

Maine
CHILD WELFARE SERVICES
OMBUDSMAN

11TH ANNUAL REPORT • 2013





CHILDREN'S OMBUDSMAN

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The 2013 Maine Child Welfare Ombudsman Annual Report
was written and prepared by:

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This is the first annual report from our new agency, Maine Child Welfare Ombudsman, Inc. We are now an independent non-profit organization dedicated solely to the duties promulgated by 22 M.R.S.A. §4087-A. Just as before the transition from the Maine Children's Alliance, the Ombudsman has continued to help protect children and support their families.

The Child Welfare Ombudsman will see another significant change beginning in 2014. After a remarkable career dedicated to helping children, including developing the Child Welfare Ombudsman program and serving as Ombudsman for eleven years, Dean Crocker will retire at the end of 2013.

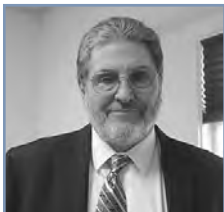
We are pleased to introduce Christine Alberi, who will be taking Dean Crocker's place as Ombudsman. Christine is an attorney who has a background in child protective work through her years as a Guardian *ad litem*. She is excited to take on this challenging new role and hopes to continue the Ombudsman's office's role in helping to make Maine's child welfare system one of the best in the nation.

We have had a productive year working with the Department of Health and Human Services (DHHS), Office of Child Welfare Services (OCFS) and their Division of Child Welfare. OCFS and the Ombudsman's office continue to have a collaborative and constructive relationship, something that we are confident will continue through the transition.

As we have developed the new program we have found ways to operate more efficiently, saving the State of Maine and its tax payers over \$50,000. These savings have not resulted in a decrease in people served or our contribution to the development of child welfare policy.

We would both like to thank Governor LePage and the Legislature for continuing to support the Maine Child Welfare Ombudsman and Maine's most vulnerable children and families.

Sincerely,



A handwritten signature in blue ink that reads "G. Dean Crocker".

G. Dean Crocker
Child Welfare Services Ombudsman



A handwritten signature in blue ink that reads "Christine Alberi".

Christine Alberi
Child Welfare Services Ombudsman

WHAT IS *the Maine Child Welfare Services Ombudsman?*

The Maine Child Welfare Services Ombudsman Program is contracted directly with the Governor's Office and is overseen by the Department of Administrative and Financial Services.

The Ombudsman is authorized by 22 M.R.S.A. §4087-A to provide information and referrals to individuals requesting assistance and to set priorities for opening cases for review when an individual calls with a complaint regarding child welfare services in the Maine Department of Health and Human Services.

The Ombudsman may open cases for review based on the following:

1. The involvement of the Ombudsman is expected to benefit the child or children who are the subject of an inquiry or complaint in some demonstrable way.
2. The complaint appears to contain a policy or practice issue the resolution of which may benefit other children and families.

The Ombudsman will not open a case for review when:

1. The complaint is about a child welfare case that is in Due Process (Court or Department Administrative Review or Hearing). The Ombudsman will provide information, if requested, to the caller.
2. The complaint is about a Court Order.
3. The complaint is about a Department staff person and no specific child is alleged to have been harmed by the staff person's action or inaction.
4. The primary problem is a custody dispute between parents.
5. The caller is seeking redress for grievances that will not benefit the child.

MERRIAM-WEBSTER ONLINE
defines an *Ombudsman* as:

- 1: a government official (as in Sweden or New Zealand) appointed to receive and investigate complaints made by individuals against abuses or capricious acts of public officials
- 2: someone who investigates reported complaints (as from students or consumers), reports findings, and helps to achieve equitable settlements

More information about the Ombudsman Program may be found at
<http://www.cwombudsman.com>

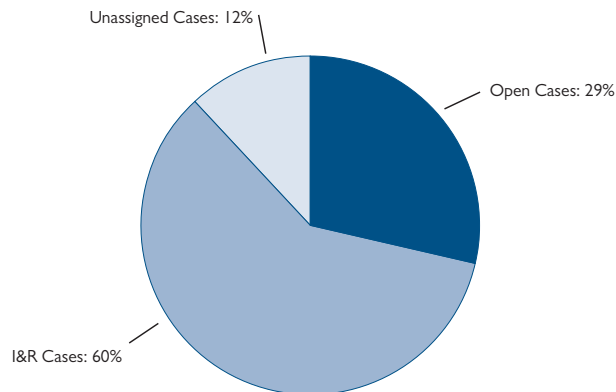
DATA

from the Child Welfare Services Ombudsman

The data in this section of the annual report are from the Child Welfare Services Ombudsman database for the reporting period of October 1, 2012, through September 30, 2013.

