

State of Utah

Office of Child  
Protection  
Ombudsman  
Annual Report FY2016

## OFFICE OF CHILD PROTECTION OMBUDSMAN ANNUAL REPORT FY 2016

### Executive Summary

The mission of the Office of Child Protection Ombudsman is to investigate consumer complaints regarding DCFS and assist in achieving fair resolution, promoting changes that will improve the quality of services provided to the children and families of Utah, and build bridges with partners to effectively work for the children of Utah.

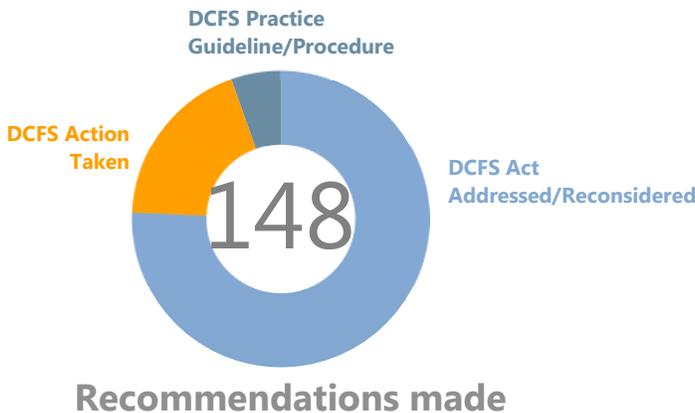
### Process Overview



In FY 2016, the Ombudsman’s Office achieved measureable action from 310 received complaints. This action included further investigation of 51 percent of all complaints as well as recommendations including service delivery, employee training, policy modification or development and reconsideration of current methods. Other key FY 2016 Annual Report findings include:

**310 calls**

337 five-year average



**40%**  
 Concerns identified internally

## **INTRODUCTION**

### **History**

In January 1996, the Executive Director of the Utah Department of Human Services (DHS) created the Office of Child Protection Ombudsman (OCPO), independent from the Division of Child and Family Services (DCFS), where the public could report concerns about cases under DCFS jurisdiction. In 1998, the Utah Legislature codified the role and authority of the Ombudsman's Office by enacting Section 62A-4a-209 of Utah Code, which authorizes the Ombudsman access to all of the Department's written and electronic records and databases.

### **Purpose**

The DHS Ombudsman's Office exists to investigate, report on and help settle individuals' complaints regarding DCFS. The Ombudsman's Office is the only independent office in State government where complainants can express their concerns about child welfare cases.

### **Responsibility**

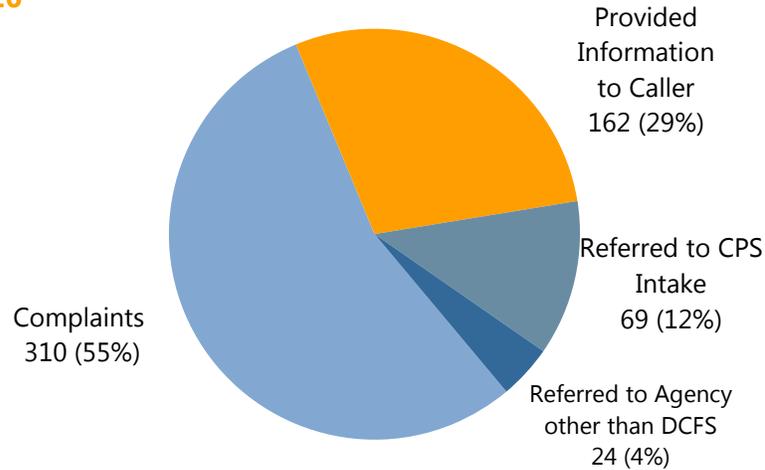
Ombudsman's Office staff members utilize their knowledge of Utah child welfare law and DCFS Practice Guidelines to educate complainants and the general public. Often, individuals' basic understanding of child welfare processes and procedures increases as a result of contact with the Office and concerns are alleviated due to open communication. The Office objectively investigates whether DCFS acts in accordance with Utah Law and DCFS Practice Guidelines. Operating as a small, efficient office, the well-qualified staff members offer a high standard of service to the individual consumer, as well as DCFS.

