

## Community Care Licensing (CCL) Complaints An Overview for Advocates Prepared by the Youth Law Center

### General Overview

The Community Care Licensing Division (CCLD) of the California Department of Social Services (CDSS) is responsible for licensing children’s community care facilities<sup>1</sup> and for enforcing the licensing standards for these facilities. The CCLD is also responsible for facility oversight and investigating Community Care Licensing complaints, which allege that a facility, facility licensee, or facility staff person is out of compliance with licensing standards.

Children’s community care facilities include, amongst others, Foster Family Agency (FFA) homes, Short Term Residential Therapeutic Programs (STRTPs), Transitional Housing Placement Programs<sup>2</sup> (both the Transitional Housing Placement Program for Minors (THP-M) and the Transitional Housing Placement Program for Nonminor Dependents (THP-NMD)<sup>3</sup>), Temporary Shelter Care Facilities (TSCFs), and Transitional Shelter Care Facilities (TrSCFs).<sup>4</sup> Children and youth in California’s foster care system, including probation-supervised foster youth, must be placed in a licensed or approved foster care setting.<sup>5</sup>

### Why are Community Care Licensing complaints important?

Anecdotal information from youth advocates suggests that many violations of licensing standards are unreported. As a result, young people may remain or continue to be placed in unsafe facilities that are harmful to their well-being, and facilities have little incentive to change their practices. Community Care Licensing (CCL) complaints can

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<sup>1</sup> The terms “facilities,” “program,” and “placement” are used interchangeably throughout this fact sheet.

<sup>2</sup> Note: The CCLD does not oversee Transitional Housing Program-Plus (THP-Plus), the transitional housing for former foster youth ages 18-25 because THP-Plus is not licensed (it is a county-certified program). For more about THP-Plus, see Youth Law Center’s Resource: Preventing Involuntary Exits from THP-Plus, available at <https://www.ylc.org/resource/preventing-involuntary-exits-from-thp-plus/>.

<sup>3</sup> For more information about how CCL complaints and other advocacy strategies can be utilized to preserve THP-NMD Housing, see Youth Law Center’s Resource: THP-NMD: An Advocacy Guide to Preventing Involuntary Exits, available at <https://www.ylc.org/resource/thp-nmd-an-advocacy-guide-to-preventing-involuntary-exits/>.

<sup>4</sup> Community Care Licensing, “Children’s Residential Facility Information,” <https://www.cdss.ca.gov/inforesources/childrens-residential/resources-for-providers/facility-information>.

<sup>5</sup> Note: [AB 153 \(2021\)](#) phased out the use of out-of-state residential facilities by California child welfare and probation departments. On January 1, 2023, all out-of-state facilities were decertified and all children, including nonminor dependents, placed in out-of-state residential facilities were returned to California.

help to ensure that youths are treated with respect in safe and healthy environments, receive the developmental and social services to which they are entitled, are not improperly discharged, and are free from abuse and neglect.

On an individual level, filing a CCL complaint regarding a licensing violation can be an imperfect means of advocacy for situations where a violation(s) has occurred, but resolution of the issue could result in a young person maintaining their housing or placement. Additionally, each citation that is subsequently corrected represents improved safety or conditions for a young person that is placed at the facility. While informal resolution may be appropriate for violations that need to be resolved urgently or are not risks to the youth's health and safety, a history of ample complaints also help "build the file" and may result in stronger corrective actions and measures by CCLD against a facility over time. Without these complaints on file, it can be more difficult to hold inappropriate facilities accountable.

### **What are some bases for a CCL complaint?**

CCL complaints can be made for a variety of issues in children's community care facilities, including, for example:

- Habitability-type issues, such as inoperative appliances, failure to make prompt repairs, failure to provide an alternative residence during repairs, and failure to provide and set up cribs for parenting youth;
- Improper exits from the program or housing, such as discharge for an improper reason, without written notice, or without appropriate advanced notice;
- Inappropriate behavior by program staff or licensed foster parents, such as using derogatory language, making verbal threats, and refusing allowance as a form of punishment;
- Failure to provide appropriate services, such as adequate care and supervision and assistance with developing independent living skills;
- Violations of the youth's rights, such as unreasonable searches of their property, failure to safeguard their property, impeding their access to reproductive and sexual health care, or prohibiting participation in extracurricular or enrichment activities.

### **What role does the Foster Youth Bill of Rights play in Community Care Licensing?**

The Foster Youth Bill of Rights applies to all minors and nonminors in foster care, including those supervised by juvenile probation.<sup>6</sup> If any of these rights have been violated, a youth may contact or file a complaint with the Office of the Foster Care Ombudsperson.<sup>7</sup> Because these rights are incorporated into licensing standards, violations of the Foster Youth Bill of Rights by licensed children’s residential facilities are also licensing violations. Contact information for the California state Foster Care Ombudsperson is provided in the **Additional Resources** section below.