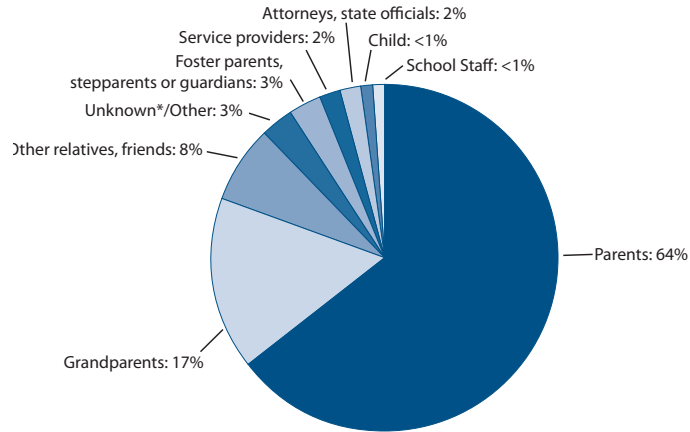
In Fiscal Year 2013, 452 inquiries were made to the Ombudsman Program, an increase of 45 inquiries from the previous fiscal year. As a result of these inquiries, 129 cases were opened for review (29%), 270 cases were given information or referred for services elsewhere (60%), and 53 cases were unassigned (12%). An unassigned case is the result of an individual who initiated contact with the Ombudsman Program, but who then did not complete the intake process. Reasons for not completing the intake process include the caller's phone being disconnected, no forwarding address left with the office, or the individual does not respond to attempts by the Ombudsman staff to gather more information.

HOW DOES THE OMBUDSMAN PROGRAM CATEGORIZE CASES?



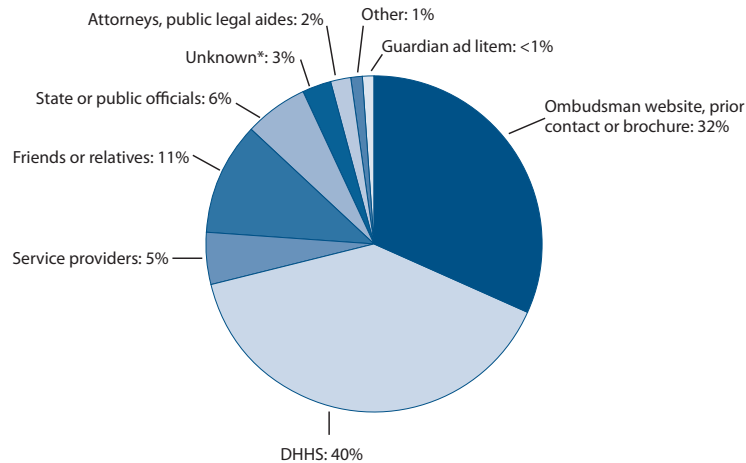
WHO CONTACTED THE OMBUDSMAN PROGRAM?

In Fiscal Year 2013, the highest number of contacts were from parents, followed by grandparents, then other relatives/friends.



HOW DID INDIVIDUALS LEARN ABOUT THE OMBUDSMAN PROGRAM?

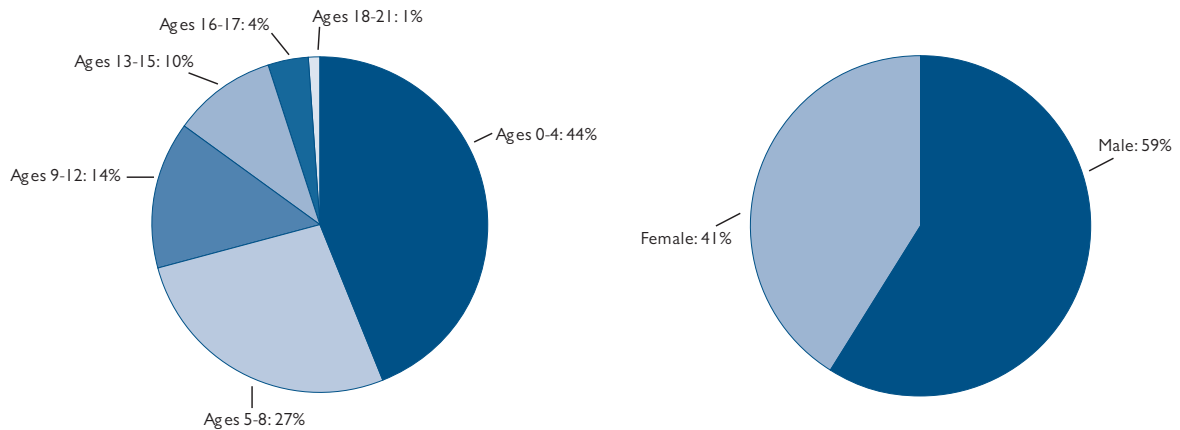
In 2013, of the 452 contacts of the Ombudsman Program, 32 percent learned about the program through the Ombudsman website, brochure or prior contact with the office. Forty percent of contacts learned about the Ombudsman Program through the Department of Health and Human Services (DHHS), up 20 percent from the previous year.