## **INTAKE PROCESS**

In FY2016, the Ombudsman's Office received 565 calls. Of those 565 calls, 310 were complaints processed as OCPO Intakes (55%). Of the remaining 255 calls, 162 callers (29%) were provided with child welfare resources or DCFS employee contact information, 69 callers (12%) were referred to Child Protective Services (CPS) Intake, and 24 callers (4%) were referred to an agency other than DCFS to address their complaint (Chart 1).

**Total Calls FY 2016**

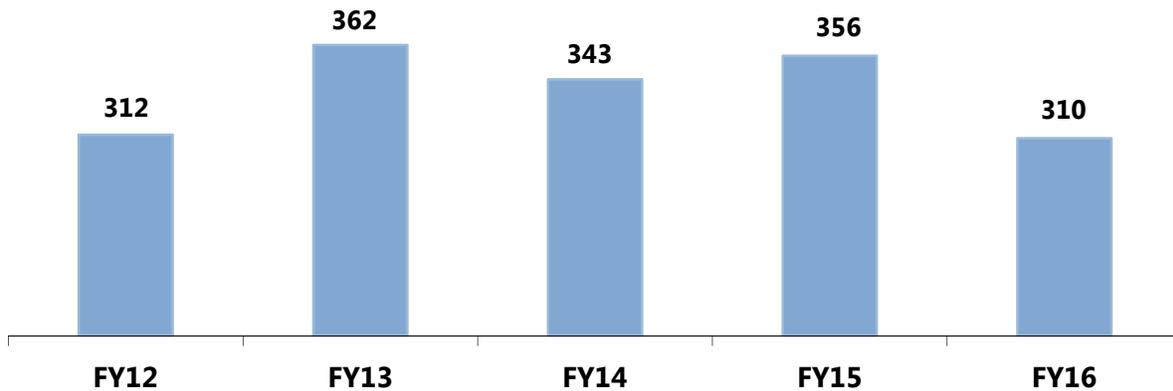
**Chart 1**



The number of complaints received by the Ombudsman’s Office over the last five years averaged 337 complaints received during each fiscal year (Chart 2). During FY 2016, 310 complaints were received by the Ombudsman’s Office.