### **What information should be obtained before filing a complaint?**

Before filing a complaint, the complainant and/or their advocate should review the care provider’s licensing history, including inspection reports and previous licensing complaint investigation reports and facility evaluation reports, publicly available on the [CDSS CCL Facility Search Website](#).<sup>8</sup> In certain cases, the advocate may also want to request the program statement, plan of operation, and/or county contract or county certification from the licensee or contracting child welfare or probation agency because these documents may contain statements about services the provider promised or youth needs it claimed an ability to address. Relevant information may include the nature and quantity of previous complaints and compliance of the care provider in implementing required/recommended corrective measures. These records may be obtained under the California Public Records Act.<sup>9</sup>

### **Are complaints confidential?**

Under the Foster Youth Bill of Rights, youth have the right to speak to CCLD investigators, also known as Licensing Program Analysts (LPAs), confidentially and to be free from retaliation for making complaints.<sup>10</sup> During a site inspection, the LPA may

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<sup>6</sup> Cal. Welf. & Inst. Code § 16001.9(a). The Foster Youth Bill of Rights was updated in 2019 through Assembly Bill 175 to explicitly include nonminor dependents and to expand foster youth’s rights. See California Department of Social Services (CDSS) All-County Letter (ACL) 21-69 (2021), available at <https://www.cdss.ca.gov/Portals/9/Additional-Resources/Letters-and-Notices/ACLs/2021/21-69.pdf?ver=2021-06-25-155859-067> for background on the Foster Youth Bill of Rights and the recent expansion.

<sup>7</sup> The Office of the Foster Care Ombudsperson provides a neutral and independent office that helps solve problems and complaints about the care, placement, and services of children and youth in foster care. See Cal. Welf. & Inst. Code § 16160 *et seq.*

<sup>8</sup> For more detailed instructions on navigating CCL’s Transparency Website, see Youth Law Center’s Guide to Accessing Online State Oversight Agency Information: California-Approved Out-of-State Children’s Residential Facilities, available at <https://www.ylc.org/resource/guide-to-online-information-on-california-licensed-and-out-of-state-facilities/>.

<sup>9</sup> The CPRA can be found at Cal. Gov. Code § 7920.000 *et seq.*

<sup>10</sup> Cal. Welf. & Inst. Code § 16001.9(a)(41).

not disclose “any information which places the person in care’s health and safety at risk.”<sup>11</sup> For example, a complaint alleging noncompliant prohibitions of phone calls may only be described as “an alleged violation of personal rights.”<sup>12</sup> The form used to record confidential topics (LIC 812), including interviews, is never provided to the facility and, if it is requested through the California Public Records Act, confidential information must be redacted prior to its release.<sup>13</sup>

### **How does someone make a CCL complaint?**

Anyone can file a licensing complaint with CCLD if a licensed children’s residential facility has violated the state laws and regulations that govern it.<sup>14</sup> To make a complaint, contact the appropriate [Children’s Residential Regional Office](#) based on the county where the foster care placement is located. If the youth or their advocate cannot reach the regional office, they may file the complaint [online](#) or call CCLD’s complaint hotline at (844) 538-8766. The complainant may also want to copy the State<sup>15</sup> and/or a County<sup>16</sup> Foster Care Ombudsperson’s Office when they make a CCL complaint because these ombudspersons have separate investigatory authority and/or ability to help reach an appropriate resolution for the youth.

It is important for youth in a foster care placement to consult with an advocate to carefully document licensing violations (including citations to the laws, regulations, or licensing standards violated) to support their complaint, because CCLD can find an allegation to be unsubstantiated if presented with conflicting information, a complainant who is absent or inaccessible, or a lack of physical evidence. Advocates should also counsel the youth about the complaint process and the importance of being available to speak to the LPA about their issue, and to identify a reliable way to reach the youth even if the youth has to move before the complaint process is completed.

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<sup>11</sup> Community Care Licensing Division, Evaluator Manual, 3-2401.

<sup>12</sup> *Id.*

<sup>13</sup> Community Care Licensing Division, Evaluator Manual, 3-2506.

<sup>14</sup> To review a sample CCL complaint, see Youth Law Center’s Resource: Template Community Care Licensing Complaint, available at <https://www.ylc.org/resource/template-community-care-licensing-complaint/>.

<sup>15</sup> State Office – call: (877) 846-1602, e-mail: [fosteryouthhelp@dss.ca.gov](mailto:fosteryouthhelp@dss.ca.gov), website: <https://fosteryouthhelp.ca.gov>.

