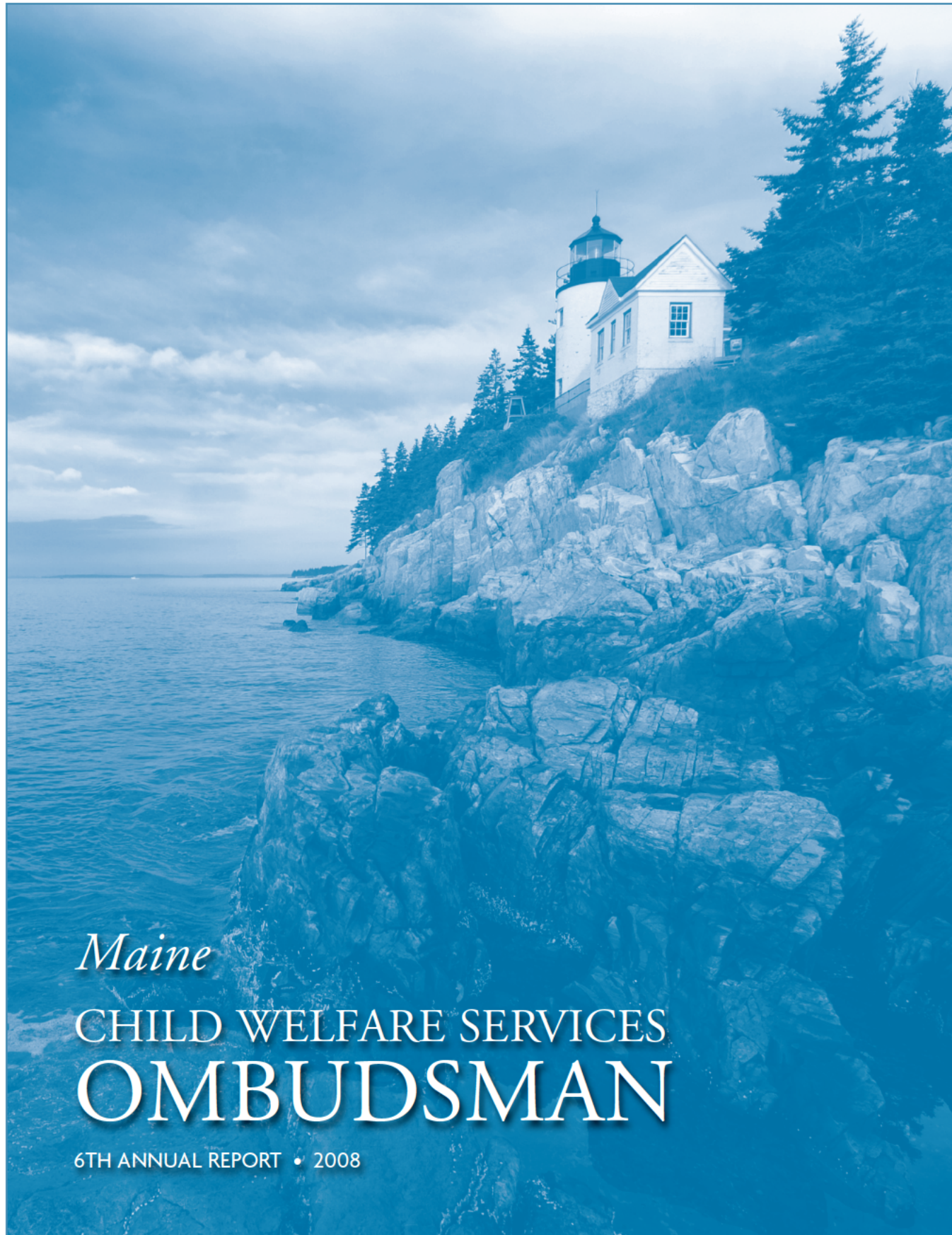


MAINE STATE LEGISLATURE

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LETTER

from the Maine Child Welfare Services Ombudsman

I am honored to present the *6th Annual Report of the Maine Child Welfare Services Ombudsman*. In the past two years, the number of cases referred to the Office of the Ombudsman has increased by 31 percent. For the 2008 reporting period, the Office of the Ombudsman received 384 referrals, with 137 referrals (36%) coming from DHHS. Of the 292 referrals to the Office of the Ombudsman in 2007, 66 referrals (23%) came from the Department of Health and Human Services (DHHS). This doubling of referrals from DHHS suggests that they are providing clients with more consistent information about the Office of the Ombudsman.