**Total Complaints FY 2016**

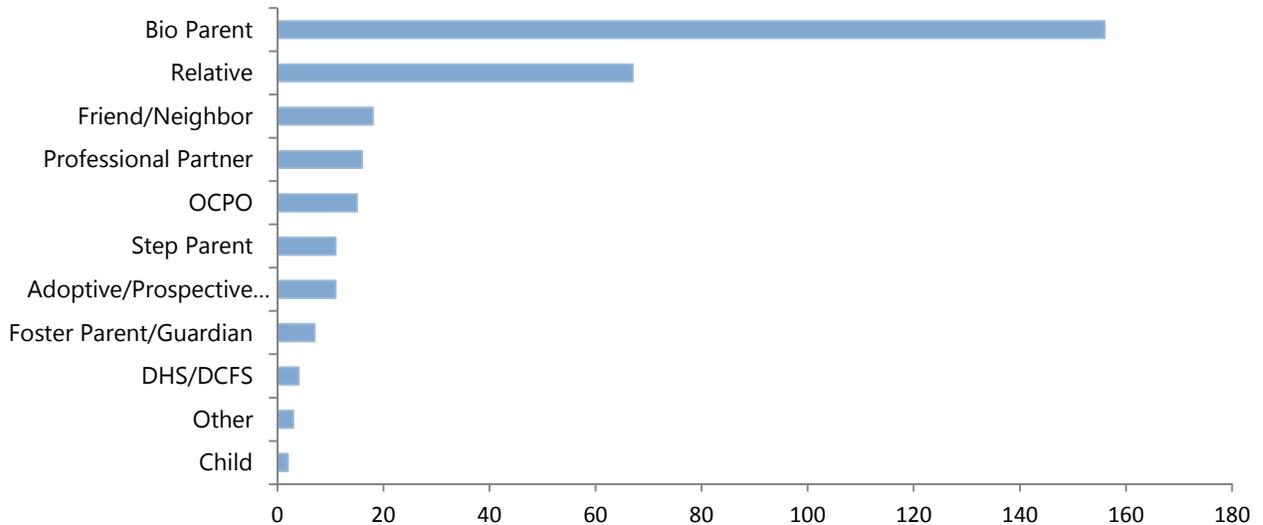
**Chart 2**



Most intakes to the Ombudsman’s Office were from biological parents (57%). Relatives (23%) and Friends/Neighbors (6%) round out the top three sources of complaints to the Ombudsman’s Office. About eight percent of intakes were initiated by professionals involved in the child welfare system (OCPO 4%, Professional Partner 3%, Foster Parent >1%, DHS/DCFS <1%). Professional Partners include individuals employed in education, mental health, law enforcement and other fields connected to the child welfare system (Chart 3).

### Intake Source FY 2016

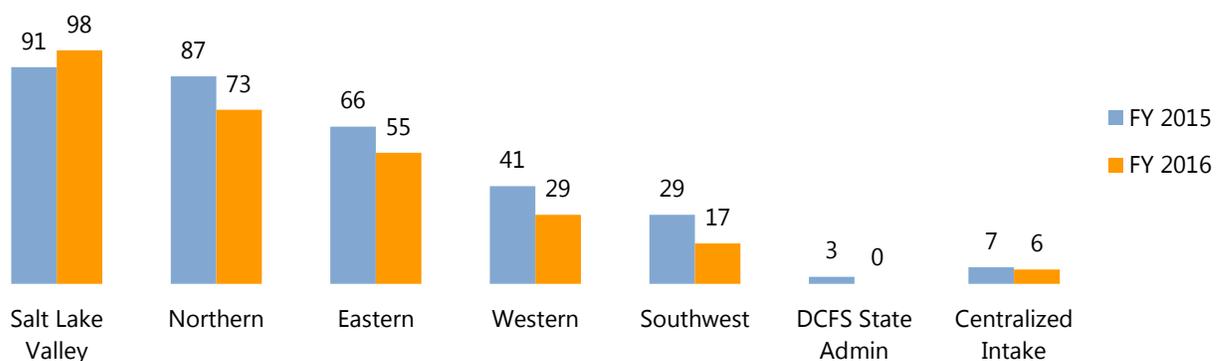
Chart 3



DCFS is divided into five geographical regions. The Eastern Region serves Carbon, Daggett, Duchesne, Emery, Grand, San Juan and Uintah counties. The Northern Region serves Box Elder, Cache, Davis, Morgan, Rich and Weber counties. The Salt Lake Valley Region serves Salt Lake and Tooele counties. The Southwest Region serves Beaver, Garfield, Kane, Iron, Piute, Sanpete, Sevier, Washington, and Wayne counties. The Western Region serves Juab, Millard, Utah, Wasatch and Summit counties. Chart 4 illustrates the total number of complaints received by each DCFS Region. In addition, the Ombudsman’s Office received 28 intakes regarding services unrelated to DCFS or non-specific to a DCFS region.

