

## EXECUTIVE SUMMARY

The Office of the Family and Children's Ombudsman was established by the Washington State Legislature in 1996. The Ombudsman investigates 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 also monitors 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 is required by law to submit an annual report to the Governor and the members of the Legislative Children's Oversight Committee. The report is to include an analysis of the Ombudsman's work and recommendations for improving the child protection and child welfare system.

This report provides an account of the Ombudsman's activities through August 2002. It also contains several cases handled by the Ombudsman that illustrate how the office works to help DSHS avert and correct avoidable errors. In addition, the report summarizes the Ombudsman's system-improvement recommendations and activities through 2002.

### **The Role of the Ombudsman**

The Ombudsman operates as an independent agency under the Office of the Governor. Acting as an impartial fact finder and not as an advocate, the Ombudsman provides families and citizens with an avenue through which they can obtain an independent and impartial review of the decisions made by the Department of Social and Health Services (DSHS) and other agencies.

The Ombudsman performs its duties by focusing its resources – 6 full-time staff (when fully staffed) and a biennial budget of nearly 1 million dollars – on four work activities: Listening to Families and Citizens; Responding to Complaints; Taking Action on Behalf of Children and Families; and Improving the System.

### **Listening to Families and Citizens**

A fundamental aspect of the Ombudsman's work is to listen carefully to families and citizens. Careful listening enables the Ombudsman to respond effectively to questions and concerns. It also allows the

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#### **The Ombudsman's Role:**

- ▶ Listen to Families and Citizens
  - ▶ Respond to Complaints
  - ▶ Take Action on Behalf of Children and Families
  - ▶ Improve the System
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office to identify recurring problems faced by families and children throughout the system so they can be investigated and addressed.

Since 1998, the number of contacts made to the Ombudsman by family members and citizens has increased dramatically (the first year in which the Ombudsman was able to obtain data over a 12-month period). Between 1998 and 2002, the number of inquiries received by the Ombudsman more than doubled to 1462. The number of complaints filed with the Ombudsman during this period increased 90 percent.

In 2002, the Ombudsman received 438 complaints – an all-time high. Most complaints were filed by parents and other family members. Complaints most frequently identified DSHS's allegedly inappropriate response to reported child abuse or neglect as the issue of concern. Referrals of families and citizens to the Ombudsman by DSHS workers and local service providers accounted for 42 percent of the complaints filed with the office. Since 1998, referrals by DSHS workers and local service providers have grown by about 20 percent.

## **Responding to Complaints**

The Ombudsman spends more time investigating and analyzing complaints than on any other activity. Sound investigations and analyses enable the Ombudsman to respond effectively when action is required to change an agency's conduct or accurately identify problematic policies and practices that require further study. They also allow the Ombudsman to back up DSHS or another agency when it is unfairly criticized for properly carrying out its statutory duties.

Between September 1, 2001 and August 31, 2002, the Ombudsman completed nearly 400 complaint investigations – an all-time high. The vast majority (86 percent) were standard, non-emergent investigations. Of these, nearly 75 percent were closed because the Ombudsman determined that an intervention was not warranted, while 25 percent were closed because they were successfully resolved after the Ombudsman became involved.

Fourteen percent of the investigations completed during the reporting period were emergent, i.e., initiated immediately upon receipt of the complaint. Of these, 55 percent were closed because the Ombudsman determined that an intervention was not warranted, while 45 percent were closed because they were successfully resolved after the Ombudsman became involved. Emergent investigations most often involved complaints about a child's safety.

## **Taking Action on Behalf of Children and Families**

The Ombudsman takes action when it has determined that intervention is necessary to avert or correct a harmful oversight or mistake by DSHS or another agency. If the Ombudsman concludes that an agency is acting in a manner that is outside of the agency's authority or clearly unreasonable, and the act could result in foreseeable harm to a child or parent, the Ombudsman induces the agency to address the problem.

The Ombudsman takes action in the following ways: Prompting DSHS to take a "closer look" by bringing the concern to the agency's attention; facilitating information sharing to ensure that all

pertinent information is considered before the agency makes a critical decision; mediating professional disagreements to avoid delayed decisions; and sharing the Ombudsman's investigation findings and analyses with DSHS so the agency can correct a decision or course of action. Through these actions, the Ombudsman is often successful in resolving legitimate concerns about the safety of a child or the well being of a parent or child.

## **Improving the System**

After complaint investigations, the activity that the Ombudsman spends the most time on is identifying and investigating broad-based problems in the child protection and child welfare system. The Ombudsman's findings and recommendations are published in public reports to agency officials and state policy makers.

To avoid duplicating other system-improvement efforts and target its limited resources on the issues of most importance to parents and children, the Ombudsman developed specific criteria for selecting systemic issues for investigation. Utilizing these criteria, the Ombudsman has initiated several systemic investigations since the office became operational in 1997.

The Ombudsman's systemic investigations have led to significant improvements in state law and agency policy and practice. Areas targeted by the Ombudsman for improvement include: child sexual abuse interviews and investigations; school districts' compliance with the mandatory child abuse and neglect reporting law; the representation of children by guardians ad litem; CPS's response to cases involving chronic child neglect; biased case-worker decision making; young people's experience in foster care; and oversight of student safety at the residential Washington School for the Deaf.