Our 384 callers resulted in 175 cases being opened for review. These cases had a range of concerns that are summarized in the data section of this report. In each case, we reviewed both the individual concerns raised and what these suggest about DHHS practice and state policy. Even when we support DHHS's decisions, we often identify practice or policy concerns. We share the belief with DHHS that each case provides a concrete opportunity for learning and improvement in the child welfare system. We are pleased to have been able to support:

- The development of an integrated child welfare and behavioral health system
- Improved policies concerning out-of-home care
- The affirmation of a child's right to visit with family members and significant others
- Increased emphasis on evidence-based practice in providing services for families and children in the child welfare system
- Better clinical support for determining what treatment is needed
- Advocating better coordination between child and adult units within DHHS

Turning to specific cases, our findings suggest that these are the most frequent concerns and opportunities for learning:

- **ASSESSMENT** – Caseworker's activity to determine a child's safety and to assess the child's and family's strengths and challenges
- **SERVICES** – Caseworker's involvement in arranging services as needed
- **PRACTICE AND POLICY** – A broad range of issues concerning best and expected practices in child welfare and documentation requirements
- **CONFIDENTIALITY** – Appropriate information sharing
- **RIGHTS** – Assuring the rights of families and children/youth in the child welfare system
- **KINSHIP CARE** – Assuring appropriate reliance on families to ensure the child's protection

- TEAMWORK – Appropriate use of the DHHS Office of Child and Family Services “Practice Model” for teamwork and family team meetings

In the coming year, we expect to continue to support DHHS’s efforts to improve child welfare practices and outcomes. Areas of focus will include:

- Improving collaboration between child and adult serving units within DHHS
- Supporting the continuing process of integration of children’s behavioral health services and child welfare
- Supporting improved clinical management of services
- Emphasizing increased reliance on kinship care and families for the protection of children
- Assuring child, youth and family rights
- Advocating for increased reliance on evidence-based services.

In addition to these general recommendations and conclusions, the Office of Ombudsman has taken several specific steps aimed at providing youth in state custody the tools to successfully transition to adulthood. Compiling data about transition needs is one of our priorities. The Maine Children’s Alliance publication, “Data for Decision Making: Developing a System for Annual Reporting of Mental Health Data for Maine’s Children,” funded by the Maine Health Access Foundation, provides a comprehensive report on this subject. The recommendations and conclusions in the report have guided state government agencies that serve children as well as the Governor’s Children’s Cabinet.

The Office of Ombudsman has also been an active participant in a DHHS study entitled “Developing Shared Outcomes to Support Permanency Planning.” The study was developed in response to the Legislature’s Resolve 2007, Chapter 137: Independent Evaluations of Policies for Promoting Permanency and Child Safety. This state analysis was made possible by the generous support of the Casey Family Programs through its Peer Technical Assistance Project.

As noted earlier, calls to the Ombudsman about child welfare matters have increased significantly while our resources have remained static. To deal with this increase in workload, we have developed a more appropriate screening process and increased the efficiency of our case review process.

An increasing number of our callers raise concerns about children’s behavioral health services. Addressing these needs would improve outcomes for children across the systems. Unfortunately, we are not able to review cases addressing children’s behavioral health services without a legislative mandate and additional resources.

John Dean Cooke



WHAT IS *the Maine Child Welfare Services Ombudsman?*

Maine's Child Welfare Services Ombudsman contracts directly with the Governor's Office and is overseen by the Department of Administrative and Financial Services.

The Ombudsman is authorized by 22 M.R.S.A. §4087-A to provide information and referrals to individuals requesting assistance and to set priorities for opening cases for review when an individual calls with a complaint regarding child welfare services in the Maine Department of Health and Human Services (DHHS).

The Ombudsman may open cases for review based on one or both of the following:

1. The involvement of the Ombudsman is expected to benefit the child or children who are the subject of an inquiry or complaint in some demonstrable way.
2. The complaint appears to contain a policy or practice issue the resolution of which may benefit other children and families.

