**Template Community Care Licensing Complaint**

*This document serves as an example of a complaint letter attorneys may file on behalf of their clients residing in Children’s Residential Facilities, which are licensed and regulated by the Community Care Licensing Division of the California Department of Social Services. This document is intended as a template example only; if you have any questions about its use or content please see* [*Youth Law Center’s Overview of Community Care Licensing Complaints*](https://www.ylc.org/resource/community-care-licensing-ccl-complaints-an-overview-for-advocates/) *and/or contact* *info@ylc.org**.*

[DATE]

[NAME AND TITLE OF [REGIONAL OR LICENSING PROGRAM MANAGER](https://cdss.ca.gov/Portals/9/CCL/ChildrensResidentialDirectory.pdf)]

[REGIONAL OFFICE/LOCAL UNIT]

Community Care Licensing Division

California Department of Social Services

[ADDRESS OF REGIONAL OFFICE/LOCAL UNIT]

Re: Licensing Complaint Against [FACILITY NAME, LICENSING NUMBER, AND ADDRESS]

Dear [MANAGER]:

*[The body of the complaint should (1) describe in detail the licensing violations, including any names, dates, and witnesses; (2) cite all applicable laws and regulations; (3) reference and attach any supporting documentation, photos, and relevant history, such as examples of similar complaint investigations and citations; and (4) state all communications with the facility to raise these concerns and the facility’s response, if any. A hypothetical example is below.]*

I am writing to file a licensing complaint against County Youth Facility (“CYF”), No. 12345, on behalf of my client, John Doe. CYF is a licensed 50-bed temporary shelter care facility (“TSCF”) in Local County that is responsible for the care and supervision of children who have been removed from their homes due to abuse or neglect. My client has remained in CYF beyond the 10-day placement limit, during which time his rights to participate in enrichment activities and receive medically necessary mental health services have been violated. My attempts to resolve this matter directly with CYF have been unsuccessful, so I request that Community Care Licensing investigate these issues immediately and require CYF to resolve any violations.

1. **ALLEGATIONS**
2. Violation of the 10-Day Placement Limit

My client has been placed at CYF since May 1, 2023, in clear violation of the 10-day limit on length of stay:

* Health & Safety Code § 1530.8(c) (defining a TSCF as “a 24-hour facility that provides *no more than 10 calendar days* of residential care and supervision for children who have been removed from their homes as a result of abuse or neglect”) (emphasis added).
* Welf. & Inst. Code § 11462.022(c) (stating that a child may be placed at a TSCF “only for the duration necessary to enable the county placing agency to perform the required assessments and to appropriately place the child”).
* Welf. & Inst. Code § 11462.022(f)(1) (“In no case shall the detention or placement in a temporary shelter care facility exceed 10 calendar days.”).
* TSCF Interim Licensing Standards § 84668.1(c)(2) (stating that TSCF intake procedures must ensure that all placement agreements specify that the child’s placement shall not exceed 10 calendar days).

Despite these plain requirements, my client has languished at CYF for over 60 days—far longer than is necessary for Local County to conduct assessments and find an appropriate placement.

In the event that a child remains at a TSCF longer than 10 days, the child welfare agency is required to submit a written report to the Department of Social Services (“the Department”), within 24 hours of the overstay, describing the reasons and circumstances for the overstay and signed by the agency director or their designee. Welf. & Inst. Code § 11462.022(f)(1). I have requested a copy of this report or, in the alternative, confirmation that such a report was timely submitted to the Department, but I have not received a response from the county placing agency or the CYF administrator. (See Section II. below for further details about my attempts to resolve these issues with CYF, and Attachment 2 for copies of those communications.)

Children in foster care have the right to be placed in the least restrictive setting possible. Welf. & Inst. Code § 16001.9(a)(4). Studies have shown that placement in group settings is harmful to a child’s healthy development because it deprives them of opportunities to develop decision-making and critical thinking skills, to build relationships with engaged adults, and to interact with peers who can provide positive examples and support.[[1]](#footnote-1) The

County and CYF must act to find a more appropriate, least restrictive and less detrimental, placement for my client immediately.

The Department has the authority to issue a citation to a facility for a violation of the 10-day placement limit. TSCF Interim Licensing Standards § 84651(b). CYF is aware of these requirements and the potential consequences, as it has been cited for overstays twice previously. (See Attachment 1 for copies of complaint investigation reports.) CYF has harmed my client by failing to ensure he did not remain in its care beyond the permissible timeframe, and it must be held accountable to prevent further harm to my client and other children who are placed in its care.

1. Violation of the Right to Participate in Enrichment Activities

Prior to his placement at CYF, my client was participating in swimming lessons at the local Community Center. He has not attended his lessons since coming to CYF because he is not being provided transportation to the Community Center. This is unacceptable and a direct violation of my client’s rights:

* Welf. & Inst. Code § 362.05(a)(1) (“Every child adjudged a dependent child of the juvenile court shall be entitled to participate in age-appropriate extracurricular, enrichment, and social activities”).
* Welf. & Inst. Code § 16001.9(a)(16) (stating that all children in foster care have the right “to participate in extracurricular, cultural, racial, ethnic, personal enrichment, and social activities … consistent with the child’s age, maturity, developmental level, sexual orientation, and gender identity and expression”).
* 22 Cal. Code Regs. § 84072(d) (requiring licensed facilities to ensure that each child is accorded the rights specified in WIC § 16001.9).
* 22 Cal. Code Regs. § 84074(c)(3) (requiring a licensed community care facility to provide transportation for a child in a timely manner to and from extracurricular, enrichment, cultural, and social activities in accordance with the reasonable and prudent parent standard specified in Section 84067).

