

Maine
CHILD WELFARE SERVICES
OMBUDSMAN

7TH ANNUAL REPORT • 2009

LETTER

from the Maine Child Welfare Services Ombudsman

I am honored to present the *7th Annual Report of the Maine Child Welfare Services Ombudsman*. During the past year we received 390 calls; a slight increase over the 384 calls we received last year (2008). Data on the source of the program's referrals continue to indicate that the Department of Health and Human Services (DHHS) is informing its clients of our services.

Our callers had a range of concerns that are summarized in the data section of this report. In each case, we review both the practice concerns raised and what they suggest about state policy. Even when we support DHHS's overall actions, we often identify practice or policy concerns. We concur with DHHS that the work involved in each case is an opportunity for learning.

These cases provide our Office with concrete opportunities to participate in the continued improvement of child welfare in Maine. Our collaboration with DHHS and its district offices resulted in the following changes in policy and practice:

- Assurance that there are appropriately trained staff involved in making medical decisions in the Intensive Temporary Residential Treatment (ITRT) process
- Assurance that physical restraints which occur in residential facilities follow the requirements of the "Rights of Children Who Are Recipients of Mental Health Services"
- An increase in the occurrence of kinship assessments within the first 30 days of DHHS involvement
- An increase in the provision of a more thorough Safety Assessment
- Assurance that policy direction has been given to improve compliance with the Family Team Meeting guidelines
- An increase in supervision and training focus on helping caseworkers understand full and complete documentation needs

In recognition of our collaboration with DHHS and our on-going efforts to improve state and federal child welfare policy, we have recently received a small grant from First Focus, a national child advocacy foundation supported with funding from the Casey Family Programs Foundation. Areas of focus in the coming year will include:

- Working with DHHS to implement the requirements of "Fostering Connections to Success and Increasing Adoptions Act"
- Working with our congressional delegation to further amend The "Fostering Connections to Success and Increasing Adoptions Act" to assure the eligibility of all abused and or neglected children and their families
- Continuing to improve the operation of the Intensive Temporary Residential Treatment Program
- Developing the state's new kin families support system



We will also continue our efforts to provide policy makers with better data about child welfare, its clients and services.

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

G. Dean Crocker, *Child Welfare Services Ombudsman*

WHAT IS *the Maine Child Welfare Services Ombudsman?*

Maine's Child Welfare Services Ombudsman contracts 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 (DHHS).

The Ombudsman may open cases for review based on one or both of 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 DHHS 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 may be found at
<http://www.mainechildrensalliance.org/am/publish/ombudsman.shtml>

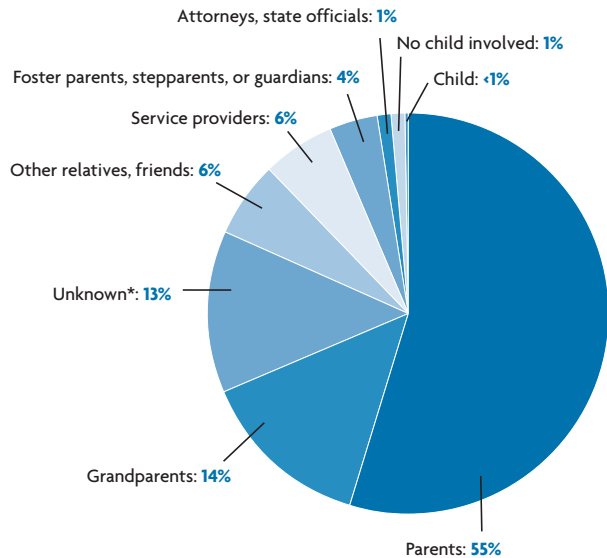
DATA

from the Child Welfare Services Ombudsman

The data in this section of the annual report are from the Child Welfare Services Ombudsman database during the reporting period from October 1, 2008 through September 30, 2009.

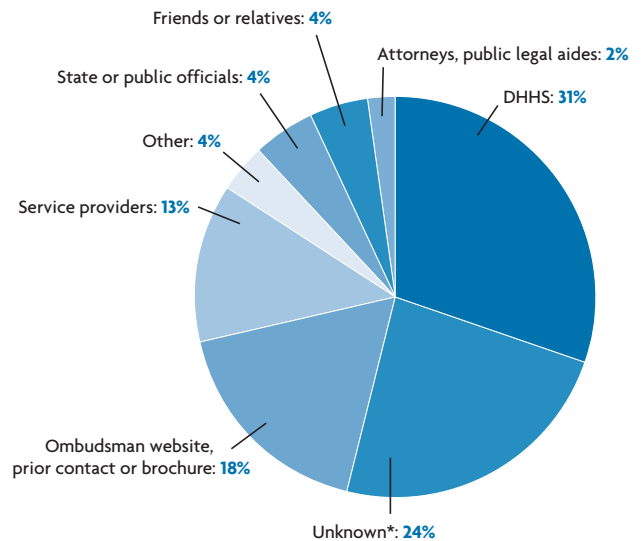
WHO CONTACTED THE OMBUDSMAN?

