

STATE OF INDIANA

Mitchell E. Daniels Jr., Governor

DEPARTMENT OF ADMINISTRATION
Department of Child Services Ombudsman Bureau

Indiana Government Center South
402 West Washington Street, Room W469
Indianapolis, IN 46204
317-234-7361

November 16, 2010

Adam Horst, Director
Indiana State Budget Agency

Re: DCS Ombudsman Bureau Agency Overview

Dear Director Horst,

Please find below a description of the first year of operation of the Department of Child Services Ombudsman Bureau for your review:

FIRST YEAR PLAN OVERVIEW

Purpose of Program: Pursuant to IC 4-13-19 the department of child services ombudsman may receive, investigate and attempt to resolve a complaint alleging that the department of child services, by an action or omission occurring on or after January 11, 2005, failed to protect the physical or mental health or safety of any child or failed to follow specific laws, rules, or written policies. The ombudsman may also evaluate policies and procedures regarding the general effectiveness of the child protection system and recommend changes. Upon assumption of the office December 14, 2009 the Department of Child Services (DCS) Ombudsman developed a task list for the first year of operation to serve as a guideline to ensure the implementation of the duties of the office. The list includes projects related to Research/Training, Program Development, Operations, Reporting, Outreach and Future Considerations. Below is a summary of progress in each category.

Research/Training

Research of the other ombudsman offices was immediately initiated to acquire the knowledge regarding standard practices and the pros and cons of various operational procedures. There are 33 states with some form of statutorily enabled children's ombudsman programs, and those that most closely resembled the Indiana statute were reviewed. Annual reports, websites and commonly used forms were reviewed. Telephone interviews were conducted with other ombudsmen and the Dayton ombudsman office was visited. Additional networking was accomplished by joining the United States Ombudsman Association, which also has a library of relevant literature. The book Conducting Administrative, Oversight & Ombudsman Investigations by Gareth Jones is considered the basic text for an ombudsman. The book was read and studied and Mr. Jones made himself available for email consultation. During October 2010 the ombudsman attended the week long ombudsman training provided by the United States Ombudsman Association for continuing education in the field.

Program Development

Within the first month a mission statement was developed and the operational procedures were drafted, followed by the creation of the DCS Ombudsman website, and the database for tracking cases. A final version of the procedures was adopted, and the database was divided to include an Information and

Referral Contact Log and a Case Activity System. The report format was devised. On January 6, 2010, the office accepted the first referral.

Administrative

The DCS Ombudsman's office space and equipment is provided by the Department of Administration. In addition to the regular phone/email contact information for the DCS Ombudsman a toll free number and an ombudsman email account was installed, providing an efficient system for timely responses. The DCS Ombudsman has a part-time administrative assistant, shared with the Department of Correction (DOC) Ombudsman. The administrative assistant's job duties were developed in collaboration with the DOC Ombudsman, and the position was filled during March 2010. A Memorandum of Understanding (MOU) was entered into with the Attorney Generals' Office to provide legal consultation to the ombudsman as needed.

Communication with DCS

A letter of introduction was sent to DCS Regional Managers/Directors explaining the program, and the ombudsman subsequently addressed DCS Regional Manager's at their meeting. The ombudsman met with the DCS Chief of Staff and Deputy Director of Field Operations to develop a protocol for communication with DCS when a complaint is received. Subsequent protocols were also developed for ombudsman referrals to Child Protection Team and for ombudsman investigations of critical incidents. When a complaint is determined to have merit, a case specific recommendation is provided. The local DCS office provides a response within 60 days. General recommendations are provided to DCS Central Office on a quarterly basis and DCS responds in writing. The ombudsman has regularly scheduled meetings with designated DCS staff to address issues/concerns and ensure continued communication. In addition, the ombudsman obtained access to the Indiana Child Welfare Information System (ICWIS) and the DCS Intranet information/data and has received training in these systems.