* *Unknown* represents those individuals who initiated contact with the Ombudsman, but who then did not complete the intake process for receiving services.

WHAT ARE THE AGES & GENDER OF CHILDREN INVOLVED IN OPEN CASES?

The Ombudsman Program collects demographic information on the children involved in cases opened for review. There were 238 children represented in the 129 cases opened for review: 59 percent were male and 41 percent were female. During the reporting period, 71 percent of these children were age 8 and under.

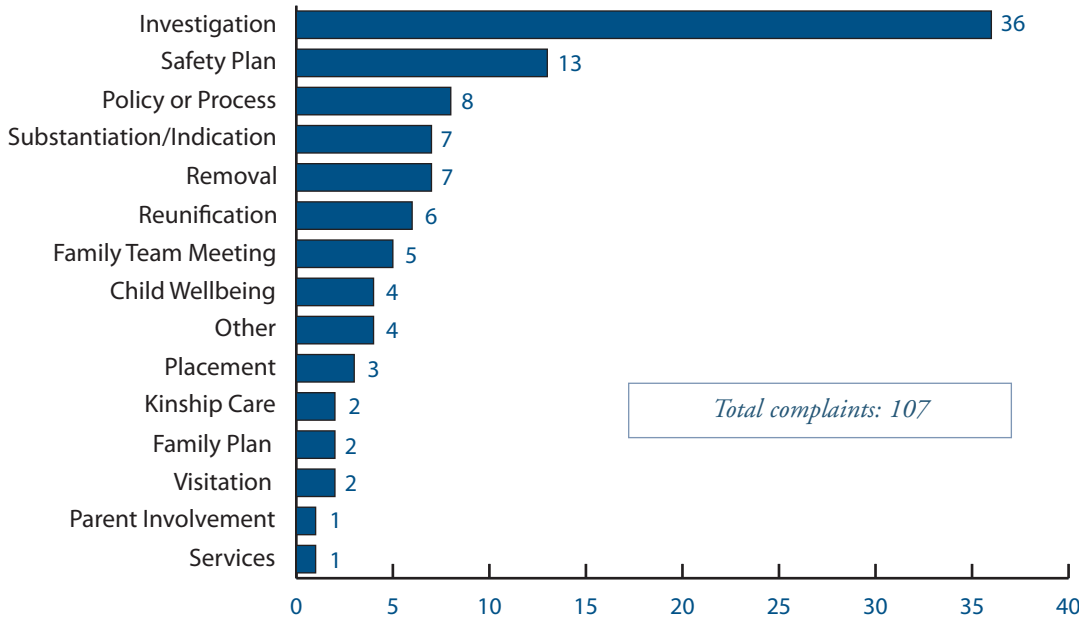


HOW MANY CASES WERE OPENED IN EACH OF THE DEPARTMENT'S DISTRICTS?

