File #: 251108, **Version:** 1

Proposing an amendment to the Philadelphia Home Rule Charter providing for the creation of the Office of the Youth Ombudsperson; and providing for the submission of the proposed amendment to the electors of Philadelphia.

WHEREAS, Under Section 6 of the First-Class City Home Rule Act (53 P.S. §13106), an amendment to the Philadelphia Home Rule Charter may be proposed by a resolution of the Council of the City of Philadelphia adopted with the concurrence of two-thirds of its elected members; now, therefore, be it

RESOLVED, BY THE COUNCIL OF THE CITY OF PHILADELPHIA:

SECTION 1. That the following amendment to the Philadelphia Home Rule Charter is hereby proposed and shall be submitted to the electors of the City of Philadelphia on an election date designated by ordinance:

ARTICLE III
EXECUTIVE AND ADMINISTRATIVE BRANCH - ORGANIZATION

CHAPTER 1
OFFICERS, DEPARTMENTS, BOARDS, COMMISSIONS AND OTHER AGENCIES

§ 3-100. Executive and Administrative Officers, Departments, Boards, Commissions and Agencies Designated.

The executive and administrative work of the City shall be performed by:

(a) The following elected or appointed officers:

* * *

Director of Prison Oversight[.]*;*
Youth Ombudsperson.

* * *

CHAPTER 2
ELECTION OR APPOINTMENT

* * *

§ 3-217. Youth Ombudsperson.

The Mayor shall appoint the Youth Ombudsperson, with the advice and consent of a majority of all the members of Council.

* * *

CHAPTER 3
QUALIFICATIONS

* * *

§ 3-308. Youth Ombudsperson.

The Youth Ombudsperson shall have had at least five years' combined professional and lived experience in counseling, youth advocacy, investigation, litigation or a related field, and may not have been, within five years prior to appointment, an employee of any City agency or City-related agency engaged in the operation or regulation of any youth residential care facility or employed by any youth residential care facility that is operated by, contracts with, or operates under the regulatory authority of the City, its agencies, or any City-related agency.

* * *

CHAPTER 6
COMPENSATION

§ 3-600. The Mayor and Other Officers.

Until the Council shall otherwise ordain, annual salaries shall be payable in equal semi-monthly installments as follows:

* * *

Director of Prison Oversight, such amount as established by ordinance[.]*;*
Youth Ombudsperson, $150,000.

* * *

ARTICLE IV
EXECUTIVE AND ADMINISTRATIVE BRANCH - POWERS AND DUTIES
The Mayor, The City Representative and Departments, Boards, Commissions and Offices under the Mayor

* * *

CHAPTER 30
OFFICE OF THE YOUTH OMBUDSPERSON

§ 4-3000. Mission.

The mission of the Office of the Youth Ombudsperson is to promote the health, welfare, education, safety, well-being, and re-entry of youth placed in juvenile justice, child welfare, or behavioral health residential care facilities that are operated by, contract with, or operate under the regulatory authority of the City, its agencies, or any City-related agency.

§ 4-3001. Powers and Duties.

The Office of the Youth Ombudsperson shall have the power and its duty shall be to perform the following functions:

(a) Receive complaints for the purpose of improving the quality of care provided to youth in residential care facilities and refer or conduct investigations into such complaints in accordance with applicable federal, state, and City laws and regulations;

(b) Review and evaluate the competence of the City's juvenile justice, child welfare, or behavioral health agencies, including the agencies performing the functions set forth in Charter § 5-700, and their providers in serving the needs of youth in residential care facilities

(c) Review, assess, and provide recommendations regarding the conduct, policies and practices of entities providing services to youth in residential care facilities, including, but not limited to, in connection with annual facility evaluations, provider contract negotiations, and related contract actions;

(d) Monitor and review investigations and evaluations performed by, and investigatory protocols, reporting systems, emergency response procedures, and other policies and procedures used by, City and City-related agencies in connection with assessing the quality of care provided to youth in residential care facilities;

(e) 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 facility staff or City personnel; conducting confidential interviews with youth upon notice to youth's counsel providing them an opportunity to be present; reviewing records while maintaining confidentiality; and initiating service concerns;

(f) Identify issues and trends regarding the quality of care provided to youth in residential placements, demographics, and demographic disparities; conducting surveys and monitoring complaint, incident, and grievance data collected by City and City-related agencies in connection with assessing the quality of care provided to youth in residential care facilities; and gathering other data as necessary to facilitate such identification;

(g) Provide advice and recommendations to the Mayor and relevant City and City-related agencies regarding how best to improve services and outcomes for individuals placed in youth residential care facilities;

(h) Access such documents, facilities, personnel and information as necessary to carry out its authorized functions in accordance with, and to the full extent authorized by, applicable federal, state, and City laws and regulations, including education and court records with leave of court, if required by law;

(i) Develop, publish and deliver information, materials and guidance to educate and engage youth, families,

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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;

(j) Prepare an annual report on its activities, goals, and accomplishments during the previous fiscal year for the Mayor, City Council, and the public and present this report publicly before March 31 of each year;

(k) Carry out such additional powers and duties as Council may, by ordinance, confer on the Office of the Youth Ombudsperson, consistent with the scheme of this Charter.

* * *

ARTICLE IX
REMOVAL OF ELECTIVE AND APPOINTIVE OFFICERS

* * *

CHAPTER 2
REMOVAL OF APPOINTIVE OFFICERS

* * *

§ 9-203. Youth Ombudsperson.

The Youth Ombudsperson may be removed by the Mayor only for cause, after written notice and opportunity for reply. The Mayor shall provide a written notice to the Youth Ombudsperson stating the reasons for removal and file a copy of said notice at the same time with the President of City Council and the Chief Clerk of City Council. An opportunity for the Youth Ombudsperson to reply will be provided at a public hearing of the City Council Committee of the Whole at which the Mayor will also present and explain the reasons for removal. A vote of a majority of all the members of Council at a meeting of Council shall be required before the Youth Ombudsperson can be removed. Council may by ordinance establish a different method of removal of the Youth Ombudsperson than otherwise provided in this chapter.

* * *

APPENDIX

* * *

CHAPTER A-2

§ A-200. Schedule.

This Charter shall become effective on the first Monday of January, 1952, except in the following particulars:

* * *

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(30) The amendments to this Charter relating to the Office of the Youth Ombudsperson shall take effect upon certification of the election at which the amendments were approved.

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Italics indicate matter added to the Charter by these amendments.
[Brackets] indicate matter to be deleted.