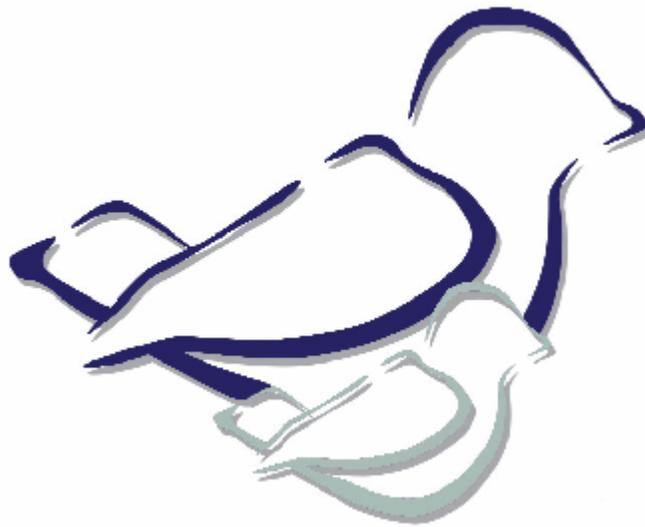


OFFICE OF  
CHILD PROTECTION  
OMBUDSMAN (OCPO)



ANNUAL REPORT  
FY 2007

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. The Ombudsman's Office was created in 1996 and placed into Utah Statute in 1998, giving authority for this Office to investigate consumer complaints regarding the Division of Child and Family Services. Since the creation of the Ombudsman's Office, the staff has worked to establish an office that can adequately represent citizens of Utah in addressing constituent concerns and/or complaints regarding services provided by 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. In addition to the statutory authority to investigate complaints, 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. For example, if a complainant indicated that the removal of a child from the parent was illegal, the Ombudsman's Office would provide information to the complainant as to the legal process involved when a child is removed from the parent's custody. The Ombudsman's Office would try to determine if the complainant had additional concerns. Should additional concerns be identified, such as the parent was not receiving visitation or that the child had a medical need Child and Family Services was not meeting, the Ombudsman's Office would process those concerns through the intake protocol.

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. Anecdotally, the Ombudsman's Office receives compliments from constituents such as the following: "Thank you again for your help. You work miracles for children!"; "Thank you...for everything,"; "Without your help, these children's needs and safety would still be a concern for us. We appreciate all the time and effort you took to look into our concerns and to let us know what was happening so we didn't have to worry!"; "Thank you for listening to me when I called your office. The information you gave me was very helpful and for the first time, I felt I had been heard. I appreciate you validating my concerns and conducting an investigation to make sure that the DCFS caseworker was doing her job!"; "Even though your office couldn't take any action, I really appreciated you talking with me and telling me that I could call back in the future if I had any questions or concerns."; and, "I wish I had known about the Ombudsman's Office a long time ago. Why isn't there more information about your office so people who have problems with DCFS can contact you?"

The Ombudsman's Office is pleased to outline the highlights of Fiscal Year 2007.

## HISTORY AND STATUTORY AUTHORITY:

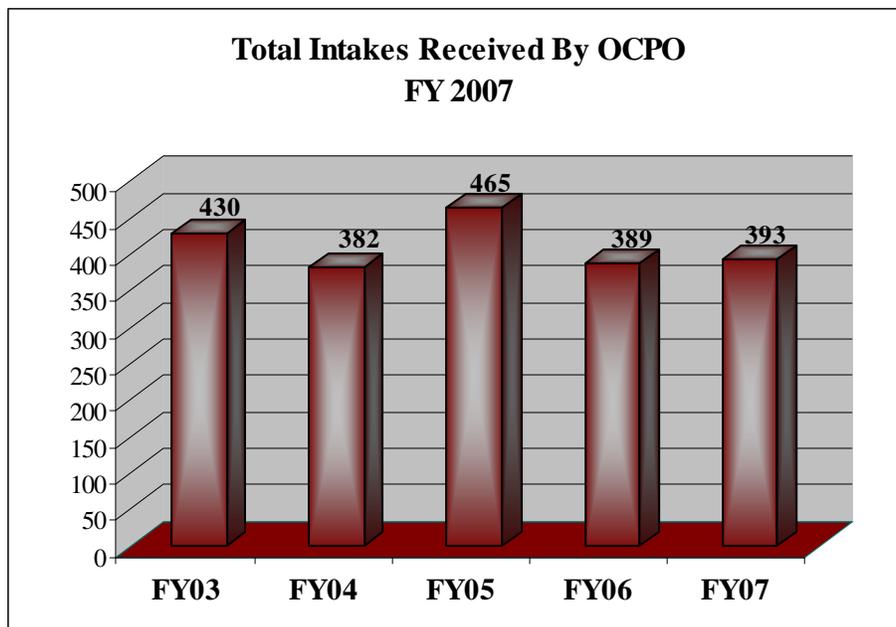
In January 1996, the Executive Director of the Department of Human Services created the Ombudsman’s Office, independent from Child and Family Services, where individuals could report concerns about cases under Child and Family Services’ jurisdiction. The purpose of the Ombudsman’s Office is to receive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