<sup>16</sup> County Office – contact information has been compiled by Advokids at <https://advokids.org/wp-content/uploads/2020/10/County-Ombudsperson-List-10.26.2020.pdf>.

Evidence to support a complaint could include, but is not limited to, text messages, emails, video, dated photographs, additional witnesses, leases or other agreements, and other correspondence. If the complaint is based on verbal interactions, the

complainant may want to write an email, or otherwise document the interaction, immediately after an interaction documenting what happened. Finally, if the complaint is based on improper accounting (of cash resources or personal property) by the facility, the youth may want to create their own written accounting of what resources they have or should have.

### **What happens during the investigation?**

The LPA will contact the complainant (if contact information is provided) to notify them that an interview will be conducted and the LPA will conduct a facility site inspection within 10 days of receipt of the complaint.<sup>17</sup> By law, unannounced inspections are conducted for all complaints.<sup>18</sup> Site inspections of serious allegations will occur “within two business days, or as soon as practically possible.”<sup>19</sup> During the investigation, the LPA will undertake a site inspection, interview relevant persons, and review facility records to evaluate the circumstances of the alleged violation.<sup>20</sup> Licensing personnel may also review the young person’s juvenile case records under Welf. & Inst. Code Section 827(a)(1)(J) in the performance of their duties to inspect, approve, or license, and monitor or investigate community care facilities.<sup>21</sup>

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<sup>17</sup> Cal. Health & Safety Code § 1538(c); Community Care Licensing Division, Evaluator Manual, 3-2011 (“The Department may delay a complaint investigation if it is determined that: it would interfere with an investigation by other agencies, including law enforcement; it would endanger the health and safety of persons in care; it would increase the possibility of evidence being destroyed; or victims or witnesses still in care would be in danger of physical abuse, mental abuse or intimidation as a result of the investigation.”).

<sup>18</sup> Cal. Health & Safety Code §§ 1533(b)(1), 1534(a), 1538, Community Care Licensing Division, Evaluator Manual, 3-2011.

<sup>19</sup> Community Care Licensing Division, Evaluator Manual, 3-2011

<sup>20</sup> Community Care Licensing Division, Evaluator Manual, 3-2301.

<sup>21</sup> Note, under Cal. Welf. & Inst. Code § 827((a)(1)(J)(ii), “[t]he confidential information [in the juvenile case file] shall remain confidential except for purposes of inspection, approval or licensing, or monitoring or investigation pursuant to Chapter 3 (commencing with Section 1500) and Chapter 3.4 (commencing with Section 1596.70) of Division 2 of the Health and Safety Code and Article 2 (commencing with Section 16519.5) of Chapter 5 of Part 4 of Division 9. The confidential information may also be used by the State Department of Social Services in a criminal, civil, or administrative proceeding. The confidential information shall be available only to the judge or hearing officer and to the parties to the case. Names that are confidential shall be listed in attachments separate to the general pleadings. The confidential information shall be sealed after the conclusion of the criminal, civil, or administrative hearings, and may not subsequently be released except in accordance with this subdivision. If the confidential information does not result in a criminal, civil, or administrative proceeding, it shall be sealed after the State Department of Social Services determines that no further action will be taken in the matter. Except as otherwise provided in this subdivision, confidential information shall not contain the name of the minor.”

When all available evidence has been gathered and evaluated, the LPA will make a determination regarding the allegations. There are three possible determinations: (1)

substantiated (supported by the preponderance of the evidence)<sup>22</sup>, (2) unsubstantiated (not sufficiently supported by the preponderance of the evidence)<sup>23</sup>, or (3) unfounded (without merit or intended to harass).<sup>24</sup> This determination typically occurs near the conclusion of the site visit, but complaint investigations must be completed within 90 days of receipt of the complaint.<sup>25</sup>

### **What happens when CCL substantiates a violation?**

When CCL substantiates a violation,<sup>26</sup> the LPA will issue the program a citation or in certain circumstances, provide either a written or verbal consultation.<sup>27</sup> For cases in which the LPA has some discretion to issue a citation or provide either a written or verbal consultation, the decision is based on the history of the facility, the frequency and degree of the violation, the current overall condition of the facility and the existence of other violations.<sup>28</sup> The facility must remedy the violation within a certain period of time, which depends on the nature of the violation.<sup>29</sup> The LPA may conduct additional site visits to ensure that the deficiencies have been corrected. In certain cases, the state may also place the agency on probation, suspend its license, or even file legal action to revoke its license. The severity of the consequences will depend on both the nature of the violations and the licensing history of the provider.

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<sup>22</sup> Community Care Licensing Division, Evaluator Manual, 3-3012.

<sup>23</sup> *Id.*

<sup>24</sup> Community Care Licensing Division, Evaluator Manual, 3-3012, 3-2606.