More than half of the 390 individuals who contacted the Ombudsman in Fiscal Year 2009 were parents. Children made the smallest percent of contacts with the office, with only one phone call coming from a child.



HOW DID INDIVIDUALS LEARN ABOUT THE OMBUDSMAN?

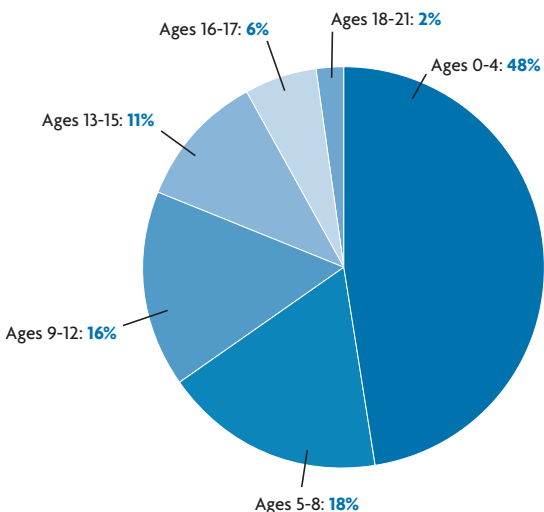
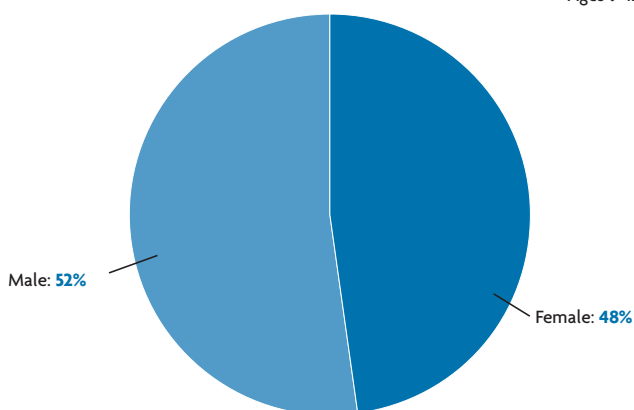
In 2009, the Department of Health and Human Services (DHHS) continued their efforts to inform parents about the Ombudsman program. Of the 390 individuals who contacted the Ombudsman this year, 31% learned about the program from DHHS. Eighteen percent of callers said that they learned about the program through the Ombudsman web site, brochure or prior contact with the office. The smallest number of referrals came from attorneys or public legal aides, with only 7 (2%) coming from this category.



* 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 OF CHILDREN INVOLVED IN OPEN CASES?

The Ombudsman collects demographic information on the children involved in cases opened for review. During the reporting period, 66% of these children were age 8 and under. There were 298 children represented in the 143 cases opened for review: 48% were female and 52% were male.

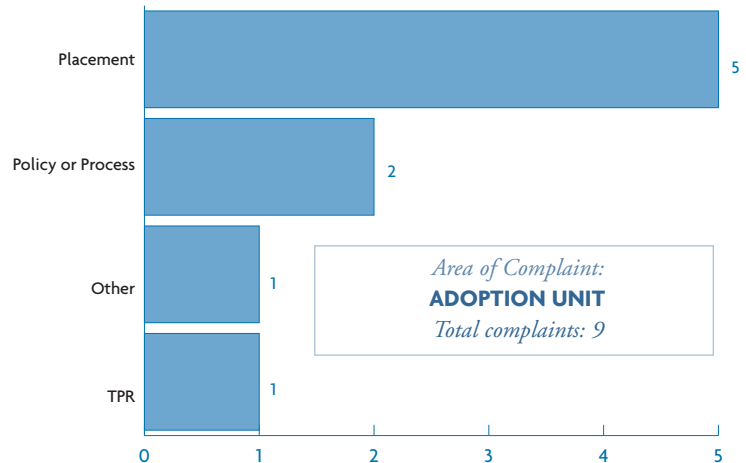
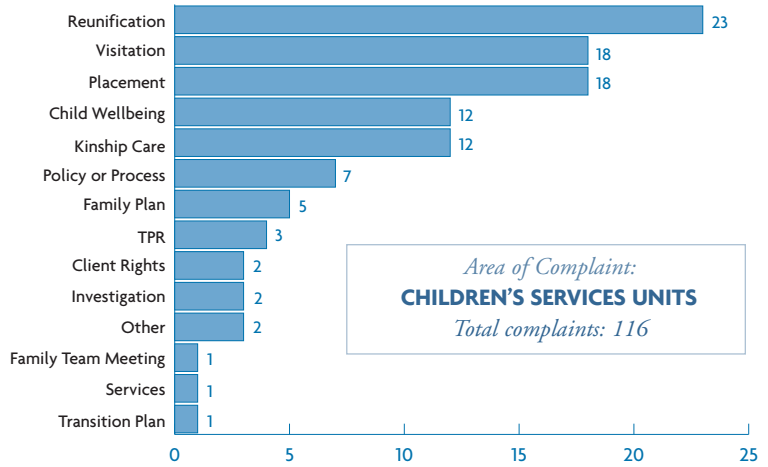
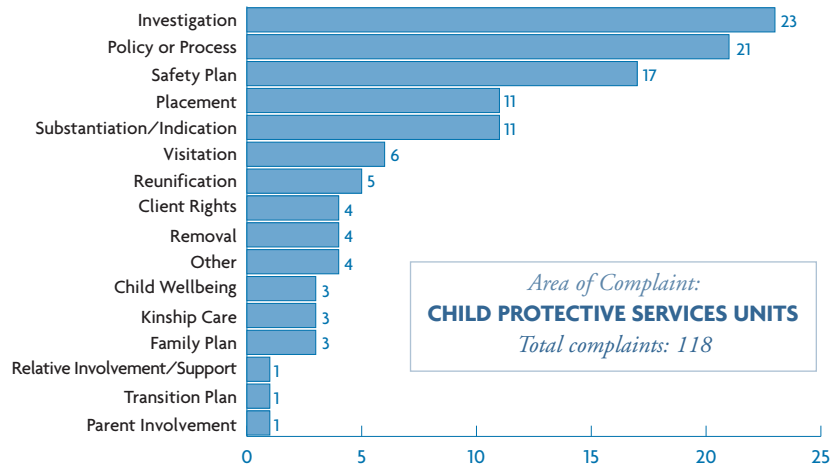


