

## **Utah Office of Child Protection Ombudsman Annual Report 2002**

Annually the Office of Child Protection Ombudsman (OCPO) makes a report to the Legislature covering the Ombudsman's activities for the prior fiscal year. The Fiscal Year 2002 Report briefly summarizes OCPO's mission as established by statute and the report also shows how OCPO's complaint resolution process helps accomplish the mission.

### **Mission of OCPO**

Utah statute section 62A-4a-208 establishes the position of Child Protection Ombudsman to investigate acts or omissions of the Division of Child and Family Services (DCFS) with regards to individual children. On receipt of a complaint, the Ombudsman is to determine whether a DCFS action was contrary to statute, rule or policy; placed a child's health or safety at risk; was made without an "adequate statement of reason" or was based on "irrelevant, immaterial or erroneous grounds". Based on this statute, the Department of Human Services (DHS) has established OCPO to investigate complaints about DCFS with respect to specific children.

### **OCPO's complaint resolution process is thorough and helpful**

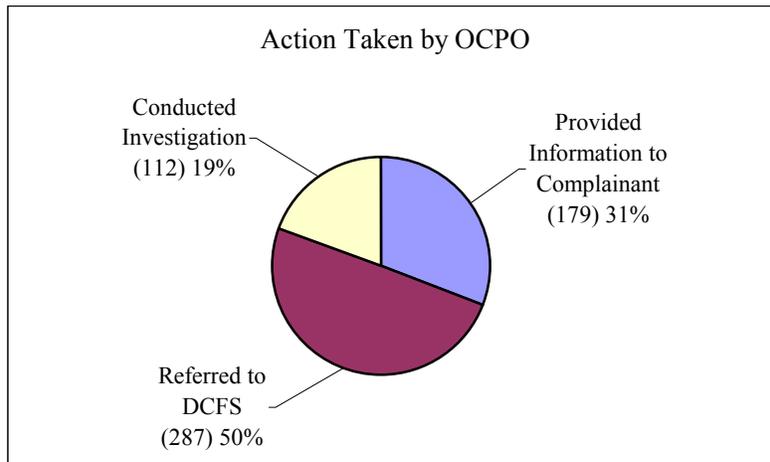
OCPO has an effective complaint resolution process. In Fiscal Year 2002, over 500 separate referrals were processed by OCPO. Most referrals were resolved without a formal investigation. However, some were not resolved informally and so OCPO conducted a formal investigation on 112 referrals. These investigations resulted in multiple recommendations to help improve DCFS' practices.

When a complaint is received, it is logged onto a database and DCFS is notified. When possible, the ombudsman's office works with DCFS to resolve the complaint about the specific child without a formal investigation. If the complainant is not satisfied, the complainant may request that OCPO conduct an investigation.

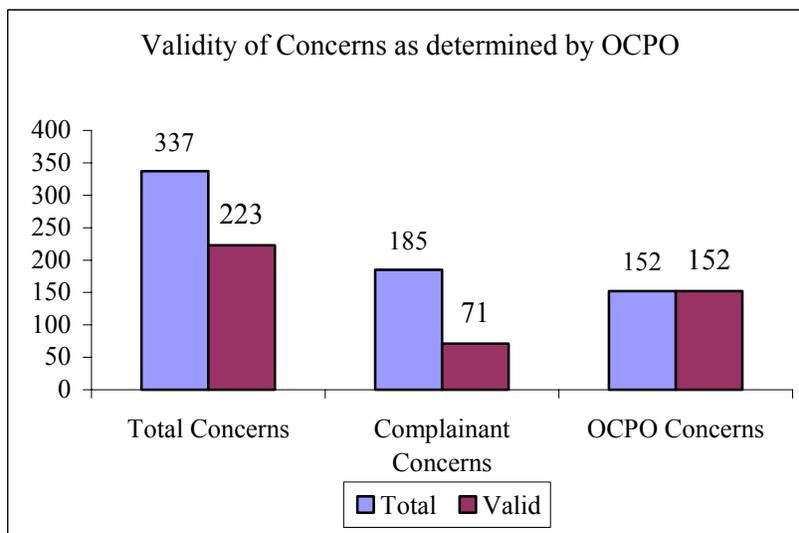
When OCPO conducts an investigation, the investigator reviews the case record, conducts confidential interviews with appropriate persons on the case, and collects other necessary information from a variety of people. Based on the facts collected, the investigator determines whether the concerns are valid, depending on whether or not they are supported by the documentation. In addition, the investigator may note and report areas where practice can be improved which were discovered in the investigation. This information is reviewed with the complainant and DCFS for clarity and accuracy.

### **Complaints and Actions Taken in Fiscal Year 2002**

In FY02, OCPO received 578 complaints regarding DCFS services related to individual children. The following chart summarizes the results:



As noted in the above chart, for the majority of the complaints OCPO worked with DCFS to address and help resolve the complainants' concerns. However, 19% of the complainants were not satisfied with the response by DCFS and/or for some other reason OCPO conducted a formal investigation. These 112 investigations contained 343 individual concerns. Six of the concerns were outside OCPO's statutory purview and therefore, OCPO did not make a finding regarding the validity of those concerns. Of the 337 concerns that were investigated in which findings were made, OCPO found 66% to be valid, as summarized in the following chart:



As noted in the above table, besides investigating the initial complainant concerns, the OCPO investigator may identify additional concerns as the investigation proceeds. In FY02 the investigators did in fact identify 152 additional concerns in the 112 investigations conducted. The bulk of the valid concerns (147 or 66%) were in one of five categories: 1) "Delayed or Inaccurate Assessments"; 2) "Inadequate Record Keeping"; 3) "Violation of Policy, Law or Court Order"; 4) "Inadequate Communication"; 5) "Inadequate Policy or Procedure". The rest of the concerns were in 16 different categories such as "Inadequate Supervision" and "Services Identified but not Provided in a Timely Manner".

