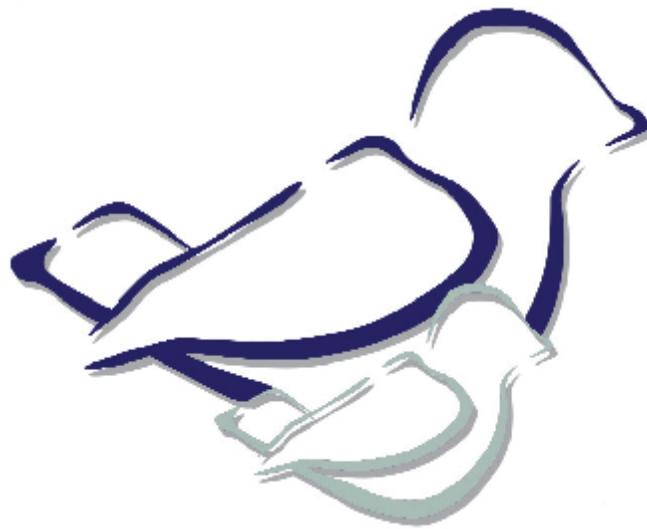


OFFICE OF  
CHILD PROTECTION  
OMBUDSMAN (OCPO)



ANNUAL REPORT  
FY 2006

STATE OF UTAH  
DEPARTMENT OF HUMAN SERVICES

[ocpo.utah.gov](http://ocpo.utah.gov)

It is the *vision* of OCPO that through  
its involvement with individuals having  
concerns about the Division of Child and Family  
Services, OCPO will promote *fair resolution*,  
effect changes that will improve the  
*quality of services* provided to the  
children and families of Utah, and build bridges with  
child welfare partners to *effectively work*  
*for children*.

## **INTRODUCTION:**

The Utah Office of Child Protection Ombudsman is an independent voice for children and families in Utah. Since the creation of the Ombudsman's Office in 1996, the staff has worked to establish an office that can adequately represent citizens of Utah in addressing concerns regarding services provided by the Utah Division of Child and Family Services.

The Ombudsman's Office staff is knowledgeable regarding Utah Law pertaining to child welfare, as well as Child and Family Services Practice Guidelines. The staff utilizes this knowledge to educate complainants and the general public as to the role and function of the Ombudsman's Office, Utah Law, and Child and Family Services. The Ombudsman's Office staff assists complainants to effectively communicate concerns to Child and Family Services or the appropriate agency, as well as understand the information being communicated to the complainant by Child and Family Services or other agencies. The Ombudsman's Office serves as a resource to the public by providing information regarding community services, the child welfare system, and other agencies.

As necessary, the Ombudsman's Office investigates complaints to determine whether DCFS, with regard to a particular child, acted in accordance with Utah law and DCFS Practice Guidelines. The Ombudsman's Office may not be able to provide the complainant's desired outcome in response to each complaint filed; however, every complaint reported to the Ombudsman's Office receives objective and thorough consideration. Although the Ombudsman's Office is small, the well-qualified staff offers a high standard of service to both the individual consumer and to Child and Family Services. The Ombudsman's Office is pleased to outline the highlights of Fiscal Year 2006 (FY2006).

## **HISTORY AND STATUTORY AUTHORITY:**

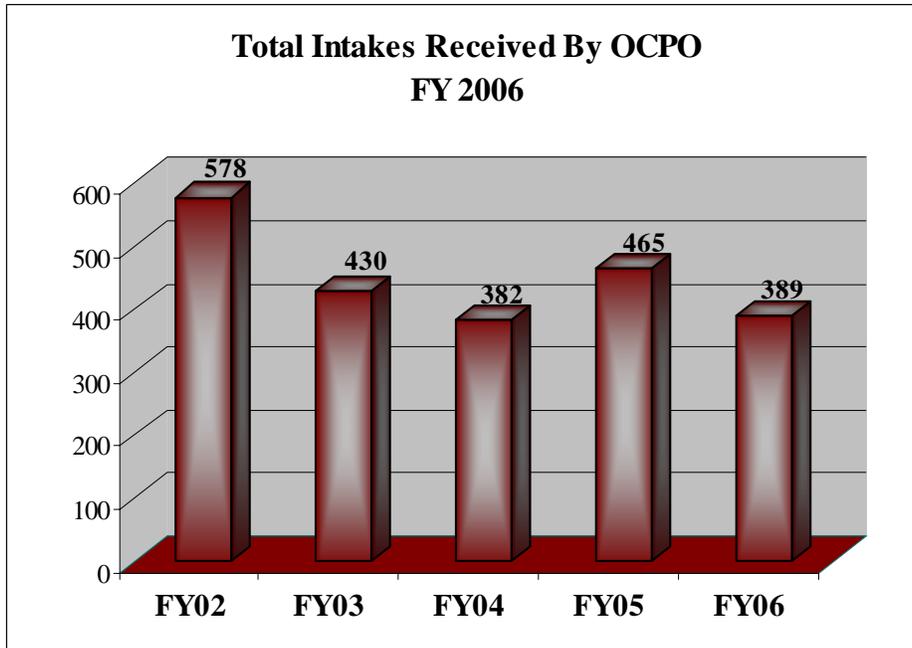
In January 1996, the Executive Director of the Department of Human Services created the Ombudsman's Office, independent from Child and Family Services, where individuals could report concerns about cases under Child and Family Services' jurisdiction. The purpose of the Ombudsman's Office is to receive and investigate complaints to ensure that Child and Family Services is providing adequate services to their clients.