Reports

When the ombudsman conducts an investigation, an official report is completed and submitted to the appropriate parties and placed in the file. Outcomes of cases that are resolved or referred without a formal investigation are recorded in the database and the involved parties receive a letter/email upon the completion of the ombudsman involvement summarizing the findings. Quarterly reports are prepared by the ombudsman and include three components. The Summary page includes the number of cases opened/closed, types and outcomes. The ombudsman Case Activity Report provides a brief synopsis of each case and the outcome by Region. The third component is a summary of the recommendations (case specific & general) provided to DCS and the responses received during that quarter. The log of Information and Referral contacts is available, but has not been included in the quarterly report due to the length. The quarterly report has served primarily as a working document between DCS and the ombudsman office. The format remains a work in progress, as procedures, trends, priorities, and tracking mechanisms evolve with each quarterly report. As a result, each quarterly report has provided different information and the format has not yet been finalized. The initial required report was submitted January 15, 2010 to report on the first month's activities. It is anticipated that the first annual report will be submitted by January 31, 2011 in order to reflect a year's worth of activity/information. Between 12/14/09 and 9/30/10 the Bureau opened 126 cases and logged 253 Information and Referral contacts since that time. Of the 126 cases approximately 12% were determined to have merit and recommendations were provided. All responses to the recommendations have been received within the required timeframe.


Outreach

In order to make the public aware of the availability and function of the office and to listen to the concerns of community partners/child advocates, outreach meetings were scheduled. The DCS Ombudsman attended meetings at the Harmony House Community Discussion in LaPorte, Indiana, Indiana Children's Coalition, Legacy House and the State Court Appointed Special Advocate/ Guardian Ad Litem (CASA/GAL) Advisory Board. Meetings were also scheduled with representatives from Honk for Kids, Prevent Child Abuse, Villages and the Indiana Association of Residential and Child Care Agencies (IARCCA). A meeting was also held with Dr. Gail Folaron who conducted a research study on the effectiveness of the DCS practice model. The ombudsman is a mandated member of the State Child Fatality Review Team and participates in this team. A brochure was developed and distributed via some of the organizations above and through DCS. Information was submitted to 211 Connect (HELP Line) to be included in their database.

Future Considerations

After one year of operation, each component of the program will need to be evaluated and changes implemented accordingly. Other ombudsman programs will be revisited to compare relevant information for lessons learned. The first year was devoted to developing the individual complaint process. The ombudsman has also been tracking all child fatalities/near fatalities since May 2010 forwarded by the DCS Central Hotline. Future consideration will be given to how/if any of these cases should be flagged for an ombudsman investigation. It is also a long range goal to be able to provide the kind of in depth research and reporting that would enable the ombudsman to examine policies and procedures and evaluate the effectiveness of the child protection system, specifically the respective roles of the department of child services, the court, the medical community, service providers, guardians ad litem, court appointed special advocates, and law enforcement agencies pursuant to IC 4-13-19-5 (6).

Respectfully Submitted,



Susan Hoppe, MS, LSW, Director
DCS Ombudsman Bureau

Attachments

1. First Year Task List
2. Quarterly Report Summary Sheet (3rd Quarter)
3. Recommendation Report (3rd Quarter)
4. Brochure

