily accessible and offers maximum privacy to youth residing at the facility. Foster youth may call the Ombudsman Monday through Friday from 8:00 am to 5:00 pm at 1-844-286-0769. Letters can be mailed to the Texas Health and Human Services Commission, Foster Care Ombudsman, MC H-700, P O Box 13247, Austin, Texas 78711-3247. The Ombudsman can be reached online at <http://www.hhsc.state.tx.us/ombudsman>.

Q: Can anyone contact the Ombudsman?

A: No. Only youth currently in DFPS conservatorship may contact the Ombudsman. Judges, parents, attorneys, CASA, and other individuals with inquiries and complaints should continue to contact the DFPS Office of Consumer Affairs at the toll-free phone number, 1-800-720-7777, or via email to oca@dfps.state.tx.us.