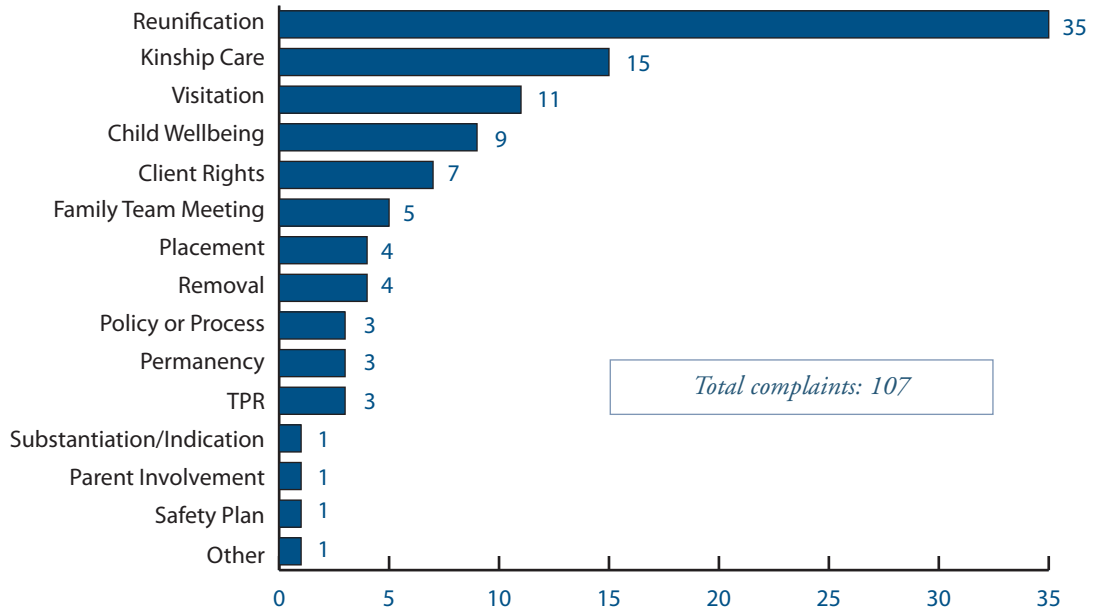
DISTRICT #	OFFICE	CASES	DISTRICT		CHILDREN	
			NUMBER	% OF TOTAL	NUMBER	% OF TOTAL
1	Biddeford	16	18	14%	37	16%
	Sanford	2				
2	Portland	23	23	18%	38	16%
3	Lewiston	24	24	19%	35	15%
4	Rockland	8	8	6%	17	7%
5	Augusta	18	29	22%	61	26%
	Skowhegan	11				
6	Bangor	13	13	10%	22	9%
	Dover-Foxcroft	0				
7	Ellsworth	12	13	10%	27	11%
	Machias	1				
8	Caribou	1	1	1%	1	0%
	Houlton	0				
	Fort Kent	0				
TOTAL			129	100%	238	100%

WHAT ARE THE MOST FREQUENTLY IDENTIFIED COMPLAINTS?

During the reporting period, 129 cases were opened with a total of 214 complaints. Each case typically involved more than one complaint. There were 107 complaints regarding Child Protective Services Units, 107 complaints regarding Children’s Services Units, 1 complaint regarding Other/Policy and 0 complaints concerned Adoption Services.



Area of Complaint: **CHILDREN’S SERVICES UNITS**



HOW MANY CASES WERE CLOSED & HOW WERE THEY RESOLVED?

During the reporting period, the Ombudsman Program closed 129 cases that had been opened for review. These cases included 166 complaints and those are summarized in the table below.

VALID/RESOLVED complaints are those complaints that the Ombudsman has determined have merit, and changes have been or are being made by the Department in the best interests of the child or children involved.

VALID/NOT RESOLVED complaints are those complaints that the Ombudsman has determined have merit, but they have not been resolved for the following reasons:

1. **ACTION CANNOT BE UNDONE:** The issue could not be resolved because it involved an event that had already occurred.
2. **DEPARTMENT DISAGREES WITH OMBUDSMAN:** The Department disagreed with the Ombudsman's recommendations and would not make changes.
3. **CHANGE NOT IN THE CHILD'S BEST INTEREST:** Making a change to correct a policy or practice violation is not in the child's best interest.
4. **LACK OF RESOURCES:** The Department agreed with the Ombudsman's recommendations but could not make a change because no resource was available.

NOT VALID complaints are those that the Ombudsman has reviewed and has determined that the Department was or is following policies and procedures in the best interests of the child or children.

RESOLUTION	CHILD PROTECTIVE SERVICES UNITS	CHILDREN'S SERVICES UNITS	OTHER/ POLICY ISSUE	TOTAL
Valid/Resolved	7	14	0	21
Valid/Not Resolved*	15	11	0	26
1. Action cannot be undone	13	6	0	19
2. Dept. disagrees with Ombudsman	2	5	0	8
Not Valid	58	59	1	118
TOTAL	80	85	1	166

*Total of numbers 1-2

PERFORMANCE SUMMARY

and Policy Recommendations

As usual, we have a good response from the Office of Child and Family Services to our policy recommendation. Our recommendations are both carry-over issues from 2012 and new issues highlighted in 2013.

In 2012 we made recommendations concerning:

1. Training for caseworkers to help them address the epidemic of prescription drug abuse;
2. More consistent application of policy regarding safety planning; and
3. Educational placement for children placed through DHHS but not in DHHS custody.

We remain concerned about all three (3) areas.

