Maine

CHILD WELFARE SERVICES OMBUDSMAN

12TH ANNUAL REPORT • 2014

CHILDREN'S OMBUDSMAN

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The 2014 Maine Child Welfare Ombudsman Annual Report was written and prepared by:

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I am pleased and honored to present the twelfth annual report of the Maine Child Welfare Ombudsman, and the second of our new agency, Maine Child Welfare Ombudsman, Inc.

We are an independent non-profit solely dedicated to fulfilling the duties and responsibilities laid out in 22 M.R.S.A. §4087-A. The program has continued to serve children and families through the transition from the Maine Children's Alliance two years ago, and after the retirement of Dean Crocker, the founding Ombudsman.

The Department of Health and Human Services (DHHS), Office of Child and Family Services (OCFS) and the Ombudsman have had a collaborative and productive year. This has been a challenging year for all of those in child welfare, as the numbers of children taken into DHHS custody has risen. However, the Ombudsman is pleased to report that as has been true historically, the majority of Child Protective cases reviewed by the Ombudsman have outcomes that keep children safe and are in the best interests of children and families.

Our innovative virtual office system has allowed great flexibility in direction of resources as well as allowing the Ombudsman to travel to all of the Districts without interruption of services. Despite a steady increase in callers for the last several years, costs for the program remain low and we continue to find new ways to be efficient. For example, this year we began using a virtual receptionist and calendar system that has decreased the amount of time before caller intake can be completed and increased the amount of time spent on case review and information and referral calls.

I would like to thank both Governor LePage and the Maine Legislature for continuing to support the Maine Child Welfare Ombudsman as one important part of ensuring the safety and wellbeing of Maine's most vulnerable children.

Sincerely,

Christine Alberi
Child Welfare Services Ombudsman

WHAT IS *the Maine Child Welfare Services Ombudsman?*

The Maine Child Welfare Services Ombudsman Program is contracted 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.

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 individu als 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

The Ombudsman will consider the following factors when determining whether or not to open a case for review:

1. The degree of harm alleged to the child.
2. If the redress requested is specifically prohibited by court order.
3. The demeanor and credibility of the caller.
4. Whether or not the caller has previously contacted the program administrator, senior management, or the governor's office.
5. Whether the policy or procedure not followed has shown itself previously as a pattern of non-compliance in one district or throughout DHHS.
6. Whether the case is already under administrative appeal.
7. Other options for resolution are available to the complainant.
8. The novelty of the issue at hand.

An investigation may not be opened when, in the judgment of the Ombudsman:

1. The primary problem is a custody dispute between parents.

2. The caller is seeking redress for grievances that will not benefit the subject child.

3. There is no specific child involved.

4. The complaint lacks merit.

The office of the Child Welfare Ombudsman exists to help improve child welfare practices both through review of individual cases and by providing information on rights and responsibilities of families, service providers and other participants in the child welfare system.

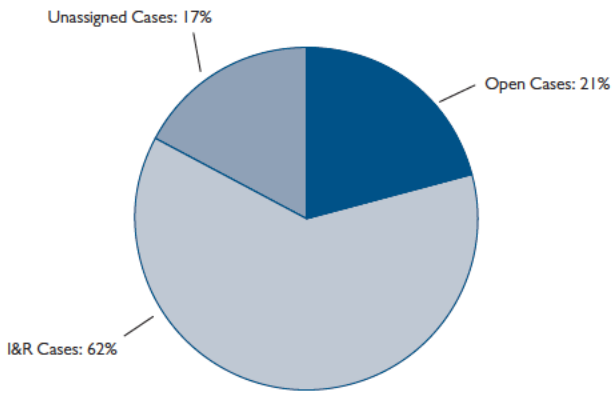
More information about the Ombudsman Program may be found at http://www.cwombudsman.com

DATA *from the Child Welfare Services Ombudsman*

The data in this section of the annual report are from the Child Welfare Services Ombudsman database for the reporting period of October 1, 2013, through September 30, 2014.

