EXECUTIVE ORDER NO. 5 -22

OFFICE OF THE YOUTH OMBUDSPERSON

WHEREAS, the Kenney Administration is committed to ensuring the safety of Philadelphia youth in residential placements as a result of child welfare, juvenile justice or behavioral health system involvement and to reviewing the effectiveness of the City of Philadelphia's ("City") oversight of such placements to the full extent authorized by state and local law;

WHEREAS, delegation of mayoral authority, and cooperation and resource-sharing across Executive and Administrative Branch agencies improves the quality of the City's participation in youth residential care;

WHEREAS, the City, through its various agencies including the Office of Children and Families ("OCF"), the Managing Director's Office, Health and Human Services ("HHS"), the Department of Human Services ("DHS"), the Department of Behavioral Health and Intellectual disAbility Services ("DBHIDS"), and through its contractor, Community Behavioral Health ("CBH"), and in collaboration with the School District of Philadelphia ("District"), has established robust processes for evaluating the quality of care provided to Philadelphia youth in residential placements and addressing service concerns;

WHEREAS, the Office of the Inspector General plays an important role in establishing and implementing sound, effective procedures for the reporting, investigation and resolution of instances or patterns of misconduct related to City activity; and

WHEREAS, it is desirable to ensure the effective operation and oversight of the various City departments and agencies that are involved with the care of youth in residential placement settings;

NOW, THEREFORE, I, JAMES F. KENNEY, Mayor of the City of Philadelphia, by the powers vested in me by the Philadelphia Home Rule Charter, do hereby order as follows:

SECTION 1. ESTABLISHMENT OF THE OFFICE OF THE YOUTH OMBUDSPERSON

The Office of the Youth Ombudsperson ("OYO") is hereby established within the Office of the Inspector General to support the Mayor's role in providing operational oversight over the City's child welfare, juvenile justice and behavioral health systems with respect to youth residential placements. OYO shall operate as part of OCF, DHS, HHS, and DBHIDS to the extent necessary to carry out its duties, as set forth in the Memoranda of Understanding addressed in Section 6 below.

The OYO shall be headed by the Youth Ombudsperson, who shall report directly to the Inspector General and serve as an advisor to, and at the pleasure of, the Mayor. The Youth

Ombudsperson shall be impartial and shall have significant professional experience in counseling, youth advocacy, investigation, litigation or a related field.

SECTION 2. PURPOSE OF THE OYO

The purpose of the OYO is to promote the safety and well-being of youth in residential placements. Residential placements, commonly known as "congregate care" in the child welfare and juvenile justice fields, include group homes, psychiatric residential treatment facilities (PRTFs), non-PRTF institutions, state-run detention centers for youth who are delinquent only, and emergency shelters for youth who are dependent only. These facilities are licensed by the Commonwealth of Pennsylvania and are operated by, contract with, or operate under the regulatory authority of the City, OCF, DHS, DBHIDS, and/or CBH. The OYO shall operate as part of OCF, DHS, HHS, and DBHIDS, and in conjunction with these City agencies and CBH, and provide impartial oversight of the City's management of the services received by Philadelphia youth in residential placement.

SECTION 3. DUTIES OF THE OYO

The OYO shall, in accordance with all applicable confidentiality requirements and other provisions of federal, state and local laws and regulations:

(A) Establish an access point for youth and other members of the public to file complaints and make inquiries regarding the care provided to youth in residential placements, referring such complaints and inquiries to OCF, DHS, DBHIDS, CBH, law enforcement, the Pennsylvania Department of Human Services, the District, the Pennsylvania Department of Education or other agencies, as appropriate, for investigation and resolution.

(B) Independently evaluate the quality of care, treatment, and education provided to youth in residential placements, as needed, including, but not limited to, visiting and/or inspecting any aspect of the residential facilities, formally or informally interviewing youth, facility staff or City personnel, reviewing records and initiating service concerns.

(C) Monitor and review investigations and evaluations performed by, and investigatory protocols, reporting systems, emergency response procedures, and other policies and procedures used by OCF, DHS, DBHIDS, CBH, and make recommendations to the Mayor, as appropriate.

(D) Monitor complaint, incident, grievance, and other data collected by OCF, DHS, DBHIDS, and CBH for issues and trends regarding the quality of care provided to youth in residential placements, demographics, and demographic disparities; as necessary, conduct additional data gathering at residential placements, including surveys and other monitoring of youth and staff; and provide recommendations to relevant City agencies regarding annual facility evaluations, provider contract negotiations, and related contract action.

