

4/21/2015

The Office of Children's Ombudsman

Families, Children and Seniors House
Committee
April 22, 2015
Presenter: Orlene Hawks

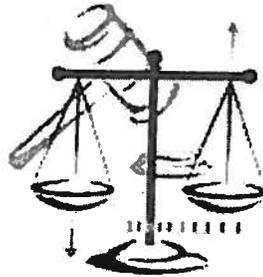


Office of Children's Ombudsman

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Legal Authority

- The OCO was created via the Children's Ombudsman Act, 1994 Public Act 204, as an autonomous state agency. The statute was amended in September 2014



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Vision Statement

The OCO strives to be a part of the solution that fosters greater accountability and transparency for Michigan's child welfare system.



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OCO in a nutshell

- Advocate for abused and neglected children involved with CPS, foster care, adoption services and juvenile justice
- Receive complaints and inquiries and conduct investigations- DHS Child Death Alert
- *Determine if actions and decisions made by DHS and Private Child Placing Agencies are in compliance with laws, rules and policies

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OCO in a nutshell continued

- ▣ *We recommend changes to improve policy and law and practice
- ▣ Educate the public on the child welfare system
- ▣ Submit an annual report to the Governor, Legislature, and DHS

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Confidentiality

Identity of complainant is kept confidential

OCO records are confidential

Records and reports issued by the OCO are:

- ▣ Not subject to court subpoena
- ▣ Not discoverable in a legal proceeding
- ▣ Exempt from disclosure under FOIA

Multidisciplinary Team Approach

- ▣ Assigned investigator periodically consults with other investigators
- ▣ Small team review for cases closed other than by Findings & Recommendations
- ▣ Full team review for all Findings & Recommendation cases

Complaints

- ▣ Anyone may file a complaint with the OCO
- ▣ Complaints are received via phone, mail, email, or fax
- ▣ Not all complaints are opened for investigation

Most Common Complaint Sources

Birth Parents
Relatives
Ombudsman
Foster Parents
Adoptive/Prospective Adoptive Parents
Mandated Reporters
Attorneys
Others

Investigation Results to Complainants

- ▣ All complainants may receive written results of OCO investigations as described in the COA
- ▣ Confidential information is only provided to complainants who can legally receive it by law
- ▣ Complainants who receive confidential information are provided with the CPL section prohibiting release of the information to others

Requests for Action Requests for Admin Response

- ▣ **RFA** – OCO determines there may be an immediate risk to a child's safety
- ▣ **RFAR** – OCO determines that a matter should be further considered; an apparent mistake by the agency involved that should be addressed quickly

Criteria for Opening a Case for Investigation

- ☐ Is the child unsafe, or has the child died?
- ☐ Could OCO involvement have an effect on the child's current situation?
- ☐ Has the complainant exhausted all administrative remedies?
- ☐ Do the complaint issues involve administrative acts that are alleged to be egregious violations of law, rule or policy such that an OCO investigation is clearly warranted?

Areas of Authority to Investigate

Children's Protective Services
Foster Care
Adoption Services
Juvenile Justice (Delinquency) as of 2005

Complaint Issues - CPS

- ❑ Collateral sources not interviewed
- ❑ Failure to obtain medical examinations when required by policy
- ❑ Failure to file legally mandated petitions
- ❑ Failure to make contact with family during services case
- ❑ CPS conclusion not supported by the evidence collected during investigation

Complaint Issues – Foster Care

- ❑ Relatives not considered for placement
- ❑ Newborn removed from parents but not placed with older siblings already in foster or adoptive home
- ❑ Lack of home visits to child in placement
- ❑ Required services completed, but children still in out of home care
- ❑ Notice of removal not provided to caregiver

Complaint Issues - Adoption

- ▣ Relatives not considered as possible adoptive parents
- ▣ Adoption process takes too long
- ▣ Prospective adoptive parents being asked to repeatedly resubmit paperwork

DHS Child Death Alert

- ▣ DHS must notify OCO within one business day of a child's death if:
 - Child was under court jurisdiction for child abuse/neglect
 - Open CPS investigation or services case
 - Prior CPS complaints concerning child's caretaker
 - Death may have resulted from child abuse/neglect

OCO Criteria for Opening Investigation

- ☐ A child died during an active child protective services investigation or open services case, or there was an assigned or rejected child protective services complaint within 24 months immediately preceding the child's death
- ☐ A child died while in foster care, unless the death resulted from natural causes and there were no prior child protective services or licensing complaints concerning the foster home
- ☐ A child was returned home from foster care and there is an active foster care case
- ☐ The foster care case involving the deceased child or sibling was closed within 24 months immediately preceding the child's death

Focus of OCO Child Death Investigations

CPS

- ☐ Did CPS handle the complaints received prior to the child's death in accordance with law and policy?
- ☐ Was the CPS child death investigation handled in accordance with law and policy?
- ☐ Is there any connection between the previous complaints and the child's death?
- ☐ Did CPS ensure the safety of the siblings during the investigation of the child's death?

Focus of Child Death Investigations Foster Care

- ▣ Was the home appropriate for the child?
- ▣ Have there been any CPS or licensing complaints regarding the caregiver?
- ▣ Were any CPS/licensing investigations handled in accordance with the law and policy?
- ▣ Are there any concerns about the safety of the other children in the home, if any?

Trends/Prevalent Findings

Complainant Issues

- ▣ OCO is contacted most often about CPS not properly responding to parental ca/n
- ▣ Concerns from relatives seeking placement

Prevalent Findings

- ▣ Non-compliance with policy

Latest change to the Ombudsman Act

- ▣ PA 455 of 2014
 - Allows the Children's Ombudsman, upon his or her own initiative or upon the receipt of a complaint and subject to an appropriation of funds to investigate an alleged violation of the Foster Parent's Bill of Rights Law

In Summary

- ▣ OCO receives complaints and provides unbiased information to complainants and conducts unbiased investigations of child welfare cases- we are a voice
- ▣ Child welfare system is complex, and our office educates the public and helps correct agency mishandling of cases

Questions?



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Contact Information

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