HOW MANY CASES WERE OPENED IN EACH OF THE DEPARTMENT'S DISTRICTS?

DISTRICT #	OFFICE	CASES	CASES BY DISTRICT		CASES BY CHILDREN	
			NUMBER	% OF TOTAL	NUMBER	% OF TOTAL
1	Biddeford	13	19	13%	40	13%
	Sanford	6				
2	Portland	24	24	17%	55	18%
3	Lewiston	16	16	11%	35	12%
4	Augusta	11	17	12%	21	7%
	Skowhegan	6				
5	Rockland	11	15	10%	25	8%
	Skowhegan	4				
6	Bangor	25	26	18%	68	23%
	Dover-Foxcroft	1				
7	Ellsworth	15	18	13%	34	11%
	Machias	3				
8	Caribou	3	8	6%	20	7%
	Houlton	1				
	Fort Kent	4				
TOTAL			143	100%	298	100%

WHAT ARE THE MOST FREQUENTLY IDENTIFIED COMPLAINTS?

During the reporting period, 143 cases were opened with a total of 243 complaints. Each case typically involved more than one complaint. There were 118 complaints regarding Child Protective Services Units, 116 complaints regarding Children’s Services Units, and 9 complaints regarding Adoption Services Units.



HOW MANY CASES WERE CLOSED AND HOW WERE THEY RESOLVED?

During the reporting period, the Ombudsman closed 160 cases that had been opened for review. Of these cases, 32 were opened during the previous reporting period and 128 were opened during the current reporting period. There are 15 cases that remain open from the 2009 reporting period. The 160 cases closed during this reporting period included 245 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.

CASES CLOSED DURING THIS REPORTING PERIOD AND THE RESOLUTION

RESOLUTION	CHILD PROTECTIVE SERVICES UNITS	CHILDREN'S SERVICES UNITS	ADOPTION UNITS	TOTAL
Valid/Resolved	13	10	0	23
Valid/Not Resolved*	13	12	1	26
1. Action cannot be undone	10	9	0	19
2. Dept. disagrees with Ombudsman	3	3	1	7
3. Change not in child's best interest	0	0	0	0
4. Lack of resources	0	0	0	0
Not Valid	95	96	5	196
TOTAL	121	118	6	245

* Total of numbers 1-4



BROUGHT TO YOU BY:



303 State Street
Augusta, Maine 04330
(207) 623-1868
FAX (207) 626-3302
Mainekids@mekids.org

*The 2009 Maine Child Welfare
Services Ombudsman Annual Report
was written and prepared by:*

DEAN CROCKER
Ombudsman
Maine Children's Alliance

CARLA MOWATT
Assistant Ombudsman
Maine Children's Alliance

CLAIRE BERKOWITZ
Research Coordinator
Maine Children's Alliance

Edited by:

MARY McPHERSON

Designed by:

SHARON PIENIAK
Bluecat Media: Portland, Maine
www.BluecatMedia.com

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*Director of Ambulatory
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Barbara Bush Children's Hospital
at Maine Medical Center

DIANE STETSON
Project Director
National Infant & Toddler
Childcare Initiative

KATHERINE THERIAULT
No Child Left Behind Coordinator
Portland Public Schools

ELIZABETH WARREN
Advocate

C. SHAWN YARDLEY
Director of Health and Community Services
City of Bangor

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CLAIRE BERKOWITZ, MS
Research Coordinator

CARLA MOWATT, LMSW
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TONIA STEVENS
Administrative Assistant

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*Director of Communications
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Math for America

RICHARD WARREN
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