

Introduction

This document is written in response to the June 2026 Office of the Youth Ombudsperson's (OYO) report regarding the Department of Human Service (DHS) response to the OYO inquiry regarding service concerns at Pinkney's Vineyard of Faith Ministries.

DHS Background and OYO Collaboration

DHS, through the City, contracts with service providers to deliver residential placement services. These facilities serve Philadelphia youth who are adjudicated as delinquent or dependent. DHS monitors these providers through a robust monitoring infrastructure managed by our Performance Management and Technology (PMT) Division. Provider monitoring includes annual evaluations to assess provider performance and compliance with applicable laws and regulations. It also includes assessing "service concerns": these are any incidents, practices, or conditions that reflect a failure to meet applicable contractual requirements, licensing standards, or DHS quality benchmarks, that do not rise to the level of a serious incident. Service concern assessments are conducted by our Service Concerns Unit, which conducts case-by-case analyses to address contract, program, and/or service delivery quality issues.

Service concern assessments are fact driven. They require analysts to gather relevant facts by interviewing youth and staff, gathering data, visiting facilities, and reviewing youth and facility files. Analysts apply those facts to the provider's contract and the relevant Pennsylvania regulations to determine, given all relevant facts and circumstances, whether the evidence supports the alleged service concern. When the evidence does not support the allegation, the service concern is considered "not validated." When the evidence supports the allegation, the service concern is considered "validated," and PMT requires the provider to implement a Corrective Action Plan (CAP). Validated service concerns can be the basis for DHS to discontinue contracting with a provider.

From early in OYO's inception, PMT has coordinated its efforts with the OYO to assist the OYO in its oversight of youth residential care facilities. PMT and the OYO established a joint protocol which was finalized on April 9, 2024, specifying how OYO would monitor PMT's assessments. Under the protocol, PMT: notifies OYO of service concerns and serious incidents; receives service concern referrals from the OYO; provides notice to the OYO of upcoming visits to facilities so that the OYO may accompany PMT should it wish to observe; provides OYO copies of documents related to ongoing service concern investigations; and meets with the OYO on a monthly basis to discuss ongoing matters.

PMT coordinates and collaborates with OYO in good faith to meet the expectations set forth in the protocol. The OYO staff who attend interviews are allotted unrestricted time to ask interviewees questions. PMT's interview questions are often reviewed by OYO staff before the interview occurs. PMT staff meet with OYO staff on a frequent, ongoing basis to discuss the merits of the specific service concerns, the applicable regulations or legal requirements, logistics, and investigative findings. PMT has also rescheduled its own investigative tasks, such as interviews and facility visits, to accommodate the OYO's requests.

Despite these extensive efforts at coordination, it is not always possible to accommodate the OYO's schedule for joint visits or ensure there are an equal number of OYO and PMT staff at such site visits. The Corrective Action Plan (CAP) and monitoring process for providers is part of DHS'

continuous quality improvement process and framework which is not subject to the OYO's review and approval before submission to a provider.

The Home Rule Charter amendment (and Executive Order preceding it) provides that the OYO may gather information independently by conducting interviews, reviewing records, and visiting residential placement facilities. That authority is advisory in nature: it exists so that the OYO can develop an informed basis for its recommendations. The OYO has suggested that it cannot "investigate" because it lacks the contractual authority to issue corrective action plans or the ability to regulate providers. But neither the Home Rule Charter nor the Executive Order conditions the OYO's information-gathering function on any such authority, because the two serve different functions. Gathering information supports the OYO's advisory recommendations; issuing corrective action plans is an exercise of DHS' contractual authority. The absence of CAP authority does not limit the OYO's ability to gather the information it needs to advise.

DHS is committed to collaborating with the OYO to support its oversight of youth residential placement facilities and its role in providing recommendations regarding the quality of care at those facilities. The recent Home Rule Charter amendment establishing the OYO as a permanent body presents an opportunity to revisit the existing protocol. DHS looks forward to working with the OYO to update the protocol in a way that reflects the charter change and strengthens the OYO's advisory mission.