(E) Periodically liaise with youth advocates and professional organizations who have contact with youth in residential placements to inform the work of the office. Publish an annual public report and hold at least one public meeting with opportunity for public comment, about the activities of the OYO, including recommendations issued, the implementation status of those recommendations, de-identified resident survey results, and any issues or trends that have been identified.

(F) Develop, publish and deliver information, materials and guidance to educate and engage youth, families, providers, courts and others about residential placement processes, available avenues for assistance, youth rights and protections, and other matters relevant to residential placements and the youth experience.

SECTION 4. DUTIES OF CITY AGENCIES, CBH & THEIR EMPLOYEES

DHS, OCF, DBHIDS, CBH, and their employees shall:

(A) Allow the OYO full access to, including the right to inspect and copy, any records necessary to carry out the powers and duties articulated above in accordance with all applicable confidentiality requirements and other provisions of federal, state, and local laws and regulations; such records shall include, but not limited to, youth case files, complaints and grievances from or about youth in residential placements and records of investigations and evaluations of incidents and conditions affecting youth in residential placements, including service concern and evaluation records and data.

(B) Cooperate fully and promptly with any OYO request for an interview or inquiry, consistent with federal and state law.

(C) Promptly inform the OYO upon receipt of any complaint or grievance regarding a residential placement, a residential placement facility or a dependent or delinquent youth resident.

(D) Promptly inform the OYO of any evaluation or investigation of any condition or incident affecting youth in residential placement.

(E) As appropriate, promptly initiate an inquiry into a service concern, complaint or grievance upon OYO request.

(F) Respond, in writing, to any written recommendation of the OYO within 15 business days.

(G) Maintain all communications with the OYO in confidence, consistent with applicable law.

(H) Refrain from retaliating against any person/employee for cooperating with activities of the OYO.

(I) Refrain from obstructing or discouraging any person/employee from filing a complaint or otherwise cooperating with activities of the OYO

SECTION 5. DUTIES OF PROVIDERS

In accordance with all applicable confidentiality requirements and other provisions of federal, state and local laws and regulations, all City contracts (and subcontracts for CBH) with entities for the provision of residential placement services to Philadelphia youth involved in the child welfare, juvenile justice or behavioral health system shall state that the City contractor or subcontractor shall:

(A) Allow the OYO full access to the facility as necessary to carry out the powers and duties articulated in this Order, including, but not limited to, the right to visit the facility and any education program or school associated with the facility and to inspect/copy any relevant records, reports, or documents that the facility creates or maintains.

(B) Cooperate fully and promptly with any OYO request made in the exercise of the OYO's oversight authority, including facilitating OYO meetings and interviews with youth and staff and responding to any OYO inquiry, consistent with federal and state law.

(C) Consistent with DHS, DBHIDS, and CBH contract requirements, promptly inform the OYO of receipt of any complaint or grievance regarding a residential facility, school affiliated with a residential facility, or a youth resident.

(D) Consistent with DHS, DBHIDS, and CBH contract requirements, promptly inform the OYO of any evaluation or investigation of any condition or incident affecting youth in residential placement.

(E) Consistent with applicable law, maintain all communications with the OYO in confidence.

(F) Provide all youth in residential placements with information about the OYO, available avenues for assistance, youth rights and protections, and other matters relevant to residential placements and the youth experience.

(G) Refrain from retaliating against any person/employee for cooperating with activities of the OYO.

(H) Refrain from obstructing or discouraging any person/employee from filing a complaint or otherwise cooperating with activities of the OYO.

(I) Refrain from restricting or discouraging youth access to the OYO.

SECTION 6. MEMORANDA OF UNDERSTANDING

The Inspector General shall enter into Memoranda of Understanding with the Deputy Mayor for OCF, the Commissioner of DHS, the Deputy Managing Director for HHS, and the Commissioner of DBHIDS, pursuant to which OIG will operate as part of such City agencies for the purposes of oversight and information sharing. Upon execution, such Memoranda of Understanding shall become part of this Order.

SECTION 7. EFFECTIVE DATE

This Order shall take effect immediately.

November 30, 2022

Date

James F. Kenney, Mayor