### Complaints by DCFS Region for FY 2015 & FY 2016

Chart 4

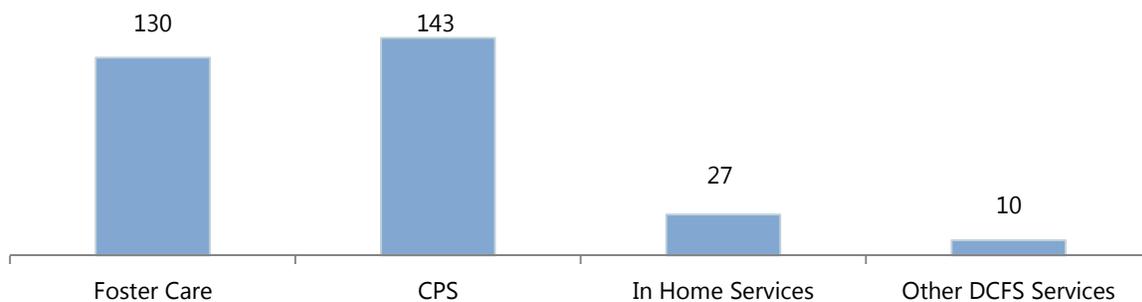


DCFS utilizes various services to fulfill their duties, which include Child Protective Services, Foster Care, and In-Home Services. During FY 2016, the Ombudsman’s Office received 143 complaints about Child Protective Services cases, 130 complaints about Foster Care cases, 27 complaints regarding In-Home cases, and 10 complaints about all other DCFS services (Chart 5). OCPO also assisted 15 complainants whose concerns were unrelated to a specific DCFS caseworker or region by providing them with general child welfare information.

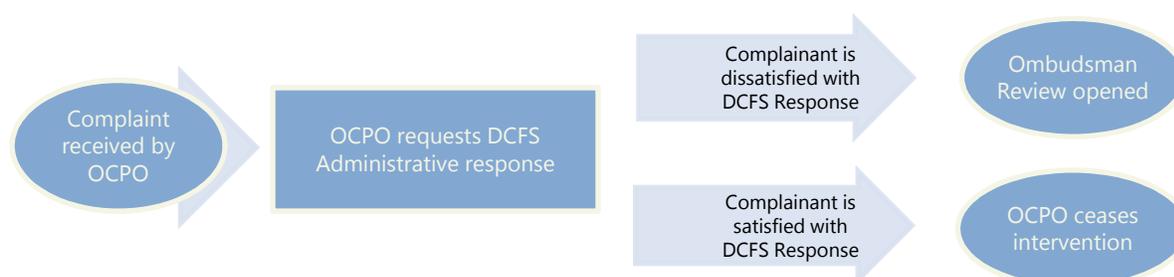
As illustrated in Chart 5, Complaints by DCFS Service Type (325) exceeds the number of intakes received by the Ombudsman’s Office, as reported in Charts 1 and 2 (310), because complaints about more than one service type may be included in a single intake. The Ombudsman’s Office received 12 intakes that included complaints about more than one service type.

### Complaints by DCFS Service type FY 2016

Chart 5



Each contact with the Ombudsman’s Office is treated as though the expressed concerns might result in an investigation. The Intake Process is especially important to the complainant, as it gives that person an opportunity to share their story. During the initial contact with a complainant the Ombudsman’s staff explains the following complaint process:



During the Intake Process the Ombudsman's staff explain that a complainant may request at any time that the Office cease or continue its intervention. Each course is described below:

#### Cease Ombudsman intervention:

- Withdraw his/her complaint.
- Request to work directly with a DCFS representative.