Extracurricular and enrichment activities are a core part of childhood for many youth, but are critically important to a young person in foster care. Participation in these activities promotes healthy development, providing youth with opportunities to develop skills like self-discipline, leadership, and curiosity, and build meaningful connections with peers and supportive adults. Research shows that these positive experiences can build resiliency and mitigate the harmful effects of trauma—something every child in foster care has unfortunately experienced. Young people who engage in extracurricular and enrichment

activities are also more likely to have improved academic outcomes and less likely to engage in risky behaviors.[[2]](#footnote-2)

I have requested that CYF make arrangements to enable my client to attend his swimming lessons, but nothing has been provided to date (see Section II. below for further details about my attempts to resolve these issues with CYF). CYF’s failure to ensure my client can continue participating in swimming lessons is depriving him of a vital and positive childhood experience and must be immediately rectified.

To be clear, arranging for my client to attend his swimming lessons while placed at CYF will not remedy the more blatant and concerning violations related to the significant overstay. However, these arrangements should have been made immediately during the initial placement at CYF.

1. Violation of the Right to Receive Mental Health Services

Similarly, as part of his case plan, my client was attending therapy once a week prior to being placed at CYF, but has not received this service since his placement at the shelter. CYF does not provide transportation to meet with his therapist, nor does it provide access to therapists on site.

My client has the right to access and receive mental health services with reasonable promptness that meets his needs. Welf. & Inst. Code § 16001.9(a)(22)(A); *see also*, 22 Cal. Code Regs. § 84072(d). A TSCF must ensure that certain services are available to children detained at the facility, including: mental health screenings upon admission; referrals to and coordination with service providers who can meet the identified mental health needs; trauma-informed services and interventions; crisis intervention services; and more. Welf. & Inst. Code § 11462.022(e). A TSCF is also required to provide transportation in a timely manner to and from health-related services. 22 Cal. Code Regs. § 84074(c)(1).

As a result of CYF’s failure to ensure my client receives necessary mental health treatment, my client has experienced challenges regulating his emotions. Program staff responded to his behavior by limiting visits with his siblings and denying him access to phone calls, in violation of his rights under Welf. & Inst. Code § 16001.9(a)(12) and (13).

Again, I have reminded CYF of its obligations and requested that they ensure my client is able to attend the therapy sessions to which he is entitled, but my client continues to miss out on this crucial service (see Section II. below for further details about my attempts to resolve these issues with CYF).

1. **ATTEMPTS TO RESOLVE CONCERNS WITH CYF**

I have made attempts to resolve these concerns directly with CYF on multiple occasions:

* On May 5, 2023, I sent an email to CYF’s Administrator [insert Administrator’s name] informing them of my client’s needs and case plan requirements, and

requesting that CYF immediately arrange for transportation to swimming lessons and therapy. CYF did not respond.

* On May 8, I emailed [Administrator’s name] again regarding my client’s access to services and reminded them of the 10-day placement limit. I also requested a meeting with CYF to discuss the transportation issues and transition-planning for my client to be placed in another placement. CYF again did not respond.
* On May 11, I emailed [Administrator’s name] stating that my client had now been placed at the shelter for 10 days and needed to be moved to a less restrictive placement immediately. I requested a copy of the overstay report provided to the Department pursuant to Welf. & Inst. Code § 11462.022(f)(1), and again requested a meeting to discuss transportation issues and transition planning.
* On May 15, CYF’s Administrator [insert Administrator’s name] finally responded to my email and stated that CYF was unable to provide transportation to services and that they were working with the County to find another placement for my client. CYF did not respond to my requests for the overstay report or a meeting.

I have continued to follow up with CYF through weekly phone calls and emails, but they continue to state that they cannot transport my client to his swimming lessons or therapy appointments, and that they are still working with the County to find an appropriate placement. (See Attachment 2 for copies of my communications with CYF, and Attachment 3 for a list of witnesses with relevant knowledge of the issues described in this complaint.)

I respectfully request that you investigate CYF for the above violations, and I look forward to your findings.

Sincerely,

[ATTORNEY NAME]

*Index of Attachments*

Attachment 1: CYF Complaint Investigation Reports

Attachment 2: Communications with CYF

Attachment 3: List of witnesses with relevant knowledge

CC: California Department of Social Services, Complaint and Information Bureau, letusno@dss.ca.gov

 California Office of the Foster Care Ombudsperson, fosteryouthhelp@dss.ca.gov

1. *See, e.g.*, Mary Dozier, et al., *Consensus Statement on Group Care for Children and Adolescents: A Statement of Policy of the American Orthopsychiatric Association*, 84:3 Am. J. of Orthopsychiatry 219, 220-223 (2014). [↑](#footnote-ref-1)
2. *See*, Youth Law Center & California Youth Connection, *Closing the Extracurriculars Gap: Prioritizing Extracurriculars as a Key Intervention for Children and Youth in Foster Care and Juvenile Justice* 8-11 (2022), <https://www.ylc.org/resource/closing-the-extracurriculars-gap-prioritizing-extracurricular-activities-as-a-key-intervention-for-children-and-youth-in-foster-care-and-juvenile-justice/>. [↑](#footnote-ref-2)