DCS Ombudsman Bureau Task List for First Year of Operation

Completed In Process Target Date

	Completed	In Process	Target Date
Research and Training			
Web Review of other programs and websites	12/16/09		
Identify similar programs and review forms and reports	12/17/09		
Visit other programs and network with like offices	1/11/10		
Join USOA and utilize consultation as needed	12/23/09		
Attend Ombudsman training scheduled for October 2010	10/2010		
Complete/study <u>Conducting Administrative, Oversight & Ombudsman Investigations</u> by Gareth Jones	2/2010		
Learn ICWIS program	12/29/09		
Obtain access to DCS intranet and learn how to use	5/2010	X	
Study and Attend CFTM	4/2010		
Program Development			
Create Mission Statement and Guiding Principles	12/23/09		
Develop draft procedures for receiving & investigating complaints	12/15/09		
Finalize procedures for receiving & investigating complaints	8/2010		
Develop complaint form	12/20/0		
Develop investigation report format	2/14/10		
Develop & install data base for tracking cases	12/30/09		
Develop website and links	1/6/10		
Introduce DCS Ombudsman Program to County Directors	1/6/10		
Identify liaisons within DCS & arrange for regular meetings	3/1/10		
Begin receiving inquiries and complaints, resolving and investigating	1/6/10		
Develop data base for Information & Referral inquiries	3/1/2010		
Develop procedure for monitoring fatalities/critical cases		X	
Administrative			
Set up operations (office, printer, computer etc.)	12/15/09		
Hire Assistance	3/18/10		

Reporting Activity & Progress			
Develop and Finalize Quarterly report format; submit first QR 3/2010	3/2010	X	
Develop and Implement procedure for providing DCS recommendations and receiving responses	9/2010	X	
Submit initial report	1/18/10		
Prepare and submit annual report			1/30/11
Outreach			
Schedule meetings with Community Partners		X	
Participate in State Fatality Review		X	
Submit information for 211 Connect database	6/2010		
Design , print and distribute brochure	8/2010	X	
Future			
Fine-tune reporting format and develop enhanced data base report capability			2011/2012
Continue to fine-tune and develop program content, procedures and standards			2011/2012
Continue to track fatalities/near fatalities and develop criterion for selecting any to review if appropriate			2011/2012
Update website as needed			2011/2012
Develop process for identifying trends based on data as well as ombudsman cases			2011/2012

Quarterly Report Summary of DCS Ombudsman Bureau Activity Third Quarter 2010

Submitted: October 4, 2010

For the Period of: July 1, 2010 through September 30, 2010

The DCS Ombudsman Bureau provides information and referral (I&R) services in addition to resolving complaints and conducting investigations. The I&R contacts include telephone and email inquiries. They are recorded separately from the case activity information. These inquiries do not generate a paper case file unless they turn into a case. However, details of the contacts are recorded in the DCS Ombudsman Information and Referral Contact Log, and a summary is provided below. If interested, the actual log is available and can be provided by Regions upon request. Case files are opened when the Ombudsman addresses a complaint by reviewing the case and determining the appropriate level of involvement and responding accordingly, conducts an investigation or refers a case to the Child Protection Team, and this information is recorded in the case information database. The summary of this case activity by Region is being submitted with this report. The DCS Ombudsman continues to track fatalities/near fatalities with history, but to date time has not permitted a comprehensive review of any of these cases.

INFORMATION AND REFFERAL ACTIVITY

Total Number of I&R contacts: 163

Breakdown by Topics:

General Complaints regarding DCS	<u>61</u>
Follow up: failure to submit form/intake closed	<u>36</u>
Follow up: form submitted/case opened	<u>34</u>
DCS Policy Information	<u>8</u>
Public Assistance	<u>7</u>
Child Ab/Ne	<u>3</u>
Custody/Court	<u>3</u>
Ombudsman Bureau Information	<u>3</u>
Follow up: no form/DCS resolved/intake closed	<u>2</u>
Background Checks	<u>2</u>
Access to DCS Information	<u>1</u>
Licensing	<u>1</u>

CASE ACTIVITY

During the third quarter 51 cases were opened and 44 cases were closed.