<sup>25</sup> Community Care Licensing Division, Evaluator Manual, 3-2503.

<sup>26</sup> The standard to substantiate a violation is that there is a preponderance of the evidence to prove that an alleged violation occurred.

<sup>27</sup> Note: Type A violations (violations of the regulations and the Health and Safety Code that, if not corrected, have a direct and immediate risk to the health, safety or personal rights of those in care) always require a citation, even if the violation is corrected during the site visit. The LPA has some discretion about whether to issue a citation for a Type B violation (violations of the regulations and the Health and Safety Code that, without correction, could become an immediate risk to the health, safety or personal rights of clients, or record keeping violation that would impact the care of clients and/or protection of their resources, or a violation that would impact those services required to meet clients' needs) or Type C violation (violations of the regulations that do not present an immediate (Type A) or potential (Type B) risk to the health, safety or personal rights of clients in care and where the licensee has complied with the regulatory requirements substantially in degree, frequency and intent). For more information about the various types of violations, see Community Care Licensing Division, Evaluator Manual, 3-4200.

<sup>28</sup> Community Care Licensing Division, Evaluator Manual, 3-4200.

<sup>29</sup> See Cal. Health & Safety Code § 1534.1(a), and Community Care Licensing Division, Evaluator Manual, 3-2652, 3-3401 - 3-3404 for more about the timelines and requirements for plans of correction.

## **What happens if relevant evidence is obtained after the complaint investigation process ends?**

If the complaint is unsubstantiated or unfounded or if it does not resolve the underlying issues and the complainant obtains additional relevant evidence that was not available at the time the initial allegation was made, the complainant may provide it to CCLD within 60 days of completion of the investigation. Providing this information allows CCLD to review it and render a decision to: (1) investigate further and inform the complainant of the determination(s) reached in the continued investigation, (2) open a new complaint followed by CDSS communication with the complainant using the same procedures, or (3) take no further action if the new evidence would not have an impact upon the findings.<sup>30</sup> Note: Retaliation for making a CCL complaint may constitute a new CCL violation and may be the basis for filing a new CCL complaint.

### **Additional Resources**

California Department of Social Services, ALL COUNTY LETTERS

<http://www.cdss.ca.gov/inforesources/Letters-Regulations/Letters-and-Notices/All-County-Letters>

California Department of Social Services, COMMUNITY CARE LICENSING DIVISION COMPLAINTS

<https://www.cdss.ca.gov/reporting/file-a-complaint/cld-complaints>

California Department of Social Services, COMMUNITY CARE LICENSING DIVISION FREQUENTLY ASKED QUESTIONS (FAQ) FOR COMMUNICATION WITH COMPLAINANTS

<https://www.cdss.ca.gov/Portals/13/Blue%20Pages/CC-FAQ.pdf>

California Department of Social Services, COMMUNITY CARE LICENSING DIVISION ADMINISTRATIVE GUIDANCE <https://www.cdss.ca.gov/inforesources/childrens-residential/public-info-and-policies>

California Department of Social Services, COMMUNITY CARE LICENSING DIVISION EVALUATOR MANUAL, COMPLAINTS

<https://www.cdss.ca.gov/Portals/9/CCLD/EM/Complaints.pdf>

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<sup>30</sup> California Department of Social Services, "Communication with Complainants, Frequently Asked Questions (FAQ)," <https://www.cdss.ca.gov/Portals/13/Blue%20Pages/CC-FAQ.pdf>.

California Department of Social Services, COMMUNITY CARE LICENSING DIVISION  
EVALUATOR MANUAL, DOCUMENTATION

[https://www.cdss.ca.gov/Portals/9/CCLD/EM/Documentation\\_.pdf](https://www.cdss.ca.gov/Portals/9/CCLD/EM/Documentation_.pdf)

California Department of Social Services, COMMUNITY CARE LICENSING DIVISION  
EVALUATOR MANUAL, FACILITY EVALUATION/VISITS

<https://www.cdss.ca.gov/Portals/9/CCLD/EM/facilityevaluation.pdf>

California Department of Social Services, PUBLIC RECORDS ACT PORTAL

[https://cdss.govqa.us/WEBAPP/\\_rs/\(S\(bkummejqew5udcyz35fb3s4z\)\)/SupportHome.aspx](https://cdss.govqa.us/WEBAPP/_rs/(S(bkummejqew5udcyz35fb3s4z))/SupportHome.aspx)

California Department of Social Services, STATEWIDE CHILDREN'S RESIDENTIAL  
PROGRAM REGIONAL OFFICES

<https://www.cdss.ca.gov/Portals/9/CCL/ChildrensResidentialDirectory.pdf>

Office of the Foster Care Ombudsperson, COMPLAINTS

<https://fosteryouthhelp.ca.gov/file-a-complaint/>