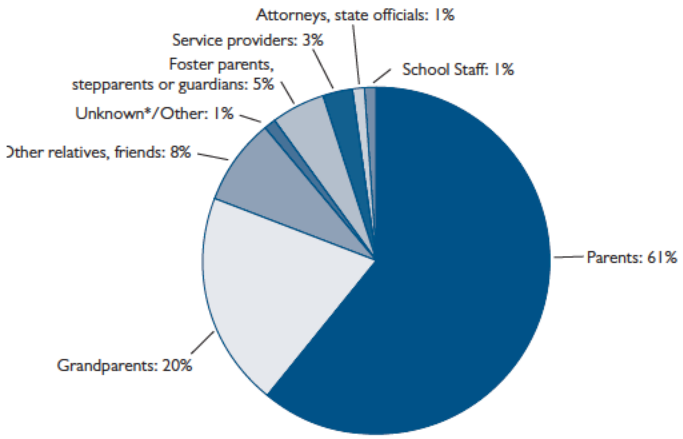
In Fiscal Year 2014, 519 inquiries were made to the Ombudsman Program, an increase of 65 inquiries from the previous fiscal year. As a result of these inquiries, 109 cases were opened for review (21%), 323 cases were given information or referred for services elsewhere (62%), and 87 cases were unassigned (17%). An unassigned case is the result of an individual who initiated contact with the Ombudsman Program, but who then did not complete the intake process. Reasons for not completing the intake process include the caller's phone being disconnected, no forwarding address left with the office, or the individual does not respond to attempts by the Ombudsman staff to gather more information.

HOW DOES THE OMBUDSMAN PROGRAM CATEGORIZE CASES?



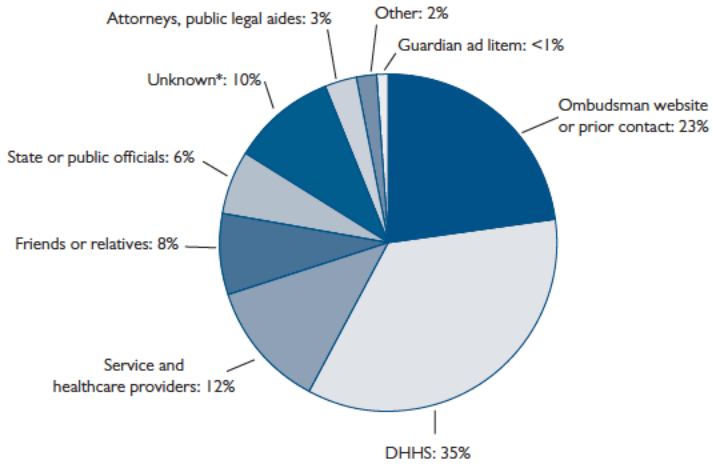
WHO CONTACTED THE OMBUDSMAN PROGRAM?

In Fiscal Year 2014, the highest number of contacts were from parents, followed by grandparents, then other relatives/friends.



HOW DID INDIVIDUALS LEARN ABOUT THE OMBUDSMAN PROGRAM?

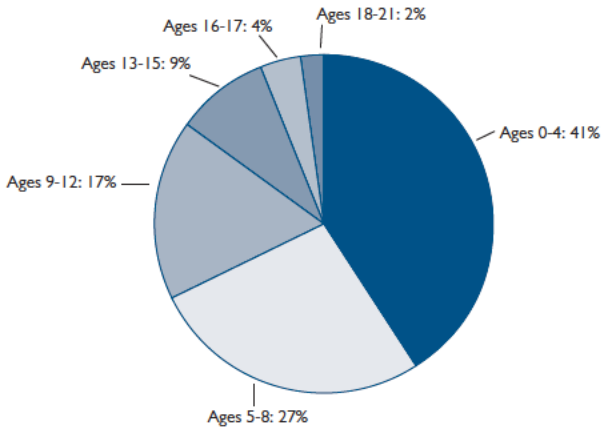
In 2014, 23 percent of contacts learned about the program through the Ombudsman website or prior contact with the office. Thirty-five percent of contacts learned about the Ombudsman Program through the Department of Health and Human Services.