Total Number of Cases Active during the Quarter including both open and closed:

59 (45 closed/14 active as of 9/30/10)

Number of Cases by Region:

Region 1	<u>3</u>	Region 2	<u>1</u>
Region 3	<u>6</u>	Region 4	<u>4</u>
Region 5	<u>2</u>	Region 6	<u>1</u>
Region 7	<u>2</u>	Region 8	<u>3</u>
Region 9	<u>1</u>	Region 10	<u>14</u>
Region 11	<u>1</u>	Region 12	<u>2</u>
Region 13	<u>3</u>	Region 14	<u>1</u>
Region 15	<u>2</u>	Region 16	<u>4</u>
Region 17	<u>6</u>	Region 18	<u>3</u>

DCS Ombudsman Activity Report/2010 Third Quarter (continued)

Major Complaint Issue: (includes all 59 cases)

Safety	21
DCS Case Plan	<u>12</u>
DCS Findings	<u>9</u>
Communication	<u>4</u>
Financial	<u>4</u>
Licensing/Background checks	<u>3</u>
Adoption	<u>2</u>
Custody/Guardianship	<u>1</u>
Problems with FCM/FCMS	<u>1</u>
Legal	<u>1</u>
Visitation	<u>1</u>

Disposition on Closed Cases: Total	<u>45</u>
Opened for Investigation	<u>5</u>
Reviewed/resolved/referred	<u>30</u>
Referred back to DCS	<u>3</u>
Referred to CPT	<u>1</u>
Declined to Investigate	<u>3</u>
Client withdrew complaint	<u>3</u>

Investigation Cases:	<u>6</u>
• Number in which the Primary Complaint did not have Merit:	<u>2</u>
• Number in which the Primary Complaint did have Merit:	<u>1</u>
• Number involving Multiple Complaints, both Merit and Non-Merit:	<u>2</u>

Reviewed/Resolved/Referred Cases:	<u>30</u>
• Number in which the Primary Complaint did not have Merit:	<u>18</u>
• Number in which the Primary Complaint did have Merit:	<u>1</u>
• Number resolved prior to findings:	<u>7</u>
• Number referred prior to findings:	<u>4</u>

Recommendations: Recommendations are offered when a complaint is determined to have merit, and the local office responds within 60 days. Other recommendations are usually offered in the course of an attempted resolution and many times are incorporated into the resolution and are not included in the count below. There are no findings or recommendations provided on cases that are referred back to the local office, on cases that are declined or on cases in which the complainant withdrew the complaint.

Number of Recommendations offered this quarter:	<u>4</u>
Number of DCS Responses Received: (including prior quarter)	<u>3</u>
Number of DCS Responses Pending: (due fourth quarter)	<u>2</u>

Average Number of Days a Case Remained Open excluding CPT case:	<u>25.85 days</u>
Average Number of Days an Investigation Remained Open:	<u>34.2 days</u>

DCS Ombudsman Recommendations
Third Quarter (July 1, 2010 through September 30, 2010)

Case Specific Recommendations

Local Office Responses to Case Specific Recommendations from the Prior Quarter

Marion County – Safety/Case Plan issue This case was referred to CPT due to allegations that DCS's plan was putting the children at risk because Mother was not compliant with services or the order not to allow father around the children and DCS was failing to recognize this. CPT reviewed the case July 20, 2010 and provided twelve recommendations, including beginning the ICPC process on the complainant. In the interim the children were removed and placed with the complainant when DCS learned that the Mother, in fact, was not compliant. Thus some of the recommendations did not apply after this change in circumstances.

Local Office Responses to Case Specific Recommendations from the Third Quarter

Vanderburgh County – Health issue This was an ombudsman initiated investigation, which occurred during the course of assisting to resolve Medicaid issues on another case. The ombudsman became aware of children who had not received needed medical care for six months while in foster care. This not only deprived the children of needed healthcare, but was also out of compliance with the policy for ensuring all children in DCS's care have a medical exam within a certain time frame. Although the county had corrected the problem regarding these particular children, a plan to prevent such occurrences in the future was recommended. The local office director implemented a plan to ensure each child's health care needs are reviewed on a regular basis. Chapter 8 was reviewed by all staff, as well as the case transfer processes, particularly referencing the communication regarding the children's medical needs. It was anticipated these actions steps would be completed by October 15, 2010.

