

Office of Child Protection Ombudsman (OCPO) FY04 Report

In FY04, the Office of Child Protection Ombudsman (OCPO) consolidated positions and functions after the 2003 Utah State Legislature allocated OCPO's budget for the Office of Parental Defense. The Department of Human Services Executive Director approved OCPO to be budgeted through the Federal State Block Grant beginning July 1, 2004. This shift made it necessary to eliminate two positions. Whereas OCPO responded to cases statewide and had an executive secretary, an intake position and two full time assistant ombudsmen in addition to a full time deputy ombudsman, OCPO shrank to a total of three positions. This created the need to have one full time assistant ombudsman be primarily responsible for incoming phone calls and to complete Investigation I's, while the other full time assistant ombudsman and the deputy took on full caseloads of investigations. Even with limited staff, OCPO continues to follow our Mission. In this report, we describe our purpose and then our work activities to support that purpose.

As described in statute, OCPO's mission is to investigate whether an act or omission of the division with respect to a particular child:

- *Is contrary to statute, rule or policy,
- *Places a child's health or safety at risk,
- *Is made without an adequate statement of reason, or
- *Is based on irrelevant, immaterial or erroneous grounds

OCPO made changes to accommodate the reduction in staff, but continued to concentrate on providing a resource for the public to air concerns about DCFS and to conduct thorough, impartial, independent, balanced and fair investigations while making meaningful and appropriate recommendations to DCFS. Additionally, a vacancy for an assistant ombudsman position that occurred during FY04 was filled with an individual who is bilingual in Spanish. This filled a previous void within OCPO so OCPO could connect more with the Hispanic population.

Intake Complaint Process

In FY04, OCPO processed 382 complaints through its intake process. When a referral is received, OCPO evaluates the referral to determine if it is within OCPO's statutory responsibility.

The complaint is generally referred by OCPO to DCFS for a response. If the complainant is not satisfied with the response or if OCPO is particularly concerned about the issues raised, OCPO may conduct a preliminary investigation (Investigation I). One element of this position is to conduct, as needed, a more detailed review of the DCFS case by accessing information on the DCFS management information system, requesting additional information directly from DCFS, and reviewing all of the relevant information. At the conclusion of the Investigation I, a written summary of OCPO's findings is provided to DCFS, which may include recommendations. These investigations do not require an entrance conference or individual interviews in order to determine the facts of

the case and make appropriate recommendations to DCFS regarding the identified concerns. If it is determined that the complainant concerns and information contained in the DCFS management information system do require individual interviews to obtain additional information, an Investigation II is completed. An Investigation II is an in-depth, detailed review of the case to assess child safety, determine validity of concerns, and compliance with statute and practice guidelines. Recommendations are made which address the identified concerns by either the complainant or by OCPO.

In most circumstances where a complaint is received, the information is collected by OCPO and forwarded to the DCFS Constituent Services Specialist. In turn, the Constituent Services Specialist forwards the concerns to the appropriate region for review and response. If DCFS does not respond within 10 working days, OCPO follows up weekly with the Constituent Affairs Specialist until the response is provided to the complainant and to OCPO. After the response is received, OCPO calls the complainant to see if the complainant is satisfied with DCFS's response. If the complainant is not satisfied, OCPO may conduct an Investigation I, or if warranted, an Investigation II will be completed.

Investigations

In FY04, OCPO received 129 requests, as opposed to 75 requests for FY03, a 58% increase from 2003, to conduct an investigation of the complainant's concerns. Each request was reviewed to determine whether the case should be accepted for investigation. Information reviewed came from the complainant as well as information contained in the DCFS management information system to determine whether to accept or deny the complainant's request. In 65 (50%) cases, it was determined that an OCPO investigation was not warranted. At the end of FY04, 14 of the 64 cases opened for investigation were pending completion of the investigation.

OCPO completed investigations on 50 requests for investigation, a 60% increase from FY03. As stated above, an additional 14 cases are pending completion of the investigation. Completed investigations encompassed 146 individual concerns. Eighty-two percent of the investigated concerns were found to be valid. These numbers do not include the number of individual concerns or the number of concerns found to be valid on the cases awaiting completion of the investigation. Of the completed investigations, most complaints focused on inadequate CPS investigations, inadequate services provided by DCFS, and inadequate communication between families and the child and family team.

After implementing entrance and exit conferences with both the complainant and DCFS in FY03, OCPO continues to facilitate entrance conferences when appropriate or requested. Due to the lack of OCPO staff, although these conferences have been preferable in the past, if it appears to be an unnecessary expenditure of staff time, the investigation will proceed directly to conducting interviews without a DCFS conference. In most instances, an entrance conference will be held with the complainant to give the complainant the opportunity to clarify their concerns. The complainant also benefits

from the in-person connection with OCPO because OCPO provides a safe haven to express concerns without perceived fear of retribution.

OCPO continues to conduct exit conferences on each completed investigation. Exit conferences are beneficial to both the complainant and DCFS because factual information and OCPO's conclusions and findings from the investigation are reviewed. Both parties are provided with an opportunity to ensure factual accuracy or provide additional information that may strengthen the recommendations being presented. In FY04, OCPO made 142 recommendations.

Although OCPO changed the reporting format in FY03 to incorporate a discussion of practice model principles, with the reduction of staff in FY04 and the increase in the number of OCPO investigations, OCPO is no longer presenting information using DCFS' practice model terminology and philosophy. Should OCPO's staffing resources gain in numbers in the future, it is contemplated that a discussion of the individual case relative to the DCFS practice model would be reincorporated into each investigative report.

Future Plans

In FY05, OCPO will continue to work to get providers, caseworkers and complainants to call OCPO earlier. Most complainants call OCPO after their case has been either closed by DCFS or the direction of the case has already been determined.

With the appointment of a new Department of Human Services Executive Director, OCPO will be open to direction and changes during FY05.