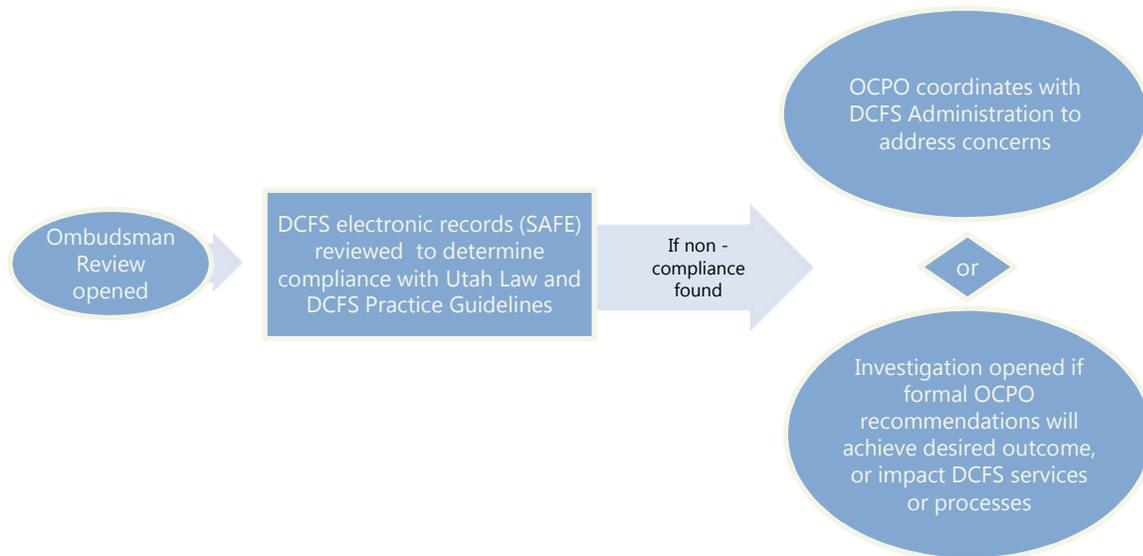
#### Continue Ombudsman intervention:

- Request the Office gain a written response to the individual's concern from DCFS.
  - In these instances, the Ombudsman's Office staff member reviews the response with the complainant and inquires whether they desire an Ombudsman independent review or investigation.
- Request the Ombudsman's Office gather the information necessary to determine if further review of the case is warranted.
  - If the individual requests a review either outright or following the DCFS written response, the electronic case record is then typically evaluated by the Ombudsman staff member.
  - At the point of issuing findings from the case record review, the Ombudsman's Office notifies the complainant and will either take no further action or will accept the case for investigation.
- Request the Ombudsman's Office conduct an investigation.

## **OMBUDSMAN REVIEW**

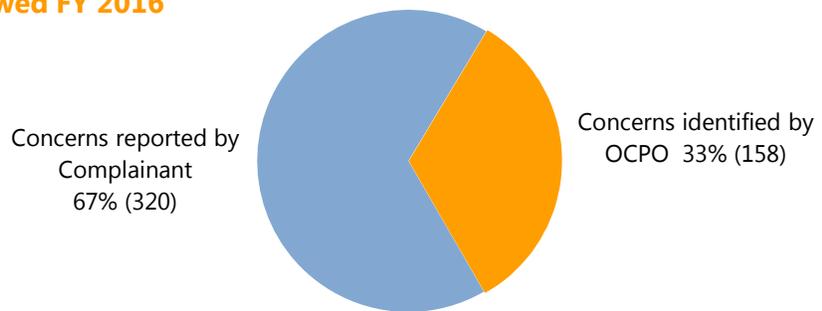
During FY 2016, OCPO completed 156 Ombudsman Reviews. An Ombudsman Review may occur under one of two circumstances: (1) when a complainant is not satisfied with the response from DCFS; or (2) when the Ombudsman's Office is concerned about an issue. In each instance, the Ombudsman's Office will proceed with an Ombudsman Review to determine the appropriate action to be taken. The following flowchart illustrates the process from Ombudsman

Review to investigation:



During FY 2016, the 156 Ombudsman Reviews addressed 478 concerns. Of the 478 concerns, 320 were reported by complainants, and OCPO identified another 158 concerns (Chart 6). During 79 (51%) of the Ombudsman Reviews, OCPO worked with DCFS Regional and State Administrators to address the concerns, while 12 (8%) of the Ombudsman Reviews resulted in Investigations. The concerns reported and identified during the Ombudsman Reviews are similar to concerns reported and identified during Investigations.