In 1998, the Utah Legislature codified the role and authority of the Ombudsman’s Office 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 FY2007, the Ombudsman’s Office processed 393 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. For example, if a complainant did not have a specific concern about Child and Family Services but expressed concerns about a child that might be abused or neglected, the Ombudsman’s Office would refer the complainant to Child Protective Services Intake but would not accept the concern as an Ombudsman complaint. If a complainant expressed concerns that the Child and Family Services caseworker had not convened a Child and Family Team Meeting and the parent was unable to have visitation with their child, the Ombudsman’s Office would accept these concerns as a complaint.

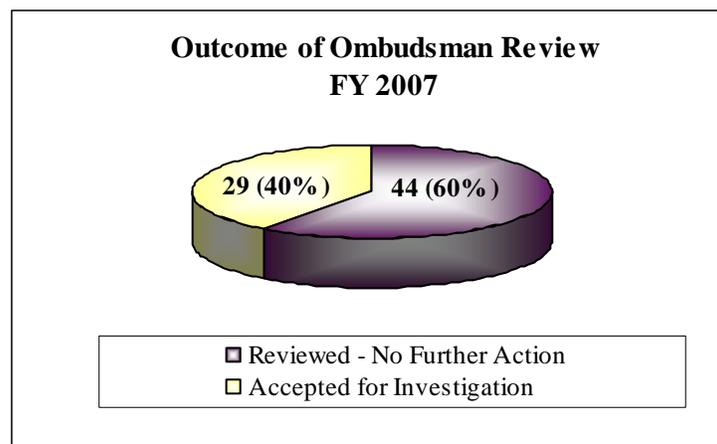


As appropriate, the Ombudsman's Office refers a complaint to Child and Family Services and requests a response or allows Child and Family Services the opportunity to address the concern at the lowest level possible. During FY2007, the Ombudsman's Office referred 161 (41%) of the 393 complaints to Child 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. For example, if the Ombudsman's Office reviews a DCFS response with the complainant and the complainant remains dissatisfied that Child and Family Services took appropriate action to address their concerns, that case would be accepted for an Ombudsman's Review. The Ombudsman's Office would review the Child and Family Services management information system to determine if the complainant concerns had validity. Should the review reveal that the complainant appeared to have valid concerns; the case may be accepted for investigation. Another example of a time when an investigation would be opened instead of undergoing an Ombudsman's Review, would occur when the complainant had provided a copy of the Child and Family Services record they had previously obtained and upon review it was noted that obvious violations of Practice Guidelines and/or Utah law had occurred, such as, a child victim had not been interviewed; a child had made a disclosure of an incident of abuse or neglect that had not previously been reported, but the caseworker had not taken any action; or, the caseworker had failed to proceed with an Interstate Compact for the Placement of Children when court ordered.

During FY2007, the Ombudsman's Office conducted 73 Ombudsman Reviews. The Ombudsman's Office determined that no further action was needed in 44 (60%) of the cases. The Ombudsman's Office determined that 29 (40%) cases required further review and were therefore accepted for investigation. Not every case accepted for investigation is opened for an Ombudsman's Review.



## INVESTIGATIONS

During FY2007, the Ombudsman’s Office completed 49 investigations involving Child and Family Services. An 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 oversights made by Child and Family Services.

The 49 investigations completed in FY2007 encompassed 289 individual concerns. Of these 289 concerns that were investigated, 155 (54%) of the concerns were reported to the Ombudsman’s Office by a complainant, and 134 (46%) were identified by the Ombudsman’s Office (Chart 1).