In 1998, the Utah Legislature codified OCPO's role and authority by enacting Section 62A-4a-208 of Utah Code, which states:

*"...the ombudsman shall, upon receipt of a complaint from any person, investigate whether an act or omission of the division with respect to a particular child: (i) is contrary to statute, rule, or policy;(ii) places a child's health or safety at risk;(iii) is made without an adequate statement of reason; or (iv) is based on irrelevant, immaterial, or erroneous grounds..."*

## INTAKE COMPLAINT PROCESS

In FY2006, the Ombudsman’s Office processed 389 complaints through the intake process. When a referral is received, the Ombudsman’s Office evaluates the information to determine whether the case is within the Ombudsman’s statutory responsibility.

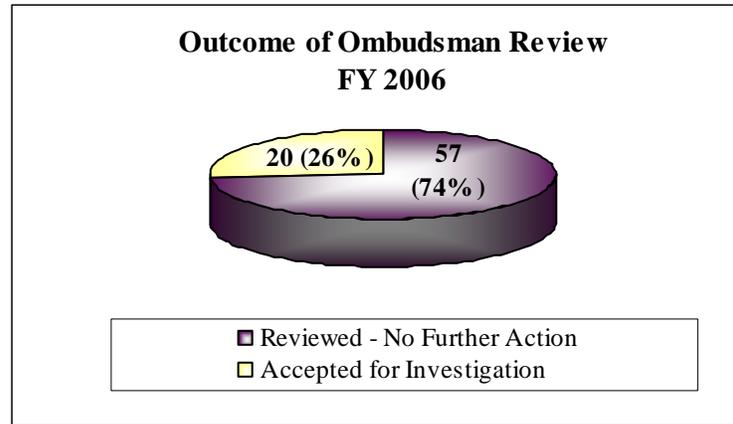


The Ombudsman’s Office generally refers a complaint to Child and Family Services and requests a response or allows Child and Family Services the opportunity to address the concern at the lowest level possible. During FY2006, the Ombudsman’s Office referred 169 (43%) of the 389 complaints to Child and Family Services.

If a complainant is not satisfied with the response from Child and Family Services, the complainant is unwilling to work with Child and Family Services, or if the Ombudsman’s Office is particularly concerned about an issue, the Ombudsman’s Office may proceed with an Ombudsman Review or accept the case for investigation.

An Ombudsman Review is conducted by the Deputy Ombudsman or an Assistant Ombudsman, and may be opened for review at any point during the intake process. An Ombudsman Review may begin immediately upon receipt of a complaint, or after Child and Family Services has been given the opportunity to address the concern. The purpose of conducting an Ombudsman Review is to determine the appropriate action to be taken by the Ombudsman’s Office in response to a complainant’s concern. The Ombudsman’s Office may decide that no further action is warranted, refer the complainant to another agency, or accept the case for an investigation. An Ombudsman Review includes accessing and reviewing case information maintained in Child and Family Services’ management information system, requesting additional information directly from Child and Family Services, and reviewing all relevant information provided to the Ombudsman’s Office by the complainant and/or other parties.