**Sources of Concerns Reviewed FY 2016**  
Chart 6



**INVESTIGATIONS**

During FY 2016, the Ombudsman’s Office conducted 14 investigations. An investigation may contain multiple concerns. The Ombudsman’s Office investigates to determine the validity of the concerns reported by a complainant or to address concerns identified by the Ombudsman’s

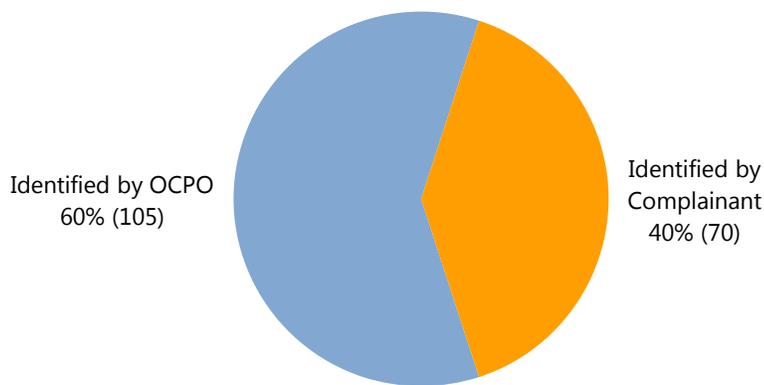
Office. When the Ombudsman’s Office finds evidence to support a complainant’s concern or finds documentation that DCFS did not act in accordance with Utah Law or DCFS Practice Guidelines, the concern is documented as a valid concern.

The 14 investigations completed in FY 2016 encompassed 175 individual concerns. Of these 175 concerns that were investigated, 70 (40%) of the concerns were reported to the Ombudsman’s Office by a complainant, and 105 (60%) were identified by the Ombudsman’s Office (Chart 7).

**Source of Concerns Investigated**

**FY 2016**

**Chart 7**

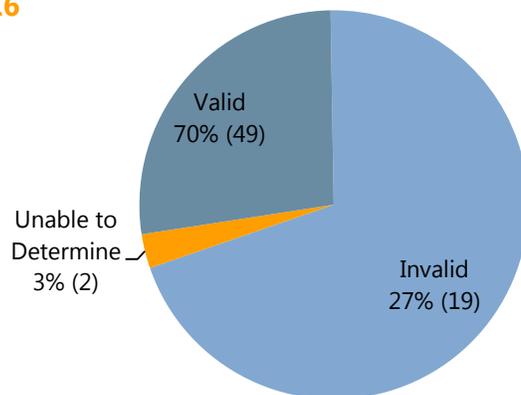


Regarding the 70 concerns reported to the Ombudsman’s Office by the complainant, the Ombudsman’s Office found 70% (49) of the complainant concerns to be valid and 27% (19) to be invalid. The Ombudsman’s Office was unable to determine the validity of 3% (2) of the complainant concerns (Chart 8).

**Percentage of Complaints Validated**

**FY 2016**

**Chart 8**



A finding of “Unable to Determine” is made when there is no means by which the Ombudsman’s Office can verify that a situation or concern occurred. For example, if a complainant expressed concern

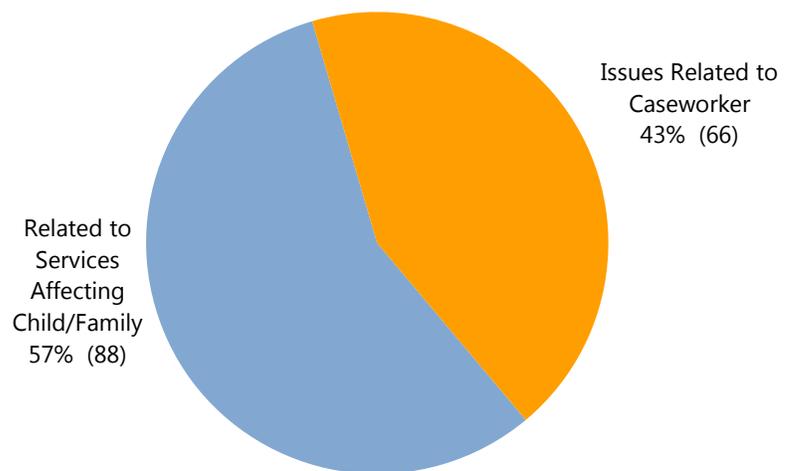
that a DCFS caseworker was rude, treated the complainant with disrespect, or made concerning statements during a conversation, the Ombudsman’s Office would likely be unable to determine the validity of the complainant’s concern, as the Ombudsman’s Office may be unable to corroborate the alleged incident; however, DCFS would be notified of the concern in order to explore possible causes and to address it if necessary.

