

ROLE OF THE OMBUDSMAN

The Washington State Legislature created the Office of the Family and Children’s Ombudsman in 1996, in response to two high profile incidents that illuminated the need for oversight of the child welfare system: the death of three-year-old Louria Grace, who was killed by her mother while under the supervision of the Department of Social and Health Services (DSHS); and the discovery of years of youth-on-youth sexual abuse at the DSHS-licensed OK Boys Ranch. The establishment of the office also coincided with growing concerns about DSHS’ participation in the Wenatchee child sexual abuse investigations. In all of these instances, families and citizens who previously had reported concerns about DSHS’ conduct lacked an appropriate agency to turn to for an independent review when DSHS did not address their concerns.

In creating the Ombudsman, the Legislature sought to provide families and citizens an avenue through which they could obtain an independent and impartial review of DSHS decisions. The Legislature also authorized the Ombudsman to intervene to induce DSHS to reconsider or change problematic decisions that have placed a child or family at risk of harm, and charged the Ombudsman with the mission of recommending system-wide improvements to the Legislature and the Governor.

INDEPENDENCE

The Ombudsman’s most important feature is its independence. The ability of OFCO to review and analyze complaints free of political bias and influence allows the office to maintain its reputation for integrity and objectivity. The Ombudsman is located in Tukwila and although it comes under the Office of the Governor, it conducts its operations independently of the Governor’s Office in Olympia. OFCO is a separate agency from DSHS.

The Ombudsman acts as a **neutral investigator** of complaints, rather than as an advocate for citizens who bring their complaints to our attention, or for the governmental agencies investigated. This neutrality reinforces the credibility of the Ombudsman.

OFCO maintains the **confidentiality** of citizens who contact the Ombudsman to initiate a complaint investigation unless such confidentiality is waived by the citizen. This protection makes citizens,

The Office of the Family and Children’s

Ombudsman was

established to investigate complaints involving children and families receiving child protection or child welfare services, or any child reported to be at risk of abuse, neglect or other harm.

The Ombudsman was also established to monitor the state’s protection of children’s safety in state-operated and -regulated facilities. In addition, the Legislature directed the Ombudsman to recommend system-wide improvements that benefit children and families. The Ombudsman carries out its duties with independence and impartiality.

including professionals within DSHS, more likely to contact OFCO and to speak candidly with the Ombudsman about their concerns.

AUTHORITY

Under chapter 43.06A RCW, the Legislature enhanced the Ombudsman's investigative powers by providing it with broad access to confidential DSHS records and the agency's computerized case-management system. It also authorized OFCO to receive confidential information from other agencies and service providers, including mental health professionals, guardians ad litem, and assistant attorneys general. The Ombudsman operates under a shield law which allows OFCO to protect the confidentiality of the Ombudsman's investigative records and the identities of individuals who contact the office. This encourages individuals to come forward with information and concerns without fear of possible retaliation by others.

The Ombudsman publishes its investigative findings and recommendations to improve the child welfare system in public reports to the Governor and the Legislature. This is an effective tool for educating legislators and other policy makers about the need to make, change or set aside laws, policies or agency practices so that children are better protected and cared for within the child welfare system.

The Ombudsman derives influence from its close proximity to the Governor and the Legislature. The Ombudsman director is appointed by and reports directly to the Governor. The appointment is subject to confirmation by the Washington State Senate. The Ombudsman director serves a three year term and continues to serve in this role until a successor is appointed. The Ombudsman's budget, general operations, and system improvement recommendations are reviewed by the Legislative Children's Oversight Committee.

WORK ACTIVITIES

The Ombudsman performs its statutory duties through its work in four areas.

- ▶ **Listening to Families and Citizens.** Families and citizens who contact the Ombudsman with an inquiry or complaint often feel that DSHS or another agency is not listening to their concerns. By listening carefully to families and citizens, the Ombudsman can effectively assess and respond to individual concerns and also identify recurring problems faced by families and children throughout the system.
- ▶ **Responding to Complaints.** The Ombudsman impartially investigates and analyzes complaints against DSHS and other agencies. We spend more time on this activity than any other. Thorough complaint investigations and analyses enable the Ombudsman to respond effectively when action must be taken to change an agency's decision and to accurately identify problematic policy and practice issues that warrant further examination. They also enable the Ombudsman to support actions of the agency when it is unfairly criticized for properly carrying out its duties.
- ▶ **Taking Action on Behalf of Children and Families.** The Ombudsman intervenes when necessary to avert or correct a harmful oversight or mistake by DSHS or another agency. The Ombudsman's actions include: prompting the agency to take a "closer look" at a concern; facilitating information sharing; mediating professional disagreements; and sharing the Ombudsman's investigative findings and analyses with the agency to correct a problematic decision. Through these actions, the Ombudsman is often successful in resolving legitimate concerns.

Improving the System. The Ombudsman is responsible for facilitating improvements to the child protection and child welfare system. The Ombudsman works to identify and investigate system-wide problems, and it publishes its findings and recommendations in public reports to agency officials and state policymakers. Through these efforts, the Ombudsman helps to generate better services for children and families.

The Ombudsman utilizes virtually all of its resources – 8.5 full-time employees (FTEs) and a biennial budget of approximately 1.5 million dollars – to perform these activities*. The Ombudsman’s work activities are described in more detail in the sections that follow.

*In the FY 2007-2009 biennium the Legislature appropriated resources necessary to fulfill OFCO’s additional duties under newly enacted 2SSB 6206, concerning DSHS reviews and reports on child abuse, neglect, and near fatalities. This appropriation increased OFCO’s biennial budget to approximately \$1.5 million, and added two full-time employees.