DHS Response to OYO Inquiry

DHS received an inquiry letter from the OYO on July 25, 2025, noting several concerns at the Pinkney's Vineyard of Faith Ministries. Pinkney's Vineyard is a small residential facility for female youth and their children—it has capacity for 25 youth. At the time of the OYO inquiry, 11 mothers and 10 babies resided at the facility, including 2 mothers from Philadelphia. The inquiry alleged limited language access, lack of client confidentiality, lack of disciplinary practices and restrictive procedures, lack of supervision of children, and insufficient access to food. An unannounced site visit occurred on August 21, 2025, during which staff and youth were interviewed. Additionally, PMT collected and reviewed the following documents:

1. A list of all multilingual staff, their roles, date of hire, and language(s) spoken.
2. A copy of the written policies and standards of practice at the facility.
3. Confirmation that Pinkney's Vineyard provides staff with trauma-informed practice trainings, the training content, and to what frequency staff receive such trainings.
4. Confirmation that Pinkney's Vineyard provides staff with behavior management and de-escalation trainings, the training content, and to what frequency staff receive such trainings.
5. Confirmation that staff receive training on child development and age-appropriate interventions, the training content, and to what frequency staff receive such trainings.
6. Documentation of the use of exclusion in the last year.
7. Review the files of and/or interview all current Philadelphia youth at Pinkney's Vineyard to determine whether they experienced the systemic violations alleged in this complaint.

As a result of the interviews with staff and youth, as well as a review of documentation, the following determinations were made.

Concern	Determination	Outcome
<p>Lack of Client Services</p> <p>Agency failed to provide sufficient access to food.</p>	<p>Valid</p>	<p>During the unannounced site visit, DHS and OYO observed limited fresh food and produce, expired and unlabeled items in youth-accessible storage, and a locked pantry with primarily preserved snacks accessible only to staff. Youth reported expired food, restrictive kitchen hours, and difficulty obtaining alternate meals for dietary needs. Leadership confirmed at least one youth’s lactose intolerance and stated that alternate meals should be provided; however, fresh food remained limited even after food delivery during the visit.</p>
<p>Lack of Client Services</p> <p>Agency failed to provide language access – communication with Spanish speaking residents.</p>	<p>Not Valid</p>	<p>PMT did not identify any specific 3800 regulatory violations or sufficient corroborating documentation to formally validate this allegation as a Service Concern. According to Pinkney’s Intake Forms, youth declined the use of a translator and affirmed that they understood English during placement.</p>
<p>Questionable Provider Practice</p> <p>Staff spoke about other youth’s private case information in front of other youth.</p>	<p>Not Valid</p>	<p>Provider leadership reported that case files and medications are stored in staff-only offices, staff receive annual HIPAA training, and there have been no documented write-ups for confidentiality breaches. Leadership stated that the video involved a prior school health incident and was reviewed for safety reasons.</p> <p>DHS PMT did not observe files left out in the open during the site visit and the agency was able to demonstrate their process for keeping youth’s file secured in cabinets located in staff’s offices.</p>
<p>Lack of Supervision</p> <p>Staff did not utilize age-appropriate interventions to minor children placed with youth(parent).</p>	<p>Not Valid</p>	<p>Youth reported concerns regarding inconsistent childcare, limited staff engagement with children, and instances in which crying or ill infants appeared to receive minimal attention. The program operates as a mother–baby placement where youth (mothers) maintain primary responsibility for the care of their infants during placement, with staff available to provide support and assistance as needed. When mothers are absent due to work, school, or approved activities, Pinkney’s Vineyard staff are</p>

		required to care for and attend to all aspects of the child’s needs. During these periods, staff may utilize educational videos for infants and toddlers. A baby care log is completed during the mother’s absence and provided to the youth upon their return.
<p>Disciplinary Practices and Restrictive Procedures (<i>Non-Service Concern Category</i>)</p> <p>Staff were not equipped to handle youth with trauma-induced behaviors.</p>	<p>Not Valid</p>	<p>Provider staff and leadership described a hands-off approach using Safe Crisis Management, with “room time” and “safe zones” for de-escalation and continued access to essential needs and reported no pattern of restrictive practices beyond de-escalation. DHS confirmed through youth interviews that room time is typically conducted for safety measures if a conflict occurs within the program. Youth confirmed their essential needs are met during room time. The agency staff and DHS youth both confirmed that weekly house meetings occur.</p>

A Corrective Action Plan (CAP) was issued on December 16, 2025, to address food purchasing, inventory practices and consistent access to sufficient nutritious food including documented accommodations for dietary needs.