In addition to the 49 valid complainant concerns, the Ombudsman’s Office also identified 105 concerns for a total of 154 valid findings. Of those 154 valid findings, 88 were related to services affecting the child and/or family, such as investigations, purposeful and sufficient Child and Family Team meetings, planning issues, reunification issues, and the provision of timely services. The remaining 66 findings were related to caseworker issues such as inadequate case activity documentation, professional competence regarding a caseworker’s behavior, and confidentiality (Chart 9).

The following is a sample of concerns expressed by complainants which were found valid during FY 2016:

- A caseworker violated a court order regarding an interstate placement of a child, which resulted in an unnecessary delay in placing the child with kin for approximately nine months. .
- A caseworker left a child with their parent for extended visitation despite the parent missing several urinalyses and the child’s hair testing positive for methamphetamine.
- A caseworker removed a child despite the parent’s willingness to sign a safety plan, the parent’s history of protecting the child, and the incarceration of the perpetrator.

**Investigative Findings FY 2016**  
 Chart 9



## RECOMMENDATIONS

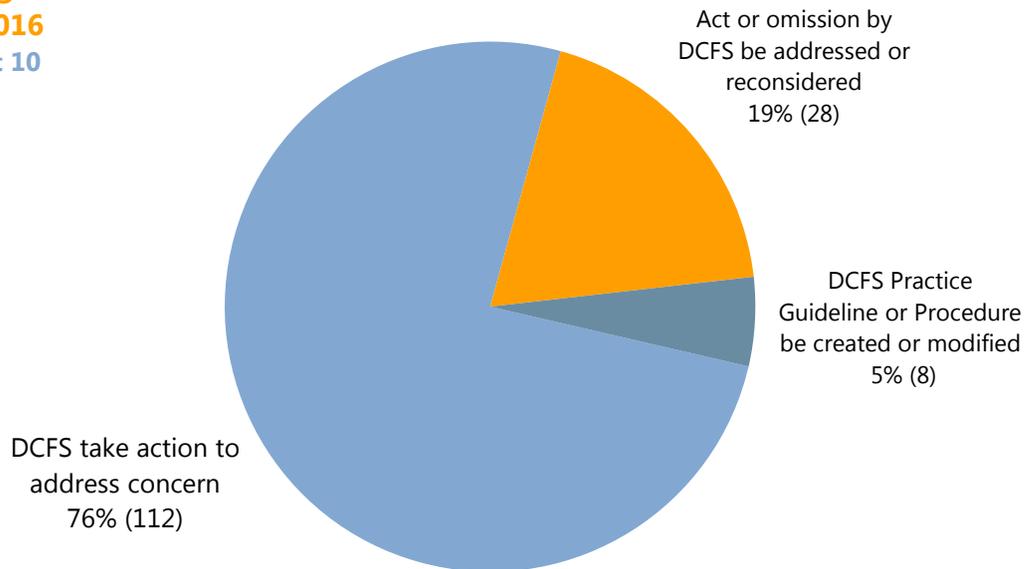
The Ombudsman’s Office made a total of 148 recommendations to DCFS during FY 2016. The 148 recommendations included 112 recommendations that DCFS provide training and instruction to an employee in order to prevent similar oversights from happening in future cases. There were 28 recommendations that an act or omission by DCFS be addressed or

reconsidered, and eight recommendations that DCFS State or Regional Administration create or modify policy, processes or procedures (Chart 10).