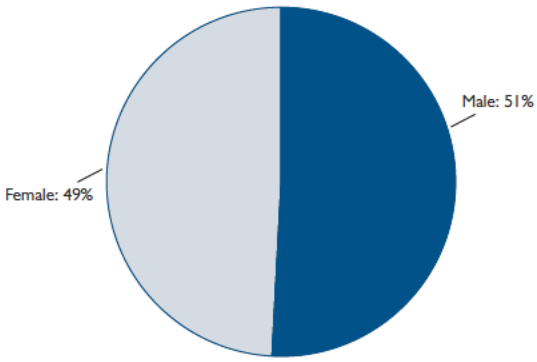


* *Unknown* represents those individuals who initiated contact with the Ombudsman, but who then did not complete the intake process for receiving services, or who were unsure where they obtained the telephone number.

WHAT ARE THE AGES & GENDER OF CHILDREN INVOLVED IN OPEN CASES?

The Ombudsman Program collects demographic information on the children involved in cases opened for review. There were 195 children represented in the 109 cases opened for review: 51 percent were male and 49 percent were female. During the reporting period, 68 percent of these children were age 8 and under.



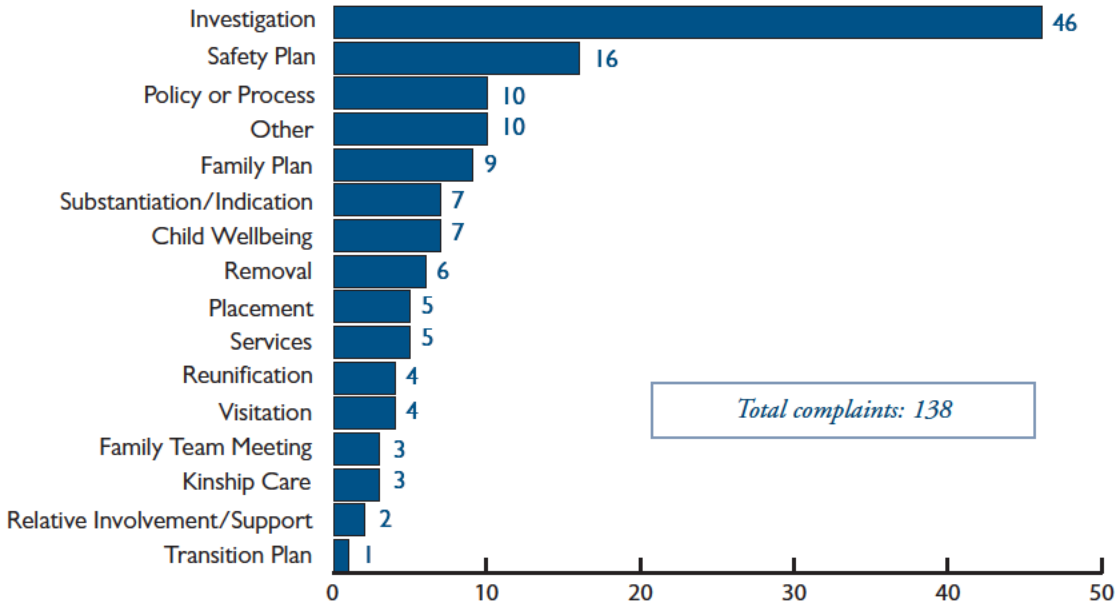


HOW MANY CASES WERE OPENED IN EACH OF THE DEPARTMENT'S DISTRICTS?