Vigo County – Failure to consider relative placement and lack of documentation The local office director confirmed this to be the case and action was taken to address this issue with the relative to put appropriate procedures in place. The LOD also discussed with staff how to respond to relative inquiries, documentation and the appropriate way to address concerns about the relative placement if they exist.

Fulton County – Allegation that children were abused in foster care Even though the complaint was determined not to have merit in this case, as the injuries incurred by the children were deemed accidental, DCS implemented the suggestions of the ombudsman. DCS agreed to develop a supervision/safety plan with the foster parents, particularly with regard to pool safety and to provide Stewie the Duck (water safety book) for the children.

Recommendations were offered in two other cases, but the responses from DCS are not due yet. They will be included in the next quarterly report.

General Recommendations

DCS Responses to Prior Quarter Recommendations

**The following includes DCS responses to prior recommendations. Because some of the responses involved work in progress, updates are being requested within 60 days for those items with an asterisk.*

Revision of Home based Provider Reports – There was a recommendation to revise the reporting format for these reports to enhance the provider’s accountability. This was already in the works as part of the Medicaid initiative to utilize Community Mental Health Centers as the preferred provider. Sample forms were provided and this went into effect July 1, 2010.

**DCS Role in Sex Abuse Cases involving two minors and/or siblings* – DCS is exploring this issue as well as others where the child does not appear to be seriously impaired or seriously endangered and has established a new protocol for working with lea. This new protocol is gradually being introduced into the culture as the hotline has rolled out.

**Visitation* - In response to the ombudsman’s inquiry about visitation occurring within 48 hours of removal, DCS researched this and determined this was occurring in 62.7% of the cases. To remedy this the QAR tool was revised to include monitoring for this practice. This was also discussed at the August Regional Manager’s meeting. DCS will be asked to check this statistic for improvements in 6 months.

Co-parenting, change in parental custody and concurrent planning issues – The Concurrent Plan policy has been updated and training provided. DCS has proposed a legislative change that would allow for the Juvenile Court Judge to make decisions about custody when the case is a CHINS and the ombudsman supports this proposal. Any further action on this topic is pending the results of the proposed legislative change and will be revisited when the outcome is known.

**Multiple case transfers and the negative effects on case management* – DCS will begin the process to formalize a policy of transitioning a case due to a change in worker because of turnover long-term medical leave etc. Chief of Staff continues to analyze issues to minimize turnover.

**DCS Internal Process for Resolving Complaints*- DCS is revising the policy on this. Completion date was anticipated for September 30, 2010.

Third Quarter Recommendations

Consideration to change language from “Visitation to “Parenting Time” - Although this may appear trivial and insignificant, the rationale is that the nuance of language has the power to reflect attitudes and culture. The Parenting Time designation for parental visitation more accurately supports DCS’s goal to engage and empower parents. It is recommended DCS consider changing this language when referring to parental visitation.

Medicaid Eligibility Issues – Case activity from this quarter has brought Medicaid issues to the attention of the ombudsman. Furthermore, at outreach meetings with the Indiana Children’s Coalition and the Indiana Youth Services Association concerns about Medicaid for DCS wards was also expressed. Generally speaking, the issue is huge delays from the time Medicaid eligibility determination is initiated and the time it is activated. The result is either a delay in the children’s receipt of medical care (per manual all children in placement are to receive a health exam within 10 business days of placement) and/or DCS and/or a provider being responsible for the medical bill. This then generates a second problem, which is the FCMs reluctance to request approval to pay medical bills. Those persons complaining about this are further frustrated because they contend they do not get satisfactory answers from the FCM when inquiries are made. I want to emphasize that I believe DCS has work diligently to correct this problem and that the MEU unit is responsive and effective when called upon to trouble shoot case specific problems. The delay in the eligibility determination appears to be the DFR piece of the puzzle. Thus, DCS may not have the ability to correct the problem, but it is recommended that the dialogue regarding how to improve this situation continue with involved parties. It is further recommended that the FCMs be provided guidance in how to respond when they have completed their responsibilities in terms of Medicaid eligibility determination and they have not received a timely response.