**Categories of Recommendations**

**FY 2016**

**Chart 10**



DCFS implemented 139 out of 148 (94%) recommendations. Due to the Ombudsman’s Office direct involvement in children’s cases, DCFS took action to:

- Re-open CPS investigations in order to adequately assess children’s risk.
- Convene case reviews to determine appropriate services for children and families.
- Provide a child’s interview to law enforcement to assist in a criminal investigation.

In another case, the Ombudsman’s Office involvement prevented a delay of at least 30 days in potential permanency for a child when the Ombudsman’s Office assisted a caseworker and supervisor in correctly completing paperwork to submit to the interstate child placement coordinator.

In regard to the remaining nine recommendations currently being implemented by DCFS:

- Two recommendations included DCFS re-assessing risk to children.
- Six recommendations were related to casework practice statewide.
- One recommendation that DCFS bring a child’s case into compliance with the Interstate Compact on the Placement of Children.

The Ombudsman's Office did not make a recommendation to every valid concern due to either DCFS proactively addressing the concern during the OCPO Investigation, or because the caseworker was no longer employed by DCFS.

The Ombudsman's Office continues to impact DCFS practice as evidenced by DCFS State Administration pursuing the Office's recommendation to:

- Develop training and a protocol for caseworkers who interview children with special needs.
- Develop a protocol for caseworkers to assess a child's risk to other foster children when a child's Guardian ad Litem denies law enforcement an interview with the child and it is determined the child may present a threat to other foster children.

Again this year the most recurring recommendation was that DCFS caseworkers receive training related to documenting information and casework activity in the case record. The Ombudsman's Office also recommended training and instruction be provided for individual caseworkers regarding:

- Compliance with the Interstate Compact on the Placement of Children (ICPC).
- Compliance with the diligent search for kin and written notification as well as the identification and placement with kin in a timely manner.
- Following through with recommended assessments and counseling for children in order to ensure safety.

The Ombudsman's Office made 28 recommendations that an act or omission by DCFS be addressed or reconsidered. The most common recommendations were related to a caseworker's lack of thorough and accurate assessment of risk. Below are some of the other recommendations made during FY 2016:

- Caseworkers complete thorough Child Protective Services investigations and assessments that include investigating all allegations, interviewing collateral contacts, gathering information and reaching reasonable conclusions.
- Caseworkers comply with juvenile court orders.
- DCFS Regional Administration contact Human Resources regarding a caseworker's conduct.

The Ombudsman's Office made eight recommendations that DCFS State Administration create or modify policy, processes or procedures. Below are a few of the recommendations:

- Follow-up on an OCPO recommendation made in May 2013, regarding an interview protocol for children with special needs, and provide training for DCFS caseworkers.
- Meet with the Director of the Attorney General's Office Child Protection Division to reconcile their different positions in regard to a Child Protective Services (CPS) worker's role in joint CPS/law enforcement investigations and provide CPS workers with clear instruction regarding the CPS worker's role in terms of complying with CPS Practice Guidelines and Utah Law.

The Ombudsman's Office recommended that DCFS Regional Administration review with DCFS State Administration:

- Whether asking a child "if the child is okay visiting with the caseworker" fulfills the Utah legal requirement that a child "be allowed to have a support person of the child's choice present," as well as a DCFS Practice Guideline that a CPS caseworker let the child know that the child has the right to have a support person present during a CPS interview.

## **A UNIQUE SERVICE FOR UTAH'S CITIZENS**

The Ombudsman's Office is contacted by complainants who report their concerns on a variety of issues. Some complainants contact the Office with the hope that knowledgeable staff can help them, or they are seeking assurance that DCFS staff is handling their case appropriately. In some cases, the Ombudsman's staff can offer immediate assurance, as well as make recommendations for practice improvement in child welfare cases. The Ombudsman's Office is in a position to increase public confidence in child welfare and to strengthen the State's Division of Child and Family Services.