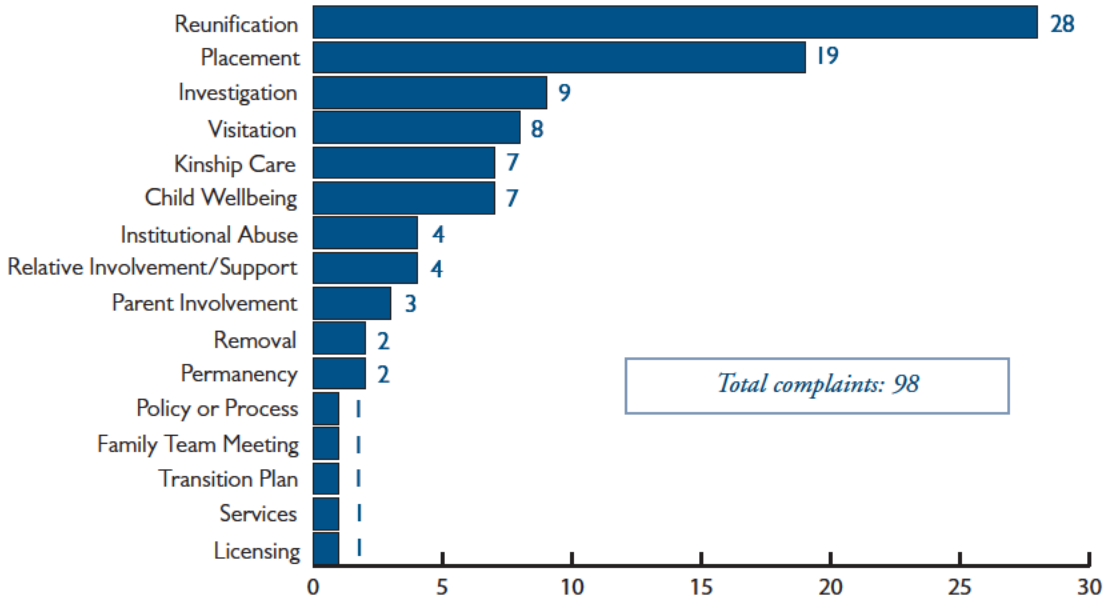
			DISTRICT		CHILDREN	
DISTRICT #	OFFICE	CASES	NUMBER	% OF TOTAL	NUMBER	% OF TOTAL
0	Intake	3	3	3%	4	2%
1	Biddeford	20	20	18%	38	19%
2	Portland	10	10	9%	17	9%
3	Lewiston	13	13	12%	20	10%
4	Rockland	5	5	5%	8	4%
5	Augusta Skowhegan	14 10	24	22%	49	25%
6	Bangor	17	17	16%	30	15%
7	Ellsworth Machias	7 3	10	9%	19	10%
8	Caribou Houlton	4 3	7	6%	10	5%
TOTAL			109	100%	195	100%

WHAT ARE THE MOST FREQUENTLY IDENTIFIED COMPLAINTS?

During the reporting period, 109 cases were opened with a total of 236 complaints. Each case typically involved more than one complaint. There were 138 complaints regarding Child Protective Services Units or Intakes, 98 complaints regarding Children's Services Units.



Area of Complaint: **CHILDREN'S SERVICES UNITS**



HOW MANY CASES WERE CLOSED & HOW WERE THEY RESOLVED?

During the reporting period, the Ombudsman Program closed 107 cases that had been opened for review. These cases included 186 complaints and those are summarized in the table below.

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	TOTAL
Valid/Resolved	12	6	18
Valid/Not Resolved*	25	14	39
1. Action cannot be undone	19	7	26
2. Dept. disagrees with Ombudsman	5	7	12
3. Lack of Resources	1	0	1
Not Valid	63	56	119
TOTAL	**100**	**86**	**186**

* Total of numbers 1, 2, 3

POLICY AND PRACTICE
Recommendations

Our recommendations to DHHS have been focused in two main areas this year: 1) Assessment practice and 2) kinship placements and relative involvement. We also continue to have concerns about the acceptance of educational neglect as a statutory form of abuse and neglect, although practice in this area appears to have improved.