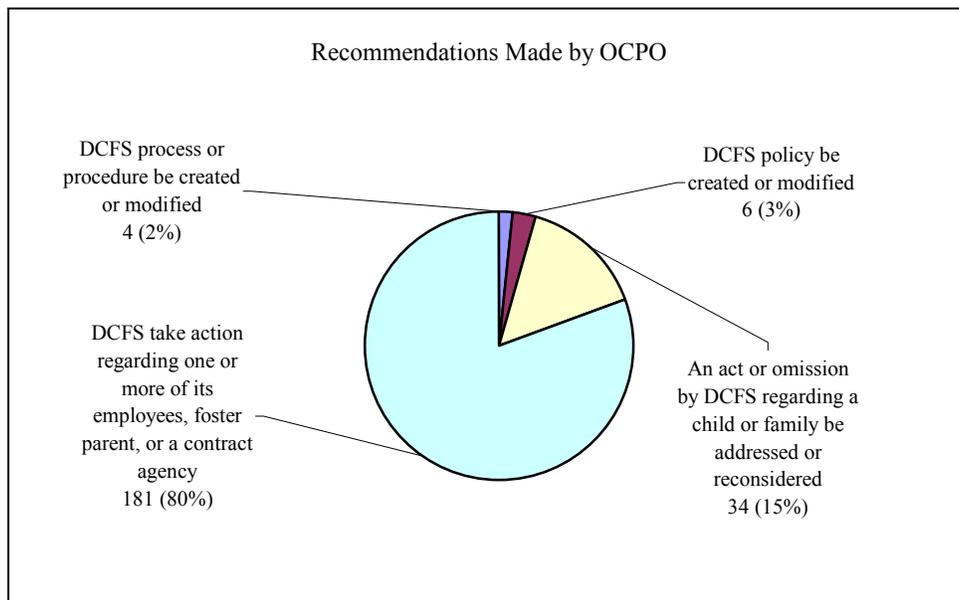
For example, thirty-one (14%) of the 223 valid concerns were in the category of "Violation of Policy, Law, or Court Order." Of the 31 violations of policy, law or court order, 18 (58%) were in the service category of CPS, 9 (29%) in the service category of foster care, 2 (6%) in cases involving multiple service categories, 1 (3%) in PSC and 1 (1%) was a violation by State Administration.

The following chart is a partial list containing examples of concerns in which OCPO determined that DCFS violated policy, law, or court order.

- *Despite ongoing allegations that a child was being mistreated while in residential care, the caseworker did not conduct an interview with the child outside the presence of residential care staff.*
- *The CPS worker failed to interview the referent and failed to provide required notification when the case had been completed.*
- *The CPS worker failed to complete a thorough investigation. The worker failed to review historical information.*
- *The CPS worker failed to discuss all of the abuse and neglect allegations with the mother and failed to interview the second alleged perpetrator identified on the CANR.*
- *The caseworker did not send a Notice of Agency Action letter to the legal guardian of the child informing him that he had been substantiated for emotional maltreatment and his right to challenge the finding.*

After investigating complaints, OCPO makes recommendations to DCFS for the purpose of improving services to children and families. Implementing OCPO recommendations helps DCFS provide better services because the recommendations point out where policies were not followed or, if not specifically related to a policy, where practice can be improved. OCPO requires that DCFS respond to its recommendations. Further action may be taken by the Executive Director of the Department of Human Services.

During FY02, OCPO made 225 recommendations to DCFS as noted in the chart below. Most of the recommendations were that DCFS take action regarding one or more of its employees, foster parents, or contract agencies. The recommendations typically focused around training.



Of the recommendations made during FY02, DCFS agreed to implement 209 (93%) of the 225 recommendations received from OCPO. DCFS disagreed with 16 (7%) of the 225 recommendations. In 12 of the recommendations in which DCFS disagreed, DCFS provided additional information and/or an alternative recommendation and OCPO reconsidered the original recommendation. OCPO and DCFS were unable to come to an agreement regarding 4 of the recommendations and the recommendations were sent to the Executive Director of the Department on appeal.

### **OCPO is working to improve**

OCPO is striving to improve its effectiveness and efficiency through surveys and through internal reviews. We are surveying complainants and stakeholders to obtain their concerns and suggestions for how to provide better service. We have held face-to-face meetings with several stakeholders and are in process of completing a survey of complainants. Also, we are conducting our own internal review to see where we likewise might improve. Our goal is to make sure that OCPO meets its statutory responsibilities, as closely as possible. Thus far, we are testing several proposals. For instance, one idea is to conduct formal entrance, update and exit conferences to keep the Division better informed and to help craft more useful recommendations.