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Independent Ombudsman's office submits first annual report with recommendations to Governor and Legislature

TUKWILA — A report issued today by the Office of the Family and Children's Ombudsman (OFCO) recommends a number of changes in state laws and policies to improve the quality of state services for children and families in Washington State.

Those recommendations — addressing issues ranging from foster care to complaint tracking by the Department of Social and Health Services (DSHS) — are based on OFCO's work during its first six months of operations since the 1996 Legislature created the new office as an independent voice for families and children.

According to its first annual report, OFCO has received 582 contacts from the public since opening its doors in June 1997 and has intervened in 63 cases to help prevent or mitigate possible harm resulting from actions or inaction by state agencies. OFCO director Vickie Wallen noted that, while her office does not have the authority to impose its recommendations directly on an agency, agencies have addressed the concerns raised by her and her three-person investigative staff in a majority of cases.

"As demonstrated by the report, this new office is off to a strong start and is already making a difference in the lives of Washington's children and families," Wallen said. "Our recommendations relating to the Department of Social and Health Services are intended to make the agency more responsive to clients and citizens, and more proactive in identifying and addressing recurring problems."

According to the report, changes resulting from OFCO's interventions include:

- New or more thorough Child Protective Services (CPS) investigations, increased family monitoring and support services, and appointment of guardians ad litem for children.
- Allowances for appropriate parental visitation, provision of family reunification services, and changes in foster placements to provide closer proximity to a child's parent.

- Reversals of decisions to move children from long-standing foster placements, re-enrollment and development of an appropriate educational plan for a foster child expelled from school, and finalized adoptions of legally-free foster children.

As part of its legislative mandate, OFCO is responsible for making recommendations for systemic improvements in state services for children and families. In its annual report, OFCO makes the following recommendations, based on independent research, surveys and case reviews.

- The DSHS Children's Administration should adopt a policy that creates a presumption against recommending a foster child's placement with a person who has a conflict of interest as a result of his or her dual role as a foster placement and a professional involved in the child's life. This recommendation is based in part on OFCO's review of the Department's placement decisions during the 1994-95 Wenatchee child sex abuse investigations.
- The Children's Administration should provide parents, foster children age 12 and older, and citizens who have concerns or complaints with concise information that outlines their right to pursue their complaint up the Department's chain of command and their right to contact OFCO. Through a recent survey, OFCO found that complainants are rarely informed of all their rights under the department's complaint policy.
- The Children's Administration should ensure that its Olympia Office of Constituent Relations (OCR) and local managers track client complaints and the Department should begin using this information as a tool to improve and assure its quality of services. The Department also should begin conducting regular client satisfaction surveys at the local office level. Through a recent survey, OFCO found that local managers do not regularly monitor or track complaints received by front-line workers or supervisors.
- OFCO's investigative records and testimony should be shielded by statute from court subpoena and civil discovery requests. Although current law provides that OFCO's investigative records are confidential and exempt from public disclosure requirements, this may not provide protection against court subpoena and civil discovery requests. OFCO is concerned that investigative records developed as part of its targeted Wenatchee review may become the subject of discovery requests in any of the several pending civil lawsuits against DSHS. Moreover, OFCO's future investigations may involve matters that may be the subject of pending or future lawsuits against state agencies.

In addition to case-specific interventions, OFCO is authorized to conduct investigations aimed at addressing recurrent or system-wide problems affecting children and families. In October, OFCO announced it would conduct a targeted review of DSHS's actions as they related to joint law enforcement/DSHS child interviews and child mental health treatment decisions during the 1994-95 Wenatchee child sex abuse investigations. Wallen said OFCO's review is designed to address a possible system-wide problem of DSHS establishing inappropriate relationships with law enforcement agencies during child abuse investigations.

"As part of our Wenatchee investigation, OFCO will evaluate the need for new statewide policies and protocols designed to protect children," Wallen said. "DSHS and other state agencies are involved in many sensitive activities affecting families and children, so there's a real need for this kind of external review."

OFCO's annual report may be obtained by contacting OFCO at 800-571-7321 or by accessing OFCO's web page at: www.governor.wa.gov/ofco.

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