Substance abuse treatment for parents in the child welfare system was financed primarily in the MaineCare program. Parent eligibility for MaineCare was dramatically reduced. These same parents cannot afford private health insurance or direct pay for treatment. As a result treatment to prevent state custody or to support reunification is significantly less available.

Safety planning remains an important element of Maine's efforts to keep children safe without having to enter state custody. Unfortunately, two problems persist:

1. Safety plans are supposed to be very short-term. We often find plans stretching for several months.
2. Safety plans require the voluntary commitment of parents. We find that parents often do not agree with or support the plan, but feel they have no choice.

Educational placement for children voluntarily placed with relatives outside the school system in which their parents live remains a problem. These placements, made with DHHS support, should never be refused by the superintendent of the school system in which the relative lives. Unfortunately, they still have the ability to refuse to accept these children.

In 2013, we made recommendations regarding supervised visits, communication and educational neglect. Our recommendations are summarized as follows:

1. Supervised visits are almost routinely required. We found that often there is no reason to think that the parent(s) present a danger while visiting. Unnecessary supervised visits cost money that might be better spent on more pressing needs.
2. Our callers, and frequently, their providers, report communication problems with their caseworker. We suggest that the problem is not as simple as caseworkers just not returning calls. We suggest more extensive analysis of the problem.
3. Educational neglect was added to the definition of abuse and neglect several years ago. The Departments of Education and Health and Human Services need to better coordinate the responsibility for truancy held by DOE and the DHHS responsibility for educational neglect. We found cases of clear educational neglect that were found inappropriate at intake in DHHS or a finding of mild neglect was made even though the child had 29 unexcused absences in a half year. In one case the Superintendent knew the youth was not in school but did not act because the youth was not registered.

LOOKING FORWARD: 2014

The areas of focus we look forward to in the coming year are not new subjects for the collaboration between the Ombudsman's office and the Office of Child and Family Services. But all are areas that need continued refinement to best serve vulnerable children and families in Maine.

Family Team Meetings are a process used to help families identify both family supports and community supports. These supports should help families both in the short term to alleviate any possible jeopardy to the children and in the long term to make sure the children are safe and secure once child welfare services is no longer involved. Many social workers throughout the state are effectively using these meetings to help children and families. However, more work is needed to refine the process and make sure it is consistently used in a supportive manner.

Similarly, children and families would benefit from more specific, measurable goals in parents' reunification plans. Many parents follow their plans easily and goals are clear, but in some cases parents are unable to determine what they must demonstrate in order to reunify with their children. Clear and measurable goals within reunification plans would also enable child welfare social workers to determine more quickly if it is not likely that a parent will be able to meet a child's needs in a timely manner, ensuring a quicker path to permanency for the child.

Safety planning can be a very important tool for social workers in ensuring the safety of children without exposing them to the trauma of removal from their homes and families. Safety plans can be very effective, but more guidance is needed on when their use is appropriate and when the case should move in a different direction.

Effective communication between caseworkers, families and providers is a complex process. An analysis of the barriers to effective communication is a necessary part of the improvement process. Frustration among participants should become the sense of cooperation intended.

We hope to see the Legislature's intent in its addition of educational neglect become an accepted part of the community's expectation of the child welfare system. Effective collaboration between the Departments of Education and Health and Human Services will be necessary for the child welfare system to effectively respond to the challenge of educational neglect.

Lastly, the Ombudsman's office would like to acknowledge the demanding, relentless job that child welfare services social workers have. They must make high stakes decisions on a daily basis about the safety of children. The satisfaction that social workers gain from helping children and families is sometimes not enough to balance the difficulties of their days. The Office of Child and Family Services is taking steps to address ways to help support social workers and reduce turnover and the Ombudsman's office would like to fully support these efforts in any way we can.

ACKNOWLEDGMENTS

As the tenth year of operation is completed, the Maine Child Welfare Services Ombudsman Program would like to acknowledge the many people who have helped assure the success of the mission of the Ombudsman Program to support better outcomes for children and families served by the Child Welfare System. Unfortunately, space does not allow listing all the people and their contributions.

The staff of public and private agencies that provide services to children and families involved in the child welfare system, for their efforts to implement new ideas and expectations at the frontline, where it matters most.

Senior management staff in the Office of Child and Family Services, led by Therese Cahill-Low, for their ongoing efforts to make family support the focus of child welfare practice, to keep children safe, and to assure integration of the children's behavioral health system.

The Board of Directors of the Maine Child Welfare Services Ombudsman, Carla Mowatt, Charles Jones, John Sexton and Ally Keppel for their support and dedication to our new agency.



CHILD WELFARE OMBUDSMAN

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