1. BASIC ASSESSMENT PRACTICES

Child protective assessments and reports of abuse and neglect are up significantly in 2014. With the increased strain on resources it is critical that continued emphasis is focused on assessment (investigation) policy basics. Social workers should begin assessments with child interview checklists, parent interview forms, releases, relative resource forms, signs of safety assessment and planning forms, UNCOPE assessments as well as brochures on the child protective process for the parents. Child protective history should be reviewed. Critical case members (out of home parents, stepparents, out of home children) need to be interviewed prior to coming to any conclusions about the case. Sometimes the danger to the child is immediately clear. It is the cases where the danger is not immediately evident that closely following assessment policy is crucial to accurate safety determinations.

The Ombudsman has seen multiple excellent assessments done by Child Protective Social Workers, and these have often begun with pre-planning such as use of an Assignment and Activities Sheet which is an effective tool that helps guard against confirmation bias or ruling out alternate theories of the case. Also, reviewing any child protective history has been effectively used to focus questions and areas of exploration. Relative resources are explored early both as collateral sources of information and as possible placements for children. Psychosocial assessments of parents are completed, and child interviews are lengthy (as is age appropriate) and consistently use the child interview fact-finding protocol. Although it may seem to social workers that these types of activities are too time-consuming to complete at the beginning of a case, they save time in the long run and result in better outcomes for children.

Better assessments will also decrease ongoing issues with safety planning. We continue to find that safety plans are extended beyond their policy dictated short term nature, leaving children in situations that are unsafe, not in their best interests, or simply legally uncertain.

2. KINSHIP CARE AND RELATIVE INVOLVEMENT

A. Kinship Care

As overwhelming evidence shows, outcomes for children placed in kinship care as opposed to foster care, are better both in the short and long term. Maine is a leader in the country in the numbers of children in kinship foster care placements. OCFS policy dictates that kinship resources must be sought affirmatively

early in the case. Unfortunately, this does not occur uniformly statewide.

Additionally, in conjunction with the increasing number of children coming into foster care, there has been a decrease in the number of available foster homes. If a child is placed in a non-kinship foster home when a kinship foster home is available, this results in another child who loses out on a placement in their community.

The most problematic outcomes occur when kinship placements are not considered early on. Once the child has been placed with a foster or pre-adoptive family for many months or an entire year, then it is almost always considered in the child's best interests to remain with the foster family. (The Ombudsman does not necessarily disagree with this way of viewing a case.) By the end of the reunification period kin who want the child are put at odds with the foster family through court battles and disagreements. The child's biological relatives inevitably become a threat to the foster family, who naturally have become very attached to their foster child. Therefore the foster family wants nothing to do with the child's grandparents or aunt. The child loses.

B. Relative Involvement

Even in cases where kin cannot take the child into the home or are not appropriate in some way, there have been several cases that the Ombudsman has reviewed where the social worker has done a "family share" early in the case, introducing relatives to foster parents and encouraging contact and collaboration. This kind of practice is best for the child. Also, on a more practical level, this can decrease the amount of work a social worker has to do to set up visits and support the family; the kin of the child and the foster family will already be working together. Also, if the foster family adopts the child, that supportive kin relationship will already be in place, instead of years of conflict being set in motion.

Placement is a traumatic event for children. The support of family through this process can reduce trauma significantly. Therefore, contact with biological family after removal must come quickly. National data on the subject of risk suggest that contact with relatives present few safety concerns to children. The Ombudsman's office has observed that the practical reality also suggests that concerns about risk to the child are seldom sufficient to prevent contact.