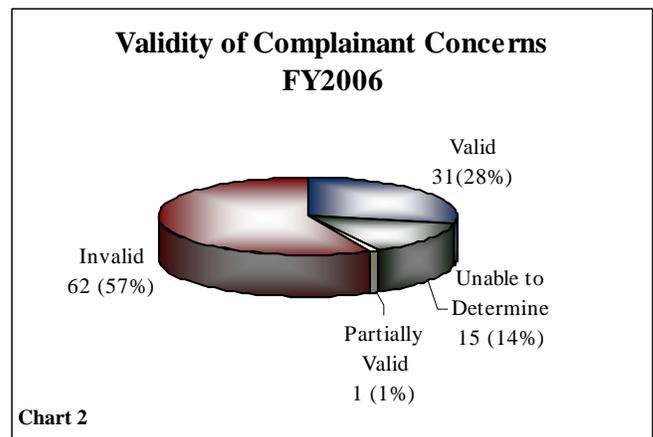
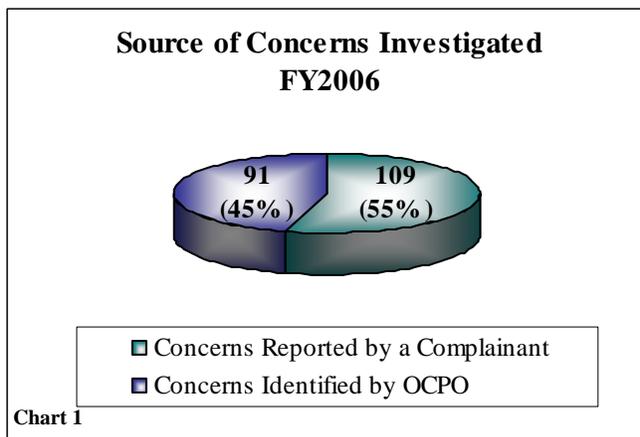
During FY2006, the Ombudsman’s Office conducted 77 Ombudsman Reviews. The Ombudsman’s Office determined that no further action was needed in 42 (74%) of the cases. The Ombudsman’s Office determined that 20 (26%) cases required further review and were therefore accepted for investigation.



## INVESTIGATIONS

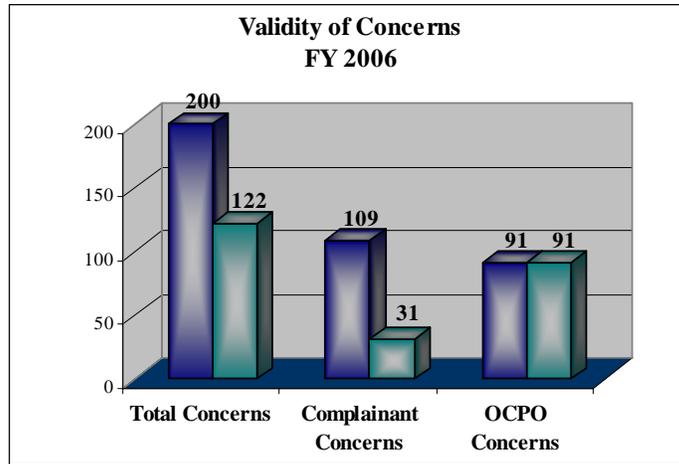
During FY2006, the Ombudsman’s Office completed 60 investigations. Each investigation may contain multiple concerns. The Ombudsman’s Office investigates to determine the validity of every individual concern reported by a complainant. In addition to investigating complainant concerns, the Ombudsman’s Office may identify additional concerns or oversight made by Child and Family Services.

The 60 investigations completed in FY2006 encompassed 200 individual concerns. Of these 200 concerns that were investigated, 109 (55%) of the concerns were reported to the Ombudsman’s Office by a complainant, and 91 (45%) were identified by the Ombudsman’s Office (Chart 1).



Of the 109 concerns reported to the Ombudsman’s Office by the complainant, the Ombudsman’s Office found 31 (28%) of the complainant concerns to be valid; 62 (57%) to be invalid, and 1 (1%) to be partially valid. The Ombudsman’s Office was unable to determine the validity of 15 (14%) complainant concerns (Chart 2). The 91 concerns identified by the Ombudsman’s Office were valid.

Overall, the Ombudsman’s Office found 122 (61%) of the 200 concerns investigated during FY2006 to be valid. The 122 valid concerns are comprised of the valid concerns reported by the complainant and valid concerns identified by the Ombudsman’s Office.



## RECOMMENDATIONS

In FY2006, the Ombudsman’s Office found 122 concerns to be valid and one concern to be partially valid. Child and Family Services took appropriate action to address 50 valid concerns during the Ombudsman’s Office involvement, thus eliminating the need for the Ombudsman’s Office to make a recommendation. The Ombudsman’s Office did not make a recommendation to Child and Family Services regarding eight valid concerns, due to the length of time that passed since the incident giving rise to the concern and/or the employee about whom the complaint was filed was no longer employed by Child and Family Services. There were 59 valid concerns that needed to be addressed. To address three of the valid concerns, the Ombudsman’s Office made two recommendations each, for a total of six recommendations. This resulted in a total of 68 recommendations being made to Child and Family Services during FY2006.

The 68 recommendations included 46 recommendations that Child and Family Services take action to address the concerns; 19 recommendations that an act or omission by Child and Family Services be addressed or reconsidered; and three recommendations that Child and Family Services create or modify a Practice Guideline.