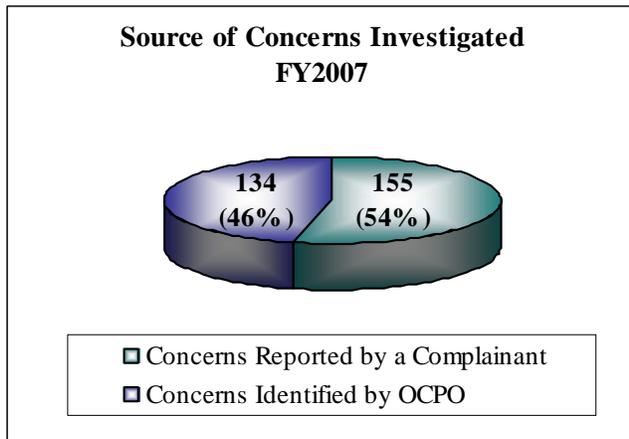


Chart 1

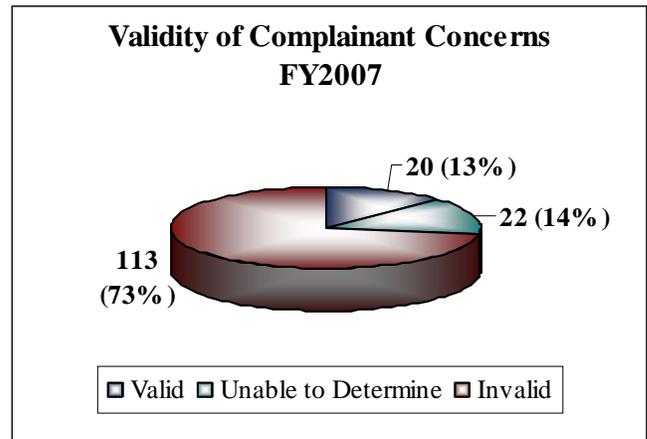
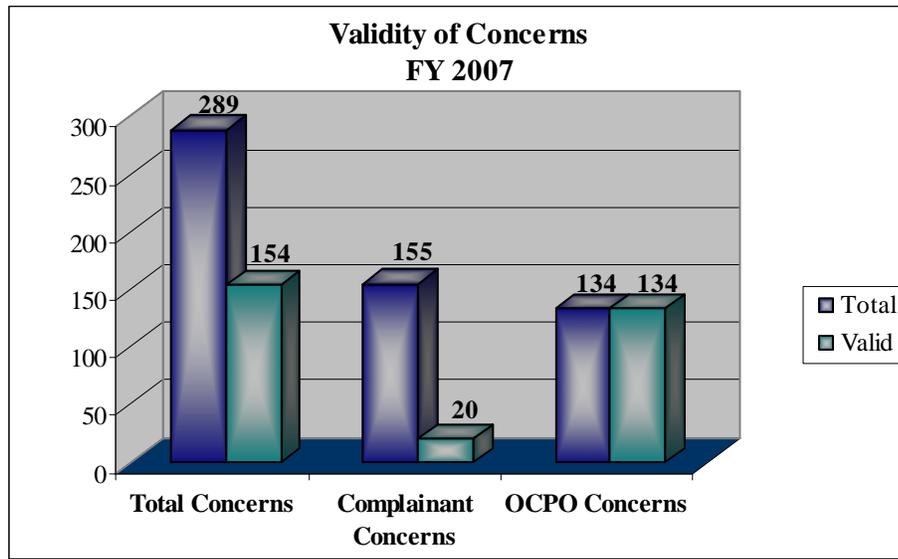


Chart 2

Of the 155 concerns reported to the Ombudsman’s Office by the complainant, the Ombudsman’s Office found 20 (13%) of the complainant concerns to be valid, and 113 (73%) to be invalid. The Ombudsman’s Office was unable to determine the validity of 22 (14%) complainant concerns (Chart 2). The 134 concerns identified by the Ombudsman’s Office were valid.

Overall, the Ombudsman’s Office found 154 (53%) of the 289 concerns investigated during FY2007 to be valid. The 154 valid concerns are comprised of the valid concerns reported by the complainant (20) and valid concerns identified by the Ombudsman’s Office (134).

When the Ombudsman’s Office discovers and addresses a DCFS Practice Guideline violation that impacts the case being reviewed, the concern is documented as a valid concern. For example, if the Ombudsman’s Office did not find documentation that the parents of the child had been contacted and interviewed about child abuse or neglect allegations, this would be a violation of a Practice Guideline. Other examples are: the caseworker did not conduct visits with a child while in an out-of-home placement; the child did not receive mental health treatment, if appropriate; the caseworker failed to initiate a court ordered service, etc. The Ombudsman’s Office may identify a single concern or multiple concerns in each case where the Ombudsman’s Office could determine that the caseworker was not in compliance and/or the caseworker had not documented an activity that would place the caseworker within compliance of the appropriate DCFS Practice Guideline.