3. EDUCATIONAL NEGLECT

The Legislature has recognized that educational neglect is a form of neglect that rises to a level where child protective services intervention is necessary. Unfortunately, practice is inconsistent in this area, although there has been some improvement. Cases should not be closed when the issue of educational neglect has not been resolved. When an elementary school student misses multiple days of school each week and is frequently late, there is a reluctance to act if other issues are not evident. One child was retained this year due to missing significant amounts of school after a child protective assessment was closed. And most importantly, educational neglect almost always masks other issues in the child's life that put that child in jeopardy. Districts have been successful in court bringing jeopardy petitions to address this issue alone.

The effective education of children is not and should not be DHHS's sole responsibility. Sometimes schools do not follow through with their own responsibilities to children who are truant. Collaborative work between the Department of Education and the Office of Child and Family Services is needed to develop a clearer understanding of truancy and how the two departments can work together to keep children in school.

4. CONCLUSION

All of the issues in these recommendations and many others are first addressed in the excellent training that new child welfare social workers receive. However, the Ombudsman recommends that more ongoing training be provided to both supervisors and caseworkers who are out in the field. OCFS is already working to provide increased training and recognizes that this is an effective use of resources for practice improvements. Mentoring, which has been recognized both in Maine and nationally is an important resource for training for social workers. Reports of the OCFS's internal Quality Assurance Department and Ombudsman reports should also be used for training purposes. Excellent ongoing education is crucial to ensuring better practice outcomes for social workers with very complex jobs.

LOOKING FORWARD: 2015

As emphasized in the previous sections, and due to an increased demand on resources in the Office of Child and Family Services, we will continue to work to improve assessment practices to prevent removals when possible, and to remove children from their parent's care quickly when the child is not safe. We will also continue to look to improve long term outcomes for children who cannot be reunified with their parents, working with OCFS to increase the number of children placed in kinship care and in general increase the amount of relative involvement and support in child protective cases.

The Ombudsman is a member of the Child Welfare Steering Committee, to provide support for OCFS's efforts to improve practice and procedure as part of their five year plan required by federal law. The Department's independent goals for improvement generally align with the Ombudsman's recommendations. The two offices continue to work together to improve Child Welfare. The Ombudsman has also begun to collaborate with the OCFS Quality Assurance office to compare work, trends and statistics.

Lastly, and most importantly, the Ombudsman would like to call attention to the excellent and difficult work done by Child Welfare Services social workers. These professionals deserve our continuing support and recognition for the hard work that they do.

Here are some examples of the day to day work of social workers from cases reviewed by the Ombudsman this year: They sit with children late at night in hospitals and at DHHS offices, taking time away from their own families to do so; they drive children to new foster homes listening to their fears, trying to help them understand why they have to leave one place and move to another; they drive teenagers to job interviews and visits with their siblings; they sit on witness stands and state to parents that their children are not safe in their care; they pick up children and run out of homes with them to save them from the danger of an adult altercation; they become a child's friend. A frequent complaint to the Ombudsman is that a party to a case wants the social worker changed. There are many reasons this request is not honored, but the most important one is so that the children do not have to get to know another new person in their lives when their social worker is a constant presence that they can count on.

ACKNOWLEDGMENTS

As the twelfth year of operation is completed, the Maine Child Welfare Services Ombudsman Program would like to acknowledge the many people who have helped assure the success of the mission of the Ombudsman Program to support better outcomes for children and families served by the Child Welfare System. Unfortunately, space does not allow listing all the individuals and their contributions.

The staff of public and private agencies that provide services to children and families involved in the child welfare system, for their efforts to implement new ideas and expectations at the frontline, where it matters most.

Senior management staff in the Office of Child and Family Services, led by Therese Cahill-Low, for their ongoing efforts to make family support the focus of child welfare practice, to keep children safe, and to assure integration of the children's behavioral health system.

The Program Administrators of the District Offices, as well as the supervisors and social workers, for their openness and willingness to collaborate with the Ombudsman to improve child welfare.

The Board of Directors of the Maine Child Welfare Services Ombudsman, Ally Keppel, John Sexton, Allie McCormack, Maureen Boston and Rosemary Fowles for their support and dedication to our agency.

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