The Ombudsman will not open a case for review when:

1. The complaint is about a child welfare case that is in Due Process (Court or Department Administrative Review or Hearing). The Ombudsman will provide information, if requested, to the caller.
2. The complaint is about a Court Order.
3. The complaint is about a DHHS staff person and no specific child is alleged to have been harmed by the staff person's action or inaction.
4. The primary problem is a custody dispute between parents.
5. The caller is seeking redress for grievances that will not benefit the child.

MERRIAM-WEBSTER ONLINE defines an *Ombudsman* as:

- 1: a government official (as in Sweden or New Zealand) appointed to receive and investigate complaints made by individuals against abuses or capricious acts of public officials
- 2: someone who investigates reported complaints (as from students or consumers), reports findings, and helps to achieve equitable settlements

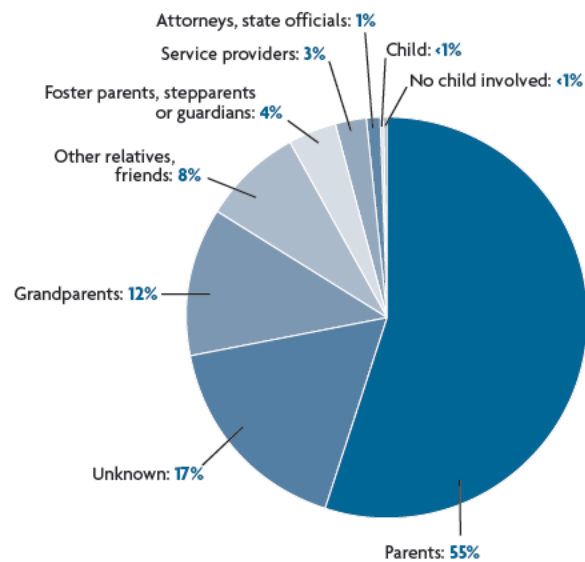
More information about the Ombudsman may be found at
<http://www.mainechildrensalliance.org/am/publish/ombudsman.shtml>

DATA

from the Child Welfare Services Ombudsman

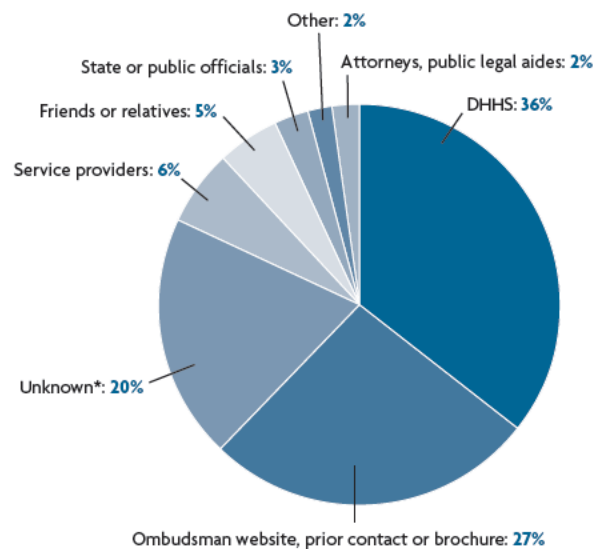
The data in this section of the Annual Report are from the Child Welfare Services Ombudsman database during the reporting period from October 1, 2007 through September 30, 2008.

WHO CONTACTED THE OMBUDSMAN?



HOW DID INDIVIDUALS LEARN ABOUT THE OMBUDSMAN?

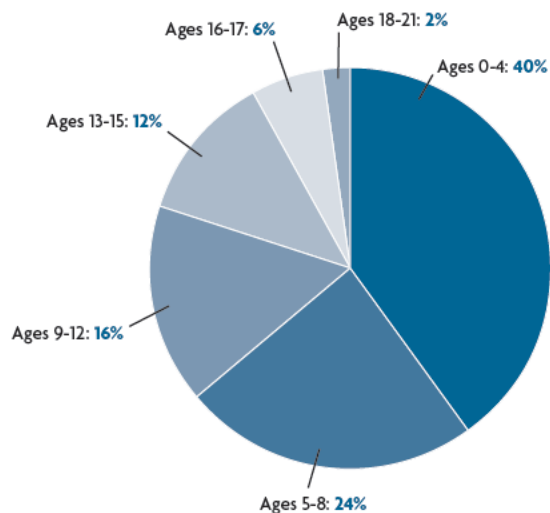
In 2008, DHHS has made an effort to inform parents about the Ombudsmen program. Of the 384 individuals who contacted the Ombudsman this year, 36% learned about the program from the Department. In 2007, of the 292 individuals who contacted the Ombudsman, 23% learned about the program from the Department.