Regarding the language access concerns, DHS’ investigation revealed that Pinkney’s Vineyard currently employs 8 bilingual staff. DHS and OYO completed three site visits to Pinkney, August 21, 2025, January 15, 2026, and March 31, 2026. During two of the site visits, PMT was able to confirm Spanish-speaking staff were present. Additionally, Spanish-speaking staff is available to remotely translate by phone. DHS does acknowledge that Pinkney did not have all documents translated from English to Spanish, and at the time of the initial inquiry, Pinkney did not have all the documents translated from English to Spanish. However, leadership acknowledged that they were working on translating the remaining documents. Pinkney’s has also taken the following actions to support language access.

All English-language documents are translated verbally in Spanish, and youth are asked for consent to confirm understanding.

- The grievance policy and child’s rights information sheet have been translated into Spanish.
- Every six months, youth are required to sign updated documentation, but Spanish versions are still pending translation.

As explained in greater detail in DHS’ response to OYO’s Recommendation #1, below, Pinkney’s Vineyard was making reasonable efforts to comply through the staff census, the on-call translation support and through initiating document translation, therefore, this concern was invalid. In order to ensure continued progress with language access, on March 6, 2026, DHS issued Pinkney a letter detailing the contractual obligations and DHS’ expectations for ensuring that language access support services are provided to youth with limited English proficiency. PMT will continue to monitor the agencies follow up with implementation.

DHS Response to the Pinkney's Vineyard Report's Recommendations

The OYO's report makes several recommendations to Pinkney's Vineyard regarding language access. DHS has reviewed those recommendations regarding the provider and appreciates the OYO's engagement in the oversight process. DHS notes, however, that provider accountability is governed by DHS' contractual authority and its provider quality framework. Corrective Action Plans (CAP), timeline decisions, and contract enforcement decisions are made by DHS. While input from oversight bodies are useful recommendations, they do not independently bind the provider or alter DHS' enforcement authority.

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On page nine of the report, OYO asserts:

Pinkney's also posits that they utilize bilingual staff. However, the policy also makes clear that language proficient employees must be certified and approved by the Department to interpret, must volunteer their services and complete mandatory interpreter training. There is no proof that the Department has approved Pinkney's bilingual staff or that these staff have completed the required training. As such, Pinkney's has not used qualified interpreters as permitted under the City's policy.

This is an inaccurate characterization of DHS policy, and DHS respectfully disputes this conclusion. No section of DHS' policy requires provider staff to be certified and approved by the Department before providing language services. The relevant language access requirements for providers can be found under the "**PROVIDERS**" heading of the policy. It requires providers to "ensure effective communication and meaningful access to their services by providing translation and interpretation services for all who require them during all phases of service delivery."

The report appears to conflate this provision with the policy's definition of "Language Proficient Employee," which applies to DHS employees only. The definition does not apply to providers. A review of the policy reveals that the term is not used in the policy's discussion of providers, which are permitted to use qualified interpreters without undergoing the internal City process. Adopting OYO's interpretation of the policy could result in unnecessary delay and/or diminishment of much-needed language access services. DHS respectfully disputes this interpretation and declines to adopt it. Because OYO's conclusion that Pinkney's Vineyard lacks qualified interpreters is premised on an inaccurate analysis of DHS' policy, DHS respectfully disagrees.

On page ten of the report, OYO asserts the following:

By virtue of reading and signing the contract and operating a facility that admits LEP youth, Pinkney's accepts responsibility and agrees to compliance with administering services in their native language.

DHS responds by clarifying the language access legal requirements that apply to DHS providers. The law does not require providers to deliver all its services in another language. As OYO identified

in its analysis, the basic tenant of Title VI and Philadelphia's related policies is that the City and its providers must make reasonable efforts to ensure language barriers do not deny, delay, or restrict access to the City's services. This is a flexible standard. It requires providers to account for the number of LEP youth a provider may encounter; the frequency with which LEP youth come into contact with a provider, the nature of the provider's program and services, and the provider's resources. The standard reflects the reality that no two DHS providers are alike, and the populations they serve frequently have varying language access needs.