CFTM – What can go wrong – I have the opportunity to review many case files including CFTM notes. My observation is that the meetings are clearly an integral part of the case management process and the way DCS does business. However, I frequently find that the What Can Go Wrong section of the CFTM agenda is overlooked or minimized. On some occasions, it appears the problem identified in the complaint could have potentially been avoided if this section had been appropriately executed. It is recommended FCMs be reminded as to the importance of this section and to be sure and include it in the meetings. If DCS discovers a particular reason the FCMs are uncomfortable facilitating this section, an appropriate plan to address this is recommended.

Mission

To respond to complaints concerning DCS actions or omissions by providing problem resolution services, independent case reviews and recommendations to improve DCS service delivery, thereby promoting public confidence

Guiding Principles

- It is in the best interest of children to be in a healthy family and supportive community.
- Independence and impartiality is expressed in all Bureau practices and procedures.
- Positive regard for parents' interest in being good parents, and professionals' interest in doing good work is reflected in all operations.

Contacting the DCS

Ombudsman Bureau

Office Hours

8:30 am to 5:00 pm

Telephone Numbers

Local: 317-234-7361

Toll Free: 877-682-0101

Fax: 317-232-3154

Ombudsman E-mail

DCSOmbudsman@idoa.in.gov

Ombudsman Website

www.in.gov/idoa/2610.htm

Mailing Address

DCS Ombudsman Bureau

Indiana Department of Administration

402 W Washington Room 479

Indianapolis, Indiana 46204

Indiana Department of
Child Services (DCS)

Ombudsman Bureau

*An independent resource for
reviewing issues concerning DCS*



State of Indiana

What is an Ombudsman?

Ombudsman is a Swedish term for an appointed government official who investigates or resolves citizens' complaints, reports findings and provides recommendations.

What is the DCS Ombudsman Bureau?

The DCS Ombudsman Bureau is an independent state agency housed in the Department of Administration, created in 2009 by Indiana Code 4-13-19. The DCS Ombudsman has the authority to receive, investigate and attempt to resolve a complaint that alleges the department of child services, by an action or omission failed to protect the physical or mental health or safety of any child or failed to follow specific laws, rules or written policies. The DCS Ombudsman may also examine policies and procedures and evaluate the effectiveness of the child protection system and provide recommendations to improve the system.

Who Can File a Complaint?

Anyone who believes DCS failed to protect the health or safety of a child or failed to follow laws, rules or policies may file a complaint. The complainant's identity will remain confidential, except for purposes necessary to investigate or resolve a complaint.

What Should I do before I File a Complaint?

Before contacting the DCS Ombudsman Bureau try to resolve your problem by contacting the local Family Case Manager (FCM). If the problem remains unresolved after contacting the FCM, contact the FCM Supervisor, Local Office Director, or Regional Manager in progression. Many times an agency official can explain a policy, answer your questions or correct the problem.

How Can I File a Complaint?

You can file a complaint by completing the complaint form found on the DCS Ombudsman website, and mail it, fax it or scan and email it to the DCS Ombudsman Bureau. You may also contact the Bureau and request the complaint form be mailed to you. **All contact information is listed on the back panel of the brochure.**

What Services are Provided?

The Ombudsman may:

- Investigate complaints
- Answer questions regarding your inquiry or complaint
- Provide information about departmental procedures and policies
- Attempt to resolve complaints not resolved at the local office level
- Request assistance from the local Child Protection Team.

What Happens After I File a Complaint?

After a complaint is filed, the ombudsman will contact you for additional information and conduct a preliminary assessment of the case. A determination is then made whether to attempt a resolution, refer the case to the local child protection team, or to launch an investigation. An investigation involves a review of all case documentation and interviews with staff and providers. When the investigation is completed, a report is submitted to DCS and the complainant with the findings. When problems are noted, recommendations are provided to DCS, and DCS responds to the recommendations.