* Unknown represents those individuals who initiated contact with the Ombudsman, but who then did not complete the intake process for receiving services.

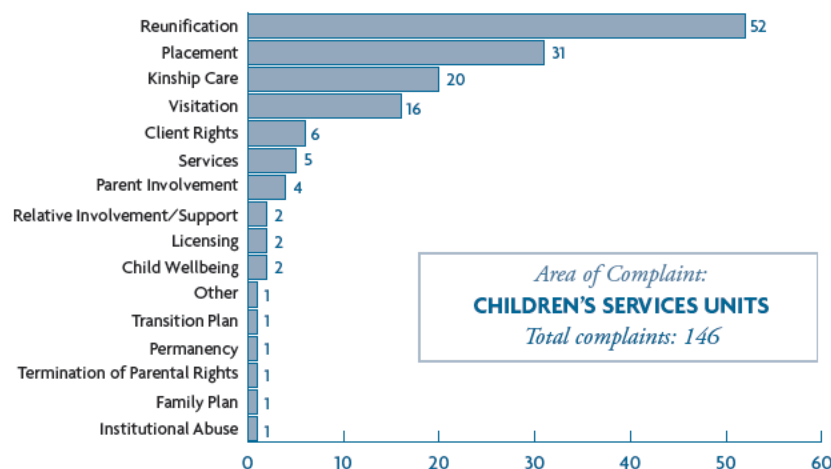
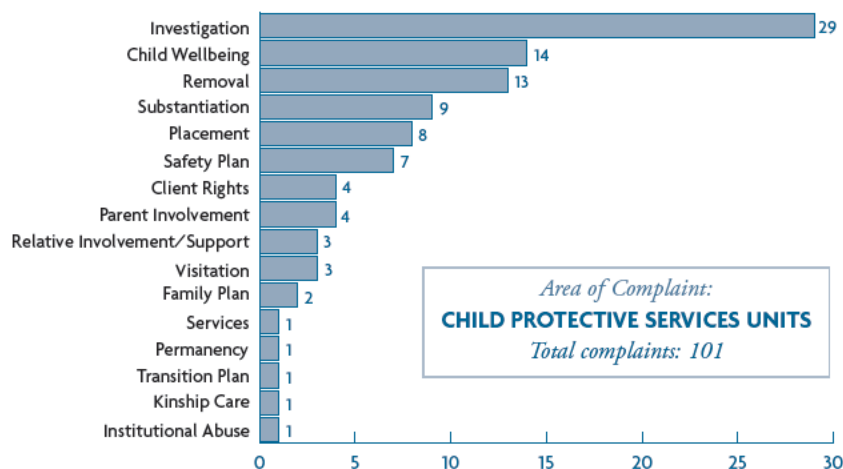
WHAT ARE THE AGES OF CHILDREN INVOLVED IN OPEN CASES?

The Ombudsman collects demographic information on the children involved in cases opened for review. During the reporting period, 64% of these children were age 8 and under. There were 353 children represented in the 175 cases open for review: 193 (55%) were female and 160 (45%) were male.



WHAT ARE THE MOST FREQUENTLY IDENTIFIED COMPLAINTS?

During the reporting period, 175 cases were opened with a total of 249 complaints. Many cases involved more than one complaint. There were 101 complaints regarding Child Protective Services Units, 146 complaints regarding Children's Services Units, and two complaints regarding Adoption Services Units. The opened case complaints regarding Adoption Services units included institutional abuse and client rights.



HOW MANY CASES WERE OPENED IN EACH OF THE DEPARTMENT'S DISTRICTS?