By agreeing to comply with Title VI and the relevant Philadelphia policies, DHS' providers agree to make reasonable efforts to provide LEP youth with meaningful access to the provider's services. Efforts that may be reasonable for one provider may not be reasonable for another. To illustrate this, a provider with a history of receiving few, if any, LEP youth, might enroll in an on-demand interpretation service that provides remote interpretation via phone or video conference. Such a program may be reasonable under those circumstances because the on-demand service provides meaningful access for LEP youth when those circumstances arise. But if another provider has a history of receiving a high number of LEP youth, enrolling only in a remote interpretation program may be unreasonable because the volume of interpretation needs may prevent youth from participating in the provider's program. Despite this flexibility, providers should be aware there are certain practices that are not reasonable. Providing services solely through machine interpretation tools such as Google Translate is not reasonable. Enlisting bilingual youth to translate for each other is not reasonable and is prohibited. Seeking or receiving payment for interpretation services is not reasonable and is prohibited.

DHS provides this response to clarify that the law does not impose a uniform requirement that all providers must provide their services in other languages at all times. Instead, providers must take a thoughtful, reasoned approach to ensure that LEP youth have meaningful access to the service and programs they provide.

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The OYO's report makes several recommendations to PMT. Those include: (1) validating a language access service concern; (2) issuing written language access guidance to providers; (3) revising DHS' language access policy; (4) requiring providers to implement anti-retaliation policies; and (5) revising its assessment protocols.

Response to OYO Recommendation #1: Validate Language Access Service Concern

DHS does acknowledge that utilizing language line, when Spanish-speaking staff are not available, is important, as is documentation being translated into Spanish using an LEP service. However, DHS will not adopt OYO's recommendation to validate this language access service concern.

DHS is committed to ensuring youth and families have meaningful access to DHS programs and services regardless of the language the youth or the youth's family speaks. In keeping with that

commitment, DHS assessed an allegation that youth were provided inconsistent access to Spanish-speaking staff, that staff relied on Google Translate to provide translation services, and that documents written in English were verbally translated to the youth's preferred language. DHS' investigation did reveal that non-bilingual staff may occasionally rely on Google Translate when bilingual staff were unavailable to promptly communicate with youth in their preferred language. As discussed above, Title VI requires Pinkney's Vineyard to make reasonable efforts to ensure language barriers do not deny, delay, or restrict access to the City's services. The evidence gathered during PMT's assessment showed that Pinkney's Vineyard met its Title VI requirements by employing bilingual staff in sufficient numbers relative to its size, by scheduling bilingual staff during shifts when interpretation services are most likely to be needed, and by documenting at intake that Spanish-speaking youth declined interpretation services and affirmed English proficiency. On the basis of this evidence, PMT did not validate the language access service concern.

This service concern arose from an anonymous complaint the OYO submitted to DHS for investigation. Although the complainant's identity is unknown, DHS did interview the two Spanish-speaking Philadelphia youth at the facility and obtained additional, relevant details regarding the allegation. PMT and OYO interviewed Spanish-speaking youth during the site visit using language line, and none of them reported language access issues. PMT also reviewed the intake records for Spanish-speaking youth who resided at Pinkney's Vineyard during the relevant time period. Those records indicated that at the time of intake, youth declined the use of a translator and affirmed that they understood English. Additionally, this service concern was not validated because the evidence shows that Pinkney's Vineyard complied with its Title VI obligations.

As previously stated, Pinkney's Vineyard is a small residential facility with capacity for 25 female youth and their children. Pinkney employs 23 staff, including senior leadership. DHS' investigation revealed that Pinkney's Vineyard currently employs 8 bilingual staff. During two of the site visits, on January 15, 2026, and March 31, 2026, PMT was able to confirm Spanish speaking staff were present. Typically, Pinkney's Vineyard assigns bilingual staff to day shifts because that most likely to require interpretation services. Pinkney's staff also reported that there are Spanish-speaking staff who are on-call when needed.

As a result of this inquiry, DHS wanted to ensure that all of its contracted providers understood their obligations under federal and local laws and regulations and may not know that they cannot solely rely on machine translation tools such as Google Translate. For instance, the 3800 regulations do not expressly forbid the use of machine translation tools and instead refer to language access only in passing reference to grievances and child records. *See* 55 Pa. Code §§ 3800.31(b) and 3800.243(1)(iv). Given providers lack of understanding, DHS not only issued a letter to Pinkney but also issued specific, updated guidance to all providers to ensure a system level expectations of language access. Additionally, PMT will add measures to the annual evaluation that specifically assess language access services for all contracted providers. This action allows DHS to establish clear expectations, ensure consistency of language access service delivery, and promotes accountability across all contracted providers.