During FY2007, the Ombudsman’s Office conducted an additional two investigations in which the Ombudsman’s Office reviewed the casework of Sipapu Associates, the agency contracted by the Department of Human Services to conduct conflict of interest Child Protective Services investigations. Although these investigations were outside the statutory authority of the Ombudsman’s Office, the investigations were conducted with Administrative approval. The case findings were reported to the contract monitor, and the Ombudsman’s Office made recommendations to Sipapu Associates and the contract monitor for improved casework in the future.

## RECOMMENDATIONS

In FY2007, the Ombudsman’s Office found 154 concerns to be valid. The Ombudsman’s Office did not make a recommendation for every valid concern, and made multiple recommendations for some valid concerns; therefore, the number of valid concerns and recommendations does not match. The Ombudsman’s Office made a total of 136 recommendations to Child and Family Services during FY2007. These 136 recommendations are comprised of the following:

- 80 individual concerns resulted in 80 individual recommendations.
- To address 36 valid concerns, the Ombudsman’s Office made only 5 recommendations. These 5 recommendations were that DCFS review the 36 concerns and determine the appropriate action at the regional level.
- To address 18 valid concerns, the Ombudsman’s Office made multiple recommendations for each concern. These 18 concerns resulted in 51 individual recommendations.

Child and Family Services took appropriate action to address 20 valid concerns during the Ombudsman’s Office involvement, thus eliminating the need for the Ombudsman’s Office to make a recommendation.

The 136 recommendations included 79 recommendations that Child and Family Services take action to address the concerns. For example, some of the Ombudsman's Office recommendations made are:

- The caseworker to convene a Child and Family Team Meeting to address issues of visitation;
- The caseworker to add documentation that was previously inadequate or missing to ensure the case record contained essential information;
- The caseworker conduct an assessment of the child's immediate health or safety needs;
- Child and Family Services link all cases listed under the names of the mother and each child in SAFE [information management system] to ensure that when a case is opened in SAFE all cases appear and can be reviewed;
- If detailed information is located in a document that is not contained in SAFE, the caseworker reference in the activity logs where additional information can be located;
- If it is determined that the alleged physical abuse of the female child by the step-grandmother was not adequately investigated, the allegation be opened for investigation;
- If it is determined that the current case finding should stand, the caseworker document th basis for the decision; and,
- In the future that the caseworker determine the potential need for safety or protection when there is information that the alleged perpetrator resides in the same home of the child and take appropriate action by contacting the child and making an immediate assessment.

The Ombudsman's Office made 42 recommendations that an act or omission by Child and Family Services be addressed or reconsidered. For example, the following recommendations were made:

- Child and Family Services review the case to determine if the case finding was based on findings obtained throughout the investigation. If it is determined the finding was made in error, it is recommended that Child and Family Services correct the database to reflect the amended finding;
- The closure statement on the Child Protective Services Investigation be amended to reflect that the finding to Child Endangerment is based on the fact that the mother admitted to using drugs in the presence of the child;
- Timely action be taken to determine the current status of the Protective Services Supervision petition and initiate services for the family;
- The infant residing in the home be included in any services provided in the home;
- Activity logs regarding unrelated children be removed from the foster care case;
- If the caseworker completed activities on the case during the identified time period and has reliable notes on what occurred, the information be added to the activity logs in the Protective Services Supervision case; and,
- In the future, the caseworker take the appropriate steps to conduct Child Protective Services cases within the 30 day time frame, and that the caseworker does not permit excessive periods of time to pass prior to closing the case.

The Ombudsman’s Office made 15 recommendations that Child and Family Services create or modify a Practice Guideline. For example, the Ombudsman’s Office recommended the following:

- Child and Family Services Administration consider developing a definition of “Chronic Physical Abuse” to Practice Guideline definitions;
- Child and Family Services Administration review the process that is currently in place for tracking and completing orders of the Office of Administrative Hearing and the juvenile court to amend Child and Family Services findings;
- The Government Records Access and Management Act specialist and her supervisor immediately take action to determine if the letter being issued to complainants, along with the waiver, is in compliance with statute; and,
- The senior caseworker assistant obtain clarification from Child and Family Services State Administration prior to issuing the letter and waiver to any further constituents.