DISTRICT #	OFFICE	CASES	CASES BY DISTRICT		CASES BY CHILDREN	
			NUMBER	% OF TOTAL	NUMBER	% OF TOTAL
1	Biddeford	18	26	15%	56	16%
	Sanford	8				
2	Portland	19	19	11%	36	10%
3	Lewiston	25	25	14%	46	13%
4	Augusta	22	25	14%	49	14%
	Skowhegan	3				
5	Rockland	8	28	16%	71	20%
	Skowhegan	20				
6	Bangor	26	26	15%	58	16%
7	Ellsworth	10	18	10%	24	7%
	Machias	8				
8	Caribou	6	8	5%	13	4%
	Houlton	1				
	Fort Kent	1				
TOTAL			175	100%	353	100%

HOW MANY CASES WERE CLOSED AND HOW WERE THEY RESOLVED?

During the reporting period, the Ombudsman closed 165 cases that had been opened for review. Of these cases, 22 were opened during the previous reporting period and 143 were opened during the current reporting period. The 165 cases closed during this reporting period included 250 complaints. There are 32 cases that remain open from the 2008 reporting period.

VALID/RESOLVED complaints are those complaints that the Ombudsman has determined have merit, and changes have been or are being made by the Department in the best interests of the child or children involved.

VALID/NOT RESOLVED complaints are those complaints that the Ombudsman has determined have merit, but they have not been resolved for the following reasons:

1. **ACTION CANNOT BE UNDONE:** The issue could not be resolved because it involved an event that had already occurred.
2. **DEPARTMENT DISAGREES WITH OMBUDSMAN:** The Department disagreed with the Ombudsman's recommendations and would not make changes.
3. **CHANGE NOT IN THE CHILD'S BEST INTEREST:** Making a change to correct a policy or practice violation is not in the child's best interest.
4. **LACK OF RESOURCES:** The Department agreed with the Ombudsman's recommendations but could not make a change because no resource was available.

NOT VALID complaints are those that the Ombudsman has reviewed and has determined that the Department was or is following policies and procedures in the best interests of the child or children.

RESOLUTION	CHILD PROTECTIVE SERVICES UNITS	CHILDREN'S SERVICES UNITS	ADOPTION UNITS	TOTAL
Valid/Resolved	6	15	0	21
Valid/Not Resolved	8	13	0	21
1. Action cannot be undone	3	11	0	14
2. Dept. disagrees with Ombudsman	5	2	0	7
3. Change not in child's best interest	0	0	0	0
4. Lack of resources	0	0	0	0
Not Valid	88	119	1	208
TOTAL	102	147	1	250



CHILDREN'S OMBUDSMAN

BROUGHT TO YOU BY:



303 State Street
Augusta, Maine 04330
(207) 623-1868
FAX (207) 626-3302
Mainekids@mekids.org

*The 2008 Maine Child Welfare
Services Ombudsman Annual
Report was written and prepared by:*

DEAN CROCKER
Ombudsman
Maine Children's Alliance

KATHRYN WOODHOUSE
Assistant Ombudsman
Maine Children's Alliance

CLAIRE BERKOWITZ
Research Coordinator
Maine Children's Alliance

Edited by:
MARY McPHERSON

Designed by:
SHARON PIENIAK
Bluecat Media: Portland, Maine
www.BluecatMedia.com

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Spurwink Institute

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University of Connecticut

CHRISTOPHER STENBERG
MBChB,
*Director of Ambulatory
and Community Pediatrics*
Barbara Bush Children's Hospital
at Maine Medical Center

DIANE STETSON
Project Director
National Infant & Toddler
Childcare Initiative

C. SHAWN YARDLEY
Director of Health and Welfare
City of Bangor

MAINE CHILDREN'S ALLIANCE STAFF

ELINOR GOLDBERG
President/CEO

DEAN CROCKER, MSW
Ombudsman/Executive Vice President

KATE WOODHOUSE
Assistant Ombudsman

CLAIRE BERKOWITZ
Research Coordinator

BONNIE COLFER
Director of Finance and Administration

JENNIFER RAYMOND
Administrative Assistant

JUDITH REIDT-PARKER
Early Childhood Specialist

JANICE TONG
Project Assistant

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