Response to OYO Recommendation #2: Strengthen Written Guidance on Language Access for Providers

DHS accepts OYO's recommendation and marks this recommendation as completed. As previously discussed, on March 6, 2026, DHS issued guidance to Pinkney and met with their leadership to discuss the language access expectations. Additionally, on June 4, 2026, DHS issued strengthened guidance for all DHS-contracted providers which outlines and ensures consistent expectations across the system.

Response to OYO Recommendation #3: Strengthen Existing DHS Policy and Procedure for effective Communication with LEP, Deaf and Hard of Hearing People

DHS accepts OYO's recommendation and therefore will revise the existing policy to clarify the Department's expectations regarding the appropriate use of interpretation services in the following areas:

1. The provider must ask youth and families at each interaction whether they would like an interpreter.
2. The provider must identify a person's preferred language at initial contact and not assume language capacity.
3. The provider will obtain appropriate interpreter services at all stages of program delivery, including when the LEP individual did not initially request an interpreter. Providers must also provide important documents in a form written in the LEP individual's preferred language.
4. AI and other machine interpreters are not appropriate.
5. Providers are also expected to demonstrate that they have policies to address language access services for LEP individuals,

Response to OYO Recommendation #4: Strengthen Anti-Retaliation Oversight and Enforcement

DHS declines to adopt the recommendation to create a formal anti-retaliation policy because such a prohibition already exists. The 3800 regulations expressly forbid providers from retaliating against youth and the youth's family for lodging grievances. The regulation does not distinguish between grievances filed with the provider and grievances filed elsewhere; therefore, youth should not face retaliation if they notify the OYO of service concerns or any other grievance. DHS will not tolerate retaliation against youth for filing a grievance, wherever it is filed. On April 15, 2024, the DHS Commissioner provided all agencies with a letter introducing the OYO and outlining expectations of access and support which includes ensuring anti-retaliation for staff and youth who complain or cooperate with the OYO or a respective inquiry. DHS takes concerns regarding retaliation against youth, families, and staff, very seriously and acknowledges a concern was brought to our attention by OYO following on site interviews that will require additional follow up.

PMT measures providers' compliance with its anti-retaliation requirements. As part of residential care providers annual evaluation, PMT has two specific standards which address agencies providing and reviewing the provider's grievance and right policies with youth and parent/guardians. First, PMT assesses if the review of grievance and rights policies with the youth and parent/guardian is completed at the time of admission, by an authorized staff, and that staff obtain signatures during admission. Secondly, following admission, PMT assesses whether staff are following up with youth to provide additional opportunities for questions and to discuss their rights. PMT also ensures that agencies have provided visual reminders and accessible tools to ensure youth can without concern, file grievances when needed.

Separately, DHS notes that youth have approached the OYO to file grievances anonymously. While DHS recognizes that proceeding anonymously may limit DHS' ability to investigate and gather relevant information from the complainant, DHS understands that anonymity offers protection against potential retaliation. DHS does not tolerate retaliation against any youth for filing a grievance with the OYO, and any such conduct will be treated as a serious matter subject to corrective action.

Response to OYO Recommendation #5: Expand Assessment Framework to Include Applicable Legal Requirements

DHS declines to adopt this recommendation. PMT's assessment framework already accounts for the legal requirements applicable to each alleged service concern. For any given service concern, PMT identifies and applies the relevant contractual standards, Pennsylvania regulations, and other legal requirements that govern the alleged conduct. When specific questions arise, PMT consults with our Divisions of Policy Development and System Enhancement (PDSE), Child Welfare Operations (CWO), Juvenile Justice Services (JJS), Finance, as well as the Law Department as needed. OYO asserts that DHS relied solely on the 3800 regulations to not validate the language access service concern. That assertion is inaccurate. As discussed above in the response to recommendation #1, PMT did not validate this service concern because the evidence showed that Pinkney's Vineyard complied with its Title VI obligations by employing bilingual staff in sufficient numbers relative to its size, by scheduling bilingual staff during shifts when interpretation services are most likely to be needed, and by documenting at intake that Spanish-speaking youth declined interpretation services and affirmed English proficiency. Pinkney's Vineyard's use of Google Translate at times when bilingual staff were unavailable does not mean that Pinkney's Vineyard violated Title VI. It means that DHS providers required (and received) guidance on language access expectations and best practices to avoid potential Title VI issues.

Conclusion:

DHS takes concerns raised by youth, families, and staff, seriously and we remain committed to our continued partnership with OYO.