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GAVIN NEWSOM
GOVERNOR

September 28, 2026

The Honorable Lawrence G. Brown
Presiding Judge
Sacramento County Superior Court
500 G Street
Sacramento, CA 95814

Ms. Erendira Tapia-Bouthillier
Sacramento County Superior Court
Grand Jury Coordinator
Via Email: TapiaE@saccourt.ca.gov

SUBJECT: NO LONGER INVISIBLE: FOSTER YOUTH STILL IN THE SHADOWS

Dear Judge Brown and members of the Sacramento County Grand Jury:

The Office of the Foster Care Ombudsperson (OFCO) is an independent entity within the California Department of Social Services (CDSS). As a result of its independence, the opinions expressed are those of the OFCO and do not represent the views or opinions of CDSS or any other entity. Among the duties of the OFCO is to provide information and training on foster youth rights and the Reasonable Prudent Parenting Standard (RPPS). (*Welf. & Inst. Code* § 16164, subd. (a)(1)(A).) The OFCO is grateful to the Grand Jury for providing the report and wishes to respond to certain portions of the report. It is positive that the report shows Sacramento County is making progress.

The Foster Youth Bill of Rights (FYBOR) was enacted into California law in 2001. It is meant to represent a listing of rights which are found elsewhere in law and policy and does not create the rights listed itself. The RPPS is not a limit on the FYBOR. Portions of the FYBOR are based on the RPPS and it is incorporated in the FYBOR. The purpose of the RPPS is to expand opportunities for foster children to have normal childhood experiences and it is not meant to limit their rights.

The OFCO realizes that youth who leave placement without permission are in jeopardy of great harm while at large and that trafficking of youth is a serious and complicated problem. Welcome Homes are not a placement and therefore not an appropriate placement for any youth.

The OFCO does not agree with Finding 4 and Recommendation 4 as this is not a proper application of the RPPS. At the top of page 9 there is a misunderstanding of the FYBOR. It is true that the FYBOR states that youth cannot be locked in any portion of their placement; the source of this right is not the FYBOR itself. Foster youth are not incarcerated and like all free people, they have the right not to be locked up or held against their will. The source of this right is the California and United States Constitutions. In addition, the characterization that children in care “manipulate” their rights is possibly a simple poor choice of words, but could be a misunderstanding of a normal trauma

response. Youth in care are generally not there by their own choice and what is perceived as manipulation is just a person trying to survive a harmful situation.

On page 12 the report states that “the Foster Youth Bill of Rights are tempered by the Reasonable and Prudent Parent Standard.” This represents a misunderstanding of the FYBOR and the RPPS. The FYBOR itself contains the reasonableness standard regarding searches of personal belongings as it states youth have the right “[t]o be free from **unreasonable** searches of personal belongings.” (bold added, *Welf. & Inst. Code* § 16001.9, subd. (a)(10).) This right is also based in State and Federal Constitutional law. This applies equally to the statement at the bottom of page 12 that the RPPS could be used to locate additional electronic devices. Although reasonableness of searches and RPPS involve reasonableness, they are not the same thing.

The portion of the report below is from page 12 and seems to indicate that being locked up or confined is part of a normal childhood. If that is the case it is a misunderstanding of the RPPS. If not, it needs clarification. Foster children are not incarcerated, and confinement is not a normal childhood experience. The Grand Jury reports states, “[a] broader application of the Reasonable and Prudent Parent Standard can be used to balance the individual rights of foster youth with the overarching public need to keep them safe. Such interpretation would allow Welcome Home staff to evaluate the activities that help foster youth experience a more “normal” life while in foster care, including limiting freedom of movement when necessary. Id.” RPPS is not a legal mechanism to restrain or confine foster children or otherwise deprive them of their Constitutional rights.

The OFCO regularly provides training on the FYBOR and the RPPS. The OFCO is available to train staff on the FYBOR and the RPPS will not solve all the problems identified in the Grand Jury report. However, it will improve lives of youth in the Welcome Centers and working conditions for those serving youth there.

For additional information please contact Larry Fluharty, California Foster Care Ombudsperson at (877) 846-1602, or via email to larry.fluharty@dss.ca.gov.

Sincerely,

Larry Fluharty
California Foster Care Ombudsperson

cc: Jennifer Troia, Director, Department of Social Services
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