

# EXECUTIVE SUMMARY

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The Office of the Family and Children’s Ombudsman (OFCO) was created by the 1996 Legislature in response to several high-profile incidents involving the safety of children in state care, including ongoing abuse at the OK Boys Ranch and the death of three year-old Louria Grace.

## ROLE OF THE OMBUDSMAN: NEUTRAL INVESTIGATOR

Since its inception, OFCO has provided families and citizens across the Washington State with an independent and impartial review of the decisions made by DSHS and other state agencies. The Ombudsman focuses its resources—8.5 full-time employees and a biennial budget of just over 1.5 million dollars on complaint investigations, complaint intervention and resolution, and system investigations and improvements. OFCO also provides agency officials and policymakers with valuable information about complex problems within the child welfare system, and recommends responses in public reports.

## INQUIRIES AND COMPLAINTS RECEIVED

The Ombudsman received more inquiries and complaints regarding DSHS during its 2007 and 2008 reporting years than in any previous year. During the two-year period, the Ombudsman responded to over 2,000 inquiries and received over 1,200 complaints. Since 2006, the total number of complaints received has increased by 30%, while complaints presenting emergent issues, including imminent child safety concerns, have increased by over 40%. The only DSHS Region in which complaints decreased was Region 4, in 2008. There have been significant increases in complaints from Regions 3 and 5.

Consistent with previous years, the Ombudsman heard most frequently from parents and other family members. The top two complaint issues citizens brought to the Ombudsman continued to include family separation and reunification and child safety (alleging that the agency did not respond adequately to reported maltreatment, or the safety of a child in out-of-home care).

## RESPONDING TO COMPLAINTS

The Ombudsman completed 521 complaint investigations in 2007 and 627 in 2008—an all time high. Notably, the Ombudsman found a higher percentage of agency violations in 2008 than in any previous year. While the majority of complaints received were investigated on a standard non-emergent basis, one in five complaints met the Ombudsman’s criteria for an emergent investigation in 2007. In 2008, the percentage of emergent complaints decreased slightly, comprising 15% of all of completed investigations.

## OMBUDSMAN IN ACTION

### *Interventions*

Since 2006, the total number of Ombudsman interventions has increased. The Ombudsman intervened in 12% of all complaints in 2007, and 10% in 2008. The Ombudsman intervenes to induce corrective action, facilitate resolution, assist the DSHS in avoiding errors and conducting better practice, and prevent future mistakes. Narrative examples of Ombudsman interventions are provided in this report.

### ***Case Specific Investigations***

In March 2006, the Secretary of DSHS requested that the Ombudsman investigate the agency's practice regarding a particular case. The investigative results and a summary of the agency's response are provided in this report.

In June 2008, the Secretary of DSHS requested that the Ombudsman conduct a review of child welfare and protection practices and procedures at the Colville Division of Children and Family Services (DCFS). Joel Kretz, State Representative for the 7th legislative district, contacted DSHS with concerns about agency practice in Colville. This investigation is underway. The results of this investigation will be issued in a separate report.

### ***Reviewing Child Fatalities***

The Ombudsman receives notice from DSHS on every fatality and critical incident within the State known to DSHS. The Ombudsman reviewed more than 150 child fatalities and near fatalities during its 2007 and 2008 reporting years combined.<sup>1</sup> An in-depth Child Fatality Review Report is forthcoming.

### ***Implementing 2SSB 6206***

The Ombudsman began implementing its new statutory duties, established by 2SSB 6206, which became effective in June 2008. The provisions of 2SSB 6206 expand the Ombudsman's investigative reporting duties and reflect previous recommendations OFCO made to the Legislature.

## **LISTENING TO YOUTH IN GROUP CARE**

In the summer of 2007, OFCO visited 22 group homes across the state to speak directly with 120 youth about their experiences, elicit their ideas about how to improve group care, and explain to them how to access the Ombudsman as a resource. The summary of this report is incorporated in this report.<sup>2</sup>

## **RECOMMENDATIONS TO IMPROVE THE SYSTEM**

In this year's report, the Ombudsman has identified three areas of concern that are the subject of recommendations:

- 1) *Maintaining the Family Connection*  
Recommendation: Increase Long-Term Placements of Dependent Children with Relatives
- 2) *Live up to the Promise of Greater Permanence for Children*  
Recommendation: Comply with Permanency Timeframes in the Adoption and Safe Families Act (ASFA) of 1997
- 3) *Improving the Child Welfare System Through Peer Review and Outside Accreditation*  
Recommendation: Reinstate the COA Accreditation Process and Make Achieving - and Maintaining - these Standards a Priority.

## **DSHS RESPONSE TO 2006 RECOMMENDATIONS**

Excerpts of DSHS Secretary's responses to the Ombudsman 2006 Annual Report recommendations are provided verbatim in this report. Per the Ombudsman's recommendations, Indian Child Welfare caseloads are now weighted, and significant efforts have been made to reduce caseloads overall. However, cross-system protocols to expedite permanency and improve services for children with special

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<sup>1</sup>The Ombudsman records fatalities by calendar year. The data for 2008 is not complete. Moreover, OFCO seeks to reconcile our figures with that of CA. Consequently, there may be some slight shift in these figures depending upon continued data received by CA.

<sup>2</sup>The full report is available at <http://www.governor.wa.gov/ofco/reports>.

needs are not yet complete. Additionally, wait-lists for children's long-term inpatient programs (CLIP) have *increased*.

## **LEGISLATIVE ACTIVITIES**

As part of the Ombudsman's duty to recommend systemic change, the Ombudsman reviews and analyzes proposed legislation, and testifies before the Legislature on pending bills. A summary of the bills the Ombudsman testified on during the 2008 legislative session is provided in this report.

## **BRAAM UPDATE**

In June 2008, Whatcom County Superior Court Judge Charles R. Snyder agreed with plaintiffs that DSHS had violated the terms of the Settlement Agreement and mandated the submittal of detailed compliance plans, some of which have since been approved, while others are pending. A detailed update is provided in this report.